



## Planning and Economic Development

Ed Anzek, AICP, Director

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From: Ed Anzek  
To: Planning Commissioners  
Date: 4/11/2012  
Re: Gas Station as Accessory Use Ordinance

Commissioners:

Subsequent to the subject matter being discussed and direction provided to staff regarding the standards to be contained within the amending ordinance an issue has been brought to my attention.

I have had 2 meetings with Mr. Stuart Frankel regarding a potential tenant for Hampton Plaza. As you are well aware, Hampton Plaza is on the southeast corner of Rochester Road and Hamlin and has 2 major vacancies. The second occurring only recently when Bed, Bath, and Beyond moved to the Winchester Center. The previous tenant that vacated several years ago was Market Fresh.

The potential tenant is a national company and they have, according to Mr. Frankel, expressed strong interest in this site if they can sell gas as an adjunct or accessory use. I do not want to specifically name companies but I'm sure the Commissioners can make an educated guess. Mr. Frankel advises that the negotiations include a knockdown and rebuild of the southern half of the center while relocating Jo-Ann Fabrics northward to occupy the former Market Fresh space.

As I met with Mr. Frankel I informed him of this matter under consideration by the Planning Commission. As we reviewed the proposed standards for gas stations as an Accessory Use it was learned the standards as being considered would not permit a gas station at this site; or at least not in front where the potential tenant would require it to be located. That standard that would prohibit is the 300 foot distance from Residential areas.

Immediately south of Hampton Plaza is an apartment complex known as the Essex of Hampton. A 300 foot distance as measured from the property line places the closest point about 60 feet from the bank building however, given the bank's drive through maneuverability needs, the 60 feet is more like 40 feet.

Mr. Frankel has submitted the following letter requesting the Planning Commission to reconsider the distance standards enabling him to resolve a major concern of the potential tenant. Staff would suggest that there are several ways to address this matter.

- Revise the text to be 300 feet distance to be from lands zoned for Single Family Detached Homes; 150 feet from all other residential zoning, and using B-3 setbacks for all other adjacent zoning districts.
- Increase screening requirements. (May need to be on a case-by-case basis due to existing screening)
- Provide for the Planning Commission to grant modifications to the distance standards. (Similar to how the Planning Commission can modify parking space requirements provided the applicant can demonstrate that they do not need to required spaces). In this case the applicant would be required to demonstrate how any adversities can be mitigated through design, additional screening or the general layout of the gas station.
- Or some combination or variation of the above.

I believe it is noteworthy to point out that significant plantings were installed years ago and the trees have grown to be an effective screen. Staff will provide an overview of this question Tuesday evening.  
Thank you.

cc: James Breuckman, AICP, Manager of Planning