

Parking Waiver Justification:

In order to justify approval of any parking waiver, the Planning Commission considers the following criteria. Please answer **all** of the following items. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

For all Parking Waivers:

1. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Plan 2040 Comprehensive Plan filed with the rezoning application. Moreover, waiving the parking study requirement contained in Section 9.1.16 is allowed pursuant to Section 9.1.17, which states that the “Public Works Director or designee . . . may waive any of these required contents.” Upon reviewing the “Contents” of the parking study, it is clear that the parking study requirements are neither necessary, helpful, or required. The parking issues for Chick-Fil-A are well known to the Planning Commission generally and the Thorntons is expected to also have increased traffic because of the growth on this area of Preston Highway and the limited amount of gasoline stations in the area. Every site is also unique, so it would be very difficult to find effectively the same situation and site set up regarding the parking available to it. Requiring site surveys and “peak parking” analysis would add little to no useful information, when the number of spaces needed is a simple function of the number of employees and patrons which constantly changes with time and day (with a very slight addition for vendors).
2. The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because of the unique type of office use business being operated. Unlike many fast food establishments, all Chick Fil As have much more traffic than a typical fast food restaurant, in addition to a relatively high number of employees needing to park to serve those customer. The Thorntons is also expected to have significant patronage and therefore need additional parking due to the growth in the area and the lack of gas stations in the immediate area. Despite the added parking spaces needed, a Chick Fil A and Thorntons use is very much in keeping with the area along this major arterial of Preston Highway.

Waivers to provide more parking spaces than the maximum allowed:

1. & 2. The requirements found in Table 9.1.2 do not allow the provision of the number of parking spaces needed to accommodate the parking needs and the requested increase is the minimum needed to do so. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant as a fast food user operating a Chick-Fil-A and the Thorntons. The Chick Fil A often requires more than 30 employees alone working at one time with large breakfast, lunch, and dinner crowds. Requiring employees to park off site, necessitating a long walk to the restaurant would also be dangerous because of the high volume of traffic on Preston Highway as well as having to deal with inclement weather, such as rain, storms and snow at times. Thorntons is expected to also have above average patronage because of the limited gas

stations in the area. Along with the number of employees needed to serve the customers, the waiver of the parking limit is the minimum necessary to afford relief requested to safely serve the expected number of patrons. Also, without the waiver, the cars patronizing the Chick Fil A (as has been shown with other Chick Fil As) and Thorntons would impede the proper flow of traffic in adjacent sites and also possibly on Preston Highway itself.