



# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101  
www.wycokck.org/planning

Phone: (913) 573-5750  
Fax: (913) 573-5796  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

**To:** Board of Zoning Appeals  
**From:** Planning and Urban Design Staff  
**Date:** March 13, 2023  
**Re:** Appeal BOZA2023-002

## GENERAL INFORMATION

**Applicant:**  
Ryan Swinford

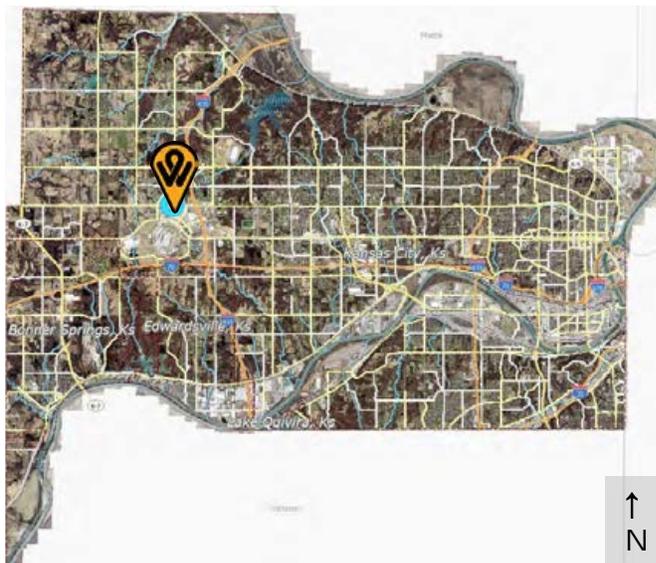
**Status of Applicant:**  
Representative  
Chick-Fil-A  
5200 Buffington Road  
Atlanta, Georgia 30349

**Requested Actions:**  
Approval of a variance request.

**Date of Application:**  
January 27, 2023

**Purpose:**  
This appeal has been filed to grant a variance from the front yard setback in the CP-2 District. Section 27-466(d)(1)a states that the front yard setback is 25 feet. The appellant is requesting a drive-thru canopy attached to the primary building that will create a front yard setback of 11 feet and 8 inches, a violation of 13 feet and four (4) inches.

**Property Location:**  
10770 Parallel Parkway  
Kansas City, Kansas 66109



**Commission Districts:** Commissioner At-Large, District #1: Melissa Bynum  
District #5 Commissioner: Mike Kane

**Existing Zoning:** CP-2 Planned General Business District

**Adjacent Zoning:**  
**North:** CP-2 Planned General Business District  
**South:** CP-2 Planned General Business District  
**East:** CP-2 Planned General Business District  
**West:** CP-2 Planned General Business District

**Adjacent Uses:**  
**North:** Car wash  
**South:** Construction site (multi-family residential building)  
**East:** Restaurant  
**West:** Fast food restaurant

**Neighborhood Characteristics:** The subject property is within the I-435 West Statistical Neighborhood and is not within a neighborhood group. The subject property is also within the Legends/Speedway Area of Kansas City. This neighborhood consists of large retail stores, entertainment, restaurants, and hotels. Although there are sidewalks located along Parallel Parkway and throughout the Legends/Speedway Area, it is clear from the design of the neighborhood that vehicles are intended to be used as the primary method of transportation.

**Total Tract Size:** 1.25 Acres

**Master Plan Area:** The subject property is within the Prairie-Delaware-Piper Area Master Plan.

**Master Plan Designation:** Prairie-Delaware-Piper Area Master Plan designates this property as Planned Commercial. In the Prairie-Delaware-Piper Area Master Plan, the standards of either the Neighborhood Commercial Land Use District or the Regional Commercial Land Use District may apply to a property designated Planned Commercial. The Neighborhood Commercial Land Use District is intended for areas that are needed for convenience retail and which function or develop as a center for local shopping for surrounding neighborhoods. Such a center should have a least a full-size grocery, pharmacy and other related retail and service establishments. The Regional Commercial Land Use District allows for major retail

uses, including restaurants and hotels. This would include centers for large discount stores currently called big box centers and have stores that serve large populations. These should be part of the Major Tourism District or adjacent to Village West.

**Major Street Plan:** The Major Street Plan designates Parallel Parkway as a Class A Thoroughfare. The Major Street Plan designates Village West Parkway as a Local/Neighborhood Street.

**Required Parking:** Section 27-466(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building in the CP-2 District. Furthermore, Section 27-668(a)(5) requires one (1) space for each 50 square feet of seating area in a restaurant, plus one (1) space for each remaining 300 square feet of total floor area. Lastly, Section 27-676 requires at least three (3) ADA-compliant parking spaces if 26 to 50 parking spaces are available. The restaurant has 2,000 square feet of dining area, requiring 40 parking spaces, and has 2,532 square feet of remaining area, requiring nine (9) parking spaces. The revised site plan demonstrates a total of 52 parking spaces, three (3) of which are ADA-compliant. The parking plan is in compliance with Sections 27-466(e), 27-668(a)(5), and 27-676(a).

**Advertisement:** The Wyandotte Echo – February 16, 2023  
Letters to Property Owners – February 17, 2023

**Public Hearing:** March 13, 2023

**Public Support:** None to date.

**Public Opposition:** None to date.

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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### **Noise or Disturbance Complaints:**

1. The current property owner has received no noise or disturbance complaints.

### **Building or Code Enforcement Complaints:**

1. There are no outstanding Notices of Violations attached to this property.

## **Outstanding or Related Permits and Cases:**

1. The current property owner has no outstanding Building Permits.
2. The current property owner has no outstanding Code Inspection cases.

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## **STATUTORY REQUIREMENTS/FACTORS TO BE CONSIDERED**

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- 1. The variance requested arises from such condition which is unique to the property in question, and which is not ordinarily found in the same zone or district; and which is not created by an action or actions of the property owner or the applicant.***

The applicant is requesting a variance from the front yard setback in the CP-2 District. Applicant is seeking to add a new, larger canopy to straddle the proposed double-drive-thru lane model proposed for the site. The condition from which the requested variance arises is the current location of the existing building, and related, the location of the drive-thru lane for said restaurant, in relation to the front boundary line of the subject property. While the existing building meets the 25-foot front yard setback required for all parcels within the CP-2 Planned General Business District, the proposed canopy—intended to be wide enough to cover two (2) side-by-side drive-thru lanes—will encroach 13 feet and four (4) inches into the required yard. This encroachment will account for 53% of the required front yard setback.

Applicant cites the orientation of the building and the drive-thru as conditions unique to the subject property, but such uniqueness can be found elsewhere within the Legends/Speedway Area, including on the same block. Aerial imagery of the subject property and surrounding parcels demonstrate a similar site design among several of the properties, which contain the following three (3) design flaws. First, the building, located within several feet of the front yards setback line, appears to be oriented toward Parallel Parkway but has a front door that faces the interior of the property and pedestrian access from the Parallel Parkway sidewalk to said front door is discouraged, as demonstrated by the front door's aforementioned orientation away from the street and the drive-thru lane that cuts in between the sidewalk and the building itself. Second, the parking lot, while located behind the building in compliance with the Commercial Development Overlay Guidelines District requirements, is overbuilt and contains more parking spaces than required by the parking minimums of Article VIII, Division 9 in the Zoning Code. The size of the parking lot relative to both the floor area of the building and the total area of the subject property stifles creative options to address the maneuverability and traffic issues commonly associated with the standard drive-thru lane design. Third, one (1) or more drive-thru lanes wrap around three (3) sides of the building, which forces both potential customers coming from the Parallel Parkway sidewalk and potential customers who have parked in the on-site parking lot to cross an active drive aisle in order to reach the building. The current building, parking lot, and/or drive-thru design of the subject property be found on other properties within the C-2/CP-2 District, including other properties within the same block. Therefore, the conditions under

which the variance request arises is not unique to the subject property and is ordinarily found in the same zone or district.

Furthermore, the condition under which the variance arises is a result of the actions of the applicant and property owner. The initial site was designed specifically for a Chick-Fil-A fast food restaurant by the applicant-property owner. As the subject property was designed for and by Chick-Fil-A, presumably the site would have been designed in anticipation of corporate standards, including drive-thru arrangements. While a variance request from a setback requirement for a non-conforming building constructed many years ago and under a distinctly different zoning code may have the conditions to satisfy Statutory Requirement #1, such conditions do not exist on the subject property. Applicant has already requested a variance in 2019 (under Appeal #BZA-2338) to address the same setback issues arising from the incongruity between the subject property's layout—designed for the current applicant-property owner—and the corporate preferences of the same applicant-property owner. A second variance request in under four (4) years from the same Zoning Code section and for the same structure (i.e. the drive-thru canopy), without a corresponding change in the front yard setback requirements, is indictive of Applicant's actions creating the condition under which the variance request arises.

**2. *The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.***

The proposed canopy will extend only into the required front yard of the subject property; it will not be any closer to the adjacent properties to the west, east, or north than the on-site canopy arrangement under BZA-2338 is currently. While the granting of the requested variance may prompt adjacent property owners with similar site layouts to file their own variance applications to achieve the same drive-thru canopy arrangement, such hypotheticals cannot be considered by Staff under this statutory requirement. Furthermore, the existence of a canopy encroaching into the front yard setback of the subejct property does not adversely effect the rights of the property owners or residents of parcels adjacent to the side yard of the subject property. The canopy will remain more than the minimum distance required from the side yard boundary lines, and thus will not be closer to the adjacent parcels than allowed by the Zoning Code. Due to the size of the Parallel Parkway right-of-way and the current setback of the adjacent buildings, the proposed canopy will not block any views of Parallel Parkway for the neighbors, nor will it create any safety issues due to obstruction.

**3. *The strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.***

Strict application of the zoning ordinance would result in the subject property operating as allowed under BZA-2338: an allowed non-conforming canopy over the existing drive-thru. In the application for BZA-2338 Applicant stated that a variance was necessary to meet the “now standard CFA canopy system” (see

“Five Statutory Requirements Answered by Applicant, BZA-2338” within the *Attachments* section of this report). By Applicant’s own admission, the existing site meets the corporate standards. Continued compliance with such a standard, allowed only by a previously granted variance, does not constitute an unnecessary hardship upon the property owner.

**4. *The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.***

The requested variance would allow the expansion of a drive-thru canopy to cover over half the required front yard. While Section 27-466(d)(1)e does grant paved areas a setback of only 10 feet, paved improvements do not present the same type of imposition to the public right-of-way that a structure 10 feet from the public right-of-way (or a structure 11 feet and eight (8) inches from the public right-of-way) would present. Furthermore, granting the requested variance would allow for a second drive-thru lane, thus increasing the amount of traffic brought to the subject property.

In the latest redesign of the site plan and drive-thru arrangement, Applicant has included pedestrian access from the sidewalk north of Parallel Parkway to the existing restaurant building. While such a redesign does not fully address traffic and stacking issues, the pedestrian connection sufficiently creates greater multi-modal connection to the subejct property that may in the future serve as a method to reduce on-site traffic congestion. Therefore, the variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

**5. *The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.***

The spirit and intent of Section 27-466(d)(1)a is to maintain a buffer between commercial buildings and the public right-of-way. The generally accepted rationales are that a buffer prevents a sense of ‘over-crowding’ the public street, reducing visual stimuli for drivers, and providing greenspace for public enjoyment. Current urban design best practices—and Staff’s professional assessment—discourage front yard setbacks such as the 25 linear feet required in the CP-2 District. The concern of ‘over-crowding’ does not outweigh the benefits that close-to-the-sidewalk storefronts bring to street life and economic development by allowing for greater pedestrian access; visual distractions do not cause traffic safety issues, but instead cause drivers to drive at slower, safer, rates of speed; and larger front yard setbacks result in underutilizing the commercial ability of a commercial property by reducing the buildable area and setting the building further away from the street, sidewalk, and other access points. Throughout most of the Unified Government, large commercial setbacks do not accomplish the goals for which they are purported to be enacted. The exception may be the Legends/Speedway Area, due to the area design as a regional retail and tourism center and it’s location in the suburban/rural portion of Wyandotte County.

