

CASE 26-BZA-003 CONDITIONAL USE PERMIT HEARING

Staff recommends APPROVAL of Case 26-BZA-003. Staff's rationale is outlined below:

Responses to requirements of Section 16.07 Drive Through Facility:

- A. A drive through facility shall be designed and located to minimize visual, traffic and noise impacts to adjoining properties. In addition to the applicable provisions of this chapter, this use shall be regulated as a conditional use.

Staff Comments: The parcel is adjacent to only non-residential zoning classifications. The drive through is located along the northern boundary of the proposed structure.

- B. All drive through facilities (teller machines, service windows, pickup windows, kiosks, drop boxes or similar facilities):

1. The front of the building shall be oriented to the street.

Staff Comments: The front door of the convenience store is parallel to State Route 48.

2. Audible communication devices shall be a minimum of 100 feet from a residentially zoned property line and/or a suitable acoustical barrier shall be installed.

Staff Comments: It is unclear how the drive through will signal the inside employee that they are waiting in the stacking lane.

- C. Stacking spaces:

1. Minimum required:

- i. Restaurants shall have a minimum of 8 stacking spaces per lane, measured from the pickup window.
- ii. Non-restaurants shall have a minimum of 4 stacking spaces per lane measured from the teller or pickup window.

Staff Comments: Four (4) stacking spaces have been provided.

2. Size of stacking spaces shall be a minimum of 180 sq. Ft.

Staff Comments: The stacking spaces are depicted as 12'x21' or 252 sq ft. The proposed parking spaces meet and exceed the minimum required size of 180 sq ft.

3. Stacking spaces shall not impede on or off site traffic movements or movements in or out of off street parking spaces.

Staff Comments: The drive through archway has a twenty-five (25) feet setback from the northern property line. The archway is setback twenty (20) feet from the edge of the proposed pavement. A three (3) foot deep awning is proposed to project north of the drive through archway. The seventeen (17) feet clearance would allow for most traffic to drive around the building independent of the stacking spaces. However, the Clearcreek Fire District requires a minimum of a twenty (20) foot access around the entire structure. The applicant will need to eliminate the awning, increase the pavement width or increase the northern property setback to accommodate the Clearcreek Fire District comments. The drive through is not adjacent to the street access provided to the site from the private access road.

4. Stacking spaces shall be separated from other internal driveways by surface marking or raised medians.

Staff Comments: The site plan depicts a painted line.

5. Stacking spaces shall be designed so that vehicles do not obstruct a driveway, fire access lane, walk way or public road right-of-way.

Staff Comments: The drive through stacking lane is located along the northern boundary of the proposed building. The north elevation does not have door access to the building. Employees going to the dumpster from door from the east elevation would cut through the employee parking spaces to avoid being in the stacking lane.

6. Stacking space requirements shall be in addition to the off street parking space requirements.

Staff Comments: The site proposes thirty-one (31) parking spaces. This quantity exceeds the required number of spaces by seven (7) spaces.

Responses to Standards for Conditional Use Permits, Section 21.01 (F)(4):

A. The proposed use shall mitigate the impact of noise generated by the use:

Staff Comments: No order board or speaker is associated with this drive through. Vehicle noise from the stacking lane would be identical to vehicle noise from the parking lot, and fuel canopy parking.

B. The proposed use shall mitigate the impact of light pollution generated by the use:

Staff Comments: The proposed elevation at the drive through and service drives mimic the contour range along the northern property line: 1010-1012. The six (6) foot tall solid wood fence proposed along the northern boundary of the property would function to buffer all headlight traffic for the drive through as well as for the traffic for the parking lot and fuel canopy.

C. The proposed building materials shall be compatible to the existing structures on the property and blend into the context of the neighborhood:

Staff Comments: The property is currently vacant. All proposed construction will occur at the same time.

D. The proposed uses shall be physically suitable for the parcel on which it is proposed:

Staff Comments: The parcel is 1.6081 acres in size. All proposed structures meet or exceed the required setbacks for the Neighborhood Business Zone "B-1". Total footprint of all structures is 8,880 sq. ft. or .20 acres in size. The Drive Through covered area and awning is 3.37 % of the total footprint of all structures (300/8,880). The Drive Through covered area and awning is 5.84 % of the footprint of the convenience store. (300/5,136).

- E. The proposed use shall be of a size and/or number of structures that may be completed in a reasonable time:**

Staff Comments: The applicant states all structures will be constructed at the same time.

- F. The proposed use shall locate structures in an area that limits the impact to adjoining properties:**

Staff Comments: See letter "A", "B" and "D" above.

- G. The proposed use shall locate outdoor gathering places in an area that limits the impact to adjoining properties:**

Staff Comments: No outdoor seating or gathering areas are proposed for the site.

- H. Buffer space, plantings and mounding shall be used on the periphery of the proposed use or property to maximize compatibility with adjoining properties:**

Staff Comments: A six (6) solid fence is proposed along the northern property line.

- I. When a proposed use includes common or jointly owned space an owners association or similar organization shall be formed with the authority and responsibility to maintain and manage such common or jointly owned space in perpetuity:**

Staff Comments: No additional comments.

- J. The proposed use shall be supported by adequate public infrastructure and/or services. The proposed use shall not adversely affect public infrastructure and/or public services to the surrounding area or conditions shall be established to mitigate adverse impacts on such written comments from the following departments as applicable: Clearcreek Township Fire District, Clearcreek Township Police Department, Ohio Environmental Protection Agency, Ohio Department of Transportation, Warren County Auditor, Warren County Building Department, Warren County Engineer's Office, Warren County Health Department, Warren County Soil and Water Conservation District, Warren County Water Department:**

- **Clearcreek Fire District,**

Staff Comments: The applicant will need to eliminate the awning, increase the pavement width or increase the northern setback to accommodate the Clearcreek Fire District comments.

- **Warren County Soil and Water Conservation District**

Staff Comments: No additional comments.

- **Warren County Building Department**

Staff Comments: Warren County Building Department comments focused on the review criteria for the structures. The former will be addressed through the permitting process for the structures.

- **Clearcreek Township Police Department**

Staff Comments: No additional comments.

K. The proposed use shall provide for access by public emergency equipment such as: fire, ambulance and police vehicles:

Staff Comments: The parcel has public road frontage on State Route 48. The property will be accessed via a private access road. The access road, after final construction, will connect SR 48 to Lytle Five Points Road. Two (2) access points are proposed from this parcel to this access road. Each access point has full access to the site.

L. The proposed use shall provide for adequate pedestrian circulation, vehicle traffic movement and off-street parking:

Staff Comments: See “D” & “J” above.

M. If the proposed conditional use will generate estimated off-site traffic in excess of the estimated off-site traffic generated by the most intensive by-right permitted use for the class of zone, off-site road improvements or fees for off-site road improvements shall be required to accommodate the excess traffic attributed to the proposed use of the property, based on a traffic engineering study. (Examples of off-site road improvements shall include but are not limited to: turn lanes, deceleration lanes, pavement widening and traffic control devices.):

Staff Comments: The private access road has not been connected to public road right-of-way. Proposed uses along the access road will be reviewed as part of the agencies' review.