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*Penny St. Louis - Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

September 15, 2011

Apple New England LLC
c/o Elisabeth Woare
Davis Wright Tremain, LLP
1201 Third Avenue, Suite 2200
Seattle, WA 98101

RE: Applebee's Restaurant, 1032 Brighton Avenue - #263A-A-005 – B-2 Zone

Ladies and Gentlemen:

This letter will confirm that the above-captioned property is zoned as a B-2 business zone under the applicable provisions of the City of Portland Land Use Zoning Ordinance and that the permitted uses thereof include a restaurant with the service of alcoholic beverages by the drink for on-site consumption. I advise, however, that no alcoholic beverages may be served unless you obtain a liquor license and comply with the State of Maine and City of Portland liquor statutes.

To the best of my knowledge, there are no present violations of the Zoning Ordinance with respect to the property and the property conforms to all requirements of the Land Use Zoning Ordinance, including without limitation, the parking requirements.

I am unaware of any pending applications for rezoning, special exemptions or variances in connection with the property or any pending hearings, cases, appeals or other proceedings which could affect the zoning classification of the property or the conformance of the property to applicable zoning law, ordinances or regulations.

Very truly yours,

Marge Schmuckal
Zoning Administrator



Davis Wright
Tremain LLP

Suite 2200
1201 Third Avenue
Seattle, WA 98101-3045

Carmela Sanders
206-757-8756 tel
206-757-7700 fax

carmelasanders

August 31, 2011

Marge Schmuckal
Zoning Administrator
City of Portland
Planning & Urban Development Department
389 Congress Street, Room #308
Portland, ME 04101

Re: Applebee's Restaurant, 1072 Brighton Avenue, Portland, ME

Dear Marge:

As requested, enclosed is a check in the amount of \$150.00 made payable to the City of Portland for the zoning compliance letter for Applebee's Restaurant located in your city. Also enclosed is a copy of our request and the form of letter we wish to have.

If you have any questions, please let us know. Thank you for your assistance.

Very truly yours,

Davis Wright Tremain LLP

A handwritten signature in blue ink that reads "Carmela Sanders".

Carmela Sanders

Enclosures

DWT 18133607v1 0055685-000038



Marge Schmuckal - RE: Applebee's Restaurant - Portland, ME

From: "Sanders, Carmela" <CarmelaSanders@dwt.com>
To: Marge Schmuckal <MES@portlandmaine.gov>
Date: 8/30/2011 8:12 PM
Subject: RE: Applebee's Restaurant - Portland, ME
CC: "Huffman, Megan" <meganhuffman@dwt.com>

check came in
9/6/11

Thank you. We will mail you a check in the requested amount.

Carmela

Carmela Sanders | Davis Wright Tremaine LLP

Paralegal

1201 Third Avenue, Suite 2200 | Seattle, WA 98101

Tel: (206) 757-8756 | Fax: (206) 757-7700

Email: carmelasanders@dwt.com | Website: www.dwt.com

Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | **Seattle** | Shanghai | Washington, D.C.

From: Marge Schmuckal [mailto:MES@portlandmaine.gov]

Sent: Tuesday, August 30, 2011 12:51 PM

To: Sanders, Carmela

Subject: Applebee's Restaurant - Portland, ME

Dear Carmela Sanders,

I am in receipt of a request sent to Penny St. Louis, the Director of Planning and Urban Development. The request is for a determination/zoning verification letter. There is a process for such a request. Section 14-465 of the Land Use Zoning Ordinance establishes the fee at \$150 for this request.

All checks shall be made out to the City of Portland, Maine. I already have a copy of a sample letter that you have attached to your original request the Penny St. Louis. Normally, after we receive the required fee, a returned response normally takes 10 working days.

If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Marge Schmuckal
Zoning Administrator



RECEIVED

AUG 12 2011

PLANNING DEPARTMENT

Suite 2200
1201 Third Avenue
Seattle, WA 98101-3045

Carmela Sanders
206.757.8756 tel
206.757.7700 fax

carmelasanders@dwt.com

*Marge
Please
address pl
8/30/11*

August 5, 2011

Penny St. Louis, Director
Planning and Urban Development Department
389 Congress St., Room 308
Portland, Maine 04101

Re: Applebee's Restaurant, 1072 Brighton Avenue, Portland, ME

Ladies and Gentlemen:

We are writing to request a zoning verification letter on behalf of our client, Apple New England LLC, with respect to certain property located at 1072 Brighton Avenue, Portland, ME, which is being purchased for use as an Applebee's restaurant.

We attach a sample zoning letter for your review and would appreciate it if you would send me a copy of the signed letter (retyped on your letterhead) by fax (206-757-7700) or email, carmelasanders@dwt.com as soon as it is ready. Please send the original by regular mail to me at Davis Wright Tremaine LLP, 1201 Third Avenue, Suite 2200, Seattle, WA 98101. If you have any questions, please call me at 206 757-8756. We appreciate your assistance and attention to this matter. Thank you.

Very truly yours,

Davis Wright Tremaine LLP

Carmela Sanders (M.H.)

