

Chick-fil-A // Request for Variance // VA23-0001

Article XXVI – Variance and Appeal Standards and Procedures

Sec. 16-26-20. Variance; approval criteria.

(a) *A variance may be granted only where it can be demonstrated that such:*

- 1. Is sensitive to and compatible with adjoining existing and planned land uses;**

Response: The applicant is requesting a variance from Sec. 16-12-70 to allow our proposed canopy within the building setback. The proposed parcel lines shown on applicant's site plan show an offsite buffer area along S Yosemite St which accounts for a substantial 60-foot building setback from its narrowest point to the applicant's proposed accessory structure. An additional 30-foot setback from applicant's proposed parcel lines would cause a decrease in the overall site functionality and use.

Applicant is proposing landscaping in this offsite area, which will be compatible with the adjoining existing and planned land uses. More specifically, the shops located on the opposite side of S Yosemite – PetSmart and Epic Mountain Gear.

- 2. Will not adversely impact the natural environment through unwarranted or undesirable grading, altering of drainages or vegetation removal;**

Response: The proposed canopy within the building setback will not adversely impact the natural environment through unwarranted or undesirable grading, altering of drainage or vegetation removal. The proposed use within the building setback will be composed of approximately 44% landscaping and 56% impervious surface without the proposed canopies, only the northern canopy encroaches on the landscape area by 3-feet. This slightly increases the impervious area and decreases the landscape area by 1.8%. All storm runoff within the impervious portion of the setback area is conveyed to the on-site private storm sewer and into the regional detention facility to the west. All storm runoff within the landscape portion is routed off-site to existing off-site storm sewer infrastructure. In addition, there is approximately 0.33 acres +/-, of variable width, buffering the proposed site

property boundary and building setback from the South Yosemite Street and C-470 Interstate right-of-way.

3. Maintains a desirable balance with the overall bulk and massing of building architecture; and

Response: As stated previously, the subject parcel will be located in an existing parking lot. The applicant is proposing landscaping in the offsite buffer area which will significantly enhance the corner of Hwy 470 & S Yosemite St and maintain a desirable balance with the overall bulk and massing of building architecture by ensuring congruency throughout.

4. Promotes other community goals as set forth in the City's Comprehensive Plan, such as well-planned, high-quality and, where appropriate, compact development.

Response: Applicant is proposing to significantly enhance the existing corner of S Yosemite and Hwy 470 by providing landscaping in the existing offsite area which provides an adequate setback from S Yosemite to Applicant's accessory structure. This proposal will meet one of the City's community goals of 'Redevelopment' in the City's Comprehensive Plan to consider ways to improve the appearance of existing development.

(b) A variance may be granted, provided that no substantial detriment to the public health, safety and welfare is created, that the intent and purpose of this Chapter is not impaired and that no active zoning violations exist on the site, unless such violations have been otherwise approved by the Director.

Response: Applicant is requesting a variance to allow our proposed canopy within the 30-foot building setback requirement along S Yosemite. The proposed parcel lines abut an existing offsite area which provides an adequate setback from the right-of-way to Applicant's proposed accessory structure. Applicant is proposing to provide landscaping within the offsite area to enhance the corner of S Yosemite and Hwy 470. By making this request, Applicant is not proposing redevelopment that would cause substantial detriment to the public health, safety and welfare, and is unaware of any active zoning violations that may exist on the site.