



City of Dublin

Land Use and Long
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PLANNING AND ZONING COMMISSION

MEETING MINUTES

SEPTEMBER 5, 2013

AGENDA

- 1. Celtic Crossing**
13-063FDP/FP
(Final Development Plan Approved 6 – 0)
(Final Plat Approved 6 – 0)
(Text Modification Approved 6 – 0)
Hyland-Croy Road
Final Development Plan/Final Plat
- 2. NE Quad, Subarea 5A – Kroger Marketplace Centre**
13-084Z/PDP/FDP/CU
(Tabled 7 – 0)
7625 Sawmill Road
Rezoning/Preliminary Development Plan/
Final Development Plan/Conditional Use
- 3. Millennium Office Complex – Aloha Learning Center**
13-091CU
Conditional Use
(Approved 6 – 0)
6063 Frantz Road

Richard Taylor called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were Amy Kramb, Warren Fishman, John Hardt, Joe Budde and Victoria Newell. Chair Chris Amorose Groomes arrived late. City representatives were Cathy Boring, Dana McDaniel, Gary Gunderman, Jennifer Rauch, Justin Goodwin, Jennifer Readler, Aaron Stanford, Jonathan Lee and Flora Rogers.

Motion and Vote

Ms. Newell moved to accept the documents into the record as presented. Mr. Hardt seconded. The vote was as follows: Ms. Kramb, yes; Mr. Fishman, yes; Mr. Taylor, yes; Mr. Budde, yes; Mr. Hardt, yes; and Ms. Newell, yes. (Approved 6 – 0.)

Motion and Vote

Mr. Taylor asked if there were corrections needed for the August 8, 2013 meeting minutes.

Ms. Kramb highlighted three corrections on Page 5: first paragraph, she "deferred" her comments on landscaping to Ms. Amorose Groomes; second paragraph, she wanted to allow the hardiplank because she preferred it over the stucco; and fifth paragraph, she said the minutes should clarify the west side of the Dublin Retirement Village was the most used part. She said on Page 8, second to the last paragraph attributed to her regarding the 6' retaining wall with a mound in front, should be modified to specify "on the south side". She said on Page 15, fifth paragraph add "the meeting would be" open to the public.

Mr. Fishman moved to accept the August 8, 2013 meeting minutes as amended. Ms. Kramb seconded. The vote was as follows: Mr. Hardt, abstain; Mr. Budde, yes; Ms. Newell, yes; Mr. Taylor, yes; Ms. Kramb, yes. (Approved 5 – 0 – 1.)

Mr. Taylor determined the order of the cases heard would be Case 3, 2, and 1. [The minutes reflect the order of the published agenda.] He briefly explained the rules and procedures of the Planning and Zoning Commission. He swore in those wishing to speak in regards to any application on the Agenda.

**1. Celtic Crossing
13-063FDP/FP**

**Hyland-Croy Road
Final Development Plan/Final Plat**

Mr. Taylor introduced this request to plat and develop 44 single-family lots and 8.8 acres of open space on the west side of Hyland-Croy Road, north of the intersection with Brand Road.

Mr. Goodwin said the site was zoned in April, 2013 to a Planned Unit Development. He said the site is located on Hyland-Croy Road in the west edge of Dublin and primarily surrounded by Jerome Township in Union County. He said the site has frontage on Hyland-Croy Road and along Mitchell-Dewitt Road with tree rows along the western and northern edges of the site adjacent to the Glacier Ridge Metro Park. He highlighted the small tributary to the North Fork of the Indian Run which runs through the site.

