

## THE OUTLET SHOPPES AT ATLANTA

### APPLICATION FOR PUBLIC HEARING – SUPPLEMENTAL MATERIALS

#### APPLICANT REQUEST #1:

Chapter III, Article IX, Section 3.903, Paragraph 7i states “sidewalks and walks shall not exceed a seven (7) percent grade.” Applicant requests a variance such that sidewalks and walks may exceed a seven (7) percent grade so long as the overall site meets the Americans with Disabilities Act requirements for handicap accessibility.

#### APPLICANT RESPONSE STATEMENT – REQUEST #1:

1. Explain requested variance: This request pertains to sidewalks which will be constructed along Woodstock Parkway, Ridgewalk Parkway, and on-site roads and drives which will have slopes in excess of 7% due to the severity of grade changes which occur across the property. Notwithstanding select sidewalks being in excess of 7%, the overall site will be designed and constructed to satisfy the requirements of the Americans with Disabilities Act. Sidewalks around the buildings will not exceed 7%. In order to accommodate projected traffic, vehicular access drives will be constructed at multiple locations around the perimeter of the site. Drives potentially in excess of 7% will need to be constructed in some of these locations due to the overall grade change on the site. The applicant expects to build sidewalks along all of these entrance drives which would also exceed 7%. Sidewalks will also be constructed along Ridgewalk Parkway, where the existing grade exceeds 7%.
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: The property has sixty feet of grade change along its frontage on Ridgewalk Parkway, and generally has significant grade change from west to east between I-575 and the creek along the eastern boundary. These characteristics are unique to this site.
3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance: Applicant would be limited in its ability to provide pedestrian connections from the sidewalks in the right-of-way to the buildings to be constructed on the site.
4. How the special conditions and circumstances do not result from the actions of the applicant: The existing grade changes across the site do not result from 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: Applicant is not seeking any relief from complying with the Americans with Disabilities Act.

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: Applicant will still comply with the Americans with Disabilities Act and will not be affected by any other property.
7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure(s) or building(s): Applicant will still comply with the Americans with Disabilities Act.
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: Because the site will satisfy the requirements of the Americans with Disabilities Act and complement the City's Greenprints trail network, we have no knowledge how granting this variance would be detrimental to the public welfare.

#### **APPLICANT REQUEST #2:**

Chapter VII, Article VII, Section 7.767 allows no more or less than one parking space per 300 square feet of gross floor area for a shopping center. Applicant requests that this requirement be changed to no more than one parking space per 210 square feet, and no less than one parking space per 300 square feet.

#### **APPLICANT RESPONSE STATEMENT – REQUEST #2:**

1. Explain requested variance: Applicant is requesting an increase in the allowable number of parking spaces in order to accommodate the parking demands that this unique project is expected to generate.
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: The proposed project is a Factory Outlet Center. While this is considered a "shopping center" as it pertains to the code section referenced, the parking demand in a factory outlet center will be quite different from the parking demand of the more traditional shopping centers commonly found within the City. A Factory Outlet Center draws customers from a much larger geographic area than a typical shopping center which is more oriented to the nearby community. For example, Publix and Kroger operate 16 stores in Cherokee County alone, each drawing from a trade area of just a few miles. On the other hand, the nearest Factory Outlet Center to the proposed site is in Dawsonville, 35 miles away. This project is expected to draw customers from a trade area spanning from the City of Atlanta to far

North Georgia. With customers coming from further away, they tend to stay much longer once they arrive. As a result, parking spaces turn over at a much slower pace. Because of these trends, and based on experience in other outlet centers, outlet retailers include requirements in their leases for landlords to provide a minimum number of parking spaces on the site in order to facilitate traffic expected to be generated.