Applicant is seeking to have a lesser front yard setback for a parcel located within the Legends/Speedway Area. On its face this variance request appears to be in conformance with urban design best practices. The actual request, however, does not fulfill the spirit of such practices. A reduced front yard setback only has the aforementioned benefits if the primary entrance to the commercial building itself is closer to the public right-of-way. Applicant's request is not for the primary entrance of the building—or any portion of the façade—to be closer to Parallel Parkway. Instead, the variance request is to allow a larger open-air canopy, which is intended to serve expanded drive-thru lanes. Therefore, the requested variance does not meet this spirit of the ordinance.

More generally, the spirit of the Zoning Code is to provide incentives toward desired urban design, allow for acceptable urban design, and to prohibit undesirable urban design. Urban design encompasses many considerations—street width, building massing, use, architectural style and materials, surrounding environment, etc.—and the entirety of the ordinances of the Zoning Code applicable to a specific property, working in cooperation, are intended to address these various considerations for said property. To alter some district regulations or site design requirements would not be consistent with the overall intention of the Zoning Code, and could even create contradictions in design, use, and/or safety standards. The subject property and the variance requested is an example of such incongruities. All planning entitlements associated with the subject property since Applicant has been the property owner have created a site intended for servicing fast food to customers in vehicles or who drove vehicles to the subject property. This model is appropriate within the context of the Legends/Speedway Area. The appropriateness of the site design, however, also relies on separate, distinct parcels with one (1) use each; the separation of the parcels and the uses are accomplished by disproportionate-sized parking lots around each building, landscaping, and large setbacks. The same theory of urban design that allows for a drive-thru fast food restaurant to exist away from the exit ramps of interstate highways also requires large setbacks in order for the car-centric design to not infringe on other properties nor present safety risks to pedestrians and other drivers. Therefore, due to the site design applied for by Applicant through COZ-2883, PR-2009-24, and BZA-2338, due to the car-centric and drive-thru-oriented business model stated by Applicant, and due to the need to maintain consistency among like properties and uses in a planned district, granting the requested variance is opposed to the general spirit and intent of the zoning ordinance.

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## **PREVIOUS ACTIONS**

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- PR-2009-024, a Preliminary and Final Plan Review for a fast food/drive-thru restaurant.
- PLAZA AT THE SPEEDWAY 4<sup>TH</sup> Plat (2009).
- COZ-2883 (2010), a Change of Zone from A-G Agriculture District to CP-2 Planned General Business District (part of several parcels rezoned).
- BOZA-2338 (2019), a variance for a front yard setback of 17 feet, a violation of 8 feet, to allow for a canopy.

- PR2023-003, a simultaneous Final Plan Review for site alterations to include additional drive-thru lanes.

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## **NEIGHBORHOOD MEETING**

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Applicant held a neighborhood meeting via Microsoft Teams on February 27, 2023. Applicant also received neighborhood comments by receiving letters or phone calls through the date of February 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## **KEY ISSUES**

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Building Orientation  
Commercial Development Guidelines Overlay District  
Development Plans  
Landscape and Buffering  
Neighborhood Character  
Pedestrian Connectivity  
Site Design  
Stacking and Traffic

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## **STAFF COMMENTS AND SUGGESTIONS**

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### **Planning and Urban Design Comments:**

#### **General:**

1. Applicant requested a variance from Section 27-466(d)(1)a in 2019, under BZA-2338. This variance for an over-drive-thru canopy extending eight (8) feet into the required front yard was approved by the Board of Zoning Appeals on August 12, 2019. Provide an explanation as to why Applicant is requesting a variance from the same Zoning Code section for the same structure type (i.e., a canopy) for a greater amount, when Applicant has already received a variance.

*Applicant Response: A variance is being requested because the proposed canopy will span both of the dual drive thru lanes and require the outside column supports to be placed on the backside of the outer curb line. This results in an encroachment into the setback further than the existing canopy required at the time of the previous variance.*

2. The canopy plan has been provided. Applicant must also provide documentation of the canopy material palette. Note that canopy pillars shall be of a masonry material.

*Applicant Response: Color elevation renderings of the building and canopy have been provided as requested. The elevations depict the masonry material that will*

*be installed on the canopy pillars. The canopy itself will consist of metal material in dark bronze color.*

Staff Response: Elevations of the building and canopy, and a digital materials palette for the canopy, have been received by Staff. Elevations for the building can be found under “Building Elevations Submitted by the Applicant”, elevations for the proposed canopy can be found under “Canopy Elevations Submitted by the Applicant”, and the materials palette for the canopy can be found under “Materials Palette Submitted by the Applicant”; all of which are located within the *Attachments* section of this report.

### **Site Plan:**

Several aspects of the submitted development plan materials require additional revisions in order to comply with the Zoning Code, comprehensive plans, and best planning practices. Some requirements and revisions may be addressed in other subsections of this Staff Comments and Suggestions section. A revised site plan must be submitted, demonstrating the following:

1. A direct pedestrian connection from Parallel Parkway to the main building entrance;

*Applicant Response: Direct pedestrian access to Parallel Parkway has been provided as requested per discussions on video calls discussions. See Sheets C-200, C-300, & C-310.*

Staff Response: Materials demonstrating direct pedestrian access facilities have been received by Staff. Sheets C-200 and C-300 can be found under “Site Plan of 10770 Parallel Parkway (C-200)” and “Grading Plan of 10770 Parallel Parkway (C-300)”, respectively, within the *Attachments* section of this report.

2. A parking lot that clearly identifies the number of parking spaces proposed to be provided;

*Applicant Response: Parking lot layout and parking space count is provided on site plan as requested. See Sheet C-200.*

Staff Response: A revised parking plan has been received by Staff. Sheet C-200 can be found under “Site Plan of 10770 Parallel Parkway (C-200)” within the *Attachments* section of this report.

3. A landscaping plan that sufficiently demonstrates the addition of landscaping and vegetation in order to make up for the existing landscaping to be removed as part of the drive-thru lane expansion; and,

*Applicant Response: A revised landscaping plan has been provided as requested. See Sheet L-100.*

Staff Response: A revised landscaping plan has been received by Staff. Sheet L-100 can be found under “Landscaping Plan of 10770 Parallel Parkway (L-100)” within the *Attachments* section of this report.

4. A floor plan of the building, demonstrating the square footage of the space designated for dining and the square footage of the space for all other uses.

*Applicant Response: A floor plan of the building depicting square footages has been provided as requested. See Sheet C-003.*

Staff Response: Sheet C-003 has not be received by Staff, but Sheet G-003 can be found under “Floor Plan of 10770 Parallel Parkway (G-003)” within the *Attachments* section of this report. The floor plan demonstrates 2,000 square feet of dining space and 2,532 square feet of remaining space.

### **Commercial Development Overlay Guidelines District:**

1. The applicant is requesting a Final Plan Review for a property zoned CP-2 Planned General Business District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant’s demonstrated compliance with relevant CDGOD regulations for PR2023-003. All listed requirements that are identified as “have not been meet” or “unclear if met” must be revised to be made compliant.
2. The following requirements of the Commercial Development Guidelines Overlay District have been met:
  - a. Section 27-575(a)(2) states the parking and circulation should account for pedestrians, bicycles, and vehicles. This circulation pattern, per Section 27-575(d)(8), shall connect in a way that is obvious to users;

*Applicant Response: The site has been designed to promote drive thru circulation and site movability for vehicles, pedestrians, and bicycles. The site will have directional signage and pavement markings to provide obvious intended directional routes. See Sheets C-200 & C-210.*

Staff Response: A revised site plan demonstrating an improved circulation pattern has been received by Staff. Sheets C-200 and C-210 can be found under “Site Plan of 10770 Parallel Parkway (C-200)” and “Site Plan Details (C-210)”, respectively, within the *Attachments* section of this report.

- b. Per Section 27-575(d)(2), curb-cuts should be minimized and concentrated at mid-block;
  - c. Section 27-575(d)(9) states that there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided

to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems;

*Applicant Response: Direct pedestrian access to Parallel Parkway has been provided as requested per discussions on video calls discussions. See Sheets C-200, C-300, & C-310.*

Staff Response: Materials demonstrating direct pedestrian access facilities have been received by Staff. Sheets C-200 and C-300 can be found under “Site Plan of 10770 Parallel Parkway (C-200)” and “Grading Plan of 10770 Parallel Parkway (C-300)”, respectively, within the *Attachments* section of this report.

- d. Section 27-575(d)(10) states that sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses;

*Applicant Response: Direct pedestrian access to Parallel Parkway has been provided as requested per discussions on video calls discussions. See Sheets C-200, C-300, & C-310.*

Staff Response: Materials demonstrating sidewalks in front of the building have been received by Staff. Sheets C-200 and C-300 can be found under “Site Plan of 10770 Parallel Parkway (C-200)” and “Grading Plan of 10770 Parallel Parkway (C-300)”, respectively, within the *Attachments* section of this report.

- e. Section 27-575(d)(14) states that sidewalks that are within reasonable proximity to an identified trail system should connect to that system and accommodate the uses anticipated on the trail (e.g., pedestrian, bicycle);

*Applicant Response: Direct pedestrian access to Parallel Parkway has been provided as requested per discussions on video calls discussions. See Sheets C-200, C-300, & C-310.*

Staff Response: Materials demonstrating direct pedestrian access facilities have been received by Staff. Sheets C-200 and C-300 can be found under “Site Plan of 10770 Parallel Parkway (C-200)” and “Grading Plan of 10770 Parallel Parkway (C-300)”, respectively, within the *Attachments* section of this report.

- f. Section 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;

*Applicant Response: Plan revised to show screening along Parallel Parkway on sheet L-100.*

Staff Response: A revised landscaping plan demonstrating increased screening has been received by Staff. Sheet L-100 can be found under “Landscaping Plan of 10770 Parallel Parkway (L-100)” within the *Attachments* section of this report.

- g. Section 27-577(a)(5) states that landscaping shall exceed the typical code requirements by at least 75 percent;

*Applicant Response: Plan revised to show more shrubs around flag pole on sheet L-100.*

Staff Response: A revised landscaping plan demonstrating increased vegetative landscaping has been received by Staff. Sheet L-100 can be found under “Landscaping Plan of 10770 Parallel Parkway (L-100)” within the *Attachments* section of this report.

- h. Section 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;

*Applicant Response: Plan revised to show and note required street frontage trees along Parallel Parkway on sheet L-100.*

Staff Response: A revised landscaping plan demonstrating the requisite trees has been received by Staff. Sheet L-100 can be found under “Landscaping Plan of 10770 Parallel Parkway (L-100)” within the *Attachments* section of this report.

- i. Section 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;

*Applicant Response: Plan revised to show existing foundation landscape to remain on sheet L-100.*

Staff Response: A revised landscaping plan demonstrating the landscaping to remain has been received by Staff. Sheet L-100 can be found under “Landscaping Plan of 10770 Parallel Parkway (L-100)” within the *Attachments* section of this report.