Mr. Goodwin stated the proposed final plat is consistent with the preliminary development plan and plat creating 44 new single-family lots on the 28-acre site, at a density of 1.5 units per acre. He said the final plat includes 8.8 acres of open space within six reserves located throughout the site, primarily along Hyland-Croy Road, the stream corridor in the south portion of the site and Mitchell-DeWitt Road. He stated the plat establishes a tree preservation zone of 15 feet in width along the existing tree rows on the west and north property lines, and a stream corridor protection zone through the middle of the site. He indicated small portions of the rear yards of the lots adjacent to the stream are located within the stream corridor protection zone, ranging in size from less than one foot to 14' in width. He said the proposed final development plan indicates the scenic roadway setbacks and includes details for the streets, street alignments, street sections and open space details. He said three new streets will be created with this development: Celtic Crossing Drive, which will connect Hyland-Croy Road to Mitchell-Dewitt Road; Macha Court, which is the cul-de-sac parallel to Hyland-Croy Road; and then a central loop street called Neiman Loop. He stated the applicant will provide, as was discussed in the preliminary, multi-use path connections to Glacier Ridge Metro Park. He said the applicant is also providing a left turn lane at the new Celtic Crossing Drive and Hyland-Croy Road intersection and a marked pedestrian crossing that will connect to the existing multi-use path on the Dublin Jerome H.S. site.

Mr. Goodwin said the plan includes entry features at Hyland-Croy and Mitchell-Dewitt Roads with stone columns and walls with a sign placard. He said the landscape plans did not indicate entry feature lighting or irrigation within the reserves, but the applicant has subsequently indicated they intend to provide ground lighting for those signs and irrigation within these areas. He stated the applicant is proposing a crossbuck wood fence at four feet in height, and 18-inch open space lot line demarcation posts to identify for the property owners where their lot ends and the common open space areas begin. He said the fence and the posts will be painted or stained black. He provided details for the proposed rim of grass treatment with representative photos of how the area might look at different times of the year. He said the intent of this area is to provide an easier maintenance area consistent with the rural character of the Hyland-Croy corridor and in coordination with the metro park landscape treatments. He said the proposed treatment is consistent with the Community Plan and the recommendations of the Hyland-Croy Road Corridor Study. He stated the applicant has provided specifications for how this treatment should be seeded and maintained to ensure it is successful over the long term, because the homeowners association will be responsible for the maintenance of the

landscape portions of the open space areas. He highlighted a proposed condition for the plat clarify the City will maintain and have responsibility for maintenance of the retention ponds.

Mr. Goodwin said Planning was concerned the landscape plan relied too heavily on the use of replacement trees to fulfill minimum expectations for the landscape plan. He said as part of the rezoning process the applicant included a tree waiver within the proposed development text, which was removed during the City Council review. He said this requires the applicant to meet the Code for tree removal and replacement. He said the proposed plan indicates 236 inches of protected trees, or 95 trees are required to be removed. He said Planning reviewed the landscape plan and recommended 48 additional trees be incorporated into the landscape plan; however, Planning and the applicant have jointly identified some discrepancies in the landscape plans and now recommend only an additional 26 trees be added to the site.

Mr. Taylor asked if 26 additional trees identified were more than the Commission saw with the rezoning. Mr. Hardt asked if it was 26 more trees than were shown the proposed final development plan tonight.

Mr. Goodwin responded it is 26 more than what is shown on the proposed final development plan and it is more than was shown at the rezoning in February. He said at the preliminary development plan, there were approximately 88 deciduous trees shown on the plan, but those trees were not categorized to indicate which trees fulfilled tree replacement versus minimum landscape requirement.

Mr. Goodwin highlighted the proposed conditions for the final development plan with the following modifications: Condition 3 was modified to correct the location of the open space demarcation to the "southeast" corner of the lot; Condition 4 was modified to require replacement of 26 trees based on the discussion earlier in the presentation; Condition 5 was modified to include entry feature lighting, subject to Planning approval. He said Planning recommends approval of the final development plan with the following five conditions:

1. That an easement for the path connection on school property be documented with Engineering prior to Council approval of the final plat;
2. That minor technical errors on the landscape plans be corrected prior to site development;
3. That an additional open space/lot line demarcation post be provided at the southeast corner of lot 23;
4. That the applicant work with Planning to incorporate an additional 26 replacement trees into the landscape plan and/or provide a replacement fee for any trees that cannot be appropriately incorporated; and
5. That an irrigation system and entry feature lighting be incorporated into the landscape plans, subject to Planning approval.

