

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: Waylon Hoge Phone: (678) 546-0446

Applicant's Information:

Name: McDonald's USA, LLC Vivian Valdivia / Greg Chapman
 Address: One Glenlake Parkway Suite 500 Phone: (770) 885-4159
 City, State, Zip: Atlanta GA 30328 Fax: (770) 885-4085

Property Owner's Information:

same as above

Name: Atlanta Outlet Outparcels, LLC
 Address: 5000 Hakes Drive, Suite 500 Phone: (231) 798-9235
 City, State, Zip: Muskegon, MI 49441 Fax: (231) 798-5100

Requested Public Hearing (check all that apply):

- Annexation Comprehensive Plan Amendment
 Rezoning Other:
 Variance

STAFF USE ONLY:	PUBLIC HEARING SCHEDULE:
Case: <u>V # 107-12</u>	Public Input Meeting: <u>January 2, 2013 Latest</u>
Received by: <u>PATTI HART</u>	Planning Commission: <u>February 7, 2013 @ 7PM</u>
Fee Paid: <u>\$ 700.00 CLK# 1514</u>	Board of Appeals: <u>N/A</u>
Date: <u>12.7.12</u>	City Council: <u>February 25, 2013 @ 7PM</u>
	Other: <u>January 9, 2013 @ 10:00AM</u>

Property Information:

Location: Highway 575 & Ridgewalk Parkway (Outlet Mall) Woodstock GA Outparcel 3

Parcel Identification Number(s) (PIN): 15N17-110F Total Acreage: 3.17

Existing Zoning of Property: LI Future Development Map Designation: LI

Adjacent Zonings: North LI South LI East LI West LI

Applicant's Request (Itemize the Proposal):

Variance to Variance V#101-11 Items:

- Item No. 1: 9I-1; Request to increase the maximum building setback line from 18.0' to 46.66' from the sidewalk.
- Item No. 2: 9I-2; Request to reduce the minimum building frontage cover from 60% to 37.9% along the build to line.
- Item No. 3: 9I-4; Request to reduce the minimum clear glazing facing the public street from 50% to 27.4%.
- Item No. 4: 9I-6; Request to allow parking along side with building frontage area of 37.9% while providing 52" high evergreen hedge to screen side parking from Ridgewalk Parkway.
- Item No. 5: Variance to Section 7.946(2) Request to increase the maximum impervious area from 70% to 72%.
- Item No. 6 Variance to Section 6.4.14(1) Request to increase the number of allowed drive thru menu boards from one to two.
- Item No. 7 Variance to Section 6.4.14(3) Request to increase the allowed menu board area of each menu board from 30 square feet to 43.9 square feet; and from height of 6' to 6'-9" as measured from the ground. All proposed menu boards to be internally illuminated.
- Item No. 8 Variance to Section 6.4.4 (b) Request to increase the allowed number of Freestanding signs from one to two.

Proposed Use(s) of Property:

McDonald's restaurant

Infrastructure Information:

Is water available to this site? Yes No Jurisdiction: Cherokee County Water and Sewer Authority

How is sewage from this site to be managed?
Gravity flow treated by Cherokee County Water and Sewer Authority

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? 2339 trips

Code	Land Use(s)	# of units	Daily Trip Ends	Number of Trips
210	Single Family Home/Townhome		9.57	
220	Apartment		6.63	
994	FAST FOOD RESTAURANTS WITH DRIVE THRU	4715 SF	496/1000 SF 2339	2339

* 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, , 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 4 day of DECEMBER, 2012.

Print Name VIVIAN VALDIVIA

APPLICANT RESPONSE STATEMENT

VARIANCES

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.

McDonald's USA, LLC

APPLICATION FOR PUBLIC HEARING – SUPPLEMENTAL MATERIALS

APPLICANT REQUEST #1:

Variance to Variance V#101-11 Item 9I-1

Request to increase the maximum building setback line from 18' to 46.66' from the sidewalk.