3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance: As discussed in 2. above, the ordinance provides a parking ratio for a broad category called “shopping centers” which does not take into consideration the unique characteristics that differentiate a factory outlet center from other types of shopping centers. The required parking ratio would therefore deprive us of the right to provide a number of parking spaces which is adequate and appropriate for the proposed use as a Factory Outlet Center without being penalized by the substantial additional expense that constructing excess spaces from pervious materials would cause.
4. How the special conditions and circumstances do not result from the actions of the applicant: The applicant has not taken any action which would cause the project to need or utilize any more parking than that which its customers will use while patronizing the project.
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: As stated above, the variance is requested in the spirit of allowing an adequate and appropriate number of parking spaces for a unique use which is not specifically addressed in the ordinance. We presume that the parking ratios for other types of uses also allow for an adequate and appropriate number of spaces for those uses.
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: The grounds presented for issuing the variance do not relate to any other properties.
7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure(s) or building(s): This variance will enable the Applicant to provide an adequate number of parking spaces for the project based on applicant’s experience with this product type in other markets.
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: If Applicant were to construct only the permitted number of spaces for a “shopping center” per the Ordinance, we believe that it would cause an significant overspill of parking from the site onto other properties and public

road sides, such that a failure to increase the allowed number of spaces would be negative to the neighborhood and surrounding properties, and detrimental to the public welfare.

### **APPLICANT REQUEST #3:**

Chapter VII, Article IX, Section 7.946, Paragraph 1 provides that impervious surface in the Technology Park Overlay Zoning District shall not exceed 70% of the total lot area. Applicant requests that this limit be increased to 80%, and be applied on an aggregate basis to the entire development rather than to each parcel individually within the development.

### **APPLICANT RESPONSE STATEMENT – REQUEST #3:**

1. Explain requested variance: Applicant is requesting that the allowable impervious surface be increased from 70% to 80% of the total lot area, in aggregate for the entire project in order to accommodate the proposed site plan.
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: Section 7.941 of Code outlines the Legislative Purpose of the Technology Park Overlay District. It states that the “Ordinance serves as a development standard for development of a mixed use office and technology park combined with commercial and residential uses” and “calls for a combination of light industrial, technology oriented commercial, office uses, and a mixture of Low, Medium, and High Density residential uses combined with Natural Preserve areas.” It further states that “the Technology Park Overlay district is oriented towards an exclusive office park environment ... with an emphasis towards corporate headquarters and campuses.” Despite this language which does not seem to contemplate large-scale retail, the proposed factory outlet center with restaurants meets the permitted use standards of the District, which allows both “eating and drinking establishments” and “retail stores – common merchandise.” Furthermore, this site has long been anticipated to be developed as a large-scale retail project, dating to previous development activity commenced by other, non-affiliated, entities over the past decade.

This project will therefore be a unique, yet permitted use within the District. However, certain standards which are appropriate for the vision outlined in the Legislative Purpose section are less appropriate for a large-scale retail development. For example, exclusive office parks typically feature expansive natural grounds as a visual amenity from the office buildings for the workforce. Large-scale retail projects, and outlet centers in particular, require expansive parking fields, and feature pedestrian-scaled landscaping and parking lot trees in lieu of large Natural Preserve areas.

3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance: Applicant is deprived of having access to a development

standard which contemplates the intended permitted use, which although unique to the district, is nevertheless a permitted use of the property.

4. How the special conditions and circumstances do not result from the actions of the applicant: Applicant's project meets the permitted use standards of the District, however, the development standard is reflective of a different type of use – office park and residential instead of large-scale retail.
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: Applicant is requesting that a variance be granted in recognition of the unique nature of this project, such that it would only provide relief to the specific use planned, and not general relief for all uses outlined in the Legislative Purpose.
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: This request is specific to the subject property and is not made in consideration of any factors outside the property boundary.
7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure(s) or building(s): Applicant has carefully calibrated the square footage of space that it will build towards the need to generate an appropriate critical mass of outlet retail to make the project successful. However, the Applicant has laid out the site such that the open space and pervious surfaces which are provided are heavily concentrated along the common boundary with the adjacent existing residential property.
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: As explained above, the outlet center is a permitted use within the zoning district, and the proposed increase in impervious surface is appropriate to this use, as opposed to the lower requirement which is more appropriate to business parks, which are addressed in the Legislative Purpose. Erosion control and storm water detention measures will ensure that this variance will not be injurious to the neighborhood, surrounding properties, or otherwise detrimental to the public welfare.