- j. Section 27-577(f)(1) states that all new development landscaping must be irrigated with an automatic system approved by the planning department. Rehabilitation development must either have an irrigation system or a watering plan; and,

*Applicant Response: Irrigation plan sheet L-200 will be provided when landscape plan is approved.*

Staff Response: Providing an irrigation plan sheet will be a condition of approval of BOZA2023-002.

- k. Section 27-577(f)(2) states that plants that die must be replaced no longer than four (4) months from the date of its death.

*Applicant Response: Comment added as note #1 for "Kansas City Note" added to sheet L-100.*

Staff Response: A revised landscaping plan demonstrating the comment has been received by Staff. Sheet L-100 can be found under "Landscaping Plan of 10770 Parallel Parkway (L-100)" within the *Attachments* section of this report.

3. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met, and from which Applicant is requesting a deviation for approval:

- a. Section 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them.

*Applicant Response: Plan revised to show trees no more than 65 feet apart except along proposed drive-thru canopy due to conflicts on sheet L-100.*

Staff Response: While a revised landscaping plan has been received by Staff, the inability for trees to be planted along the entirety of the frontage of Parallel Parkway requires a deviation from the City Planning Commission. Sheet L-100, demonstrating the revised landscaping plan, can be found under "Landscaping Plan of 10770 Parallel Parkway (L-100)" within the *Attachments* section of this report.

#### **Previous Case: PR-2009-24**

The following are select conditions of approval from PR-2009-24, the initial Preliminary and Final Plan Review for the existing restaurant. The following conditions of approval remain effective and must be complied with or continue to be complied with:

1. The applicant and the developer are requesting a few changes to the material pallet and the design criteria. These changes are to make the rules for signs more clear and to approve a replacement for some roofing tiles that have been discontinued. The roof tile supplier (Monier Life Tile) has discontinued making the Porto Cima and Harvest color roof tiles. They are replacing them with Moab and Mesa color tiles. New samples tiles were provided to staff and besides the new

- tiles being a few inches larger, there are no real difference between the old and the new. Staff recommends approval of the roof tile change.
2. After the final plan approval for Olive Garden and Red Lobster (approved 2/9/2008 under case #PR 2008-43), the two restaurants requested if they could use a different color roof tile. Olive Garden requested to use the Spanish S Buttercup blend from Monier Life Tile. This product is a better more durable version of the Moab tile. Staff determined that the swap did not qualify as a major change to the plan and administratively approved the change. Red Lobster requested to use a Cannon Black slate tile from Re-con Building Products. Although a different color, this product also is better and more durable than the tiles approved on the material pallet. Again staff determined that the swap did not qualify as a major change to the plan and administratively approved the change.
  3. The sign portion of the original design criteria did not give any clear direction. The new proposal specifies height, building materials, lighting and the type of lettering used. This addition clears up a lot of confusion. The staff recommends approval.

### **Previous Case: BZA-2338**

The following are the Staff comments and suggestions listed in the BZA-2338 staff report, as well as Applicant responses (referenced attachments are not included in this report, BOZA2023-002, unless otherwise noticed). The following conditions of approval remain effective and must be complied with or continue to be complied with:

1. Sample canopy plans and materials were provided. Please provide actual plans and materials that will be used at this location. Design must comply with the Commercial Design Guidelines.

*Applicant Response: See attached, A-3 and site photos.*

2. Canopy pillars shall be of a masonry material.

*Applicant Response: See attached, A-3 and site photos.*

3. Please provide lighting details to ensure neighboring properties are not adversely impacted by light.

*Applicant Response: See cut sheets attached showing fully shielded lights. LED Canopy Light- Legacy.*

4. If approved, a building permit must be obtained through the Development Review Committee.

*Applicant Response: We will apply once the variance process is complete.*

### **Planning Engineering Comments:**

1. Items that require plan revision or additional documentation before engineering can recommend approval:
  - a. None
2. Items that are conditions of approval:
  - a. None
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - a. None

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## **STAFF RECOMMENDATION**

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Staff recommends that the Board of Zoning Appeals **DENY** Appeal **BOZA2023-002** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. **The variance request does not fulfill Statutory Requirement #1. The condition under which the requested variance arises is not unique to similar commercially zoned parcels, especially in drive-thru restaurants. Furthermore, the property owner requested a similar variance in 2018, thereby creating the condition under which the variance arises;**
2. **The variance request does not fulfill Statutory Requirement #3. By Applicant's own admission, strict application of the Zoning Code would not allow the subject property to meet corporate standards. Failure to meet corporate standards imposed by a private corporation that was not elected by the citizens of the Unified Government, under which this Zoning Code applies, does not constitute unnecessary hardship to the property owner; and,**
3. **The variance request does not fulfill Statutory Requirement #5. The proposed variance, and the site redesign related to the variance, bring all the problems associated with close front yard setback, such as visual overcrowding, without any of the benefits, such as increased pedestrian access.**

If the Board of Zoning Appeals were to approve **BOZA2023-002**, Staff recommends that the following conditions apply:

1. **The site design shall be compliance with all materials submitted to Staff as part of BOZA2023-002, including canopy materials, pedestrian access facilities, parking, and landscaping;**
2. **Per Section 27-577(f)(1), all new development landscaping must be irrigated with an automatic system approved by the planning department. Applicant shall submit an irrigation plan sheet when landscape plan is approved;**
3. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspection@wycokck.org](mailto:buildinginspection@wycokck.org) to confirm if they need a building permit,**

- and if so, must take it upon themselves to initiate the building permit process accordingly;
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
  5. This Board of Zoning Appeals case is being heard in conjunction with PR2023-003. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Petition PR2023-003 by the Unified Government City Planning Commission and upon any ordinance publications required by law;
  6. The applicant has filed and maintained a current business occupation tax application;
  7. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
  8. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting;
  9. Section 27-466(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 54,635 square feet, requiring eight (8) trees be provided on the site plan;
  10. Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;
  11. Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
  12. Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;
  13. As per the Planning Director's interpretation of the Commercial Design Guidelines, the following architectural standards have been identified as being good design practices and shall be included in the design plans: Gutters and downspouts shall be internalized. Scuppers shall be recessed

- in the corners. Overflow drains (lamb's tongues, etc. ) shall also be internalized; Lighting shall be installed to have a 90-degree cutoff; and, in addition to wrought iron fencing, masonry columns shall be installed every 32 feet or closer and at each prominent entry or gate;
14. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
  15. The Department of Planning and Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
  16. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

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## **ATTACHMENTS**

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Aerial Map  
Zoning Map  
Land Use Map  
Five Statutory Requirements Answered by Applicant  
Neighborhood Meeting Materials  
Existing Conditions Plan of 10770 Parallel Parkway (C-100)  
Site Plan of 10770 Parallel Parkway (C-200)  
Site Plan Details (C-210)  
Landscaping Plan of 10770 Parallel Parkway (L-100)  
Landscaping Plan Details (L-101)  
Floor Plan of 10770 Parallel Parkway (G-003)  
Canopy Plans of 10770 Parallel Parkway  
Grading Plan of 10770 Parallel Parkway (C-300)  
Utility Plan of 10770 Parallel Parkway (PS-100)  
Demolition Plan of 10770 Parallel Parkway (C-110)  
Demolition Plan Details (C-120)  
Building Elevations Submitted by the Applicant  
Canopy Elevations Submitted by the Applicant

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## REVIEW OF INFORMATION AND SCHEDULE

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<u>Action</u>	<u>Board of Zoning Appeals</u>
Public Hearing	
Variance	March 13, 2023

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**STAFF CONTACT:** Michael Farley  
[mfarley@wycokck.org](mailto:mfarley@wycokck.org)

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## MOTIONS

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I move the Kansas City, Kansas Board of Zoning Appeals **DENY** Appeal **BOZA2023-002**, as it is not in compliance with the City Code, as it will not promote the public health, safety and general welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

## OR

I move the Kansas City, Kansas Board of Zoning Appeals **APPROVE** Appeal **BOZA2023-002** as meeting all the requirements of the City code and being in the interest of the public health, safety and general welfare, subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements of the Kansas City, Kansas Board of Zoning Appeals:

1. \_\_\_\_\_
2. \_\_\_\_\_; AND
3. \_\_\_\_\_.

AERIAL MAP



ZONING MAP



# LAND USE MAP



## City-Wide Master Plan Land Uses

-  Low Density Residential District
-  Planned Suburban Residential District
-  Planned Mixed Residential District
-  Planned Office District
-  Planned Commercial District
-  Public / Semi-Public
-  Planned Open space
-  Planned Entertainment District
-  Planned Mixed Business Park / Commercial District
-  Planned Mixed Business Park / Office District
-  Planned Mixed Entertainment / Commercial District
-  Planned Small Commercial District

## FIVE STATUTORY REQUIREMENTS ANSWERED BY APPLICANT

1. *The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and which is not created by an action or actions of the property owner or the applicant.*

The variance is being requested is unique to the existing Chick-fil-A property due to the existing building location and how the drive configuration must be maintained for that building. The proposed canopy must be installed over the order points to be fully effective and those order points are positions strategically based off of order times getting to the kitchen to all for food prep. The setback on the site is preexisting and due to the existing features on this site we are unable to build the proposed canopy without encroaching into the setback.

2. *The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.*

The installation of the proposed canopy will not adversely affect any of the adjacent property owners. The canopy will be installed entirely on Chick-fil-A property. The design of the canopy is purposely dark in color and made of thin material so it disappears into the Chick-fil-A site and is not a focal point to obstruct views or draw attention. There is currently an existing canopy on the Chick-fil-A site that is being removed as part of this project scope.

FIVE STATUTORY REQUIREMENTS ANSWERED BY APPLICANT, CONT.

3. *The strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.*

With the existing building location as it is and the drive-thru location set based off of that building, there would be hardship to modify the site so that the canopy did not encroach over the setback line.

This proposed canopy offers protection to the the Chick-fil-A employees from the elements which allows them to be outside taking orders/payments ahead of the menu board radio. This

allows Chick-fil-A to operate there drive-thru much smoother and safely get more costumers through there site.

4. *The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.*

This variance would not adversely affect any of the items mention above. We believe this will have a positive influence on the public health and safety as not only does it provide protection from the elements for Chick-fil-A team members, it also provides protection to the patrons placing orders at the Chick-fil-A restaurant and allows for smoother traffic circulation through the drive thru.

5. *The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.*

This varinace will not be opposed to the general intent of the zoning ordinance. The site will continue to function as a Chick-fil-A restaurant as it does today. Currently, there is an existing canopy on the site that is being removed with this project's scope of work.

## NEIGHBORHOOD MEETING MATERIALS

**GBC** DESIGN, INC.

565 White Pond Drive • Akron, OH 44320-1123 • Phone 330-836-0228 • Fax 330-836-5782 • www.GBCdesign.com

February 17, 2023

Name  
Address  
City/State/Zip

Subject: **Neighborhood Meeting**

Hello,

I have filed a Board of Zoning Appeals Application (BOZA2023-002) and a Development Application (PR2023-003) with the Department of Urban Planning and Land Use. The purpose of these applications are proposed site modifications to the existing Chick-fil-A restaurant located at 10770 Parallel Parkway, Kansas City, KS 66109.

I am having a neighborhood meeting on February 27, 2023, at 1:30 P.M. CT. The meeting will be virtual and hosted over Microsoft Teams.