APPLICANT RESPONSE STATEMENT – REQUEST #1

1. Explain requested variance: This request pertains to the maximum distance the proposed building may be constructed from public sidewalk along Ridgewalk Parkway. The applicant is seeking a variance to increase the maximum setback to allow a wrap drive between the building and the public sidewalk to allow proper site circulation and queuing for a drive thru facility. In addition to improving site circulation, the appearance of the building will be improved by shifting the building away from the road due to the eight foot grade difference of Ridgewalk Parkway and Parcel 3 at its highest point. The building will appear to be in a depression if setback only 18 feet from the sidewalk due to the slopes along the Right of Way.
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 conditions previous placed on the property in variance case V#101-11 item 9I-1 are not applicable to other lands within the same district. 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: A literal interpretation of the variance would deprive the applicant the ability to effectively operate a restaurant with a drive-thru facility.
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 create special conditions and circumstances on 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: Granting the variance requested will not confer on the applicant any special privileges denied to other land owners, whereas there are similar business within the surrounding zoning.

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 this parcel only and does consider neighboring parcels in its request.

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 applicant has considered multiple layouts attempting to comply with the conditions of the property, and has determined the variance requested is the minimum necessary to allow the reasonable use of the land.

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 increase of the building setback if granted will be in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to surrounding properties.

McDonald's USA, LLC

APPLICATION FOR PUBLIC HEARING – SUPPLEMENTAL MATERIALS

APPLICANT REQUEST #2:

Variance to Variance V#101-11 Item 9I-2

Request to reduce the minimum building frontage cover from 60% to 37.9% along the build to line.

APPLICANT RESPONSE STATEMENT – REQUEST #2

1. Explain requested variance: This request pertains to the minimum building frontage cover along the build to line along Ridgewalk Parkway. The applicant is seeking a variance to decrease the minimum coverage to allow a wrap drive between the building and the public sidewalk to allow proper site circulation and queuing for a drive thru facility. The building has been oriented with the front facing Ridgewalk Parkway with a side indoor Play Place; this is the widest building that McDonald's builds.
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 conditions previous placed on the property in variance case V#101-11 item 9I-2 are not applicable to other lands within the same district. 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: A literal interpretation of the variance would deprive the applicant the ability to effectively operate a restaurant with a drive-thru facility.
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 create special conditions and circumstances on 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: Granting the variance requested will not confer on the applicant any special privileges denied to other land owners, whereas there are similar business within the surrounding zoning.

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 this parcel only and does consider neighboring parcels in its request.

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 applicant has considered multiple layouts attempting to comply with the conditions of the property, and has determined the variance requested is the minimum necessary to allow the reasonable use of the land.

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 decrease of the minimum building frontage cover from 60% to 37.9% along the build to line if granted will be in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to surrounding properties.

McDonald's USA, LLC

APPLICATION FOR PUBLIC HEARING – SUPPLEMENTAL MATERIALS

APPLICANT REQUEST #3:

Variance to Variance V#101-11 Item 9I-4

Request to reduce the minimum clear glazing facing the public street from 50% to 27.4%.

APPLICANT RESPONSE STATEMENT – REQUEST #3

1. Explain requested variance: This request pertains to the minimum clear glazing facing requirement along Ridgewalk Parkway. The applicant is seeking a variance to decrease the minimum area to allow the use of McDonald's architectural branding envelope.
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 conditions previous placed on the property in variance case V#101-11 item 9I-4 are not applicable to other lands within the same district. 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: A literal interpretation of the variance would deprive the applicant the ability to construct an energy efficient restaurant with architectural branding elements.
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 create special conditions and circumstances on 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: Granting the variance requested will not confer on the applicant any special privileges denied to other land owners, whereas there are similar business within the surrounding zoning.

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 this parcel only and does consider neighboring parcels in its request.

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 applicant has developed architectural standards that meet corporate branding and energy conservation requirements and has determined the variance requested is the minimum necessary to allow the reasonable construction of the building.

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 decrease of the minimum clear glazing facing the public street from 50% to 27.4% if granted will be in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to surrounding properties.

McDonald's USA, LLC

APPLICATION FOR PUBLIC HEARING – SUPPLEMENTAL MATERIALS

APPLICANT REQUEST #4:

Variance to Variance V#101-11 Item 9I-6

Request to allow parking along side with building frontage area of 37.9% while providing 52" high evergreen hedge to screen side parking from Ridgewalk Parkway.

APPLICANT RESPONSE STATEMENT – REQUEST #4

1. Explain requested variance: This request pertains to allow parking along side with building frontage area of 37.9% while providing 52" high evergreen hedge to screen side parking from Ridgewalk Parkway.
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 conditions previous placed on the property in variance case V#101-11 item 9I-6 are not applicable to other lands within the same district. 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: A literal interpretation of the variance would deprive the applicant the ability to effectively operate a restaurant with a drive-thru facility by not allowing adequate site circulation.
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 create special conditions and circumstances on 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: Granting the variance requested will not confer on the applicant any special privileges denied to other land owners, whereas there are similar business within the surrounding zoning.