Mr. Goodwin said Planning recommends the final plat be forwarded to City Council with a recommendation of approval with two conditions:

1. That the applicant ensure that any minor technical adjustments to the plat are made prior to City Council submittal; and
2. That landscape easements for subdivision entry features are added and stormwater maintenance responsibilities are clarified prior to City Council submittal.

Mr. Ben Hale (37 West Broad Street, Columbus) stated Mr. Greg Chillog (330 West Spring Street, Suite 350, Columbus) was also here. He said Mr. Chillog has been primarily talking to Planning about the landscaping to make sure we have an understanding what is accurately proposed for the site.

Mr. Chillog said over 236 inches of tree replacement are required. He said the number of trees provided with the preliminary was 92 total trees, excluding the street trees, and the proposal before you has 163 trees. He said there are approximately 144 street trees on the site for a total of 310 trees. He said the applicant believes the proposal meets the intent of the buffer requirements, the entry feature requirements, and the replacement requirements with the additional 26 trees.

Mr. Taylor asked if anyone from the public would like to address this application [There was none]. Mr. Taylor opened the discussion to the Commission.

Ms. Newell indicated she had concern about the list of approved materials in the development text. She said the text states that vinyl and aluminum products were permitted as trim materials, and she recalled the Commission had asked those be eliminated in another application. She said it should be permitted under Item B, where it addresses shutters. She said she felt vinyl and aluminum were appropriate products for shutters.

Ms. Rauch responded a text modification would be required to accommodate this change, if the Commission and the applicant agreed.

Mr. Hale indicated they would agree to that change. He said there is a solid vinyl product that is much more durable over the long term.

Mr. Taylor said like a high density polyurethane product.

Mr. Hale agreed and said he did not know why that would not be acceptable. You put it up and paint it and you absolutely cannot tell the difference and it will not rot.

Mr. Taylor said he did not know if that would not be acceptable, but having the word vinyl in the text is a much wider definition than that particular material.

Mr. Fishman asked if the developer was going to use that kind of trim. Mr. Hale said he didn't know.

Ms. Newel stated it is not specific enough in the text and stating vinyl within the text leaves it open to all types.

Mr. Taylor agreed there are other options for use of trim. He felt that at some point we ought to consider the product Mr. Hale is talking about or incorporating some of these in the future and maybe we can retro-actively do that here. He said we need to find a way to clarify exactly the kind of material we are talking about, because within the genre of high density polyurethane, there is better and worse. He said the closed cell product can be routed and painted.

Mr. Taylor said the Commission will remove vinyl and aluminum as trim materials, as discussed and asked Planning to look into the high density polyurethane products for a future discussion.

Ms. Kramb asked how the 8-foot wide asphalt path transitions to a 4-foot wide concrete sidewalk within the neighborhood. Mr. Stanford added it will taper from the landing area, which would be an 8-foot width to a 4-foot width over a distance of 10-20 feet.

Ms. Kramb asked if the path connection to the north was 8 feet wide. Mr. Stanford said it turns into a 10-foot wide path.

Mr. Kramb asked if the one landmark tree was to be removed for the path or the required culvert. Mr. Goodwin indicated it was because of the culvert and not the path.

Ms. Kramb said she wanted to make sure we have looked at the footprint of the bridge and the design of it and are absolutely sure there is no way to build that bridge and save the tree. Mr. Stanford confirmed it is necessary to remove the tree for the culvert.

Ms. Kramb asked if the Homeowner's Association was responsible for the maintenance of the "no mow grass". Mr. Goodwin said yes and Planning has discussed with the applicant to ensure the product information is provided to the Homeowners Association once they take over the maintenance responsibility.

Ms. Kramb asked how weeds are controlled and do not create problems for the neighbors with adjacent lots to the open space areas, where manicured lawn is next to tall grass. Mr. Chillog stated the no-mow grass can be maintained the same as a lawn, with broadleaf weed and insect control. He said you just do not mow it.

Ms. Kramb asked how tall the product would be. Mr. Chillog responded between 12–18 inches.

Ms. Kramb asked where else this design occurred in the City. Mr. Goodwin said there are some lots in Ballantrae that have this condition.