The purpose of this meeting is to explain the proposal and to answer any questions and/or concerns you may have. This project will consist of modifying the parking lot and drive-thru around the existing building to provide improved drive-thru circulation and capacity. Also included in the project scope is a small building addition and a new drive-thru canopy. A variance is being requested under BOZA2023-002 for the new drive-thru canopy location and the site plan modifications are being reviewed under PR2023-003.

I look forward to hearing from you on the Teams virtual call. If you would like to attend, please reach out to me before the proposed meeting date with the preferred email you would like the Microsoft Teams invite sent to. If you are unable to attend, please contact me however is convenient for you. My company address, phone number, and email address are posted below.

GBC Design, Inc.  
565 White Pond Dr.  
Akron, OH 44320  
Attn: Jack Meaney

330-836-0228  
jmeaney@gbcdesign.com

Sincerely,



Jack Meaney, P.E.

## NEIGHBORHOOD MEETING MATERIALS, CONT.

### **Chick-fil-A #2501 Plaza at the Speedway – Neighborhood Meeting Minutes**

**Application Number:** PR2023-003 & BOZA2023-002

**Date & Location:** Meeting held virtually via Microsoft Teams on Monday, February 27, 2023

**Meeting called to order at:** 1:30 P.M. (CT)

**Names of people in attendance:**

Jack Meaney – GBC Design, Inc. (Host/Presenter)

Allan Wiley – GBC Design, Inc. (Project Engineer)

Rob Epstein – Block & Company, Inc., Realtors

**Introductions:** Jack Meaney introduced himself to Rob as the presenter and one of the project engineers for the proposed Chick-fil-A site improvements.

**Presentation:** The existing conditions plan as well as a google earth image was provided to the attendees to outline the current conditions and layout of the existing Chick-fil-A site. Following the existing conditions, the Site Plan outlining the proposed site modifications to the Chick-fil-A property were displayed on the screen. An overview of the proposed site changes was presented to the attendees. Attendees were then asked if there were any specific questions regarding the site changes that could be answered or if there were any specific locations that they would like to see zoomed into for a closer view.

Rob responded and did not have any specific questions regarding the site improvements at this time. Jack Meaney instructed Rob to reach out to him via email or phone if any questions should arise after the neighborhood meeting had adjourned.

**Meeting adjourned at:** 2:00 P.M. (CT)

**Minutes taken by:** Jack Meaney

**Additional outreach regarding neighborhood letter:** Rob Epstein was the only person to reach out to Jack Meaney regarding the neighborhood meeting notification letter that was sent out. No other questions or comments were provided via email or phone from any of the interested parties that received a letter.

NEIGHBORHOOD MEETING MATERIALS, CONT.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Ohio )  
COUNTY OF Summit ) SS:

Comes now John Meaney, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # PR2023-003.
2. That I conducted a neighborhood meeting on February 27, 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

John Meaney  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28 day of February, 2023.

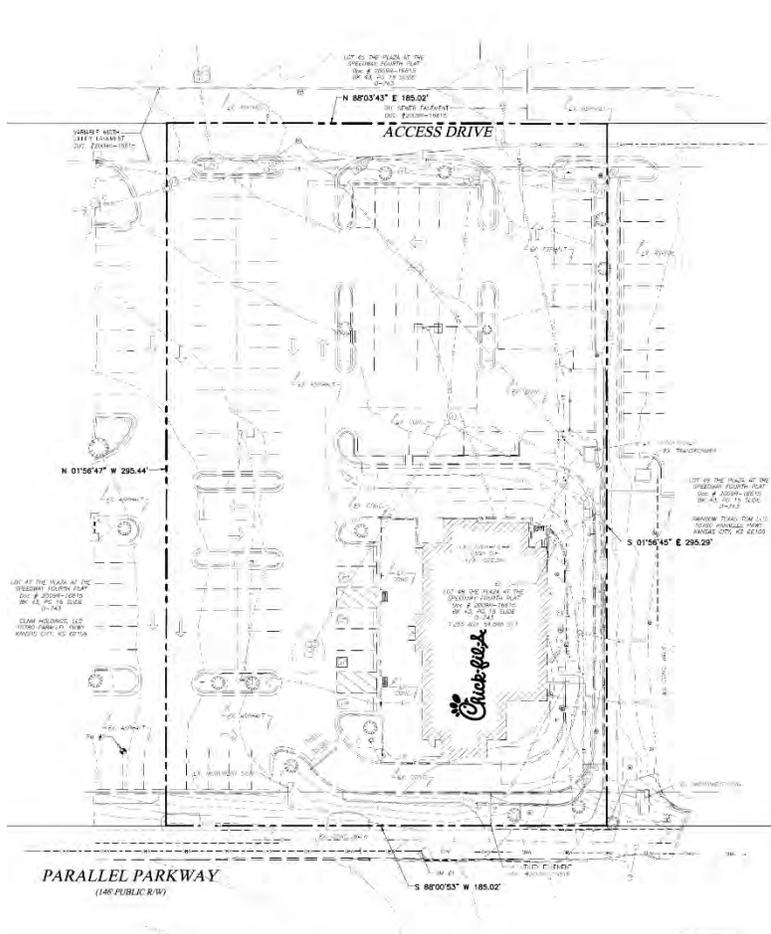
My commission expires \_\_\_\_\_ of \_\_\_\_\_, 200\_.

Notary Public  
Lisa A. DiTurno  
Resident Summit County  
Notary Public, State of Ohio  
My Commission Expires: November 1, 2024

Lisa A. DiTurno  
Notary Public



# EXISTING CONDITIONS PLAN OF 10770 PARALLEL PARKWAY (C-100)



**LEGEND**

- EX. FIRE HYDRANT
- EX. WEDGE
- EX. IMPOLE
- EX. CURB SIGN
- EX. BOX INLET
- EX. LIGHT POLE
- EX. POWER POLE
- EX. TREE
- EX. TELEPHONE LINE
- EX. ELECTRICAL LINE
- EX. OVERHEAD WIRE
- EX. GAS LINE
- EX. SANITARY SEWER
- EX. STORM SEWER
- EX. WATER LINE
- EX. CURB

**EXISTING STORM SEWER STRUCTURE SCHEDULE**

1. EX. 18\"/>



**GBC DESIGN, INC.**  
 688 White Road Dr., Atlanta, OH 44806-1123  
 Phone: 330-836-2228 Fax: 330-836-2752



**CHICK-FIL-A**  
**PLAZA AT THE SPEEDWAY FSU**  
**2023 REINVESTMENT**  
 10770 PARALLEL PARKWAY  
 KANSAS CITY, KS 66109  
**FSU# 02501**

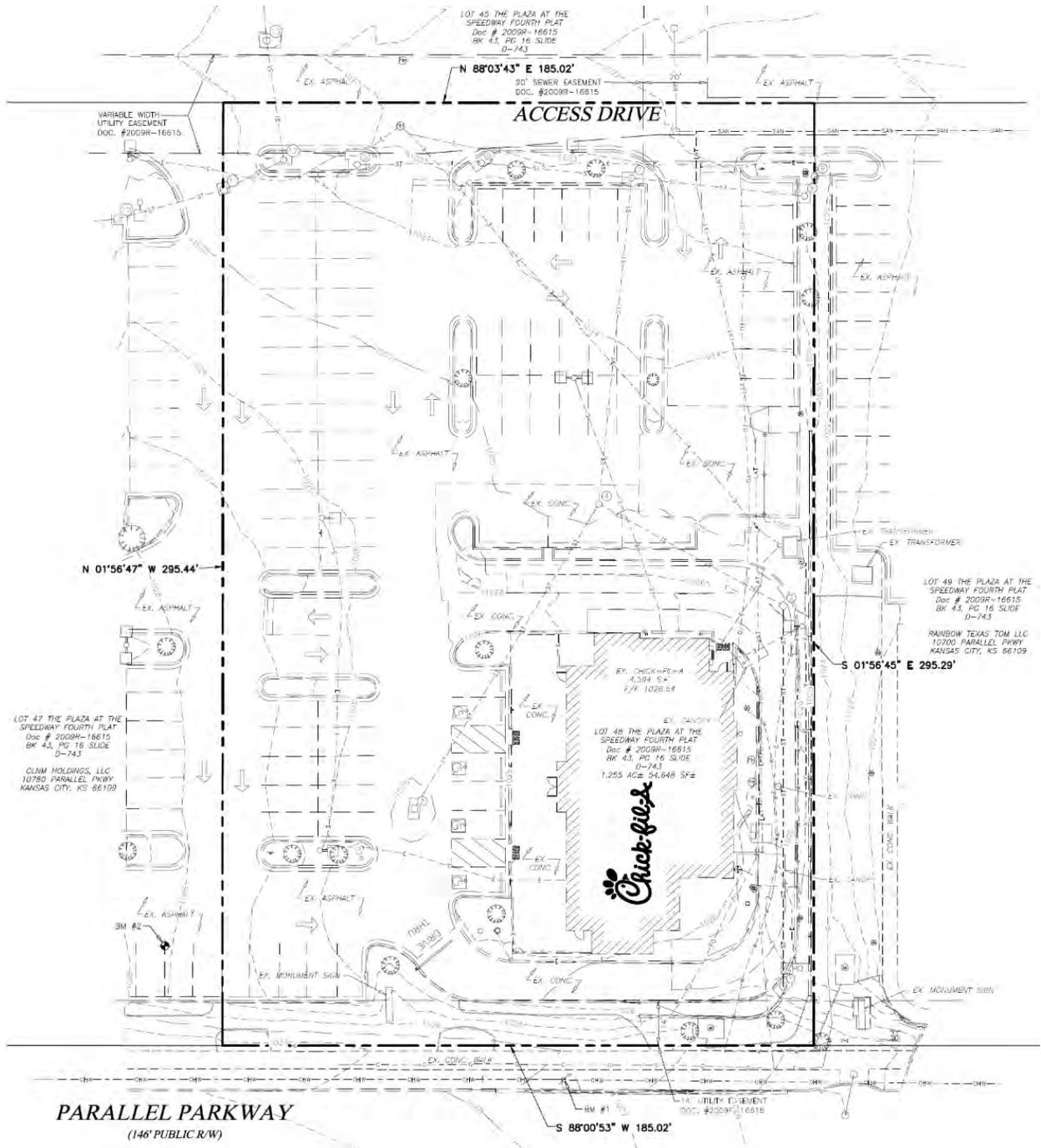
REVISION NUMBER: 00 0000 10/20/20

DATE PROJECT: 4/20/20  
 PRINTED FOR: FSU  
 DATE: 10/20/20  
 DRAWN BY: ALAN WILEY  
 CHECKED BY: ALAN WILEY  
 SHEET: 1  
**EXISTING CONDITIONS PLAN**  
 SHEET NUMBER: C-100

THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING ZONE DESIGNATION OF R-1 SUBJECT TO THE FLOOD HAZARD IDENTIFICATION AND ZONING ACT OF SEPTEMBER 2, 2011, IN WAGONER COUNTY, STATE OF KANSAS, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

CONTRACTOR RESPONSIBLE TO FIELD VERIFY LOCATIONS AND ELEVATIONS OF EXISTING UTILITY TRENCHES AND CROSSINGS AS SHOWN ON SITE PLANS (SANITARY, STORM, WATER, GAS, ELECTRIC, PHONE, ETC.) PRIOR TO THE START OF CONSTRUCTION. CONTACT ALAN WILEY AT GBC DESIGN, INC., 330-836-2228, WITH ANY CONCERNS OR CONFLICTS PRIOR TO THE START OF CONSTRUCTION. CONTRACTOR TO VERIFY THE THICKNESS OF ANY OFF-SITE PAVEMENT (ASPHALT AND CONCRETE) AND SIDEWALK SO THE RESTORATION WORK IS INCLUDED IN THE BID.

