

October 28, 2024

Emilio Sanchez
City of Burleson Development Services Department

141 W. Renfro St.
Burleson, TX 76028-4296
(817) 426.9686
esanchez@burlesontx.com

Reference: Chick-fil-A # 2786 South Burleson FSU
Address: 111 NW John Jones Drive, Burleson, TX 76028
Interplan Number: 2024.0627
Case Number: CSP23-281 (Amendment to existing/approved)
OMD Accessory Structure Front Yard Setback Encroachment Variance Narrative

Dear Mr. Sanchez and the Planning and Zoning Commission

Please accept this letter to be heard at the soonest Planning & Zoning Commission hearing and in front of City Council as our request on behalf of Chick-fil-A for the following variance waiver request for the Order Meal Delivery (OMD) canopy accessory structure to the front yard setback as defined in **Section 132-115(a) and Section 78-120(b) and to the front yard buffer requirement as defined in Sections 86-102 through 86-111 in the City of Burleson's Ordinance.**

(1) Special conditions exist which are peculiar to the land, structure or building involved and are not applicable to other lands, buildings or structures in the same vicinity. The city may attach such conditions to granting all or a portion of any variance necessary to achieve the purpose of this chapter; and

Due to the large drainage easement that runs northeast and southwest along Wilshire Boulevard being classified as its own lot make the frontage of this site adjacent to Northwest John Jones Drive. The Chick-fil-A parcel needing to meet other requirements of the Zoning Ordinance not only including the building setback requirements, but drainage and parking requirements as well, is what constituted the original layout of the site. The requirements in the ordinance limit the amount of buildable space the parcel has for improvements or expansion. Traffic directly impacts the site and the need to alleviate traffic for the adjacent property owners and Chick-fil-A specifically, so options are limited.

(2) The strict interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the vicinity under the terms of the chapter.

Literal enforcement of Appendix B Section 132-115 (a) Accessory Building and Structure Yard Regulations, an attached accessory building or structures must have a front yard not less than the main building requirement of twenty feet (20') as defined within Section 78-120(b) and in Section 86-102 through 86-111 a five-foot (5') landscaped strip is required next to all public and private property lines, will abruptly put a halt to the proposed modifications as the improvements pose the most ideal situation to aid in the traffic safety concerns on and off site.

The proposed dual lane drive-thru with canopies will alleviate the traffic concerns to the shopping center and NW John Jones Drive. If the literal interpretation was enforced, it would limit the ability for Chick-fil-A to initiate any sort of site improvements that would allow the business to continue in a safe and efficient manner for the team members and guests.

(3) The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences; and

Granting of the variance will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or building in the same zone or district as, typically, other drive-thru restaurants do not have team members outside in the elements which poses a concern for safety. With the City's continued growth, increased patronage, and new takeout/delivery and mobile ordering methods becoming a prominent way of life after 2020, Chick-fil-A tries to provide alternative options for growth and development for their sites. The proposed drive-thru modifications including a dual lane expansion with Dual Lane Order Meal Delivery (OMD) canopy, will help to keep team members and guests safe and protected from the elements. These minor improvements will increase efficiency both on and off site. The traffic congestion and circulation issues to the adjacent properties and right-of-way along John Jones Drive will then be significantly reduced and more importantly provide a safer environment for the people whom make up the community.

(4) Granting the variance will meet the objectives of the chapter and not be injurious to the adjoining property owners or otherwise detrimental to the public welfare; and

Granting of the variance will meet the objectives of the chapter and will not be injurious to the adjoining property owners or otherwise detrimental to the public welfare as the proposed improvements will aid in alleviating traffic backing up to the shopping center access drive and out on to NW John Jones Drive. Originally, this Chick-fil-a site received approval for a waiver request, 10-602(b)(1) Masonry Construction Standards for a small building addition. The existing canopies were proposed as additional improvements to the existing facades for the purpose of updating the building and providing for more of a modern look. Chick-fil-A would like to continue to provide a more efficient option to the site by installing the proposed improvements. Additionally, they would like to increase the level of safety for the team members and guests. Notating the canopies are crucial in alleviating traffic congestion and circulation concerns. These improvements will positively and directly affect the adjoining property owners and will provide certain beneficial elements to public welfare.

(5) The request will be the minimum variance necessary to alleviate the special hardship or practical difficulties faced by the applicant in meeting the requirements of this chapter; and

The requested extension of the existing single-lane Order Meal Delivery canopy to be replaced with a dual-Lane Order Meal Delivery canopy will be the minimum variance necessary to alleviate the concerns with traffic and safety on the site for both the team members and the guests. If the site is reconfigured any other way, additional variances would be needed for parking requirements. Not to mention even with a reconfiguration, it would not pose a conforming end result as there are still concerns with the fire lane, utility/easements and refuse/accessory structure concerns. Addition of the second drive-thru lane and installation of the canopy overall, will allow the site to function in a more efficient way and allows the team members to better direct and keep traffic moving at peak times. The updated design will accommodate the increased demand in the subject properties area and benefits the overall community and growth of the city aiding in addressing the current public safety concerns presented.



Chick-fil-A #2786 South Burleson

October 28, 2024

Page 3 of 3

(6) Granting of the variance will be in harmony with the spirit and purpose of this chapter.

Granting of the variance will be in harmony with the spirit and purpose of this chapter as the canopy would be extended over the proposed second lane at the delivery window with columns placed on the backside of the curb. The canopy (accessory structure) encroaches into the required front yard setback by seventeen feet (17'). Chick-fil-A is requesting a reduced front yard setback for an accessory structure to three feet (3') as the main building conforms to this requirement. Please note there is a pedestrian concrete sidewalk adjacent to NW John Jones Drive that would remain existing and in perfect line with the northern property line, leaving the existing landscape buffer between the right-of-way and road.

Please feel free to contact me at 407.645.5008 or via email at mkucaba@interplanllc.com if you have any questions or require additional information. If I am unavailable, Kendra Lewis is the Permit Manager and will be able to assist you at the number provided or via email at klewis@interplanllc.com.

Sincerely,

INTERPLAN LLC

A handwritten signature in blue ink that reads "M. Kucaba".

Michelle Kucaba

Senior Permit Lead, Development Services