

APPLICANT RESPONSE STATEMENT

Variance Request #1

We are requesting relief from the restriction, which only allows two restaurants with a drive-thru on two of the first three outparcels.

Code Reference

Additional Development Criteria approved by The City of Woodstock, City Council December 12, 2011 - V#101-11, Item 9K

Response to Variance Criteria

1. The applicant is requesting relief from the restriction, which only allows two restaurants with a drive-thru on two of the first three outparcels. More specifically, the applicant requests that a Panda Express Restaurant with a drive-thru be allowed on Outparcel #5.
2. There are currently six outparcels located along the frontage of Ridgewalk Parkway. There are only three outparcels remaining for development. Outparcels #1 and #3 are already committed to being fast food uses with a drive-thru, Outparcel #6 is already committed as a retail use, and Outparcel #2 is deed restricted from being a restaurant with a drive-thru. It is the applicant's understanding that the restriction on more than two drive-thrus on the outparcels is to prevent the impression of an aesthetically unpleasant "row" of drive-thrus along Ridgewalk Parkway. This parcel is unique in the fact it is the furthest away from the other two drive-thru uses and will not create this "row" effect. Furthermore, this parcel is setback off Ridgewalk Parkway due to a large slope and unlike the remaining parcels (#2 and #4) is less visible from Ridgewalk Parkway.
3. The literal interpretation of this restriction on this outparcel will deprive the applicant the right to conduct their business as necessary to be successful. The other two restaurants with drive-thrus (Outparcels #1 and #3) are able to conduct their businesses in a normal manner and will not be impeded by lost volume and revenue, as this parcel would without the use of a drive-thru.
4. The drive-thru restriction on this parcel is an existing condition that encumbers the parcel. 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, since two other outparcels will have drive-thrus and the remaining outparcel has the right to apply for a variance to allow a drive-thru.
6. This request is unique to this and the other two remaining outparcels for this development. We are not aware of any other parcels with this unique

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circumstance. The granting of this variance will not allow for the expansion of any other non-conforming use.

7. The requested drive-thru will be hidden from the view of Ridgewalk Parkway by the proposed building and will not create the impression of an aesthetically unpleasant "row" of drive-thrus along Ridgewalk Parkway. This location of the drive-thru will provide a balance between the intent of the outparcels as foreseen by the City of Woodstock and the applicant's necessity for a drive-thru in the most reasonable manner possible.
8. If the variance is granted, the outparcel will still be in harmony with the zoning ordinance and the other proposed uses in the development. The allowance of the drive-thru will not cause any detriment to the community and will only help to ensure that Panda Express will be able to provide the best product and service to the surrounding community.

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Variance Request #2

We are requesting relief from the restriction, which requires all buildings to be built along a build-to line, measured no more than 18 feet from the back edge of sidewalk.

Code Reference

Additional Development Criteria approved by The City of Woodstock, City Council December 12, 2011 - V#101-11, Item 9L (Condition #1)

Response to Variance Criteria

1. The applicant is requesting relief from the restriction, which requires the building to be built to a build-to line, measured no more than 18 feet from the back edge of sidewalk. We are requesting that the build-to line for this parcel be modified to be between 50' and 60' from the back edge of the Ridgewalk Parkway sidewalk.
2. The subject outparcel will have a finished graded elevation of approximately 977, which is approximately 16' – 20' above Ridgewalk Parkway in the area where the proposed building will be located. The top of the slope above Ridgewalk Parkway lies approximately 48' as measured horizontally from the back of the proposed Ridgewalk Parkway sidewalk.
3. The literal interpretation of this restriction on this outparcel would require a large retaining wall (average height of approximately 18' and approximately 200 linear feet in length) to be built along Ridgewalk Parkway. This wall would be a physical and financial burden imposed on the applicant that is not imposed on any of the other outparcels, except for Outparcel #6, which was already granted a variance for the same hardship.
4. The build-to line is an existing condition that encumbers the parcel. 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 only allows Panda Express to function as any other restaurant with drive-thru in the area and remain competitive in the market. Furthermore, the applicant will still meet the intent of the build-to line and does not propose any driveway or parking between the building and Ridgewalk Parkway.
6. This request is unique to this and Outparcel #6 for this development. We are not aware of any other parcels with this unique circumstance. The granting of this variance will not allow for the expansion of any other non-conforming use.
7. The requested distance modification of the build-to line is the minimum necessary to prevent the construction of the large retaining wall and its

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associated physical and financial burden. The applicant is not proposing any deviation from the intent of the build-to line and is merely trying to remain competitive in the marketplace and serve the community.