# EXISTING CONDITIONS PLAN OF 10770 PARALLEL PARKWAY (C-100), CONT.

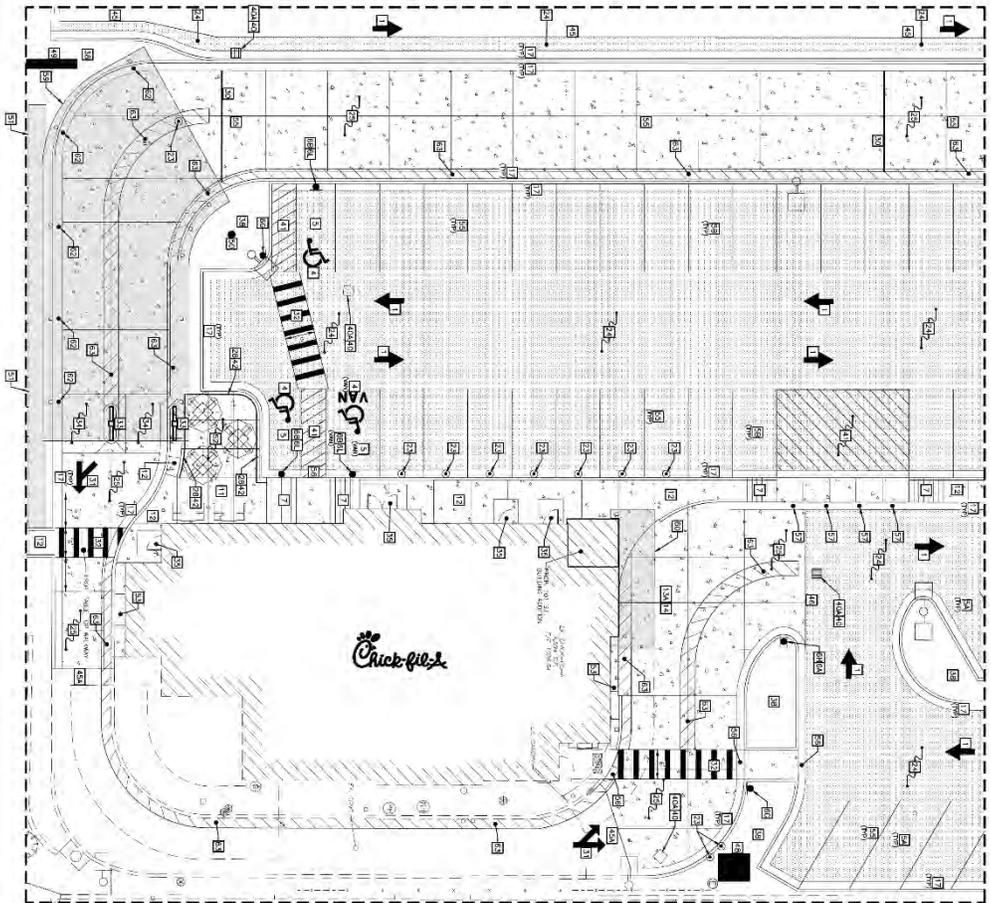




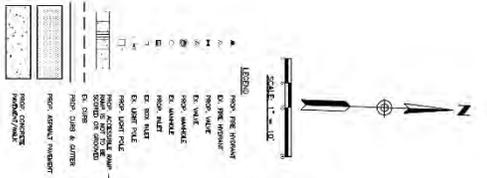


# SITE PLAN DETAILS (C-210)

ITEM NO.	DESCRIPTION	DATE
1	REINVESTMENT	02/20/23
2	REINVESTMENT	02/20/23
3	REINVESTMENT	02/20/23
4	REINVESTMENT	02/20/23
5	REINVESTMENT	02/20/23
6	REINVESTMENT	02/20/23
7	REINVESTMENT	02/20/23
8	REINVESTMENT	02/20/23
9	REINVESTMENT	02/20/23
10	REINVESTMENT	02/20/23
11	REINVESTMENT	02/20/23
12	REINVESTMENT	02/20/23
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14	REINVESTMENT	02/20/23
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97	REINVESTMENT	02/20/23
98	REINVESTMENT	02/20/23
99	REINVESTMENT	02/20/23
100	REINVESTMENT	02/20/23



CONTRACTOR RESPONSIBLE TO FIELD VERIFY LOCATIONS AND EXISTING UTILITIES. CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO THE START OF CONSTRUCTION. CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO THE START OF CONSTRUCTION. CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO THE START OF CONSTRUCTION. CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO THE START OF CONSTRUCTION.



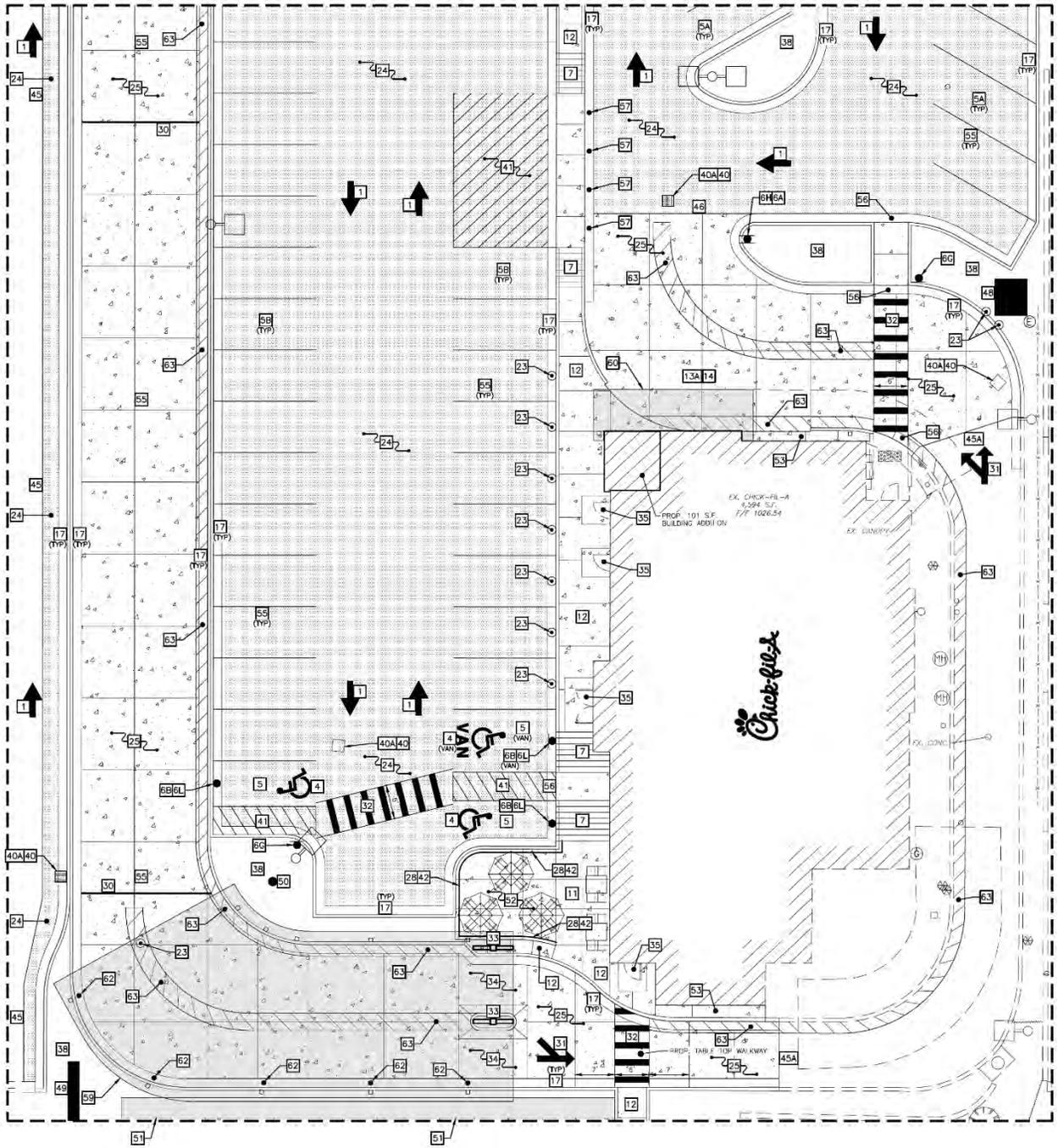
Permit  
C-210

**CHICK-FIL-A**  
PLAZA AT THE SPEEDWAY FSU  
2023 REINVESTMENT  
10770 PARALLEL PARKWAY  
KANSAS CITY, KS 66109  
FSU# 02501

**GBC DESIGN, INC.**  
565 White Pond Dr. Akron, OH 44320-1123  
Phone 330-336-0255 Fax 330-536-5782



# SITE PLAN DETAILS (C-210), CONT.



# LANDSCAPING PLAN OF 10770 PARALLEL PARKWAY (L-100)

**LANDSCAPE REQUIREMENTS**

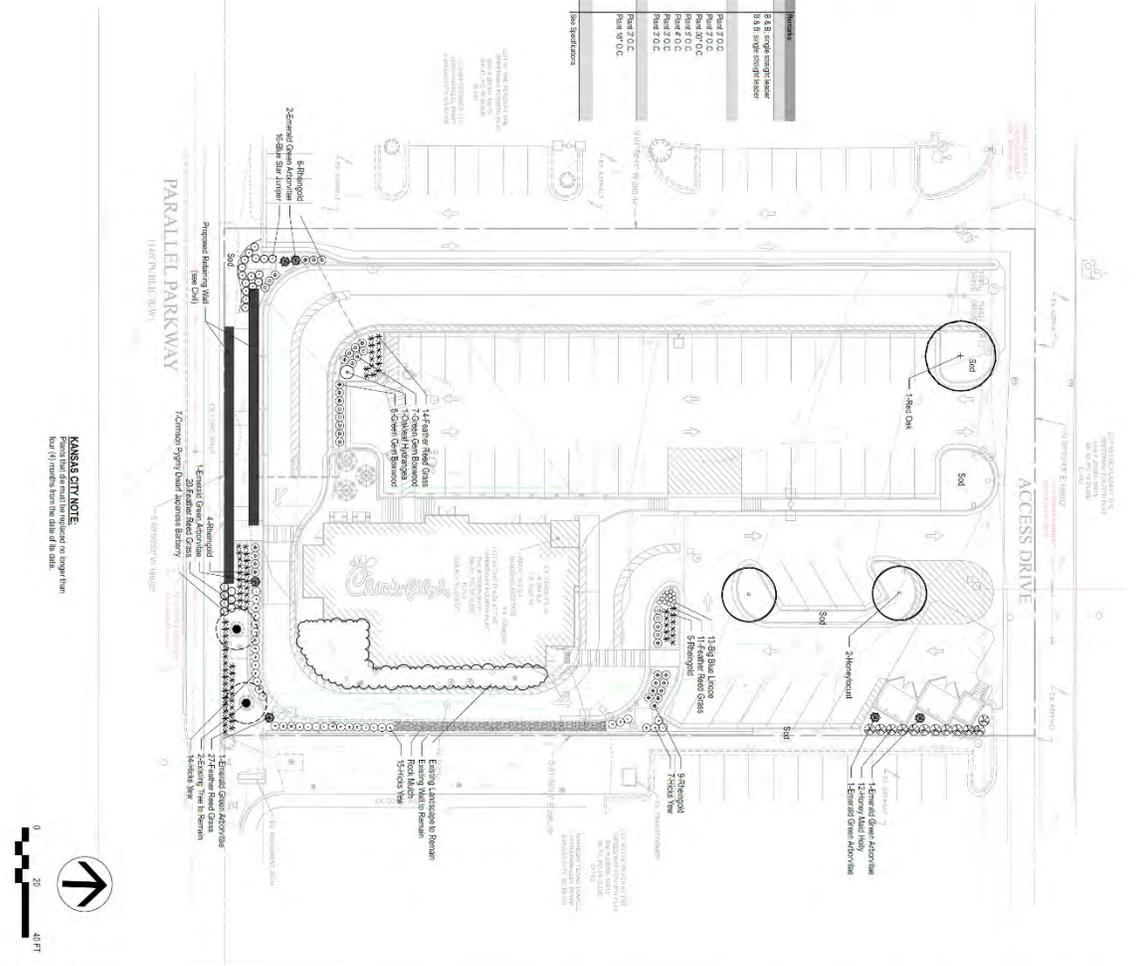
**A. SPECIFICATIONS** (1" = 2' horizontal and 1" = 2' vertical unless otherwise noted)  
 No other trees shall be planted within 20' of any overhead utility wire.  
 Parallel Parkway - 10/14/2019