Ms. Kramb said one of the ponds located on southern boundary appeared very manicured and triangular in shape. Mr. Chillog stated the design is driven by the amount of volume needed in that area and we need every last inch. He said the water edge is not to the lot line, but there is a 10-12 foot zone that slopes from the lot line down to the water level. He said there is a swale between the two ponds and this area of transition will fluctuate.

Mr. Taylor asked if the swale runs east to west between the ponds. Mr. Chillog and Mr. Goodwin said west to east.

Ms. Kramb asked for the pond depth and width. Mr. Chillog said it is deepest in the center at 8 – 10 feet, and 100 feet long on the southern edge and maybe 75 feet long going south on the eastern edge.

Mr. Hardt agreed with Ms. Kramb that he tends not to be a big fan of triangular ponds, but he understands that water flows downhill and there's not much we can do about that. Mr. Stanford said that's part of what we are fighting with the site and one of things that is hard to tell from

this graphic is some of the grading that is going to happen in this area. He said it will soften up those edges and won't appear like what you see on the screen.

Mr. Hardt said he is uncomfortable about the ground lighting at the entry features and approving lighting the Commission has not seen. He would like to see the details to ensure the lighting is appropriate. He asked if the stream protection corridor zone was also being marked by the 18-inch posts.

Mr. Goodwin said in a sense they were, because the posts will be located at the corners of the lots, so for those small portions of the stream corridor that encroaches the rear of the lot, there would be a little bit that is passed the post.

Mr. Hardt asked how this is communicated to future homeowners that the back of their lot is in a stream protection corridor and is unbuildable. Mr. Goodwin said if it is in the rear yard setback, it is already unbuildable whether the stream corridor was there or not. Mr. Stanford said there is a similar situation occurring on a small number of lots within Oak Park. He said an informational flyer was attached to the permit to make sure the homeowner was made aware what could or couldn't be done.

Mr. Hardt asked about future homeowners because he was not confident the posts will be there in 15-20 years to delineate the area. Mr. Budde said a location survey would be provided at a loan closing or acquisition identifying the area.

Mr. Goodwin stated it is shown on the plat and would be an enforcement issue. Mr. Chillog pointed out the language is also in the text.

Mr. Hardt expressed concern westbound traffic coming down Mitchell-Dewitt Road and not being able to see the pedestrian crossing from the Metro Park. He asked if Engineering was satisfied with the analysis done to ensure people see what they need to see for those pedestrians. Mr. Stanford said the traffic study looked at the site distance at Mitchell-Dewitt Road, and the proposed tree removal shown coordinates with that zone to remove any obstructions.

Mr. Hardt asked if we were confident the proposed landscape plan did not present any additional obstructions. Mr. Stanford said yes.

Mr. Hardt stated the path that connects the metro park along Mitchell-Dewitt Road is proposed, but asked if there been consideration to potentially continuing the path in the future along Mitchell-Dewitt Road. Mr. Goodwin said at this time it is presumed to end, but if additional development did happen it could extend

Mr. Hardt asked if it makes any sense to establish an easement for this future connection as part of this application. Mr. Goodwin said the area would be located within the right-of-way.

Ms. Kramb asked where the entry feature lighting would be located along Mitchell-Dewitt Road. She said she wanted to ensure the residents and metro park users were not disturbed. Mr. Chillog indicated the intent was to light the entry feature columns with the sign panel with a

standard landscape upright. He said they had no intention to draw too much attention at night to the entrances to this neighborhood.

Ms. Kramb asked to keep it at a very low intensity, particularly on Mitchell-Dewitt Road.

Mr. Hardt replied he thought it would be appropriate to use a ground lighted fixture completely invisible and the light on the column is nothing more than a subtle glow.

Ms. Kramb stated she wanted to keep the light level low, because a bright light adjacent to the Metro Park was not appropriate.

Mr. Taylor asked if there were any Code provisions that would address this issue. Mr. Hardt said the Code stated the fixtures have to be concealed. Mr. Goodwin said a condition could be written to state the entire fixture needed to be concealed with landscaping.

Mr. Taylor stated the condition should include language stating the light fixture should be made invisible by landscaping and use the minimum light output necessary to the light the sign.

