

Memorandum

To: Planning Commission Members
From: The Development Department
CC: Honorable Members of City Council, Clerk of Council, City Departments
Date: July 3, 2014
Re: Staff Report for Wendy's Restaurant – Special Use Permit (Outdoor Seating)

Item #2 – Wendy's Restaurant – Special Use Permit (Outdoor Seating) (PID# 201406300027)

Application: Special Use Permit
Location: 1920 Stringtown Road
Applicant: George Schweitzer, Geo-Graphics, Inc.
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 for the Wendy's Restaurant proposed for redevelopment at 1920 Stringtown Road. The seating area will be located on the south side of the restaurant and will be approximately 450 square feet in area. A 4' decorative black metal fence will border the seating area and a 5' landscape bed will be located between the fencing and the curb to create separation from the drive aisle. Three concrete table and bench sets are shown on plans in the seating area, with red umbrellas. The patio area will have stamped tinted concrete to add further visual interest to the seating area. The seating area will be approximately 60' from Stringtown Road.

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 will not, in the opinion of staff, change the character of the district or that of nearby districts. The site is bordered by commercial development to the east, west, and south across Stringtown Road, and office to the north. Multiple restaurants exist in the vicinity of the proposed outdoor seating area and although they do not have outdoor seating, staff does not feel allowing outdoor seating is contrary to the intended character of the area.

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 outdoor seating area will be entirely on Wendy's property, directly adjacent to the south of the restaurant. Materials do not indicate that speakers will be utilized in the 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 residing or working in the neighborhood. The seating area will be separated from proposed front drive aisle by a decorative fence as well as a curbed 5' wide landscaped area. The proposed outdoor seating area is approximately 900 feet from the nearest residential structure.

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 with the following stipulations:

1. Decorative landscape planters should be installed within the seating area.
2. The applicant shall work with the Urban Forester to determine appropriate landscaping between the fencing and the drive aisle.