**B. PLANTING** (1" = 2' horizontal and 1" = 2' vertical unless otherwise noted)  
 1. 2' x 10' x 10' - 6 trees provided  
 2. 2' x 10' x 10' - 6 trees provided  
 3. 2' x 10' x 10' - 6 trees provided  
 4. 2' x 10' x 10' - 6 trees provided  
 5. 2' x 10' x 10' - 6 trees provided  
 6. 2' x 10' x 10' - 6 trees provided  
 7. 2' x 10' x 10' - 6 trees provided  
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 9. 2' x 10' x 10' - 6 trees provided  
 10. 2' x 10' x 10' - 6 trees provided  
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 19. 2' x 10' x 10' - 6 trees provided  
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 21. 2' x 10' x 10' - 6 trees provided  
 22. 2' x 10' x 10' - 6 trees provided  
 23. 2' x 10' x 10' - 6 trees provided  
 24. 2' x 10' x 10' - 6 trees provided  
 25. 2' x 10' x 10' - 6 trees provided  
 26. 2' x 10' x 10' - 6 trees provided

**PLANT LIST**

NO.	SYMBOL	COMMON NAME	SCALES	PLANTING
1	1	Small Tree	2' x 10' x 10'	Plant 20' C
2	2	Small Tree	2' x 10' x 10'	Plant 20' C
3	3	Small Tree	2' x 10' x 10'	Plant 20' C
4	4	Small Tree	2' x 10' x 10'	Plant 20' C
5	5	Small Tree	2' x 10' x 10'	Plant 20' C
6	6	Small Tree	2' x 10' x 10'	Plant 20' C
7	7	Small Tree	2' x 10' x 10'	Plant 20' C
8	8	Small Tree	2' x 10' x 10'	Plant 20' C
9	9	Small Tree	2' x 10' x 10'	Plant 20' C
10	10	Small Tree	2' x 10' x 10'	Plant 20' C
11	11	Small Tree	2' x 10' x 10'	Plant 20' C
12	12	Small Tree	2' x 10' x 10'	Plant 20' C
13	13	Small Tree	2' x 10' x 10'	Plant 20' C
14	14	Small Tree	2' x 10' x 10'	Plant 20' C
15	15	Small Tree	2' x 10' x 10'	Plant 20' C
16	16	Small Tree	2' x 10' x 10'	Plant 20' C
17	17	Small Tree	2' x 10' x 10'	Plant 20' C
18	18	Small Tree	2' x 10' x 10'	Plant 20' C
19	19	Small Tree	2' x 10' x 10'	Plant 20' C
20	20	Small Tree	2' x 10' x 10'	Plant 20' C
21	21	Small Tree	2' x 10' x 10'	Plant 20' C
22	22	Small Tree	2' x 10' x 10'	Plant 20' C
23	23	Small Tree	2' x 10' x 10'	Plant 20' C
24	24	Small Tree	2' x 10' x 10'	Plant 20' C
25	25	Small Tree	2' x 10' x 10'	Plant 20' C
26	26	Small Tree	2' x 10' x 10'	Plant 20' C

- MINUTE LANDSCAPE NOTES**
1. All plantings shall be installed in accordance with the landscape plan.
  2. All plantings shall be installed in accordance with the landscape plan.
  3. All plantings shall be installed in accordance with the landscape plan.
  4. All plantings shall be installed in accordance with the landscape plan.
  5. All plantings shall be installed in accordance with the landscape plan.
  6. All plantings shall be installed in accordance with the landscape plan.
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  16. All plantings shall be installed in accordance with the landscape plan.
  17. All plantings shall be installed in accordance with the landscape plan.
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  22. All plantings shall be installed in accordance with the landscape plan.
  23. All plantings shall be installed in accordance with the landscape plan.
  24. All plantings shall be installed in accordance with the landscape plan.
  25. All plantings shall be installed in accordance with the landscape plan.
  26. All plantings shall be installed in accordance with the landscape plan.



**CHICK-FIL-A**  
**PLAZA AT THE SPEEDWAY FSU**  
 2023 REINVESTMENT  
 10770 PARALLEL PARKWAY  
 KANSAS CITY, KS 66109

**FSU# 02501**

**manley**  
 LAND DESIGN  
 Landscape Architecture

Manley Land Design, Inc.  
 5106 Commerce Street  
 Myrtle Beach, SC 29577  
 716.442.8170

**Chick-fil-A**  
 5200 Burlington Road  
 Atlanta, Georgia 30349-2998

**PERMIT**

PROJECT TITLE: **L-100**

DATE: 11/13/23

SCALE: AS SHOWN

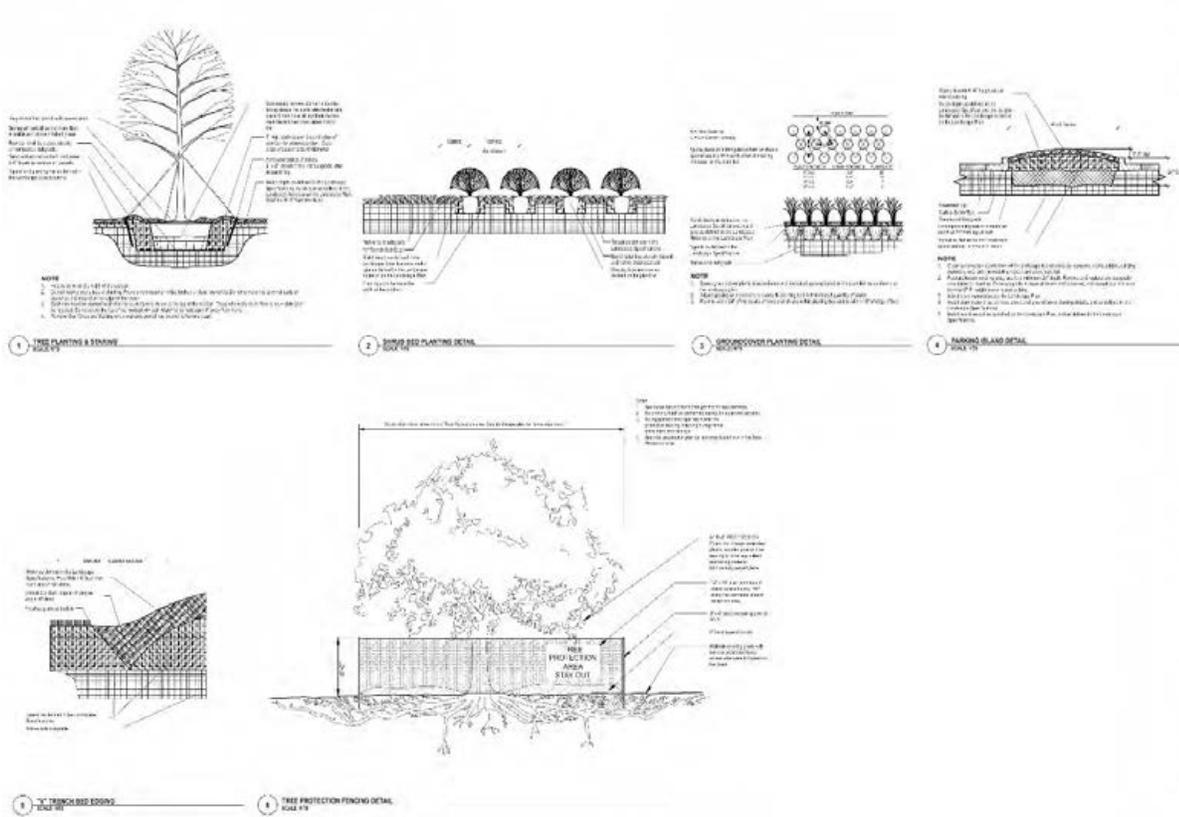
PROJECT LOCATION: 10770 PARALLEL PARKWAY, KANSAS CITY, MO

DESIGNED BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

# LANDSCAPING PLAN DETAILS (L-101)



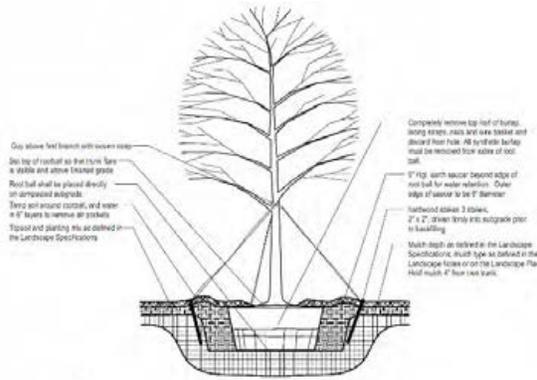
**CHICK-FIL-A**  
 PLAZA AT THE SPEEDWAY FSU  
 2023 REINVESTMENT  
 1070 PARALLEL PARKWAY  
 KANSAS CITY, MO 64116

FSU# 02501

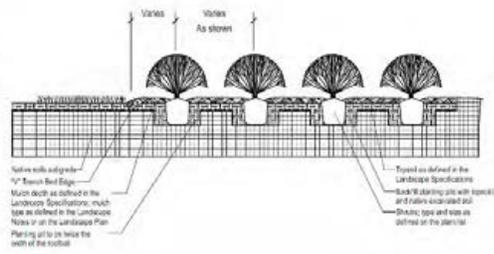
DATE	DESCRIPTION

PERMIT Landscape Details  
 L-101

# LANDSCAPING PLAN DETAILS (L-101), CONT.



- NOTE**
1. Mulch to be twice the width of the rootball.
  2. Do not heavily prune tree at planting. Prune only excessive limbs, broken or dead branches. Do not remove the terminal buds of branches that extend to the edge of the crown.
  3. Each tree must be planted such that the trunk flare is visible at the top of the rootball. Trees where the trunk flare is not visible shall be rejected. Do not cover the top of the rootball with soil. Mulch to the root ball 4" away from trunk.
  4. Remove Day After and Baling when watering period has expired (after one year).



