

## **Memorandum**

**To:** Planning Commission Members  
**From:** The Development Department  
**CC:** Honorable Members of City Council, Clerk of Council, City Departments  
**Date:** September 2, 2011  
**Re:** Staff Report for The Shoppes of Grove City – Special Use Permit (Outdoor Seating)

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**Item #3 – The Shoppes of Grove City – Special Use Permit (Outdoor Seating)**  
**(PID# 201108090021)**

**Application:** Special Use Permit  
**Location:** 1768 Stringtown Road  
**Applicant:** **James R. Kerr, Bek Developers**  
**Zoning:** C-2  
**Use:** Restaurant

**Relevant Code Section(s):**

- 1135.09 (b) (12) Special Use Permits

**Project Summary:**

The applicant is proposing to install an outdoor seating area at 1786 Stringtown Road in the Shoppes of Grove City, the future location of Panera Bread. The proposed seating area will be located directly in front of the site, along the front sidewalk and extending into the vehicular use area to create a new patio seating area. The extended patio seating area will be approximately 27' by 16,' constructed of concrete at the same height as the existing sidewalk. Four 32" round tables, each with three chairs are proposed to be placed in the patio area. Two (2) of the same 32" round tables with three chairs will be placed on the sidewalk adjacent to the building, along with three (3) square 24" tables with two (2) chairs each.

In order to delineate the proposed patio seating area from the surrounding vehicular use area, the applicant is proposing to install fencing and landscape planters around the seating area. Cedar screens are also proposed in the corners of the seating area opposite the sidewalk to further separate the parking area from the seating area.

Due to the high amounts of vehicular traffic on the site, safety was a concern when considering placing outdoor seating into the parking area. In addition to the visual separation that the fencing, landscaping, and screens will provide, the applicant is also proposing to install bollards spaced approximately six (6) feet apart around the perimeter of the seating area, to prevent vehicles from entering the seating area.

In 2008, the Shoppes of Grove City were granted a variance from the BZA to reduce the number of required parking spaces on the site by 12. On July 25, 2011, the Shoppes of Grove City were granted an additional variance to eliminate the parking setback and reduce the required landscaping along the north lot line. Doing so allows for the construction of an additional 12-space employee parking area behind the building in order to achieve the minimum parking standards for the site.

### **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 seating area, with decorative planters, fencing, and screening will be in harmony with the character of the district and Parkway Centre.

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

**Standard is Met:** The proposed outdoor seating area will not affect the use of adjacent property. The seating area located on the sidewalk will leave more than four (4) feet of open sidewalk for pedestrians to walk between the other uses in the shopping center. Furthermore, additional parking will be installed along the north property line behind the structure for employees, to alleviate pressure on the parking lot created by the elimination of three parking spaces for the installation of the proposed outdoor seating area.

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 proposed outdoor seating area will not adversely affect the health, safety, morals, or welfare of persons working in the neighborhood. The fencing, landscape planters, screens, and bollards will all act as separation between the seating area and the parking lot to ensure the safety of Panera patrons.

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 seating 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 outdoor seating area will not impact the public right-of-way.

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 seating associated with eating and drinking establishments 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.

**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.