



Board of Appeals/Stormwater Board of Appeals  
Regular Meeting Agenda Agenda  
Monday, December 19, 2022, 5:30 PM  
City Hall, Lakeland, Tennessee 38002

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- I. CALL TO ORDER:
- II. ROLL CALL:
  - 1. Election of Officers - Chairperson & Secretary
- III. APPROVAL OF MINUTES OF PREVIOUS MEETING:
  - 1. August 16, 2021
  - 2. September 16, 2021
- IV. OLD BUSINESS:
- V. NEW BUSINESS:
  - 1. Action on a request for a variance from Article III Section 6.B.3.d. on the maximum parking allowed at 3423 Lake District Drive.
- VI. ANNOUNCEMENTS:
- VII. ADJOURNMENT:

**Lakeland Board Of Appeals**  
**Stormwater Board of Appeals**

**Meeting Minutes**

Monday, August 16, 2021

5:30 PM City Hall

**I. CALL TO ORDER:** Meeting was called to order at 5:30 PM.

**II. ROLL CALL:**

Byron Ledbetter	Present
Connie McCarter	Present
Tom Pickering	Present
Commissioner Wright	Present
(C) Patrick Kitchens	Present

Others present:

Shane Horn, City Manager

Richard Donovan, Planning Director

**III. APPROVAL OF MEETING MINUTES:**

Commissioner Wright moved to approve the regular meeting minutes of May 17, 2021 as written.

Mr. Pickering seconded the motion.

Motion passed unanimously, voice vote, 5 in favor 0 against.

**IV. OLD BUSINESS:** None

**V. NEW BUSINESS:**

- Action on a request for four (4) variances from Article III, Section 3.Q.1.a. and 1.b to allow four encroachments to the front or corner side yard setback at 3033 Eton Cove.***

Mr. Richard Donovan, Planning Director, was given up to 30 minutes to present the city's position regarding the request. *(See Attachment)*

Mr. Dale Hoskins, the applicant, was allowed up to 30 minutes to present his request.

Discussion ensued.

*For the record:* No public comments were heard in favor or against the variance being granted.

After discussion, Mr. Pickering moved to grant the variance as requested on the Fletcher Trace side thus making the other variances unnecessary on the Eton Cove side. Such variance is granted based on a hardship due to the topography of the lot and the drainage easement.

**Lakeland Board Of Appeals**  
**Stormwater Board of Appeals**

**Meeting Minutes**

Monday, August 16, 2021

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Mr. Ledbetter seconded the motion.

Motion passed unanimously, voice vote, 5 in favor 0 against.

**VI. ANNOUNCEMENTS:**

**VII. ADJOURNMENT:**

With no other business before the board Commissioner Wright moved to adjourn the meeting, seconded by Mr. Pickering.

Motion passed unanimously, voice vote, 5 in favor 0 against.

The meeting was adjourned at 6:10 p.m.

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Byron Ledbetter, *Secretary*

ATTEST:

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Debra Murrell, *City Recorder*



These minutes were approved on December 19, 2022.

**Lakeland Board Of Appeals**  
**Stormwater Board of Appeals**

**Meeting Minutes**

Thursday, September 16, 2021  
5:30 PM City Hall

**I. CALL TO ORDER:** Meeting was called to order at 5:30 PM.

**II. ROLL CALL:**

Byron Ledbetter	Present
Connie McCarter	Present
Tom Pickering	Present
Commissioner Wright	Present
(C) Patrick Kitchens	Present

Others present:

Shane Horn, City Manager  
Richard Donovan, Planning Director

**III. APPROVAL OF MEETING MINUTES:** N/A

**IV. OLD BUSINESS:** None

**V. NEW BUSINESS:**

**1. Scheduled required training for MPC/DRC and BOA/SWBOA members.**

*For the record:*

- Richard Donovan, Jr., AICP conducted the 2 hours training program.
- Topics included MPC, DRC, and BZA powers, duties, and the Taking Clause.

**VI. ANNOUNCEMENTS:**

**VII. ADJOURNMENT:**

With no other business before the board the meeting was adjourned at 7:30 p.m.

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Byron Ledbetter, *Secretary*

ATTEST:

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Debra Murrell, *City Recorder*



These minutes were approved on December 19, 2022.