#### **APPLICANT REQUEST #4:**

Chapter VII, Article IX, Section 7.947, Paragraph 1(a) requires front yard landscape areas along Woodstock Parkway/Rope Mill Connector to be a minimum of forty (40) feet in depth; and Paragraph 1(b) contains requirements for planting trees in the aforementioned landscape strip. Applicant requests that this minimum depth referenced in Paragraph 1(a) be reduced to five (5) feet, and that Paragraph

1(b) be waived entirely, both contingent on installation of the alternate streetscape attached as Exhibit A.

**APPLICANT RESPONSE STATEMENT – REQUEST #4:**

1. Explain requested variance: Applicant proposes a reduction in the required landscape strip conditioned on installation of an alternate streetscape as shown on the attached Exhibit A. This would create a pedestrian-oriented corridor along the road, including trees and pedestrian-scale lighting within the right-of-way along with sidewalks and a 10' multi-use trail.
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: The required Streetscape Zone Standards are more appropriate to the office parks and residential uses set forth in the Legislative Purpose of the Technology Park Overlay District. The proposed alternative is more suitable to a large-scale retail project, while still achieving a pedestrian and vehicular corridor in keeping with the standards of the District.
3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance: Applicant is deprived of having access to a development standard which contemplates the intended permitted use, which although unique to the district, is nevertheless a permitted use of the property. The current standard is appropriate to a business park environment, while the proposed standard is appropriate to the proposed retail use, and creates a pedestrian-oriented corridor which will complement and be part of the City's Greenprints trails network.
4. How the special conditions and circumstances do not result from the actions of the applicant: Applicant's project meets the permitted use standards of the District, however, the development standard is reflective of a different type of use – office park and residential instead of large-scale retail.
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: Applicant is requesting that a variance be granted in recognition of the unique nature of this project, such that it would only provide relief to the specific use planned, and not general relief for all uses outlined in the Legislative Purpose.
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: The variance would provide for a vehicular and pedestrian corridor which other properties in the District would tie to when they are developed.

Those properties could do so without obtaining a variance, and the proposed standard will complement and be part of the City Greenprints trail network.

7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure(s) or building(s): The variance would be given with a condition that the alternate streetscape presented will be installed.
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: Because of the alternate streetscape which would be installed, a vehicular and pedestrian corridor will be established which will complement the neighborhood, be part of the Greenprints trail network, and provide safe access to the outlet center.

#### **APPLICANT REQUEST #5:**

Chapter VII, Article IX, Section 7.948 contains Architectural Standards for the Technology Park Overlay District. Applicant requests that this Section be waived in its entirety for the shopping center only, such that it would still apply to the individual outparcels. In lieu of these standards, Applicant will submit architectural renderings of the project for Council's approval as a condition to the Variance, with the stipulation that City Staff would have the ability to approve minor modifications to the elevations so long as the approved design intent is maintained.

#### **APPLICANT RESPONSE STATEMENT – REQUEST #5:**

1. Explain requested variance: The site plan for the project includes eight building areas laid out in a "racetrack" format. This is an industry standard in the outlet industry, and allows shoppers to park anywhere around the building and walk one loop around the common corridor, passing every shop, and ending up back where they parked. In this layout, the storefronts are oriented to the internal corridor and are generally not visible from the parking areas or public right-of-way. The perimeter of the building envelope includes both the pedestrian entries to the project as well as service court areas. Applicant's design will strike a balance between these elements with screening measures and enhanced exterior building treatments.

The Applicant intends to present a comprehensive architectural design which will establish the project as a first class outlet center. This design will comply with many, but not all, of the standards listed in this section. For example, it would vary from these standards on the following points:

- The design will not seek to present a "village appearance." The size of the building envelope does not lend itself to a village-scaled theme. Also, the mix of both service courts and pedestrian entrances around the perimeter calls for a design which screens and minimizes the service areas while drawing focus to the pedestrian entries with architectural enhancements.