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 this parcel only and does not consider neighboring parcels in its request.

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 applicant has considered multiple layouts attempting to comply with the variance conditions, and has determined the variance requested is the minimum necessary to allow the reasonable use of the land.

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 allowance of parking along the side and the screening of the parking from Ridgewalk Parkway if granted will be in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to surrounding properties.

McDonald's USA, LLC

APPLICATION FOR PUBLIC HEARING – SUPPLEMENTAL MATERIALS

APPLICANT REQUEST #5:

Variance to Section 7.946(2) of Woodstock Land Development Code

Request to increase the maximum impervious area from 70% to 72%

APPLICANT RESPONSE STATEMENT – REQUEST #5

1. Explain requested variance: This request pertains to the maximum impervious area within the Technology Park Overlay district seeking a variance to increase the maximum impervious area from 70% to 72% to allow the minimum parking necessary to effectively operate the restaurant.
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 lot configuration and site layout are unique to this tract and are not applicable to other lands within the same 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: A literal interpretation of the variance would deprive the applicant the ability to effectively construct a restaurant and appropriate drive-thru and parking facilities.
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 create special conditions and circumstances on 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: Granting the variance requested will not confer on the applicant any special privileges denied to other land owners, whereas there are similar business within the surrounding zoning.
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 this parcel only and does not consider neighboring parcels in its request.

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 applicant has considerable experience in operating a restaurant with a drive thru facility and has determined that the site layout and associated parking is the minimum necessary to allow the reasonable use of the land.

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 variance allowing an increase of 2% of impervious area if granted will be in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to surrounding properties.

McDonald's USA, LLC

APPLICATION FOR PUBLIC HEARING – SUPPLEMENTAL MATERIALS

APPLICANT REQUEST #6 & 7:

Variance to Section 6.4.14(1) and 6.4.14(3) of Woodstock Land Development Code

- (1) Request to increase the number of allowed drive thru menu boards from one to two.
- (3) Request to increase the allowed menu board area of each menu board from 30 square feet to 43.9 square feet; and from height of 6' to 6'-9" as measured from the ground. All proposed menu boards to be internally illuminated.

APPLICANT RESPONSE STATEMENT – REQUEST #6 & 7

1. Explain requested variance: This request pertains to the maximum number and size of drive thru Menu Boards seeking a variance to increase the number of signs from one to two and the area from 30 to 43.9 square feet at a height of 6'-9" to optimize the drive thru by providing two customer lanes.
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 lot configuration and location of access points to the rear of the site create a site layout condition that is not applicable to other lands within the same district. 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: A literal interpretation of the variance would deprive the applicant the ability to effectively operate a restaurant with a drive-thru facility with two drive thru lanes.
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 create special conditions and circumstances on 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: Granting the variance requested will not confer on the applicant any special privileges denied to other land owners, whereas there are similar business within the surrounding zoning.
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 this parcel only and does consider neighboring parcels in its request.