8. If the variance is granted, the outparcel will remain in harmony with the zoning ordinance and the other proposed uses in the development. The modification of the build-to line will not cause any detriment to the community and will only help to ensure that Panda Express will be a stable part of the community.

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Variance Request #3

We are requesting relief from the restriction, which requires all buildings to be built to cover a minimum of 60% of the frontage along the entire width of the parcel as measured from the build-to line.

Code Reference

Additional Development Criteria approved by The City of Woodstock, City Council December 12, 2011 - V#101-11, Item 9L (Condition #2)

Response to Variance Criteria

1. The applicant is requesting relief from the restriction, which requires all buildings be built to cover a minimum of 60% of the frontage along the entire width of the parcel as measured from the build-to line. We are requesting that the 60% requirement be reduced to 28% of the frontage along the entire width of the parcel as measured along the Ridgewalk Parkway Right-of-Way.
2. The subject outparcel has approximately 242 feet of frontage along Ridgewalk Parkway. The proposed building (which is the largest Panda Express prototype) is 68 feet long. Therefore, in order to meet the requirement on this outparcel, a building of 145 feet in length would be needed. In fact, of all the available and feasible outparcels (Outparcel #2 is not feasible because of a deed restriction on restaurants with drive-thrus), Outparcel #5 will impact the frontage requirement the least.
3. The literal interpretation of this restriction on this outparcel would require a building of 145 feet in length or purchasing a smaller outparcel. It is not feasible for Panda Express to build a building that large and the only other available outparcel, that is not deed restricted from being a restaurant with a drive-thru, is Outparcel #4. Outparcel #4 is larger and has approximately 16 feet more frontage than that of Outparcel #5.
4. The frontage requirement is an existing condition that encumbers the parcel. This condition was not created or caused by actions of the applicant. In fact, when Item 9L was adopted in December of 2011, there were 8 outparcels proposed for the same overall length of frontage. When the number of outparcels were reduced from 8 to 6 (not by the applicant) then the frontage for the outparcels increased, which makes the 60% frontage requirement more difficult to obtain.
5. Granting of this variance will not confer any special privileges to the applicant. It only allows Panda Express to function as any other restaurant with drive-thru in the area and remain competitive in the market.

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6. This request is unique to this outparcel due to its size and the length of the proposed building. We are not aware of any other parcels with this unique circumstance. The granting of this variance will not allow for the expansion of any other non-conforming use.
7. The requested modification of the frontage requirement is the minimum necessary. The applicant is proposing the largest building feasible, which in turn makes the percentage of occupied frontage the greatest for this parcel.
8. If the variance is granted, the outparcel will remain in harmony with the zoning ordinance and the other proposed uses in the development. The modification of the frontage requirement will not cause any detriment to the community.

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Variance Request #4

We are requesting relief from the restriction that requires all buildings to have a minimum of 1 functional entry facing the public street.

Code Reference

Additional Development Criteria approved by The City of Woodstock, City Council December 12, 2011 - V#101-11, Item 9L (Condition #5)

Response to Variance Criteria

1. The applicant is requesting relief from the restriction that requires all buildings to have a minimum of 1 functional entry facing the public street. The applicant requests that this requirement be waived.
2. The subject outparcel will have a finished graded elevation of approximately 977, which is approximately 16' – 20' above Ridgewalk Parkway in the area where the proposed building will be located. The top of the slope above Ridgewalk Parkway lies approximately 48' as measured horizontally from the back of the proposed Ridgewalk Parkway sidewalk. Due to this elevation difference and topography, pedestrian access is not feasible from Ridgewalk Parkway. Since access from Ridgewalk Parkway is not feasible, providing a public entryway into the building that faces Ridgewalk Parkway is, also, not feasible. It will confuse patrons trying to access the building from the parking lot.
3. The literal interpretation of this requirement on this outparcel would require the installation of a series of switchback ramps that will be extremely expensive, difficult to navigate, and an eyesore. It would also make it more difficult and confusing for patrons to enter the building.
4. The public entryway requirement is an existing condition that encumbers the parcel. 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. The main patron access into the building will be from the parking lot, just as it is for any of the other outparcels in the development.
6. This request is unique to this and Outparcel #6 for this development. We are not aware of any other parcels with this unique circumstance. The granting of this variance will not allow for the expansion of any other non-conforming use.
7. Given the topography constraints, the requested waiver for the pedestrian entry requirement provides the most reasonable solution for pedestrian access to the building.
8. If the variance is granted, the outparcel will remain in harmony with the zoning ordinance and the other proposed uses in the development. The

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waiver of the pedestrian entry requirement will not cause any detriment to the community and will only help to ensure the safety of the patrons visiting the restaurant.

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Variance Request #5

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

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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.