Mr. Taylor asked if there were others subdivision in the City with stream corridor protection zone on individual lots. Mr. Stanford said this application and Oak Park have this condition.

Mr. Taylor asked if there have been any issues. Mr. Stanford said the biggest issues were during construction to ensure the building improvements and grading for the lots did not impact the area. He said there have been no issues with the homeowners.

Mr. Taylor asked about the aesthetics to date. Mr. Stanford said it looks how we intended. He said the area has been preserved and maintained well.

Mr. Hardt asked if there was a technical or legal reason why the stream corridor protection zone was not subtracted out of the lots and made part of the reserve. Mr. Goodwin said there are minimum lot sizes and depths required as part of the development text, which the lots meet with the stream corridor protection zone.

Mr. Taylor said there are two conflicts areas for a homeowner on these lots with one area where the grass type changes noted by a post, and then several feet back there is the stream corridor protection zone. He asked if the posts could be moved back to the stream corridor protection zone line to serve a dual purpose.

Mr. Goodwin stated that was one option, or a second marker could be added or trees could be used to delineate the area. Mr. Hale said he did not want two sets of posts.

Mr. Hardt asked if a brass plate could be put on the post to identify the area as a stream protection corridor zone.

Ms. Newell said to address the durability of the post she would suggest the use of a stone marker that was low in profile and engraved, which be differentiated from the wooden post. Mr. Taylor indicated he thought would be too expensive.

Mr. Taylor expressed concerns about the durability and longevity of the proposed wooden posts. Mr. Chillog indicated the posts were 6" x 6" treated wood. He continued that the purpose of the posts were not to define the stream corridor protection zone, but to differentiate the public open space versus the lot line.

Ms. Kramb said it should be left as proposed and dealt with as an enforcement issue, if needed.

Mr. Taylor asked for any other comments on this particular case. [There were none.] He asked Mr. Goodwin to review the revised conditions and the proposed text modification.

Motion #1 and Vote – Final Development Plan

Mr. Hardt moved, Ms. Kramb seconded, to approve the final development plan because it complies with the preliminary development plan and the applicable review criteria with the six conditions:

1. That an easement for the path connection on school property be documented with Engineering prior to Council approval of the final plat;
2. That minor technical errors on the landscape plans be corrected prior to site development;
3. That an additional open space/lot line demarcation post be provided at the southeast corner of lot 23;
4. That the applicant work with Planning to incorporate an additional 49 26 replacement trees into the landscape plan and/or provide a replacement fee for any trees that cannot be appropriately incorporated; and
5. That an irrigation system and entry feature lighting be incorporated into the landscape plans, subject to Planning approval.
6. That entry feature lighting be limited to ground-mounted, upright fixtures, shielded from view with landscaping and with minimal lumen output necessary to illuminate the entry signs, subject to planning approval.

Mr. Hale agreed to the conditions.

The vote was as follows: Ms. Newell, yes; Mr. Budde, yes; Mr. Fishman, yes; Mr. Taylor, yes; Ms. Kramb, yes; and Mr. Hardt, yes. (Approved 6 – 0.)

Motion #2 and Vote – Final Plat

Mr. Hardt moved, Ms. Newell seconded, to forward a recommendation of approval to City Council for the final plat because it complies with the review criteria with two conditions:

1. That the applicant ensure that any minor technical adjustments to the plat are made prior to City Council submittal; and
2. That landscape easements for subdivision entry features are added and stormwater maintenance responsibilities are clarified prior to City Council submittal.

Mr. Hale agreed to the conditions.

The vote was as follows: Mr. Taylor, yes; Mr. Budde, yes; Mr. Fishman, yes; Ms. Kramb, yes; Ms. Newell, yes; and Mr. Hardt, yes. (Approved 6 – 0.)

Motion #3 and Vote – Text Modification

Mr. Fishman moved, Mr. Hardt seconded, to modify the development text to remove vinyl and aluminum as a permitted trim material, with the exception of shutters.

Mr. Hale agreed to the conditions.