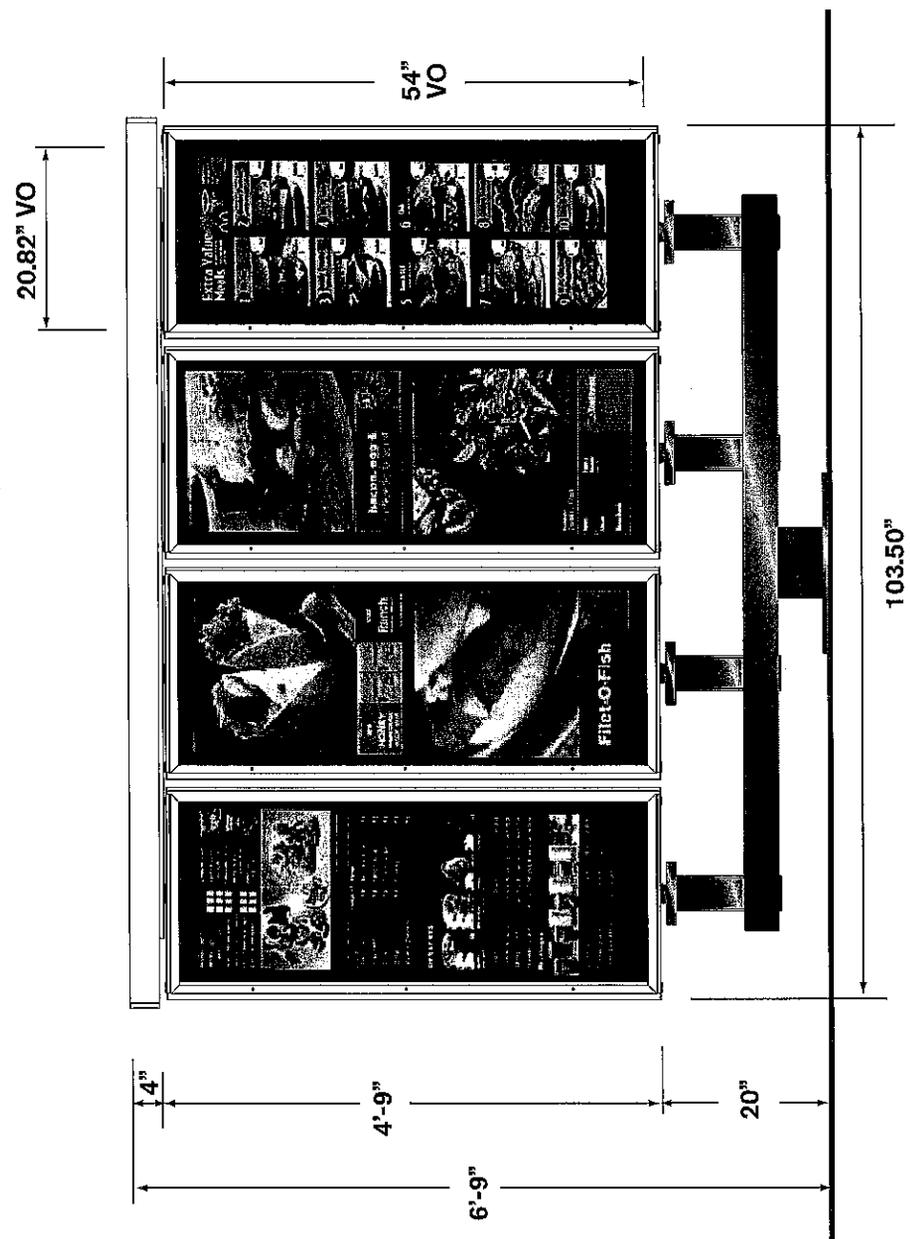
7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure(s) or building(s): The applicant has considerable experience in operating a restaurant with a drive thru facility and has determined that dual order points of the requested size are the most efficient operationally. The variance requested is the minimum necessary to allow the reasonable operation of the drive thru.

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 variance allowing two menu boards of 43.9 square feet if granted will be in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to surrounding properties.



OPO Outdoor Menu Board

- Illumination:** LED
- Electrical:** First Circuit: 120/1/60, 15 amp
 Second Circuit: 120/1/60, 15 amp
- Ship Weight:** 1,313 lbs.
- Other:**
- Please call IMS for graphics, 800-937-7671
 - Triangular design for increased graphic options
 - Available in an manual or automated version. Automated version must be ordered directly from Florida Plastics.



McDonald's USA, LLC

APPLICATION FOR PUBLIC HEARING – SUPPLEMENTAL MATERIALS

APPLICANT REQUEST #8:

Variance to Section 6.4.4 (b)

Request to increase the allowed number of freestanding signs from one to two.

APPLICANT RESPONSE STATEMENT – REQUEST #8

1. Explain requested variance: This request pertains to the maximum number of free standing signs allowed per parcel. The applicant is seeking a variance to allow a total of two free standing signs on Parcel 3; one free standing sign for McDonald's and one free standing sign for *The Outlet Shops at Atlanta*.
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: Parcel 3 (McDonald's proposed parcel) is located at the corner of the main entrance of *The Outlet Shops at Atlanta* and is the ideal location for the center's sign. The location of the parcel in relationship to overall shopping center makes it unique to the surrounding properties.
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 variance would deprive the applicant the ability to construct a monument sign for advertisement which is commonly enjoyed by other properties within the same district.
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 create special conditions and circumstances on 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: Granting the variance requested will not confer on the applicant any special privileges denied to other land owners.

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 this parcel only and does consider neighboring parcels in its request.
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 applicant is requesting 1 sign per entity which reasonable and consistent with surround uses.
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 variance allowing 1 sign per business entity will be in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to development.