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## Board of Appeals

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<b>MEETING DATE:</b>	December 19, 2022
<b>REQUEST:</b>	For a variance from Article III, Section 6.B.3.d to increase maximum allowable parking
<b>LOCATION:</b>	3423 Lake District Drive
<b>ZONING:</b>	PD Planned Development
<b>PROPERTY SIZE:</b>	2.31 acres
<b>OWNER/APPLICANT:</b>	Yehuda Netanel/Mark Campbell

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### **BACKGROUND AND ANALYSIS:**

The subject property located at 3423 Lake District Drive is an out-parcel in The Lake District Planned Development. The proposed use of the site is a Chick-fil-A restaurant. Article III, Section 6.3.d of the Land Development Regulations (LDR) sets the maximum allowable amount of vehicle parking spaces. Parking requirements are based on the use of the property. The referenced paragraph sets a maximum not to exceed twenty-five percent (25%) of the parking requirement. The parking requirements for a restaurant is based on the requirements set forth in Table 6.B-1. A restaurant is required to provide one-half (1/2) space for each employee on the largest shift plus one-quarter (1/4) space per seat or Building Code capacity, whichever is greater. Based on this formula the facility would be required to provide sixty-four (64) parking spaces. The regulations would permit a maximum of seventy-nine (79) spaces.

The applicant is proposing ninety-two (92) spaces. The facility will have a capacity for 147 patrons plus a peak staff demand for 30 parking spaces. Additionally, the applicant's business model includes the need for additional spaces for mobile customers and food delivery vendors (see attached letter).

### **CRITERIA FOR DECISION:**

#### *Lakeland Land Development Regulations*

Article I, Section 4(O) of the Zoning Regulations authorizes the Board of Appeals to grant variance requests from provisions found in the Zoning Regulations if the following criteria are met:

1. Physical or Topographical Conditions. The physical surroundings, shape, or topographic conditions of the specific property involved would result in a hardship upon the Owner as distinguished from a mere inconvenience, if the strict application of the Land Development Regulations were carried out.
2. Relationship to other Properties within the District. The conditions upon which the Application is based would not be applicable, generally, to other property within the same district.
3. Permitted Activity. The variance shall not authorize activities in a Zoning district other than

- those permitted by the Land Development Regulations.
4. Financial Implications. The variance is not based solely on financial returns.
  5. Self-created Hardship. The alleged difficulty or hardship has not been created by any person having an interest in the property after the date of the Land Development Regulations.
  6. Special Privilege. Granting the variance will not confer on this Applicant any special privilege that is denied by the Land Development Regulations to other lands, structures, or building in the same district.
  7. Minimum Variance Required. The variance is the minimum variance that will make possible the reasonable Use of the land, building, or structure.
  8. Effect on Public Welfare. The variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
  9. Effect on Adjacent Properties. The variance shall not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
  10. Nonconforming status. The variance is not based on the presence of nonconforming Use of neighboring lands, structures or buildings in the same district.
  11. Prohibited Uses. Under no circumstances shall the Board of Appeals grant a variance to allow a Use not permissible under the terms of the Land Development Regulations in the district involved, or any Use expressly or by implication prohibited by the terms of the Land Development Regulations in said district.

*Tennessee Code Annotated*

Authorize upon an appeal a variance where by reason of exceptional

- a. narrowness
- b. shallowness
- c. shape (the time of the enactment of the zoning regulations)
- d. topographic conditions, or
- e. other extraordinary and exceptional situation or condition the strict application of the ordinance would result in
  - a. peculiar and exceptional practical difficulties or
  - b. exceptional or undue hardship upon the owner so as to relieve such difficulties or hardship; provided that such relief may be granted
    - a. without substantial detriment to the public good
    - b. without substantially impairing
      - i. the intent and purpose of the zone plan
      - ii. and zoning ordinance.

**STAFF RECOMMENDATION:**

Staff recommends approval of the variance to increase the maximum allowable parking spaces to ninety-two (92) subject to approval of final design and landscaping by the Design Review Commission.



November 16, 2022

City of Lakeland  
Board of Zoning Appeals 10001  
Highway 70  
Lakeland, TN 38002

**Re: Maximum Parking Requirement Proposed Chick-fil-A  
Lake District Drive**

To Whom it may concern:

Chick-fil-A is excited about the potential opportunity to locate our new restaurant in the City of Lakeland at the corner of Lake District Drive and Canada Road in the planned development known as The Lake District.

During our due diligence review of the property at this location in Lakeland, we found that the maximum parking for this parcel based on our building square footage would be approximately 64 parking spaces. Chick-fil-A has focused our attention on this piece of property due to the buildable acreage of 2.31 acres and believe the limitation of 64 parking spaces would severely limit the options available to develop the property with adequate services on the property without negatively impacting any neighboring properties. The proposed building is greater than 5,000 sq ft and having a building capacity of 147 is one of our largest footprints.

In addition, the demand for our business requires a significant number of parking spaces for our guests and to allow for multiple additional sales channels. Our business is now utilizing mobile ordering spaces and specific spaces for delivery vehicles as we keep up with demand for consuming food outside the four walls of our restaurant. We also employ a significant number of staff to meet the demand of our business and require approximately 30 spaces to support our staffing needs during peak times.