Carmela Sanders
Paralegal

Enclosure

cc: Elisabeth Woare

AUG 30 2011

DWT 17854233v1 0055685-000038

Store Number 6735
Store Name PORTLAND

Anchorage
Bellevue
Los Angeles

New York
Portland
San Francisco

Seattle
Shanghai
Washington, D.C.

www.dwt.com

August 5, 2011

Page 2

Date: _____

Apple New England LLC
c/o Elisabeth Woare
Davis Wright Tremaine LLP
1201 Third Avenue, Suite 2200
Seattle, WA 98101

Re: Appiebee's Restaurant, 1072 Brighton Avenue, Portland, ME

Ladies and Gentlemen:

This letter will confirm that the above-captioned property is zoned as a ____ district under the applicable provisions of the City of _____ Zoning Ordinance and that the permitted uses thereof include a restaurant with the service of alcoholic beverages by the drink for on-site consumption. We advise, however, that no alcoholic beverages may be served unless you obtain a liquor license and comply with State of _____ liquor statutes.

There are no present violations of the Zoning Ordinance with respect to the property and the property conforms to all requirements of the Zoning Ordinance, including without limitation, the parking requirements.

We are unaware of any pending applications for rezoning, special exemptions or variances in connection with the property or any pending hearings, cases, appeals or other proceedings which could affect the zoning classification of the property or the conformance of the property to applicable zoning law, ordinances or regulations.

Very truly yours,

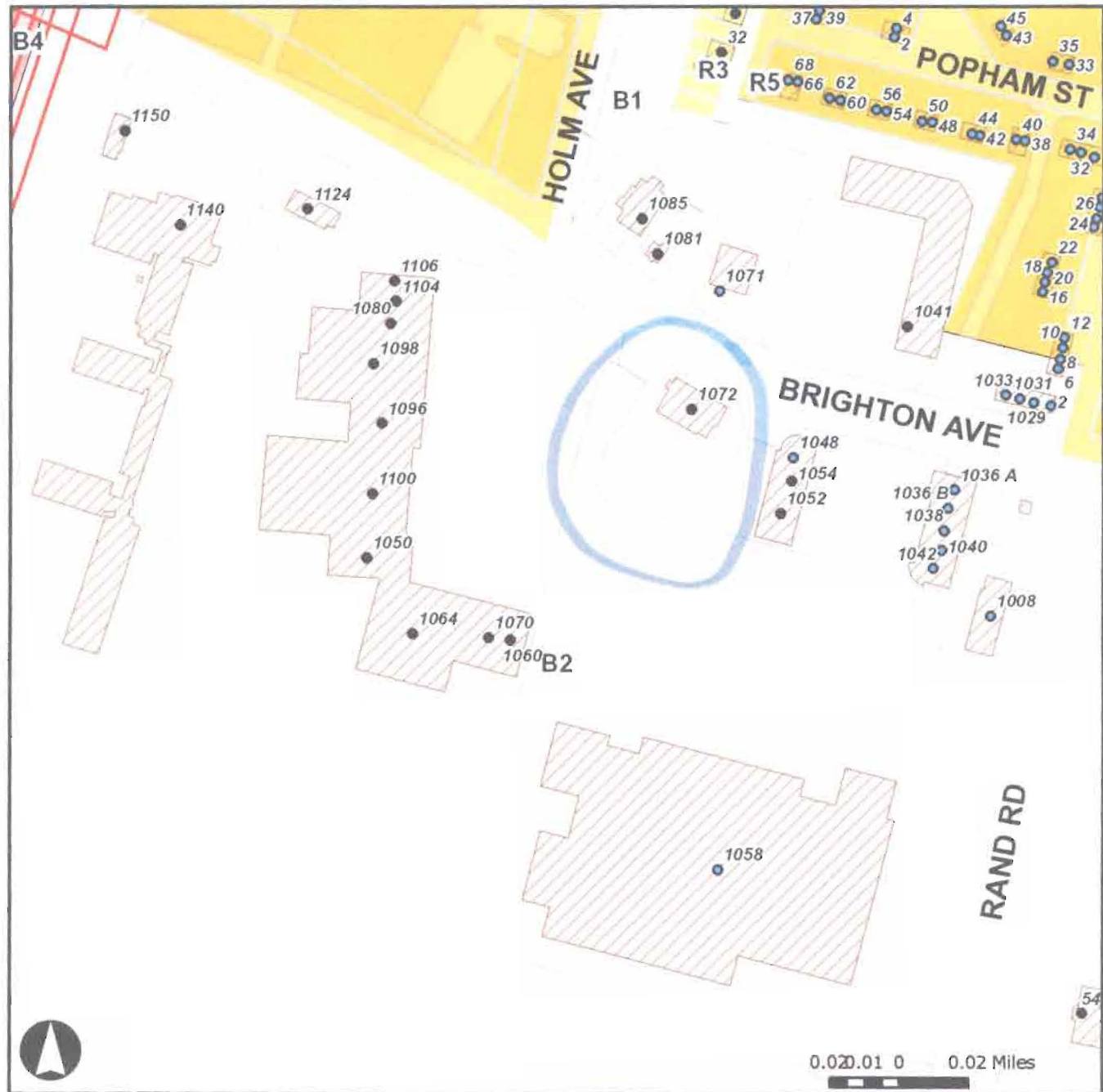
By: _____

Name: _____

Title: _____

263A-A-5

Map



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This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