The vote was as follows: Mr. Budde, yes; Mr. Taylor, yes; Mr. Hardt, yes; Ms. Newell, yes; Mr. Fishman, yes; Ms. Krumb, yes. (Approved 6 – 0.)

Mr. Hale (37 West Broad Street, Columbus, OH) said the applicant is requesting these modifications to update the store and remain competitive in the market. He said customer needs and demands have changed and Kroger is responding to this change, which requires modifications to the interior and exterior of the store. He stated the modifications to the store interior are a large undertaking and will meet the current store standards and provide a better mix of items customers want. He said the Starbucks is currently in the middle of the store and will be relocated to the outside portion of the store with the outdoor seating area. Mr. Hale stated Kroger and Starbuck both agree the proposed location is much better and gives Starbucks an outside door. He said the proposed addition on the rear is for storage only and no additional sales space and no change to the gross square footage of retail sales space.

Ms. Jordan Horn, Kroger Company (411 Executive Parkway, Westerville, OH) expressed how important the City of Dublin is the Kroger company. She said from the loyalty data collected we have found that the majority of customers that come to this Marketplace store are within a three-mile radius of the store, which is very uncommon and unusual for the Kroger's as a company. She said the store prototype continues to change and the customer demand also changes, and with the current store these demand are not being met. She said the proposed changes will improve the mix of the store and put our customers first. She stated the storage in the back of the store is minimal and Kroger tries to maintain as little storage as possible. Ms. Horn said the proposed rear addition would allow us to store additional items that are currently kept off-site, and meet customer needs better.

Mr. Hale said the applicant finds the proposed changes are modest and the architecture meets the standards and design of the existing building.

Ms. Cathy Boring (5213 Reserve, Dublin, OH) said this proposal is very delicate situation and she asked the Commissioners to view her as concerned resident. She said she was a founding member of the East Side Civic Association and they worked for many years on this project and they were thrilled when Kroger announced they were coming. She said their proposal defined neighborhood shopping and as part of the development process the size of the store was defined so that would not be large. Ms. Boring said her main concern was the additional square footage, because it seems like an innocent proposal, but she is concerned the store will continue to get bigger. She asked the Commissioners to consider the future and the precedent set by allowing the proposed increase given the history and desires of the neighborhood for this site. She asked the Commission to consider the original desire for neighborhood draw, small shops and grocery store and consider the limitation on the store size.

Mr. Taylor asked if anyone from the public would like to comment on this. [There was none.]

Mr. Fishman said he was on the Commission when the shopping center was approved and he was surprised the neighbors were not at the meeting tonight, given that they were adamant the store not exceed 100,000 square feet. He said they wanted to avoid what was occurring across the street. He said we need to respect the two arduous years spent to ensure the store would not be over 100,000 square feet. He said the Commission made an allowance for an additional 24,000 square feet and asked that the proposed area be subtracted from the 24,000 square feet. He said he could not in good conscience approve the addition because he felt it set a dangerous precedent.

Ms. Kramb said her initial thought was to allow the storage, but asked if the applicant would be allowed to use it for additional retail area in the future. Ms. Rauch responded the text specifies an increase in the square footage, although the applicant intends it to be used for storage. Ms. Kramb said she had a problem with that and she would be open to the proposal if the area was allocated for only storage and not additional retail area. She said she was supportive of the Starbucks and the outdoor seating area. She stated she understood the Starbucks sign was not part of the application, but was not in favor of a Starbucks sign being permitted. She said if Starbucks had an individual tenant space then a sign would be appropriate. She said she did not think the additional area changed the neighborhood feel of the center. Ms. Kramb stated she was supportive of the proposed changes to the uses, as long they do not impact the parking requirements. She said these conditional use applications have been reviewed and approved by the Commission before with no problems.

Ms. Kramb asked for clarification about what the rezoning would allow. Ms. Rauch said the rezoning would modify the permitted square footage for the grocery and the total area for the shopping center.

Ms. Kramb asked about the outdoor seasonal display and whether they have to obtain a permit. Ms. Rauch indicated they have a seasonal permit.

Ms. Kramb said the material is located in the area where the outdoor dining area is proposed and asked where it would be relocated. She said she wanted to ensure they were in compliance. She also indicated the gas station is out of compliance with regard to signs.