- A couple of requirements outline limitations on windows. Because the windows will be internal to the building envelope and not visible from the parking areas and right-of-way, the Applicant requires some design flexibility.
  - There is a requirement for buildings to have 75% brick on non-glass areas. Because of the internal orientation of the storefronts and the size and scale of the building, such a high percentage of brick would tend to give the project a very monolithic appearance. Applicant's design will include brick as a design element, but will break this up with the use of other materials.
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: This project is unique to the district, both in the use as a factory outlet center, and in the scale of the building.
  3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance: A literal interpretation of the Ordinance would prevent the Applicant from producing a design which takes into consideration the unique character of the project, and could actually result in an inferior architectural product.
  4. How the special conditions and circumstances do not result from the actions of the applicant: The uniqueness of the project described in the special conditions and circumstances is inherent to a factory outlet center. Applicant is not requesting an elimination of all architectural standards, but rather that these unique characteristics be taken into consideration when applying architectural standards to the project such that the standards are appropriate to the project.
  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: Architectural standards will be based on the approved elevations, which will be appropriate to the nature of the project, which is unique to the 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: The architectural design will be complementary to the desired standards in the District, and no relief is sought based on any existing non-conforming structure.
  7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure(s) or building(s): The intent of the variance is not to allow for a lesser product. It is to provide for some design flexibility to produce a quality product, and will be submitted for Council's approval to ensure that this is achieved.

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: See response to question 7 above.

**APPLICANT REQUEST #6:**

Chapter IX, Article III, Section 9.300 requires 25 minimum Density Units per acre for developed sites of 5.0 acres or greater, 20 minimum Density Units per acre for developed sites between 1.0 and 5.0 acres, and 15 minimum Density units per acre for developed sites less than 1.0 acres. Applicant requests that these thresholds be changed to 12.5 minimum Density Units per acre for developed sites of 5.0 acres or greater, 20 minimum Density Units per acre for developed sites between 2.0 and 5.0 acres, and 15 minimum Density units per acre for developed sites less than 2.0 acres.

**APPLICANT RESPONSE STATEMENT – REQUEST #6:**

1. Explain requested variance: The variance would reduce the minimum Density Units required as it pertains to trees planted within the project. For the main shopping center parcel, the minimum required would be reduced from 25 to 12.5, and for each of the outparcels the minimum required would be reduced from 20 to 15.
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: The Applicant's landscaping plans will have extensive plantings of trees, with landscape islands throughout the parking areas, trees planted along the public roads, along internal roads, and in the open space between Woodstock Parkway and the adjacent stream. Because of the retail nature of the project, large open spaces are not inherent to the use. This limits the available areas for planting trees, such that Applicant can reasonably only achieve half of the required Density Units on the shopping center site.

On the outparcels, which are all planned to be less than 2 acres, applicant is seeking to establish a consistent standard across all of the outparcels which line the frontage roads, rather than have one standard for parcels one acre and less and another standard for the parcels between one and two acres. The outparcels are sized to conform to prototypical layouts for typical outparcel users.

3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance: A literal interpretation would require the applicant to scale back the size of the development, making the project unfeasible economically.
4. How the special conditions and circumstances do not result from the actions of the applicant: Applicant proposes to provide extensive tree plantings to the extent that the site plan for this

permitted use allows. Applicant is not seeking to eliminate parking lot islands or other planting areas from the plan.

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: Applicant is requesting that this variance be considered based on the merits of the case at hand, which are unique to this development and therefore not applicable to other properties 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: See question 5 above.
7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure(s) or building(s): Trees will be extensively planted throughout the site in available planting areas, in order to achieve the proposed Density Unit levels.
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 will not only provide tree plantings throughout the site, as trees are also proposed to be planted within the public right of way along both Woodstock and Ridgewalk Parkway.

#### **APPLICANT REQUEST #7:**

Chapter XVII, Article III requires a fifty (50) foot undisturbed natural vegetative Stream Buffer; as well as an additional twenty-five (25) foot Stream Setback beyond the undisturbed natural vegetative Stream Buffer, in which all impervious Cover shall be prohibited. Applicant requests that development activity be permitted within the fifty foot undisturbed buffer, limited to the areas shown on the attached Exhibit B as "Development Activity Permitted;" and that impervious surface be allowed to within the addition 25' setback, limited to the areas shown on the attached Exhibit B as "Impervious Allowed Areas." These area limitations shall not preclude activities which are exempt under the Stream Buffer Protection Ordinance.

