

Memorandum

To: Planning Commission Members
From: The Development Department
CC: Honorable Members of City Council, Clerk of Council, City Departments
Date: November 14, 2011
Re: Staff Report for China Bell (Ciminello Tree Lot) – Special Use Permit (Outdoor Sales)

Item 4 – China Bell (Ciminello Tree Lot) – Special Use Permit (Outdoor Sales)

(PID# 201111070032)

Application: Special Use Permit
Location: 1947 Stringtown Road
Applicant: Anthony Ciminello
Zoning: C-2 (Retail Commercial)
Use: Temporary Christmas Tree Lot

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 China Bell, located at 1947 Stringtown Road. Items to be sold and displayed include Christmas trees and wreaths. These items will be placed within a 50' by 50' portion of the parking lot and contained within a temporary fenced area (finished white). This seasonal operation will run from Friday, November 25th to Saturday December 24th from 10am to 9pm daily.

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 within the northern portion of the parcel within a grass area therefore there will be no impact on pedestrian/automobile movement or access adjacent businesses, properties or public rights-of-way.

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 not impact the right-of-way. All items for sale will be located on China Bell's property within a grassy area and will not adversely affect the restaurant's 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 located in a commercial district primarily served by automobile traffic. The site is configured in a manner where the fenced area can be erected to be located ten feet away from all rights-of-way.

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: Per discussions with the applicant, temporary lighting is to be provided during hours of operation. As mentioned above the operation is not within a residential area and therefore proposed lighting will not impact residential areas.

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

Standard is Met: Per discussions with 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.

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 is proposing to sell a variety of Christmas trees and related items.

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 with the stipulation as submitted.