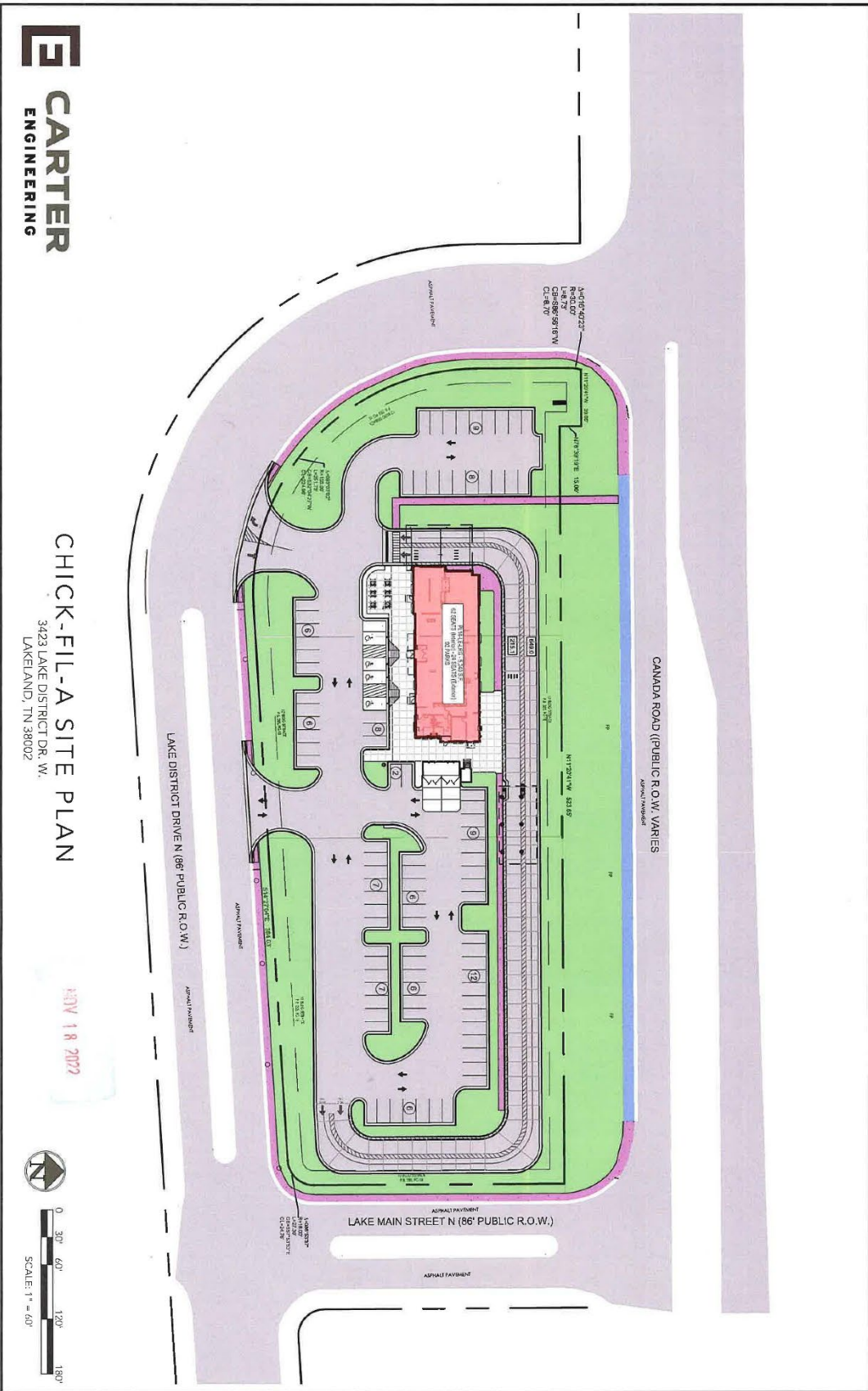
Our highest priority when developing a new restaurant, is to ensure our business is set up for success and to be a good neighbor to the adjacent business. If we were required to meet the maximum of 64 spaces, the demand for our business would likely cause customers to park on adjacent lots or along the existing roadways to get to our restaurant. As shown on our site plan, we are proposing 92 parking spaces including the required ADA parking, to be able to meet the parking demand for our business without putting pressure on adjacent parking lots and to avoid the likelihood for customers to park along the streets.

We look forward to the opportunity to locate our business on this site that will allow us to serve our customers in the City of Lakeland. Please feel free to reach out if the planning staff would like to discuss this matter further.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Williams".

**Todd Williams**  
**Director, Restaurant Development Chick-fil-A, Inc.**



# CHICK-FIL-A SITE PLAN

3423 LAKE DISTRICT DR. W.  
LAKELAND, TN 38002

CARTER ENGINEERING 3651 MARS HILL ROAD SUITE 2000 WATKINSVILLE, GA 30677 P: 770.725.1200 WWW.CARTERENGINEERING.COM