



ITEM 1: 201911120059 – Dairy Queen (Special Use Permit – Outdoor Seating)

Site Location

3094 Southwest Blvd; north side of Southwest Blvd approximately 180 feet east of the intersection with Broadway.
(Parcel: 040-001142)

Proposal

A Special Use Permit to allow outdoor seating.

Zoning

C-2 (Retail Commercial)

Future Land Use

Commercial Center

Property Owner

Westerville Square, Inc.

Applicant/Representative

Joshua Wilhelm, TransAmerica Building Co.

Applicable Plans, Policies, and Code Section(s)

- Zoning Code Section 1135.09(b)(12)
- GroveCity2050 Community Plan Future Land Use and Character Map

Staff Recommendation

Approval with 2 stipulations

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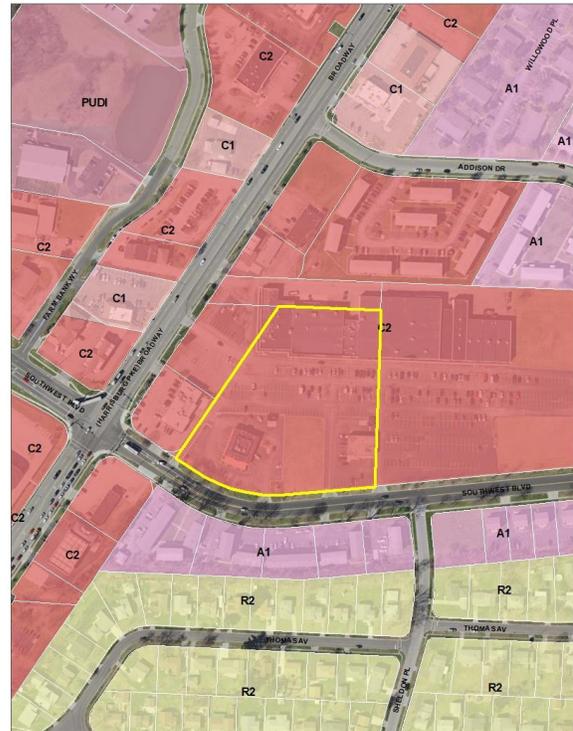
Case Manager

Jimmy Hoppel, Development Planner
614-277-3021
jhoppel@grovecityohio.gov

Summary

The applicant is requesting approval of a Special Use Permit for outdoor seating at an existing fast-food restaurant. The anticipated size of the outdoor seating patio will be approximately 1,000 square feet. The patio will have the capacity for 54 seats.

Zoning Map



Next Steps

Upon recommendation from Planning Commission, the Special Use Permit will move forward to City Council. If City Council approves the application, the special use goes into effect 30 days after Council approval.

1. Context Map

This property is located at 3094 Southwest Blvd; north side of Southwest Blvd approximately 180 feet east of the intersection with Broadway. (Parcel: 040-001142)



201911120059
Dairy Queen - Special Use Permit
PID: 040-001142



2. Analysis

The applicant is proposing to replace a portion of the indoor seating area of the existing Dairy Queen at 3094 Southwest Blvd, with a 1,000 square foot outdoor seating patio. Proposed hours of operation are from 10:30 a.m. to 10:00 p.m. Sunday through Thursday, and 10:30 a.m. to 10:30 p.m. Friday and Saturday. The outdoor seating area has an expected capacity of 54. The current application is only to examine the appropriateness of the use of outdoor seating on the site, as the Building Division approved the building and site modifications administratively.

The site plan associated with this application shows a black decorative metal fence, safety bollards every four feet, surrounding the patio where adjacent to a vehicular area, and maintaining existing landscaping around the patio. A small amount of landscaping will be added to what currently exists surrounding the future patio area, and any existing landscaping that is damaged or removed during construction will be replaced. Staff is recommending a stipulation that a decorative bollard cover be installed over the concrete-filled steel pipe that has been proposed.

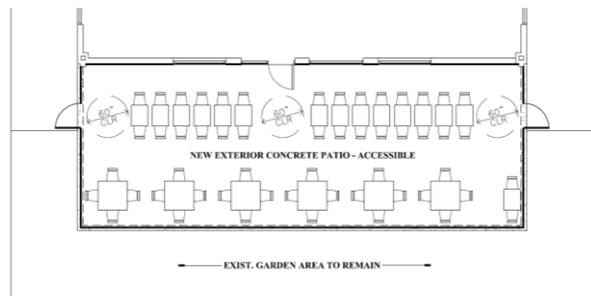
The applicant is proposing black, metal, two-sided and four-sided picnic tables. Patio umbrellas, whether stand-alone or to be inserted into the center of the tables, are not being suggested at this time. Staff is recommending a stipulation that any umbrellas that may be installed in the future not include any text or logos.