**1 TREE PLANTING & STAKING**  
SCALE: NTS

**2 SHRUB BED PLANTING DETAIL**  
SCALE: NTS

A = Row Spacing  
B = On Center Spacing

Space plants in a triangular pattern as shown, spaced equally from each other at spacing indicated on the plant list

PLANT SPACING (A)	ON CENTER SPACING (B)	PLANTS PER 100'
8" O.C.	8.9"	28
12" O.C.	10.4"	17
15" O.C.	13.2"	7
18" O.C.	15.7"	8

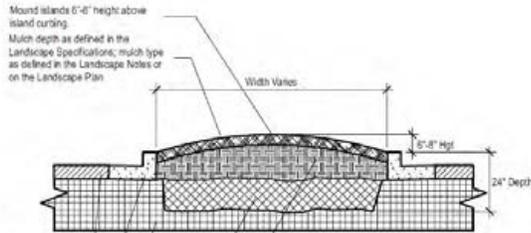
Mulch depth as defined in the Landscape Specifications; mulch type as defined in the Landscape Notes or on the Landscape Plan

Topsoil as defined in the Landscape Specifications

Native soils subgrade

**NOTE**

1. Space groundcover plants in accordance with indicated spacing listed on the plant list, or as shown on the landscape plan.
2. Adjust spacing as necessary to evenly fill planting bed with indicated quantity of plants.
3. Plant to within 24" of the trunks of trees and shrubs within planting bed and to within 18" of edge of bed.

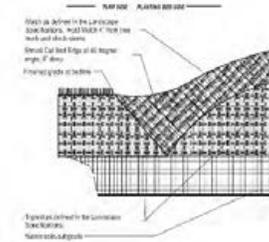


**NOTE**

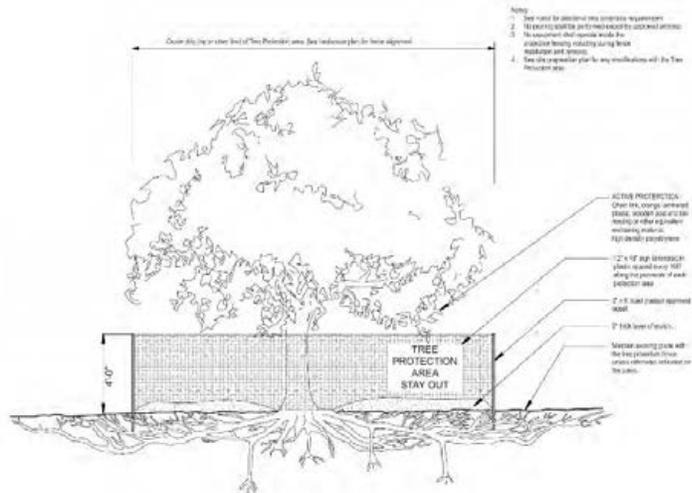
1. Clean construction debris from within landscape island areas (i.e. concrete, rocks, rubble, building materials, etc.) prior to installing topsoil and plant material.
2. Fracture/loosen existing subgrade to a minimum 24" depth. Remove and replace any subgrade unsuitable for planting. Once subgrade is clean of debris and loosened, add topsoil to a minimum 6"-8" height above island curbing.
3. Install plant material as per the Landscape Plan.
4. Install plant material as per tree, shrub and ground cover planting details, and as defined in the Landscape Specifications.
5. Install mulch or sod as specified on the Landscape Plan, and as defined in the Landscape Specifications.

**3 GROUNDCOVER PLANTING DETAIL**  
SCALE: NTS

**4 PARKING ISLAND DETAIL**  
SCALE: NTS

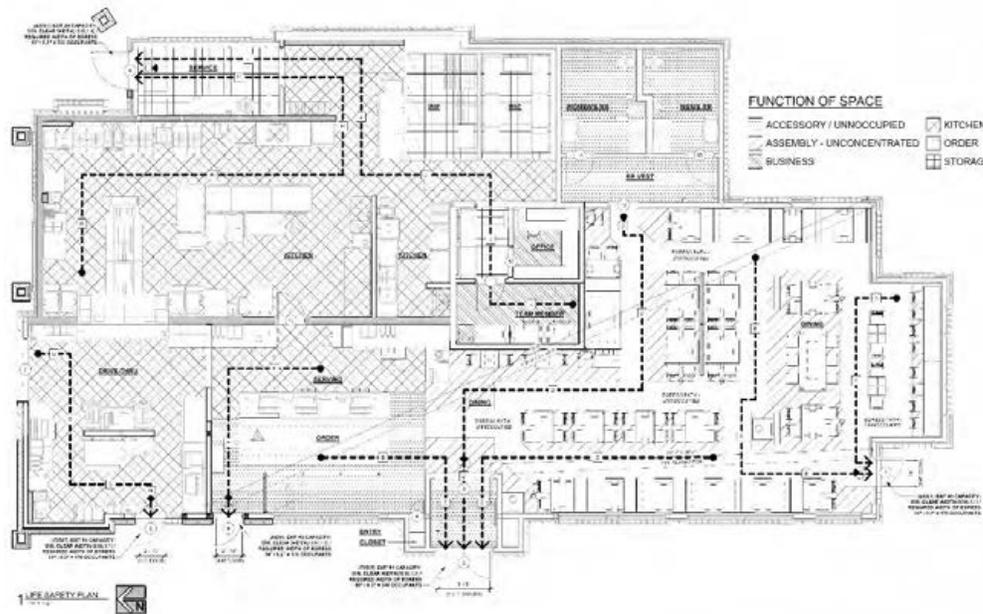


**5 1/2" TRENCH BED EDGING**  
SCALE: NTS



**6 TREE PROTECTION FENCING DETAIL**  
SCALE: NTS

# FLOOR PLAN OF 10770 PARALLEL PARKWAY (G-003)



### FIRE CODE NOTES

1. REVIEW ALL ROOMS FOR COMPLIANCE WITH ALL APPLICABLE FIRE AND SAFETY REQUIREMENTS.
2. PROVIDE THE APPROPRIATE FIRE ALARM SYSTEM AS REQUIRED BY ALL APPLICABLE CODES.
3. PROVIDE THE APPROPRIATE SMOKE DETECTOR SYSTEM AS REQUIRED BY ALL APPLICABLE CODES.
4. PROVIDE THE APPROPRIATE EXTINGUISHERS AS REQUIRED BY ALL APPLICABLE CODES.
5. PROVIDE THE APPROPRIATE EGRESS PATHS AS REQUIRED BY ALL APPLICABLE CODES.

### BUILDING CODE NOTES

1. PROVIDE ALL ROOMS WITH SUFFICIENT LIGHTING AS REQUIRED BY ALL APPLICABLE CODES.
2. PROVIDE ALL ROOMS WITH SUFFICIENT VENTILATION AS REQUIRED BY ALL APPLICABLE CODES.
3. PROVIDE ALL ROOMS WITH SUFFICIENT SOUND ATTENUATION AS REQUIRED BY ALL APPLICABLE CODES.
4. PROVIDE ALL ROOMS WITH SUFFICIENT SOUND ATTENUATION AS REQUIRED BY ALL APPLICABLE CODES.
5. PROVIDE ALL ROOMS WITH SUFFICIENT SOUND ATTENUATION AS REQUIRED BY ALL APPLICABLE CODES.

### PLUMBING FIXTURE COUNTS

ROOM	TOILET	SINK	SHOWER	BATH	STOVE	SINK	REF	DISHWASHER	DISPENSER
RESTROOM	1	1	0	0	0	0	0	0	0
BANK	0	0	0	0	0	0	0	0	0
BUSINESS	0	0	0	0	0	0	0	0	0
ORDER	0	0	0	0	0	0	0	0	0
STORAGE	0	0	0	0	0	0	0	0	0
KITCHEN	0	0	0	0	1	1	1	1	1

### EGRESS

EGRESS PATH	WIDTH	LENGTH	AREA
1	4'-0"	10'-0"	40.00
2	4'-0"	10'-0"	40.00
3	4'-0"	10'-0"	40.00
4	4'-0"	10'-0"	40.00
5	4'-0"	10'-0"	40.00
6	4'-0"	10'-0"	40.00
7	4'-0"	10'-0"	40.00
8	4'-0"	10'-0"	40.00
9	4'-0"	10'-0"	40.00
10	4'-0"	10'-0"	40.00

### CODE SUMMARY

CODE	DESCRIPTION	STATUS
1	INTERNATIONAL FIRE CODE	COMPLIANT
2	INTERNATIONAL BUILDING CODE	COMPLIANT
3	INTERNATIONAL PLUMBING CODE	COMPLIANT
4	INTERNATIONAL ELECTRICAL CODE	COMPLIANT
5	INTERNATIONAL MECHANICAL CODE	COMPLIANT
6	INTERNATIONAL ENERGY CODE	COMPLIANT
7	INTERNATIONAL SAFETY CODE	COMPLIANT
8	INTERNATIONAL SOUND CODE	COMPLIANT
9	INTERNATIONAL VENTILATION CODE	COMPLIANT
10	INTERNATIONAL LIGHTING CODE	COMPLIANT

Chick-fil-A  
8200 Buffington Road  
Atlanta, Georgia  
30349-2998

CHICKMAN DESIGN  
ARCHITECTURE INC  
1130 P. TOWNLEY AVE  
DIXON, ILLINOIS 62521  
TEL: 618.298.1900

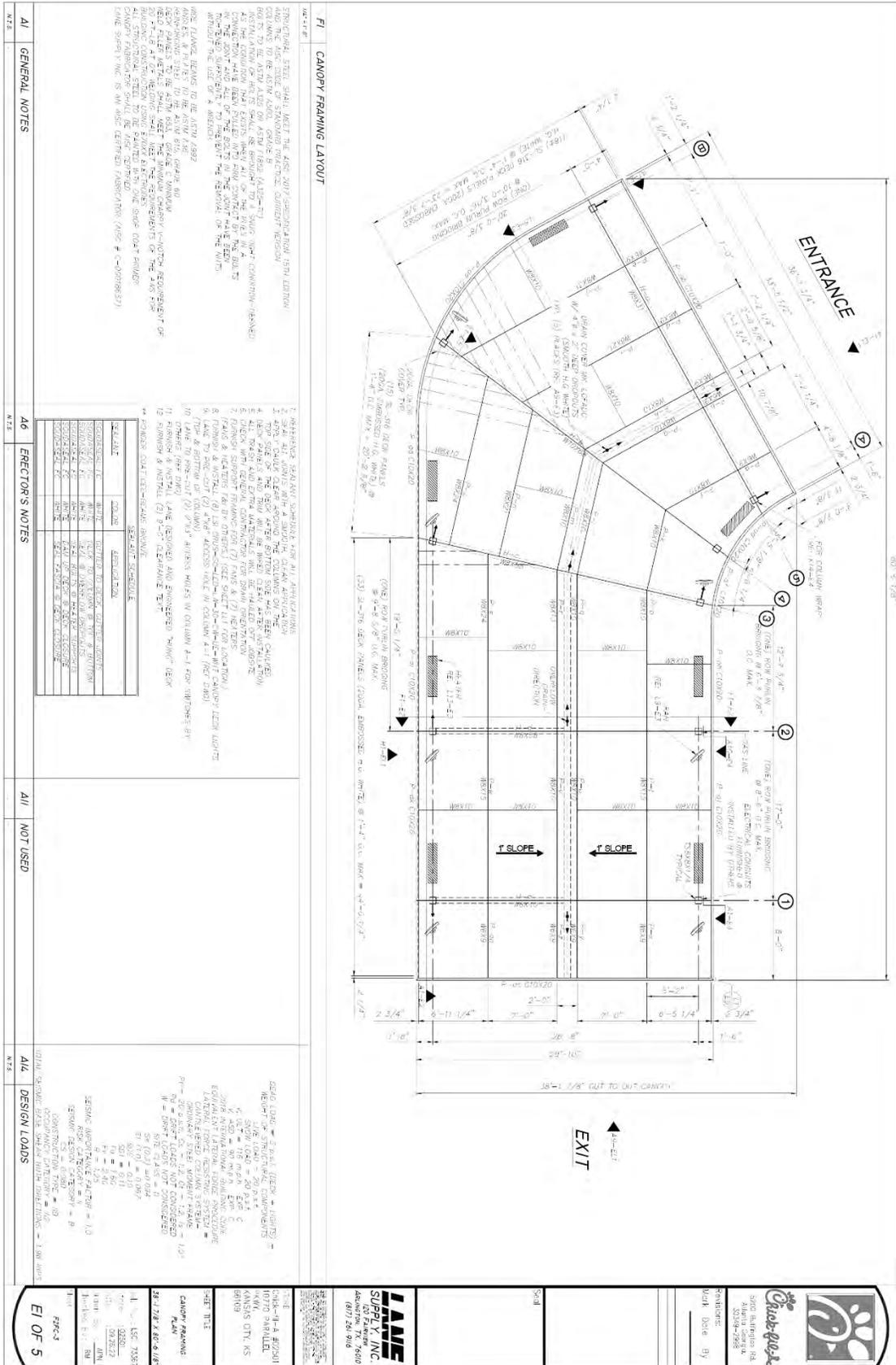
**CHICK-FIL-A**  
PLAZA AT THE  
SPEEDWAY  
10770 PARALLEL PARKWAY  
KANSAS CITY, KS 66108

