

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF SEPTEMBER 7, 2017 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

Chairman stated the number of members present constitutes a quorum and the regular meeting of the Board of Zoning Adjustment was called to order at 6:00 p.m. and he asked for roll call.

Members Present:

Billy Mayhand, Vice Chairman
Thomas Warner
Willie Robison, Chairman
Herb Cole

Members Absent:

Philip Durant
Derek Wolstenholme

Staff Present:

Adrienne D. Jones, Director of Community Development
Pat Johnson, Recording Secretary
Tony Hoffman, BZA Attorney

Chairman called for the **Approval of Minutes** of the August 3, 2017 meeting. There were no corrections, additions or deletions.

The Minutes were approved unanimously.

Chairman called the next item on the agenda, **Appeal #2017-08 Chick-fil-a, Inc.**, a request for a Variance to the Daphne Land Use and Development Ordinance, filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, proposes a six foot greenbelt along the U.S. Highway 98 right-of-way, in lieu of the required twelve feet per Article 19-8(c). The property is 1682 U.S. Highway 98, which is zoned, B-2, General Business. He called for Ms. Jones report.

Ms. Jones displayed a Power Point Presentation of the 1682 U.S. Highway corridor including Target, Wacky Shrimp, Whitney Bank, a new proposed Lavender Lane entrance and across the street. She stated this is part of the Baker Subdivision recorded in 1999 and re-subdivided in 2000. She showed the twenty-foot, non-inclusive reciprocal for ingress/egress that runs parallel to U.S. Highway 98 and the 2000 compliant B-2, General Business zoned Chick-fil-a on Lot 3A and Wacky Shrimp on Lot 3B and remarked that the minimum buffer of ten-feet was the standard in 2000 and in 2011 the Council adopted Ordinance 2011-54 increasing the buffer to twelve-feet. The buffer is currently grandfathered. They propose to shift the driveway ingress/egress area to the front to accommodate overflow traffic issues to increase queuing of vehicles in the drive thru.

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Ms. Jones cited she would present her conclusion after the applicants' presentation.

Chairman opened the floor for public participation.

Mr. Larry Smith, agent for the applicant cited that the traffic, especially during lunch, backs up onto U.S. Highway 98, and blocks the access easement, a reciprocal easement that serves Wacky Shrimp, and their request would be a way to remedy what is going on. Last summer some renovation work was done to try for a two lane drive-thru, but the property was not big enough. Traffic backing up onto Highway 98 causes dangerous situations with the shift in customers wanting to eat in versus going through the drive-thru. When first opened queuing and stacking was not an issue and everything was sufficient, but with gas prices down people do not mind going through the drive-thru. They are experiencing 65% of their business doing drive-thru, and they are trying to get people in and out as quickly as possible. Tellers are remotely taking orders, and if it gets really stacked up, they have you park and walk out your orders. Secondly, ALDOT reworked County Road 64 and Highway 98: if you leave Target closest to U.S. Highway 98 you can no longer make a left-hand turn to get unto Highway 98 causing more traffic to go down the access road or U-turns if they are headed south. Thirdly, Public Works and Alabama Department of Transportation are looking to signalize Lavender Lane by putting in an access road to connect to Wacky Shrimp's reciprocal easement. When it happens they expect more traffic flow and Chick-fil-a's stacking will only be wide enough for two-way traffic. They try their hardest to keep open two lanes, but people park in them. So they are trying to create a third lane to keep the throughway traffic flowing, by ushering the traffic around to a second stacking lane, doubling the queue stacking ability with this configuration. In order to do so a third lane of access is needed.

The Board discussed the new Public Works and ALDOT proposed Lavender Lane road connection and Wacky Shrimp entrance.

Chairman asked would anyone like to speak in favor or opposition to this appeal.

