

CITY of WOODSTOCK

Application for Public Hearing

Important Notes:

1. Please check all information supplied on the following pages to ensure that all spaces are filled out accurately before signing this form. This page should be the first page of your completed application package.
2. All documents required as part of the application package shall be submitted at the same time as the application. Incomplete application packages WILL NOT BE ACCEPTED.
3. Please contact the Zoning Administrator in the Community Development Department at 770.592.6039 if you have any questions regarding the application package, this application or the public hearing process.

Contact Person: Mr. Chris Pope Phone: 626-372-8151

Applicant's Information:

Name: Panda Restaurant Group, Inc.

Address: 1683 Walnut Grove Avenue Phone: 626-372-8151

City, State, Zip: Rosemead, CA 91770 Fax: 626-372-8612

chris.pope@PandaRG.com

Property Owner's Information:

same as above

Name: Atlanta Outlet Parcels, LLC

Address: 2030 Hamilton Place Boulevard, Suite 500 Phone: 423-490-8333

City, State, Zip: Chattanooga, TN 37421 Fax: 423-893-4220

Robert_Snetman@cblproperties.com

Requested Public Hearing (check all that apply):

- Annexation Comprehensive Plan Amendment
- Rezoning Other: _____
- Variance

STAFF USE ONLY:	PUBLIC HEARING SCHEDULE:
Case: <u>✓ # 115 -13</u>	Public Input Meeting: <u>N/A</u>
Received by: <u>K. Coulburn</u>	Planning Commission: <u>12.5.13 @ 7pm</u>
Fee Paid: <u>\$ N/A</u>	Board of Appeals: <u>N/A</u>
Date: <u>11.7.13</u>	City Council: <u>12.16.13 @ 7pm</u>
	Other: _____

Property Information:

Location: Outlot #2 - The Outlet Shops of Atlanta

Parcel Identification Number(s) (PIN): _____ Total Acreage: +/- 0.87

Existing Zoning of Property: LI / Tech Overlay Future Development Map Designation: _____

Adjacent Zonings: North LI South LI East LI West LI

Applicant's Request (Itemize the Proposal):

Variance from Article IX – Overlay Zoning, Section 7.948 – Architectural Standards

(See Attached)

Proposed Use(s) of Property:

Fast Casual, Quick Service Restaurant

Infrastructure Information:

Is water available to this site? Yes No

Jurisdiction: City of Woodstock

How is sewage from this site to be managed?

Gravity flow to existing sewer line installed for Outlet Shops at Atlanta Development

Will this proposal result in an increase in school enrollment? Yes No

If yes, what is the projected increase? N/A students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home		0.725	
Multi Family (Attached) Home		0.287	

Traffic Generation:

If a traffic study is not required as part of this application, complete the following charts to estimate traffic generated by the proposal. Information for additional residential and all commercial/industrial development shall follow the summary of ITE Trip Generation Rates published in the Transportation Planning Handbook by the Institute of Transportation Engineers.

What is the estimated number of trips generated? 1240 trips

Code	Land Use(s)	# of units*	Daily Trip Ends	Number of Trips
210	Single Family Home/Townhome		9.57	
220	Apartment		6.63	

* A unit for residential purposes is equal to one residential unit. For commercial/industrial uses it is defined in the ITE table, but most often is equal to 1,000 square feet of floor area for the use specified.

Authorization:

Upon receipt of the completed application package, the Community Development Department shall notify the applicant of scheduled dates, times, and locations of the public meetings/hearings. The applicant or a representative must be present to answer any questions that may be asked. In the event that an application is not complete, the case may be delayed or postponed at the discretion of the department.

This form is to be executed under oath. I, Chris Pope, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Application for Public Hearing is true and correct and contains no misleading information.

This 4th day of November, 2013.

Print Name Mr. Chris Pope

APPLICANT RESPONSE STATEMENT VARIANCES

SEE ATTACHED

The applicant finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to unrestricted use of property and shall govern the exercise of the zoning power.

