



ZBOA Agenda Item # 3

DECEMBER 4, 2018

Variance Request by Tim Harris (KFC)

File #: APP-2018-08

Tim Harris (Kentucky Fried Chicken--KFC) is requesting a variance to LDR Sections 222-2(B), 214 Table 2, and 218-7(G) as they relate to parking requirements, impervious areas, and setbacks for accessory structures. The subject property consists of 0.67 acres located at 3026 N Ashley Street and is zoned C-H. The parcel is also located in the Urban Commercial Corridor Overlay. The applicant is proposing renovations, to include interior renovations as well as site renovations to include removing an existing accessory structure, relocating another accessory structure, removing parking spaces and landscaping, and adding a second driveway.

The applicant is updating several KFC restaurants, including this particular location and attended a First Step to discuss such renovations. During the discussion, it appeared that several variances may be needed. After review of the plans, three variance requests became apparent. The first relates to the number of parking spaces required. The restaurant was built prior to the LDR's parking requirement, which is based on the square footage of the restaurant. The LDR requires 14 spaces per 1000 square feet of GFA for restaurants with a drive-thru. For this particular restaurant, at 2834 square feet, 40 parking spaces are required. The site currently has 33 spaces, which will decrease to 31 parking spaces.

The second variance relates to an impervious cap. For C-H zoning, there is an impervious cap of 75%. The site currently has an existing impervious surface total of 80%, or 23,399 square feet. (The parcel is 0.67 acres, or 29,185.2 square feet.) The applicant proposes to add 930 square feet of pavement, bringing the impervious surface up to 24,329 square feet, or 83.4%, therefore increasing the nonconformity.

The last variance relates to setbacks for an accessory structure. The current site includes two accessory structures. The applicant intends to remove the smaller one, and move the second, larger one slightly. However, the structure's proposed location is too close to the northern property line. An accessory structure is required to be at least 10 feet from a property line; the structure sits at a slight slant to the property line, with distances ranging from 2.8 feet to 1.7 feet from the northern property line. Therefore, a variance is required for the building's proximity to the northern property line.

Variances are intended to give relief in situations beyond design's control. The applicant is asking for several variances; (1) the number of parking spaces (2) the maximum impervious surface, and (3) setbacks for an accessory structure. The site has continuously operated in this same basic situation for the last 40 years or so and is only slightly increasing the existing nonconformities. The site has functioned with the existing nonconformities for at least the last nine years, since the LDR's adoption in late 2008. While the proposed renovations are slightly increasing the nonconformities, the work is to the site's benefit in the sense that it will increase pedestrian and vehicular traffic flow in a congested, busy development. Adding the second driveway and removing landscaping adds space for maneuvering around the existing drive-thru and aids in the site circulation. While the parking is being decreased minimally, the parking lot is very rarely at maximum capacity. In this particular instance, staff understands that the nonconformities are increasing slightly, but it is to the parcel's benefit. Therefore, staff recommends approval.

Staff Recommendation: Find consistent with the Variance Review Criteria and **approve** these three (3) variance requests.