#### **APPLICANT RESPONSE STATEMENT – REQUEST #7:**

1. Explain requested variance: The areas which the Applicant wishes to impact are very small. The City 50' undisturbed buffer is 3.09 acres (shown in blue (25' state buffer) and red on Exhibit B,) of which Applicant wishes to disturb 4 small areas which total less than 0.2 acres (shown in pink on Exhibit B.) It should be noted that these same areas were graded in 2007 prior to adoption of the City's Stream Buffer Protection Ordinance, so the proposed impacts are merely regrading

of areas that have been previously cleared and graded. About 100 lineal feet of public sidewalks and a retaining wall would also be installed in this area.

In the City's additional 25' impervious setback, which totals 1.3 acres (shown in purple on Exhibit B,) the applicant proposes less than 0.2 acres of impervious surface to accommodate the relocation of Woodstock Parkway and the installation of public sidewalks.

No impacts are proposed within the State of Georgia's 25' undisturbed buffer (red on Exhibit B) which overlays the City's 50' undisturbed buffer.

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: While the impacts proposed by the Applicant are small in scope it should be noted that additional pervious and undisturbed areas will be preserved outside of, but contiguous to, the City's natural and impervious buffers. There are 0.7 acres of additional pervious surface (green on Exhibit B) planned outside of the City's impervious setback. Out of this 0.7 acres, 0.6 acres is not planned be disturbed other than for the planting of trees , although these areas were previously graded by others prior to adoption of the stream buffer ordinance. These areas will provide a net increase in both undisturbed buffer and impervious setback.
3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance: The proposed impacts will accommodate the relocation of Woodstock Parkway, and there will be no private improvements within the impact areas.
4. How the special conditions and circumstances do not result from the actions of the applicant: The proposed impacts will accommodate the relocation of Woodstock Parkway, and there will be no private improvements within the impact areas.
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: The proposed impacts will accommodate the relocation of Woodstock Parkway, and there will be no private improvements within the impact areas.
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: The proposed impacts will accommodate the relocation of Woodstock Parkway, and there will be no private improvements within the impact areas.

7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure(s) or building(s): The development will result in a net increase in both undisturbed setback and impervious setback.
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: The impacts will be limited to areas which were previously graded just a few years ago, and will accommodate the relocation of Woodstock Parkway rather than private improvements. It will result in a net increase in both undisturbed setback and impervious setback.

#### **APPLICANT REQUEST #8:**

Chapter VI outlines the City's Sign Standards. Applicant requests that this Chapter be waived in its entirety. In lieu of these standards, Applicant will submit a Comprehensive Signage Package for City Council's approval as a condition to the Variance, with the stipulation that City Staff would have the ability to approve minor modifications to the signage so long as the approved design intent is maintained.

#### **APPLICANT RESPONSE STATEMENT – REQUEST #8:**

1. Explain requested variance: The unique nature of the project, including the size, number of tenants, site plan, marketing requirements, and orientation of the buildings gives rise to some incongruities between the product and the adopted standards. The Applicant intends to present a Comprehensive Signage Package which will be commensurate with a first class outlet center. This design will comply with many, but not all, of the existing standards. However, certain aspects of the package such as freestanding signs, and the use of tenant logos on signage, may vary from these standards. Applicant requests that the Council approve Applicant's Comprehensive Sign Package, which would then serve as the standards for the project.
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: This project is unique to the district, as well as to the city. The existing standards as written did not contemplate this use.
3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance: A literal interpretation of the Ordinance would prevent the Applicant from instituting a signage program which takes into consideration the unique character of the project, and which could be detrimental to the potential success of the project.

4. How the special conditions and circumstances do not result from the actions of the applicant:  
The uniqueness of the project is inherent to a characteristics found in a typical first class factory outlet center. Applicant is not requesting an elimination of all signage standards, but rather that these characteristics be taken into consideration such that the sign standards are appropriate for the intended use of the property.
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: Signage standards will be based on the approved Comprehensive Signage Package, which will be appropriate to the nature of the project, which is unique to the 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: The variance request is based on the characteristics of the project, and is independent of any use or non-use of any other properties.
7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure(s) or building(s): The intent of the variance is to provide for some design flexibility to commensurate with the intended use. The Comprehensive Signage Package will be submitted for Council's approval to ensure that this is achieved.
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: The Comprehensive Signage Package will be submitted for Council's approval to ensure that this is achieved.