If this application is in response to a variance, please respond to the following standards in the form of a written narrative:

1. Explain requested variance.
2. How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or building(s) involved and which are not applicable to other lands, structure(s) or building(s) in the same district.
3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.
4. How the special conditions and circumstances do not result from the actions of the applicant.
5. How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or building(s) in the same district.
6. How no non-conforming use of neighboring lands, structures, or buildings in the same district and not permitted or non-use of lands, structure(s) or building(s) in other districts shall be considered grounds for issuance of a variance.
7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure(s) or building(s).
8. Explain how, if granted, this requested variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties or otherwise detrimental to the public welfare.

APPLICANT RESPONSE STATEMENT

Variance Request

We are requesting relief from the Architectural Standards as required by the Technology Park Overlay District.

Code Reference

Article IX – Overlay Zoning, Section 7.948 – Architectural Standards

Response to Variance Criteria

1. The applicant is requesting relief from the strict adherence to the Architectural Standards to allow the new "Bright and Fresh" Panda Express Prototype. The applicant is open to some modifications to the prototype to allow for a cohesive inclusion into the Outlet Shoppes at Atlanta development. The applicant seeks to negotiate the look and feel of this proposed building with the Planning Staff to include prototypical elements as well as elements from the Architectural Standards.
2. The Architectural Standards that are required for this property conflict with that of the new "Bright and Fresh" Panda Express Prototype. The applicant feels that this new prototype is aesthetically pleasing and can be modified in such a way to incorporate some of the elements of the Architectural Standards to create a building that is harmonious and cohesive with the surrounding area.
3. The literal interpretation of this requirement would result in a building that would not represent the Panda Express brand. It is essential for Panda Express to maintain a recognizable brand and image to their patrons. The new "Bright and Fresh" Prototype is a result of Panda Express' new vision and has received positive and exciting feedback. If the applicant cannot build their new prototype, then they will be put at a disadvantage with their customer base.
4. The Architectural Standards required by this Overlay District on this parcel are an existing condition. This condition was not created or caused by actions of the applicant.
5. Granting of this variance will not confer any special privileges to the applicant. It will only allow Panda Express to blend the Architectural Standards into their branded "Bright and Fresh" look and feel.
6. The granting of this variance will not allow for the expansion of any other non-conforming use.
7. The requested relief from the strict adherence to the Architectural Standards will allow Panda Express to maintain their "Bright and Fresh" look and feel while incorporating elements from the Architectural Standards. Since the

APPLICANT RESPONSE STATEMENT

applicant is allowing for the inclusion of some of the Architectural Standards, they are attempting to create a reasonable and cohesive look for this project.

8. If the variance is granted, the outparcel will still be in harmony with the other proposed uses in the development, since elements of the architectural Standards will be incorporated in the look and feel of the building. The aesthetically pleasing look and feel of this modified version of the "Bright and Fresh" Prototype will complement a development of this caliber as well as the surrounding community.

CONFLICT OF INTEREST CERTIFICATION

The undersigned below, making application for a zone change has complied with the O.C.G.A. § 36-67A, et. Seq., Conflict of Interest In Zoning Actions, and has submitted or attached the required information on the forms provided. Title 36 relates to disclosure of financial interests, campaign contributions, and penalties for violating O.C.G.A.

Signature of Applicant: [Signature] Date: 2/1/13
Print Name: Chris Pope

Signature of Applicant's Attorney: [Signature] Date: 2/1/13
Print Name: SALLY HA Title: REAL ESTATE ATTORNEY

Sworn to and Subscribed before me this: 1st day of February, 2013.

Notary Signature: [Signature]

(Notary Seal)



DISCLOSURE STATEMENT

Nothing in Chapter 36 of O.C.G.A. shall be construed to prohibit a local government official from voting on a zoning decision when the local government is adopting a zoning ordinance for the first time or when a local government is voting upon a revision of the zoning ordinance initiated by the local government pursuant to a comprehensive plan as defined in Chapter 70 of this title.

No, I have not made any campaign contributions to City Officials voting on this application exceeding \$250 in the past two years.

Yes, I have made campaign contributions to City Officials voting on this application exceeding \$250 in the past two years.

To Whom: _____

Value of Contribution: _____

Date of Contribution: _____

Signature of Applicant: _____

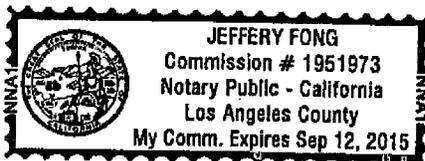
Date: 2/1/13

Print Name: Chris Pope

Sworn to and Subscribed before me this: 1st day of February, 2013.