**FSR#02501**  
ISSUED FOR PERMIT  
REVISIONS  
DATE: 03/13/2023

**G-003**



# CANOPY PLANS OF 10770 PARALLEL PARKWAY, CONT.



**F1 CANOPY FRAMING LAYOUT**

**A1 GENERAL NOTES**

**A6 ERECTOR'S NOTES**

**A11 NOT USED**

**A1A DESIGN LOADS**

1. REFER TO SHEET 10770-1 FOR GENERAL NOTES AND SPECIFICATIONS.  
 2. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 5. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 6. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
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 11. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 12. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

NO.	DESCRIPTION	REMARKS
1	...	...
2	...	...
3	...	...
4	...	...
5	...	...
6	...	...
7	...	...
8	...	...
9	...	...
10	...	...
11	...	...
12	...	...

1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
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 11. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 12. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

**DESIGN LOADS**  
 DEAD LOAD = 20 PSF  
 LIVE LOAD = 20 PSF  
 WIND LOAD = 15 PSF  
 SNOW LOAD = 20 PSF  
 SEISMIC LOAD = 0.10g  
 OCCUPANCY CATEGORY = B  
 WIND SPEED = 100 MPH  
 EXPOSURE CATEGORY = B  
 IMPORTANCE FACTOR = 1.0  
 DESIGN WIND SPEED = 100 MPH  
 DESIGN WIND DIRECTION = 100 MPH

**LANE SUPPLY, INC.**  
 10770 PARALLEL PARKWAY  
 HOUSTON, TX 77060  
 (817) 284-9116

**DATE:** 03/13/2023  
**PROJECT:** 10770 PARALLEL PARKWAY  
**SCALE:** 1/8" = 1'-0"  
**REVISIONS:**  
 1. 03/13/2023: INITIAL ISSUE  
 2. 03/13/2023: REVISED PER COMMENTS

**PREPARED BY:** J. SMITH  
**CHECKED BY:** M. JONES  
**DATE:** 03/13/2023

**PROJECT:** 10770 PARALLEL PARKWAY  
**SCALE:** 1/8" = 1'-0"  
**REVISIONS:**  
 1. 03/13/2023: INITIAL ISSUE  
 2. 03/13/2023: REVISED PER COMMENTS









# BUILDING ELEVATIONS SUBMITTED BY THE APPLICANT

FINISH SCHEDULE - EXTERIOR					
NO.	DESCRIPTION	MANUFACTURER	FINISH	TEXTURE	NOTE
001	BRICK	TRUSSARDI	CLAY	SMOOTH	
002	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
003	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
004	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
005	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
006	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
007	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
008	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
009	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
010	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
011	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
012	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
013	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
014	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
015	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
016	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
017	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
018	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
019	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
020	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
021	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
022	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
023	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
024	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
025	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
026	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
027	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
028	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
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030	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
031	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
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033	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
034	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
035	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
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038	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
039	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
040	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
041	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
042	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
043	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
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045	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
046	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
047	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
048	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
049	WOOD	TRUSSARDI	REDFIELD	SMOOTH	
050	WOOD	TRUSSARDI	REDFIELD	SMOOTH	

**2** EXTERIOR ELEVATION

**1** EXTERIOR ELEVATION

**CHICK-FIL-A**  
**PLAZA AT THE**  
**SPEEDWAY**  
**SPRINGWAY PARKWAY**  
**KANSAS CITY, MO 64110**

**FSR#02501**

ISSUE FOR PERMIT

**A-312**

# CANOPY ELEVATIONS SUBMITTED BY THE APPLICANT

FINISH SCHEDULE - EXTERIOR					
NO.	DESCRIPTION	FINISH	NO.	DESCRIPTION	FINISH
01	WOOD PANELING	WOOD GRAIN	02	PAINT	WHITE
03	GLASS	CLERESTORY	04	GLASS	CLERESTORY
05	GLASS	CLERESTORY	06	GLASS	CLERESTORY
07	GLASS	CLERESTORY	08	GLASS	CLERESTORY
09	GLASS	CLERESTORY	10	GLASS	CLERESTORY
11	GLASS	CLERESTORY	12	GLASS	CLERESTORY
13	GLASS	CLERESTORY	14	GLASS	CLERESTORY
15	GLASS	CLERESTORY	16	GLASS	CLERESTORY
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31	GLASS	CLERESTORY	32	GLASS	CLERESTORY
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41	GLASS	CLERESTORY	42	GLASS	CLERESTORY
43	GLASS	CLERESTORY	44	GLASS	CLERESTORY
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59	GLASS	CLERESTORY	60	GLASS	CLERESTORY
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63	GLASS	CLERESTORY	64	GLASS	CLERESTORY
65	GLASS	CLERESTORY	66	GLASS	CLERESTORY
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95	GLASS	CLERESTORY	96	GLASS	CLERESTORY
97	GLASS	CLERESTORY	98	GLASS	CLERESTORY
99	GLASS	CLERESTORY	100	GLASS	CLERESTORY

Chick-fil-A  
2200 Burlington Road  
Atlanta, Georgia  
30349-2998

CHIPMAN DESIGN  
ARCHITECTURE INC.  
1124 S. POLK ST. 4TH  
FLOOR PLAINFIELD, IL 62451  
TEL: 618.720.8300

**CHICK-FIL-A**  
PLAZA AT THE  
SPEEDWAY  
PARKWAY  
KANSAS CITY, MO 64108

**FSR#02501**

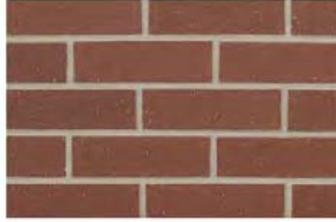
ISSUE FOR PERMIT

A-311

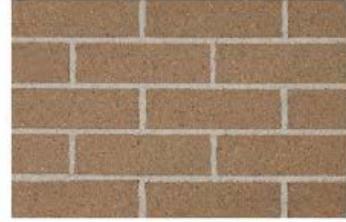
# MATERIALS PALETTE SUBMITTED BY THE APPLICANT



**AW-20 AWNING FABRIC**  
 MANUFACTURER: SUNBRELLA  
 COLOR: 4584-000 / SLATE



**BRICK - VENEER PRIMARY**  
 (BR-A)  
 MANUFACTURER: CUNNINGHAM BRICK  
 SIZE: MODULAR - 3-5/8" x 2-1/4" x 7-5/8"  
 MODEL: RED VELOUR  
 COLOR: (RED)  
 MORTAR: MATCH EXISTING - HOLCIM, SANTEE RED



**BRICK - VENEER SECONDARY**  
 (BR-B)  
 MANUFACTURER: CUNNINGHAM BRICK  
 SIZE: MODULAR - 3-5/8" x 2-1/4" x 7-5/8"  
 MODEL: TAN VELOUR  
 COLOR: (TAN)  
 MORTAR: MATCH EXISTING - HOLCIM, DESERT BUFF



**OC-0 PARAPET - METAL COPING**  
 MANUFACTURER: DURALAST / EXCEPTIONAL METALS  
 COLOR: DARK BRONZE



**OP-113 EXTERIOR PAINT**  
 MANUFACTURER: SHERWIN WILLIAMS  
 MODEL: SHER-CRYL HPA #866-350  
 COLOR: DARK BRONZE  
 FINISH: SEMI-GLOSS

**Material palette**



**Examples of the material palette**



## FIVE STATUTORY REQUIREMENTS ANSWERED BY APPLICANT, BZA-2338

- 1. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and which is not created by an action or actions of the property owner or the applicant.***

---

The site we are requesting a variance for is sandwiched between two streets, Parallel Pkwy and an unnamed access road, with access to the site only provided on the access road; This is an atypical configuration for the prototypical Chick-Fil-A stand-alone building with a drive-thru. While the site is not particularly narrow, it is more rectangular than not, essentially confining the possible drive-thru and parking configurations. As a result of this shape and the municipality's required setbacks, proper allocation of the now-standard CFA canopy system is not possible. Additionally, there is a significant grade change between the edge of Parallel Pkwy and the drive-thru lane with the drive-thru lane approximately six feet below Parallel Pkwy. This creates a potential hazard with vehicle traffic and light glare from Parallel Pkwy, projecting to vehicles and pedestrians on-site.

---

- 2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.***

The proposed canopies are not located in a position where they would prevent or alter any use of adjacent sites.

---

- 3. The strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.***

The strict application of the provisions of the zoning ordinance would limit the potential to improve the site for both employees and users of the site by not allowing the implementation of the upgraded and now-standard canopy system. The canopies are intended to improve the safety and comfort of employees and vehicular traffic by providing shade, lighting, fans, and heaters, which would not be possible with the strict application of the zoning ordinance. Additionally, the canopies at other sites have proven to improve traffic conditions and movement while reducing back-ups on adjacent parking areas and streets, an improvement that would be limited or ignored with the strict application of the code.

---

FIVE STATUTORY REQUIREMENTS ANSWERED BY APPLICANT, BZA-2338, CONT.

4. *The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.*

No, the contrary would be true; the goal of the canopies is to increase vehicle and employee safety and comfort by providing shade, lighting, fans, heating, and general protection from the elements. The addition of the canopies are likely to reduce the traffic in and around the site as employees are better able to assist customers with the increases to safety and comfort. As a result, traffic back-ups and related issues would be less likely to occur in the parking area and on to the adjacent access road. We feel these justifications are greatly in the public interest and improve the public health, safety, and general welfare of all users of the site.

5. *The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.*

Yes, granting the variance for the proposed canopy system will mitigate hazards encountered by pedestrians, employees, and traffic in the surrounding area, creating a safer, more pleasant experience for all users. Increased safety at virtually no detriment seems to be in-line with the zoning ordinance's goals.

STAFF SITE VISIT PHOTOGRAPHS, DATED FEBRUARY 20, 2023



STAFF SITE VISIT PHOTOGRAPHS, DATED FEBRUARY 20, 2023, CONT.

