

October 2, 2019

Dan Fernandez, City Planner II
Public Works
City of Olathe, Kansas

RE: Waiver Request for Raising Cane's Chicken Fingers Restaurant
13710 S. Blackbob Road
Olathe, KS 66062
(Application #PR19-0021).

As the owner agent for this project and in accordance with the UDO Section 18.40.240, we respectfully submit this waiver request. Wavier are hereby requested for the follwo Building Design Category D criteria as defined in UDO section 18.15.040, Table 15-6. For this requested wavier, variance criterion "e" states "The regulations impose an unnecessary hardship upon the property owner arising from conditions unique to the property and alternative site design, building design and building arrangements are not possible. In such instances, findings shall be prepared that No private rights will be injured or endangered by the waiver or the public will suffer no loss or inconvenience thereby and that in justice to the applicant or applicants the application should be granted."

We contend that no private rights will be injured or endangered nor will the public suffer any loss by this waiver request.

A. Glazing Percentage Reduction

Transparent glass on primary façades: We request a waiver from the 20% minimum to be reduced to a total of 13% on the South Façade. The heart (Kitchen) of this drive thru restaurant operation is located along the south façade thus limiting this façade to excessive amount of glazing. The majority of the glazing along the south façade is located at the southeast corner of the building which is more visible to Blackbob Road. We are requesting this wavier for the glazing along south façade only, the other two primary street facing façades meet or exceed the city's glazing requirement. On the north façade there is 20 % glazing and on the east façade there is 25% glazing. Additionally the south façade does NOT face a street.

B. Dimensional Standards

Parking/Paving Location: We request a waiver to reduce the code required setback of 10 feet from property line to 5.30 feet along the south property line. Due to the extensive developer landscape are existing and needed along northern property line; it limits the amount of the landscape buffer area permitted along the south side of the property to less than the 10 feet required. The proposed landscape design illustrates how Raising Cane's plans to over compensate in landscaping to offset the set deficiency. The proposed landscaping along the south side will provide diverse palette of

landscape materials (including White Oak tree, Honeylocust tree, Sweetspire, burning bush and many others) to improve the landscaping area between the proposed Raising Cane's and Sonic.

Sincerely,

Jorge Cerros

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