

Memorandum

To: Planning Commission Members
From: Development Department
CC: Honorable Members of City Council, Clerk of Council, City Departments
Date: June 22, 2009
Re: Staff Report for True2Form Collision Repair Centers- Special Use Permit (Automotive Service / Repair)

Item #2 – True2Form Collision Repair Centers – Special Use Permit (Automotive Service / Repair) (PID#200903090008)

Application: Special Use Permit (Automotive Service / Repair)
Location: **3965 Brookham Drive**
Applicant: Robert Meyer, Porter Wright Morris & Arthur LLP
Zoning: IND-2 (Heavy Industrial)
Use: Automotive Service / Repair

Relevant Code Section(s):

- 1135.09(b)(12) Special Use Permits

Project Summary:

The applicant is requesting a special use permit to operate an automobile collision repair shop located at 3965 Brookham Drive. Their services will include performing post-accident auto-body and refinishing work, and will not engage in customization, restoration, or vehicle maintenance such as oil changes or tire services. The applicant anticipates approximately thirty customer vehicles will be on property at any given time, with up to fifteen being able to be inside the building for repair. Vehicles stored outside of the structure will be stored within a fenced area extending from the southwest side of the building, covering a portion of the existing parking lot area. Hours of operation will be Monday through Friday from 8am to 6pm and Saturday from 9am to noon.

Review of Standards and Requirements:

Per Section 1135.09, the Planning Commission is responsible for reviewing Special Use Permit requests and recommending approval, approval with modifications or denial to City Council based on findings of compliance with the standards and requirements of this Code (*see relevant code sections*) and subject to the conditions established by the Planning Commission to ensure compliance with the letter and intent of this Code. The following is the Development Department's evaluation based on code standards and requirements.

1. *The proposed use shall be in harmony with the existing or intended character of the district and nearby affected districts and shall not change the essential character of the districts;*

Standard is Met: It is staff's opinion the proposed use is similar in nature with the surrounding uses and therefore considers it to be consistent with the intended character of the district. Similar to the Mid-Ohio Food Bank, another recent redevelopment in the area, True2Form has proposed several exterior improvements to the exterior façade of their facility as well as landscaping which further promotes its harmony with the existing character of the area. It should be noted that while this application pertains to the "use" of the property it is staff's opinion that the exterior appearance of the structure is an integral part to the intended character of the district. Therefore, in order to formalize the illustrated exterior improvements with this Special Use Permit request, staff recommends a stipulation be placed on any approval requiring the applicant to obtain a Certificate of Appropriateness (COA) from the Building Division.

2. *The proposed use shall not adversely affect the use of adjacent property;*

Standard is Met: Operations will be conducted inside the building to minimize the affect on adjacent properties and will not generally be audible outside the facility, according to submitted application materials. In addition, vehicles stored outside will be kept within a "board on board" fenced area constructed of six (6) foot cedar slats. Landscaping will also be provided between the fence and Marlane Drive to provide further screening.

3. *The proposed use shall not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood;*

Standard is Met: It is staff's opinion that the proposed use is consistent with surrounding business and therefore will not adversely affect persons working in the area. According to the applicant, in its ten year history, True2Form has never been cited by the EPA or any state equivalent for any environmental violation resulting from True2Form's operation of its facilities. Submitted materials state that True2Form will remove any by-products of its operation via a nationally recognized hauler of hazardous waste (Safety-Kleen).

4. *The proposed use shall be served adequately by public facilities and services such as, but not limited to, roads, police and fire protection, storm water facilities, water, sanitary sewer, and school;*

Standard is Met: The site is currently serviced by adequate public facilities and services.

5. *The proposed use shall not impose a traffic impact upon the public right-of-way significantly different from that anticipated from permitted uses of the district;*

Standard is Met: The proposed use will not impose a heavier traffic impact upon the public right-of-way than was generated by the previous use.

6. *The proposed use shall be in accord with the general and specific objectives, and the purpose and intent of this Zoning Code and the Land Use Plan and any other plans and ordinances of the City;*

Standard is Met: The use is in accordance with the intent of all applicable code requirements and ordinances of the City.

7. *The proposed use complies with the applicable specific provisions and standards of this Code;*

Standard is Met: The use is in accordance with the intent of all applicable code requirements.

8. *The proposed use shall be found to meet the definition and intent of a use specifically listed as a special use in the district in which it is proposed to be located;*

Standard is Met: The site is zoned IND-2, in which automobile and other vehicle repair, services and garages are permitted by special use permit.

9. *A completed application indicating the Specific Special Use permit activity intended by the applicant shall be submitted to the Department of Development by the Council approved submittal dates;*

Standard is Met: Applicant properly submitted completed application.

10. *Parking or employee vehicles, vehicles used in the operation of the business, vehicles awaiting servicing or return to customers after servicing, and vehicles held for disposal shall only be permitted in the locations on the site plan;*

Standard is Met: Approximately thirty vehicles can be housed on property at any given time. Of the thirty cars, the applicant expects fifteen to be inside the building to be repaired. The remaining vehicles not being repaired will be stored outside within the fenced area. A total of twenty-four (24) spaces are proposed within the fenced-in area. According to the applicant, vehicles that are deemed total losses will only be held on site for two to five business days after determined as such.

11. *Vehicle sales, rentals, or leasing shall not be permitted on the site unless specifically approved;*

Standard is Met: The applicant has not proposed any selling, renting, or leasing of vehicles on the site.

12. *Outdoor repair, preparation, cleaning, assembly, disassembly, of vehicles shall not be permitted unless the nature and location of such activity is specifically identified in the application and approved by the Board. Retail sales of products other than vehicular fuels shall be permitted only within an enclosed area structure, which shall comply with all provisions of the district, including requirements for parking. Outdoor display, storage, or sale of good shall not be permitted on the site unless specifically approved as a condition of the Special Use Permit and in conformance with the supplementary standard for outdoor display, storage, and sale, temporary outdoor storage of discarded materials, vehicle parts, scrap and other waste prior to collection shall only be permitted within a storage area completely surrounded by a gated masonry wall six (6)feet in height or other screening approved by the Planning Commission. Such screening shall be set back from residential districts at least six (6) feet and landscaped according to the approved site plan;*

Standards are Met: All repairs will be done inside the building, with no retail sales of products conducted on site. Vehicles will only be stored outside within the fenced area. As illustrated on the site plan there is to be a dumpster located within the fenced area and therefore is considered to be in compliance with Code requirements. In addition, application materials state that no new materials, supplies or parts would be stored outside of the building.

13. *Air compressor pumps and other outdoor equipment shall be identified on the site plan and shall be located in a manner which minimizes noise impacts on residential areas.*

Standard is Met: All repairs will be done inside the building, with no outdoor equipment used.

Recommendation(s):

After review and consideration, the Development Department recommends that Planning Commission make a recommendation of approval to City Council for this Special Use Permit with the following stipulations.

1. A Certificate of Appropriateness (COA) shall be obtained for exterior improvements reflected on submitted plans dated June 8, 2009.
2. Vehicles deemed total losses shall be removed from the property within two to five business days after being determined as such.