

## **Sheetz Lincoln Circle** **230 Granville Street**

CU-0002-2024 - Conditional Use Application

DR-0006-2024 - Design Review Application

FDP-0005-2024 - Final Development Plan Application

Gahanna Planning Commission  
April 24, 2024

# Subject Property – 230 Granville Street

- Zoned Community Commercial (CC)
- Surrounded by other businesses:
  - Alpine Beverage Drive-Thru
  - Capital Games
  - Tame Hair Salon
  - Rita’s Italian Ice & Frozen Custard
  - Creative Nails of Gahanna
  - Massey’s Pizza
  - United States Postal Service
  - Key Bank
  - Mighty Lion Express Car Wash



# Sheetz Quick Service Restaurant and Fuel Center

- Designed to meet every requirement of the Zoning Code (no variances)
- Residential Scale
  - Smallest Sheetz in Central Ohio
  - 4,959 square feet (average is 6,132 square feet)
  - Only 10 fueling stations (average is 16)
- Includes walkway to adjacent park



# Standard of Review

- (a) Approval. The Planning Commission *shall approve* an application for a conditional use if the following four conditions are met:
- (1) The proposed use is a conditional use of the zoning district and the applicable development standards established in this Zoning Ordinance are met.
  - (2) The proposed development is in accord with appropriate plans for the area.
  - (3) The proposed development will not have undesirable effects on the surrounding area.
  - (4) The proposed development will be in keeping with the existing land use character and physical development potential of the area.

Zoning Code § 1169.04

# (1) The proposed mix of uses are permitted and conditionally permitted

- Eating and drinking places, including pizzeria and carry-out restaurants; grocery stores; and general merchandise stores are permitted uses.
- Gasoline stations are specifically listed conditionally permitted uses – and are therefore desirable.

Zoning Code §§ 1153.03(a)(1) and 1153.03(b)(3)

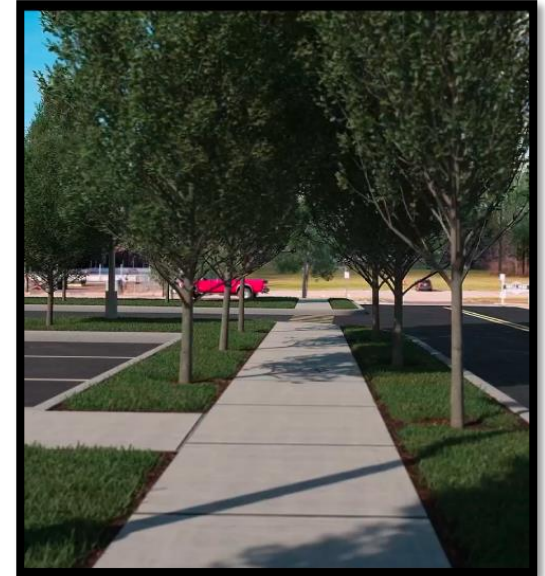
# (1) The applicable development standards are satisfied

No variances are required.



## (2) The proposed development is in accord with plans for the area

- The goal is to create a “live-work-play” environment.
- Mixed use development blends complementary uses throughout the area.
- Public amenities provide residents and visitors areas to relax and socialize.



## (2) The proposed development is in accord with the plans for the area

- The Downtown Focus Area seeks to have a mix of uses that serve the needs of downtown residents
- The proposed development serves all downtown residents, including pedestrians, cyclists, and motorists

### DEVELOPMENT PRINCIPLES

- 1. A cohesive, integrated district that includes the core Downtown and expands onto Granville Street*
- 2. A mix of uses that will attract and accommodate both businesses and new residential development*
- 3. Development that creates a comfortable human experience, both in the public and private realms through human-scale development with an emphasis on the pedestrian*
- 4. Expanded non-motorized network within and to this Focus Area*



## (2) The Land Use Plan is just a flexible guide – it does not supersede the Zoning Code

These Guidelines do not supersede the Zoning Code, but supplement those standards in a more flexible format, being rapidly adjustable to site-specific issues. In future zoning code updates, the code should be updated to reflect the recommendations of the Character Guidelines.