Applications

Using Resources

Maps

Tax Bill

Tax Bill

Q & A

Portland City Projects & C

Portland Taxpayers Guide & A

CBL 263A A005002
Land Use Type RETAIL & PERSONAL SERVICE
Property Location 1064 BRIGHTON AVE
Owner Information APPLEBEES NORTHEAST INC
 PO BOX 816368
 DALLAS TX 75381

Book and Page
Legal Description 263-A-A-5-8
 BRIGHTON AVE 1064
 UNIT 2
 BLDG ON LEASED LAND
Acres 0

Current Assessed Valuation:

TAX ACCT NO.	49406	OWNER OF RECORD AS OF APRIL 2011
		APPLEBEES NORTHEAST INC
LAND VALUE	\$0.00	
BUILDING VALUE	\$835,310.00	PO BOX 816368
		DALLAS TX 75381
NET TAXABLE - REAL ESTATE	\$835,310.00	
TAX AMOUNT	\$15,269.48	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.



Building Information:

Card 1 of 1
Year Built 1998
Style/Structure Type FAST FOOD
Units 1
Building Num/Name 1 - APPLEBEES
Square Feet 5372

[View Sketch](#)

[View Map](#)

[View Picture](#)



Exterior/Interior Information:

Card 1
Levels 01/01
Size 5372
Use FAST FOOD
Height 13
Walls BRICK/STONE
Heating HEAT PUMP
A/C CENTRAL

Outbuildings/Yard Improvements:

Card 1
Year Built 1998
Structure ASPHALT PARKING
Size 30000
Units 1
Grade C
Condition 3

[New Search!](#)



PORTLAND MAINE

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Receipts Details:

Tender Information: Check , BusinessName: Davis Wright Tremaine LLP, Check Number: 160984

Tender Amount: 150.00

Receipt Header:

Cashier Id: Idobson

Receipt Date: 9/6/2011

Receipt Number: 6352

Receipt Details:

Reference ID:	221	Fee Type:	BP-DP
Receipt Number:	0	Payment Date:	
Transaction Amount:	150.00	Charge Amount:	150.00
Job ID: Miscellaneous charges			
Additional Comments:			

Thank You for your Payment!

City of Portland, Maine – Building or Use Permit Application 389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716

Location of Construction: 1032 Brighton Ave		Owner: Lane, John		Phone:		Permit No: 981120	
Owner Address: P.O. Box 942 So. Easton, MA 02375		Lessee/Buyer's Name: APPLEBEES Northeast Inc.		Phone: 4551 W. 107th St Suite 100		Business Name:	
Contractor Name: Not Awarded Yet		Address: Overland Park, KS 66207		Phone: 913-967-4000		Permit Issued: SEP 30 1998 CITY OF PORTLAND	
Past Use: None		Proposed Use: Restaurant		COST OF WORK: \$ 650,000.00		PERMIT FEE: \$ 3,270.00	
				FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: Type:	
				Signature: <i>[Signature]</i>		Signature:	
Proposed Project Description: 4997 Sq Ft Restaurant which seats 198 people. Building construction is slab on grade, wood frame building w/brick veneer exterior and wood structural panel roof deck. Construction classification is 5B				PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: Approved <input type="checkbox"/> Approved with Conditions: <input type="checkbox"/> Denied <input type="checkbox"/> Signature: Date:			
Permit Taken By: Via Mail		Date Applied For: 14 July 1998					

1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal rules.
2. Building permits do not include plumbing, septic or electrical work.
3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

**PERMIT ISSUED
WITH REQUIREMENTS**

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit

SIGNATURE OF APPLICANT ADDRESS: DATE: *28 Sept 98* PHONE:

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE PHONE:

White-Permit Desk Green-Assessor's Canary-D.P.W. Pink-Public File Ivory Card-Inspector

Zoning Appeal

- ☐ Variance
- ☐ Miscellaneous
- ☐ Conditional Use
- ☐ Interpretation
- ☐ Approved
- ☐ Denied

Historic Preservation

- ☐ Not in District or Landmark
- ☒ Does Not Require Review
- ☐ Requires Review

Action:

- ☐ Approved
- ☐ Approved with Conditions
- ☐ Denied

Date: *[Signature]*

CEO DISTRICT

[Signature]



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 1032 Brighton Ave 263A-A-001

Issued to Lane, John

Date of Issue 28 December 1998

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. 981120, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Entire

APPROVED OCCUPANCY

Restaurant - Applebees

Type: 1-E

Use Group - A3 ZCCA 96

Limiting Conditions: TEMPORARY: Jun 15, 1999

1. All the landscaping has not been completed. This work must be completed by June 15, 1999.
2. A "keep right" sign at the existing easterly entrance and all the handicap signs within the Pine Tree Shopping have not been fully installed; the posts are installed but the signs are missing. These signs must be installed by the end of December.

This certificate supersedes
certificate issued

Approved:

(Date)

Inspector

Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.