Notary Signature: _____

(Notary Seal)



DISCLOSURE STATEMENT

Nothing in Chapter 36 of O.C.G.A. shall be construed to prohibit a local government official from voting on a zoning decision when the local government is adopting a zoning ordinance for the first time or when a local government is voting upon a revision of the zoning ordinance initiated by the local government pursuant to a comprehensive plan as defined in Chapter 70 of this title.

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Yes, I have made campaign contributions to City Officials voting on this application exceeding \$250 in the past two years.

To Whom: _____

Value of Contribution: _____

Date of Contribution: _____

By: ATLANTA OUTLET OUTPARCELS, LLC.

By: CBL Woodstock Outparcel Member, LLC
its managing member

By: CBL & Associates Management, Inc.
its managing member

RS Signature of Applicant:  Date: 01/31/13

Print Name: Augustus N. Stephas, Executive Vice President and COO

Sworn to and Subscribed before me this: 31st day of January, 2013.

Notary Signature: Joyce A. Brown



My Commission Expires
November 13, 2016

AUTHORIZATION OF PROPERTY OWNER

I, Augustus N. Stephas, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Cherokee County/City of Woodstock, Georgia.

He/She authorizes the person named below to act as applicant in the pursuit of a request for:

- Annexation
- Rezoning
- Variance
- Comprehensive Plan Amendment
- Other: _____

I hereby authorize the staff of the City of Woodstock, Department of Planning and Economic Development to inspect the premises which are subject of this application.

Applicant's Information:

Name: PANDA RESTAURANT GROUP

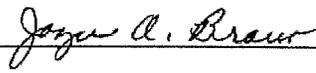
Address: 1683 WALNUT GROVE AVE Phone: 626-799-9898

City, State, Zip: ROSEMEAD, CA 91770 Fax: 626-372-8288

Signature of Owner:  Date: 01/31/13

ES Print Name: Augustus N. Stephas, Executive Vice President and COO

Sworn to and Subscribed before me this: 31st day of January, 2013.

Notary Signature: 

My Commission Expires
November 13, 2016



PROPERTY TAX VERIFICATION

The undersigned below is authorized to make this application. The undersigned certifies that all City Taxes / Cherokee County property taxes, billed to date for the parcel listed below have been paid in full the Tax Official of the City of Woodstock, Georgia. In no case shall an application or reapplication for rezoning be processed without such property verification.

*NOTE: A separate verification form must be completed for each tax parcel included in rezoning request.

Tax Parcel Number: Part of 1517-001

Signature of Applicant:  Date: 2/1/13

Print Name: Chris Pope

TAX OFFICIAL USE ONLY:

Payment of all property taxes billed to date for the above referenced parcel have been verified as paid current and confirmed by the signature below.

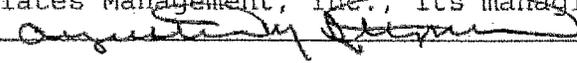
Signature of Tax Official: _____ Date: _____

Title: _____

PROPERTY TAX VERIFICATION

The undersigned below is authorized to make this application. Owner paid the property taxes pertaining to the property on or before the December 20, 2012 due date. The remaining 2012 property taxes for the tax parcel number pertains to property which is not owned by Owner. In no case shall an application or reapplication for rezoning be processed without such property verification.

*NOTE: A separate verification form must be completed for each tax parcel included in rezoning request.

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Tax Parcel Number: Part of 1517-001
By: ATLANTA OUTLET OUTPARCELS, LLC.
By: CBL Woodstock Outparcel Member, LLC, its managing member
By: CBL & Associates Management, Inc., its managing member
Signature of Applicant:  Date: 01/31/13
Print Name: Augustus N. Stephas, Executive Vice President and COO

<p>TAX OFFICIAL USE ONLY:</p> <p>Payment of all property taxes billed to date for the above referenced parcel have been verified as paid current and confirmed by the signature below.</p> <p>Signature of Tax Official: _____ Date: _____</p> <p>Title: _____</p>