Mr. Baker stated my name is Chester "Bubba" Baker, Baker Properties. I developed and sold to Chick-fil-a and still own the land for Wacky Shrimp. I have been trying to help Chick-fil-a with this for years and I too have talked with the City about this new road the State is proposing. I support anything that will help free the flow of traffic across. Anything you do to help them get to that point helps our business and our property. When initially developed there was not a problem, but due to unforeseen growth it has come up. I appreciate you looking at this in a favorable light.

Mr. Rouse stated my name is Richard Rouse owner of Wacky Shrimp, and requested to ask Mr. Smith a question about the flow of traffic on the new proposal? Whether the flow will continue to be as it is to our drive-thru or are they going to come in a different way from the back and then spin around?

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Mr. Smith stated we are only looking at our site. They have another consultant looking at the median, the improvement access road to the south of Wacky Shrimp, the intersection and all of that, but regardless of the improvements, the timing of the access road or whatever they do in the median this needs to happen. Customers will continue entering in and out of what is there until ALDOT does something with the access road. So traffic will continue to enter in as is, the difference will be to get two lanes of traffic.

Chairman asked would anyone like to speak in opposition to this appeal. Being none, the Chairman closed public participation. Ms. Jones.

Ms. Jones concluded there were extraordinary conditions because it shares an ingress/egress with Target, Wacky Shrimp, Whitney Bank and the cleaners which all pull cars off of U.S. Highway 98 causing stacking, and there is an unnecessary hardship in that our rules changed since the original site plan was for ten-feet and the amended 2002 ordinance increases the buffer to twelve-feet, and the variance is sought as a means to improve safety it would be an unnecessary hardship to disallow the widening of the drive aisle to be used for stacking and queuing to clear traffic flow. The condition is peculiar to this property because it is not seen at the bank, Target, the cleaners. Finally, if the Board grants relief would it be a detriment to the purpose or intent of the Ordinance: it would not because U.S. Highway 98 is a right-of-way, not an adjoining business or land use that would be affected by a reduction in the buffer, and the three existing Oak trees will remain and new landscaping will be done in the remaining buffer area. Thus the recommendation is to approve.

The Board discussed the configuration of Chick-fil-a's layout now and the location of the proposed new road possibly creating more traffic, the new proposed traffic light and ingress/egress lane.

The Chairman asked would anyone else like to speak in favor or opposition of the variance. Being none, Chair closed the floor for public participation and entertained a motion.

A Motion was made by Mr. Mayhand and Seconded by Mr. Cole to approve Appeal #2017-08, Chick-fil-a, Inc., request for a Variance to the Daphne Land Use and Development Ordinance. The request, if granted, proposes a six foot greenbelt along the U.S. Highway 98 right-of-way, in lieu of the required twelve feet per Article 19-8(c). The property is 1682 U.S. Highway 98, which is zoned, B-2, General Business.

Upon roll call vote, the Motion carried unanimously.

Mr. Warner	Aye
Mr. Mayhand	Aye
Mr. Cole	Aye
Mr. Robison	Aye

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The Chairman stated the request for variance is granted: pick up your paperwork in the morning in the office of Community Development around 9:00 a.m. Thank you.

The Chairman stated next on the agenda is the election of officers.

The Chair opened the floor for the nominations for Chairman.

Mr. Mayhand nominated Mr. Robison for Chairman. The nominations were closed with no other nominations, Mr. Willie Robison is Chairman.

The Chair opened the floor for the nominations for Vice Chairman.

Mr. Warner nominated Mr. Mayhand for Vice Chairman. The nominations were closed with no other nominations; Mr. Billy Mayhand is Vice Chairman.

The Chairman stated Ms. Pat Johnson is our recording Secretary.

There being no other business the Chairman called for a **Motion to Adjourn.**

A **Motion** was made by **Mr. Mayhand** and **Seconded** by **Mr. Warner** to adjourn. There was no discussion of the motion.

The Motion carried unanimously.

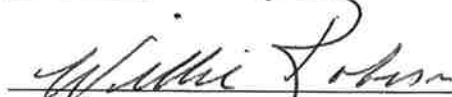
The meeting was adjourned at 6:28 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: March 1, 2018



Willie Robison, Chairman