

# **Memorandum**

**To:** Planning Commission Members  
**From:** The Development Department  
**CC:** Honorable Members of City Council, Clerk of Council, City Departments  
**Date:** April 29, 2011  
**Re:** Staff Report for Giant Eagle – Special Use Permit (Outdoor Sales)

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**Item 1 – Giant Eagle – Special Use Permit (Outdoor Sales) (PID# 201103210008)**

**Application:** Special Use Permit  
**Location:** 2173 Stringtown Road  
**Applicant:** Lu Anne Leavor  
**Zoning:** C-2 (Retail Commercial)  
**Use:** Grocery Store

**Relevant Code Section(s):**

- 1135.09 (b) (12) Special Use Permits

**Project Summary:**

The applicant is requesting a special use permit for the sale of seasonal merchandise at Giant Eagle, located at 2173 Stringtown Road. Items to be sold and displayed include pumpkins, soil, mulch, flowers and other season items and related merchandise. These items will be placed on temporary fixtures on the sidewalk in front of the premises and will be displayed during the months of April through December.

All proposed outdoor sale items will be located on the front sidewalk, extending approximately four (4) feet from the front of the structure, leaving room for pedestrian access around the items displayed. No displays will be located in the parking area, and no tents or temporary structures will be erected as part of the proposed outdoor sales. No additional lighting will be installed for the outdoor sales area and the applicant has stated that extra care will be given to keep the area clean and free of debris. Additionally, no new signs will be added, aside from the pricing placards, the largest of which is less than four square feet in area. Other sign placards will be less than two (2) square feet in area.

## **Code Analysis:**

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:** The proposed outdoor sales area does not change the intended character of the district.

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

**Standard is Met:** The proposed outdoor sales area will not affect the use of adjacent property. The proposed areas for outdoor sales will only be located four feet into the sidewalk area, leaving sufficient room for pedestrian movement around the displayed items to access adjacent businesses and properties.

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:** The use will not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood.

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 proposed outdoor sales area will not place any further demand on public 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 outdoor sales will impact the right-of-way. All items for sale will be located on the sidewalk in front of the Giant Eagle store and will not extend into the parking area.

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 located in the C-2 district, in which outdoor sales, storage, and display of items is permitted with a 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:** The applicant properly submitted a completed application.

10. *Outdoor sales, storage, or display shall only be permitted in areas identified on the approved site plan. No such activity shall be located closer than fifty feet to a residential zoning district boundary or road right-of-way abutting any residential zoning district or within ten feet of any road right-of-way. Such activities shall not occupy any required parking area or driveway.*

**Standard is Met:** The proposed outdoor sales area is approximately 200 feet from the nearest residential zoning district and approximately 125 feet from the McDowell Road right-of-way. All structures holding the items for outdoor sale will be located on the sidewalk in front of Giant Eagle, with none of the outdoor sale items displayed in the parking area.

11. *Any outdoor sales, storage, or display area located closer than one hundred feet to a residential district shall, if determined to be visible from such district, be screened by a landscape buffer strip or other means indicated on the approved site plan.*

**Standard is Met:** The proposed outdoor sales area is not within 100 feet of a residential district.

12. *Illumination of outdoor sales, storage, or display areas shall be designed to prevent glare or direct light from the illumination source into residential areas.*

**Standard is Met:** The applicant is not proposing any additional illumination for the outdoor sales area.

13. *Outdoor display areas shall be maintained in a neat and orderly fashion*

**Standard is Met:** The applicant has stated that all outdoor sales areas will be kept clean and free of debris.

14. *Signage for outdoor sales or displays shall comply with Chapter 1145*

**Standard is Met:** No additional signage is proposed for the outdoor sales area. Pricing placards will be used to display item prices. The largest of these placards will have a total area of less than four (4) square feet.

15. *The site plan submitted with an application for a Special Use Permit shall indicate the types of merchandise to be displayed and, if applicable, any seasonal changes of display.*

**Standard is Met:** The applicant has submitted a detailed list of items for sale and when those items will be displayed within the proposed outdoor sales area.

April 17 - April 23

Pansies, Spring Bulbs, Hydrangeas  
Firewood

April 24 - June 4

Patio Pots, Hanging Baskets, Small 5 Gallon Trees and Shrubs, Annuals, Herbs, Vegetable plants, Boston Ferns  
Firewood

June 5 - September 3

Perennials, Assorted shrubs, Hibiscus  
Firewood

September 4 - November 5

Hardy Mums  
Firewood  
Pumpkins

November 13 - December 31

Holiday greens  
Firewood

### **Recommendation(s):**

After review and consideration, the Development Department recommends Planning Commission make a recommendation of approval to City Council for the Special Use Permit as submitted.