Proposed Seating Example



Prior Condition



Proposed Patio Site Plan

3. Special Use Permit Analysis

Per Section 1135.09, 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 use of an outdoor seating area at an existing restaurant is permitted with a special use permit and aligns with future land use plans which identify the area for commercial development. The area in which the site is located is generally auto-oriented, commercial along a primary arterial. Staff believes the proposed use will not change the existing or intended character of the commercial district.

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

Standard is Met: The use of time-restricted outdoor seating at an existing restaurant and the limited anticipated traffic impact is not expected to adversely affect the adjacent uses.

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 applicant has provided drawings showing that the site be constructed with railings and bollards distanced four feet apart surrounding the patio enhancing safety for patrons. The patio space will operate 10:30 a.m. to 10:00 p.m. Sunday through Thursday and 10:30 a.m. to 10:30 p.m. Friday and Saturday, limiting evening usage to reduce any negative impact on the residential buildings approximately 160 feet to the south across Southwest Boulevard. The outdoor patio space is not expected to adversely affect the surrounding area.

4. **The proposed use shall be served adequately by public facilities and services such as, but not limited to, roads, police and fire protection, stormwater facilities, water, sanitary sewer and school;**

Standard is Met: The proposed use will be adequately serviced by public facilities.

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 patio use is replacing an indoor seating area. It is not expected that the overall restaurant capacity will be changed significantly, and it is not expected to impose a significantly different traffic impact than what currently exists or would be anticipated based on the future land use designation.

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 applicant has provided information to meet Code requirements for this use to be located in the city, and staff believes the proposed use meets the intent of the Zoning Code and Land Use Plan for the area. GroveCity2050 recommends this site be used for Commercial Center. This area exists as a heavily traveled primary arterial with auto-oriented commercial sites with a variety of uses and is planned to continue into the future.

7. **The proposed use complies with the applicable specific provisions and standards of this Code;**

Standard is Met: The outdoor seating area will comply with applicable provisions for the special use.

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 a C-2 district in which outdoor seating is permitted with the approval of 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.

4. GroveCity2050 Guiding Principles Analysis

The City of Grove City adopted the GroveCity2050 Community Plan in January 2018 which contains specific goals, objectives and actions to guide growth in the community. Five guiding principles are identified that articulate Grove City's community values and direct the recommendations in the Plan. Applications submitted to Planning Commission are reviewed based on these five Guiding Principles:

- (1) **The City's small-town character is preserved while continuing to bring additional employment opportunities, residents and amenities to the community.**

Finding is Met: The applicant is proposing an outdoor seating patio at an existing Dairy Queen restaurant. The proposed outdoor seating patio is within an existing auto-oriented commercial center and will not detract from the City's small-town character. The outdoor seating will provide a desirable amenity for patrons of the restaurant.

- (2) **Quality design is emphasized for all uses to create an attractive and distinctive public and private realm.**

Finding Met: The materials provided include a black metal railing, black picnic tables and benches and the patio umbrellas. Staff believes that these are all high-quality materials for the use and will contribute to creating an attractive outdoor seating area for the private and public realm.

- (3) **Places will be connected to improve the function of the street network and create safe opportunities to walk, bike and access public transportation throughout the community.**

Finding Not Applicable: The materials reviewed under the criteria of a special use permit application do not include relevant information for this Principle.

- (4) **Future development will preserve, protect and enhance the City's natural and built character through sustainable practices, prioritizing parks and open space and emphasizing historic preservation.**

Finding Not Applicable: The materials reviewed under the criteria and scope of a special use permit application do not include relevant information for this Principle.

- (5) **Development provides the City with a net fiscal benefit.**

Finding Not Applicable: This special use proposal will not provide additional jobs to the city and is not anticipated to add an undue burden on the city infrastructure.

5. Recommendation

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) A decorative black bollard cover shall be installed over the concrete-filled steel pipe bollard that has been proposed.
- 2) Any umbrellas utilized on the patio shall not include text or logos.

6. Detailed History

1969

The building was constructed as a fast-food restaurant.

Prior to 1996

The building addition on the southern face of the building was constructed.

2019

The applicant submitted an application to the Building Division, including the current plan to remove the aforementioned addition and construct an outdoor seating area in its place. The Building Division approved the physical improvements associated with the partial building demolition and patio installation but not the use of the area for outdoor seating.