

Memorandum

To: Planning Commission Members
From: The Development Department
CC: Honorable Members of City Council, Clerk of Council, City Departments
Date: May 31, 2013
Re: Staff Report for Kroger Fuel – Special Use Permit (Outdoor Sales)

Item #5 – Kroger Fuel – Special Use Permit (Outdoor Sales) (PID# 201304290017)

Application: Special Use Permit
Location: 2410 Stringtown Road
Applicant: Nicholas Hershberger, CESO Inc.
Zoning: C-2 (Retail Commercial)
Use: Gas Station (Proposed)

Relevant Code Section(s):

- 1135.09 (b) (12) Special Use Permits

Project Summary:

The applicant is requesting a special use permit for the outdoor sales of items at the proposed Kroger Fuel gasoline station at 2410 Stringtown Road, part of the Grove City Plaza shopping center. The proposed gas station will have seven (7) fuel dispensers and a small 179 square foot building selling convenience items, all covered by a 19' foot tall canopy. The proposed facility will be open 24 hours a day, 7 days a week and will be staffed with one to two employees at all times.

All outdoor display areas will be located under the proposed fuel canopy. Items for sale in the outdoor display areas will be typical products sold at convenience store such as drinks, ice, and auto related products. A merchandise plan has been submitted showing the specific locations under the canopy of outdoor display areas.

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 does not change the intended character of the district. The sales areas will be integrated into the proposed gas station and offer items for sale typically found in a convenience store and auto related products, which staff feels appropriate for the commercial district in which the site is located.

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

Standard is Met: The proposed outdoor sales will not affect the use of adjacent property. All outdoor merchandise display areas will be contained under the proposed fuel canopy to not impact the flow of traffic on or around the site.

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 sales area 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 display areas will be contained under the proposed fuel canopy to not impact the flow of traffic on or around the site.

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 proposed use is in accordance with the intent of 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 / storage area is more than 500 feet from the nearest residential district, to the north of the shopping center. All merchandise displays will be within the fuel canopy area and will not occupy any parking spaces. A merchandising plan has been submitted by the applicant, which shows the specific locations of sales displays within the canopy 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 in addition to the lighting proposed for the canopy.

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

Standard can be Met: The applicant has not indicated how the outdoor storage area will be maintained.

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

Standard is Met: Signage proposed for the outdoor sales items will be similar to signage permitted at the Kroger Fuel at Hoover Road and London Groveport Road in the Buckeye Grove Shopping Center. The applicant has submitted images of proposed signage; however because this site is within a straight zoning district (C-2), signage will be reviewed by the Building Division at a later date for final approval.

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: Materials indicate that merchandise for sale in the outdoor display areas will be typical products sold at convenience stores such as drinks, ice, and auto related products.

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.