### (3) The development will benefit the surrounding area

- The residential scale facilitates both pedestrian and vehicular traffic
- The development provides much needed conveniences to the surrounding area
  - Food service with an outdoor seating area
  - Sidewalks to promote easy pedestrian access with a walkway to Shull Park
  - An increase in greenspace – 28% of 1.25 acre lot
- The development serves the surrounding area and pass-by traffic

## (4) The proposed development will keep with the existing land use character and physical development potential of the area

- The property is surrounded by similar businesses
- Developing this property with a business that encourages pedestrian traffic while also facilitating already existing vehicular traffic is an improvement for the growing area
- The area currently lacks:
  - Businesses with vibrant green spaces
  - Businesses that are easily accessible for both pedestrian and vehicular access
  - Businesses that serve several different purposes and complement other businesses in the area

## Current entry drive



## Existing Condition of Subject



## Aerial views of existing conditions



## (4) The proposed development will keep with the existing land use character and physical development potential of the area



- ✓ Significant improvement to the area
- ✓ Consistent with City's vision



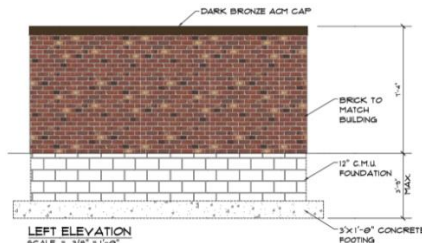
# Design Review Criteria

General review criteria for Design Review applications include the following:

- ✓ Are stylistically compatible with other new, renovated, and existing structures in the applicable Design Review District in order to maintain design continuity and provide protection of existing design environment.
- ✓ Contribute to the improvement and upgrading of the architectural and design character of the Design Review District.
- ✓ Contribute to the continuing economic and community vitality of the Design Review District.
- ✓ Maintain, protect, and enhance the physical surroundings of the Design Review District.

# Design Review District 3 (DRD-3) Criteria Are Met

- Entrances and exits are well decorated and landscaped to minimize unsightly appearance.
- Landscape islands are along the perimeter of the parking areas.
- Trees are used as buffering and will reduce neighborhood noise.
- Generous use of vegetation is implemented.
- Preferred building materials, including brick, are featured.



# Final Development Plan (FDP)

Planning Commission shall approve an FDP application if the following four conditions are met:

- The proposed development meets the applicable development standards of this Zoning Ordinance.
- The proposed development is in accord with appropriate plans for the area.
- The proposed development would not have undesirable effects on the surrounding area.
- The proposed development would be in keeping with the existing land use character and physical development potential of the area.



# Ohio Zoning Law Requires the Zoning Code Be Interpreted to Permit the Proposed Use

- “[Zoning] resolutions are ordinarily construed in favor of the property owner. Restrictions on the use of real property by ordinance, resolution or statute must be strictly construed, and the scope of the restrictions cannot be extended to include limitations not clearly prescribed.”

*Terry v. Sperry*, 130 Ohio St. 3d 125, 2011-Ohio-3365, 956 N.E.2d 276, ¶ 19.

- “All doubt is to be resolved in favor of the free use of land by the landowner.”

*DeRosav. Parker*, 198 Ohio App. 3d 332, 2011-Ohio-6024, ¶ 62 (7th Dist.).

- “Ambiguities in zoning provisions which restrict the use of one’s land must be construed against the zoning resolution because the enforcement of such a provision is an exercise of police power that constricts property rights.”

*BPOil Co. v. City of Dayton Bd. of Zoning Appeals*, 109 Ohio App. 3d 423, 432 (2d. Dist. 1996).

# Denial of the Applications Would Subject the City to Unnecessary Liability for Damages and Attorneys' Fees

- An improper denial would violate the Zoning Code, Ohio law, and the applicant's rights protected by the United States and Ohio Constitutions, including:
  1. Deprivation of right to due process; and
  2. Failure to provide equal protection under the law.
- Constitutional violations expose the City and its officers to unnecessary liability for delay damages and attorney's fees.