Mr. Budde asked Ms. Rauch to clarify if the new storage space was two-story or one-story. Ms. Rauch said it was two stories.

Mr. Budde said he would agree to the expansion if the area was removed from the future expansion area. He said he was supportive of the Starbucks space and the outdoor dining area.

Ms. Newell asked Ms. Rauch for a comparison between the square footage of this store and Giant Eagle located at Perimeter Center. She said she wanted to ensure we were creating equality between different businesses and different applications within the City. She said this development and the Giant Eagle development serve a neighborhood and not a regional draw. She said she wanted to know was whether their proposal and the additional square footage were drastically different or larger than what was approved in other neighborhood retail environments.

Ms. Rauch said the requirements that govern Giant Eagle, which is in the Perimeter Center PUD, specify a total square footage for the entire shopping center is 170,000 square feet, with the grocery store at 99,000 square feet for the ground floor part and then 20,000 square feet for a mezzanine area.

Ms. Kramb said there seems to be a precedent to approve additional square footage, but for a different use. Ms. Rauch said the discussion did not revolve around keeping the area under 100,000 square feet, but identifying specific requirements in the text to delineate grocery versus another type of use.

Ms. Newell said she agreed. She said when looking in terms of fairness, it would be terribly unfair to deny the additional square footage if we had approved other property in similar situations and within close proximity to residential neighborhoods to have more square footage. She said she would have a great deal of difficulty telling Kroger they were not able to have the additional square footage. She said she thought a fair compromise would be to remove the increased area from the future development area intended along Emerald Parkway.

Mr. Hardt said he was encouraged to see our local businesses doing well and glad to see that Kroger wants to expand and improve their store. He said he would like to find a way to support some variation of this proposal to help Kroger re-positioned themselves in the market, but he had a number of issues with the application. He clarified with Ms. Rauch the Starbucks sign was not part of this application and said he would have great difficulty voting to approve the application without the details of the sign provided. He said he recalled when Giant Eagle was reviewed there was a discussion about an exterior sign for a tenant as part of that application. He said he recalled the Commission could consider something to be a tenant space and provided a sign, if there were walls on the interior of the store that delineated and separated the space from the grocery store, and could maintain separate hours and separate front doors.

Mr. Hardt said the proposed development text would allow patios as a permitted use, which we have made similar amendment in other shopping centers, but in both of those cases there was a cap of square footage, which was not included with this proposal. He said he was not comfortable supporting this text change without restriction. He said the floor plan for the rear addition shows a number of windows around the perimeter, both on the first and second floor that are not shown on the elevation and he had concerns whether these windows would look appropriate given the architecture. He continued that the total square footage for the expansion at two stories would equate to a 6,338 square feet expansion, which does not match the text.

Mr. Taylor agreed with Mr. Hardt's comments. He said he is sensitive to the work that was done many years ago by people who were far more involved and sensitive to the local area than he is and he was pleased that two of those people have spoken tonight. He said he has great concerns regarding expanding the size of the store and that the numbers provided do not match. He said he was also concerned that a significant addition is being added to the rear of the building along a highly traveled road and facing residences. He is reluctant to approve the proposal until the discrepancies were worked out. He asked for clarification from Planning in the development text where we have written total building square footage for the first phase and the subsequent phase.

Ms. Rauch indicated the first phase was everything except the 24,000 square foot planned along Emerald Parkway.

Mr. Taylor said regarding the sign for Starbucks, the Commission defined a tenant's space as being able to be accessed completely independently of the main store. He said the Commission had a detailed discussion and reviewed several scenarios prior to approving the signs for the tenants within Giant Eagle. He said the architectural drawing shows a drop down partition and not a separate tenant space. He said the tenant space would have to remain separate and independent from the store to be granted a sign.

Mr. Taylor said he had concerns about not limiting the total area of patio spaces and that this shopping center is smaller and has several existing patios. He said he cannot imagine a great deal of additional need for this use and said these should continue to be reviewed by the Commission. He said he was not in favor of changing that conditional use. Ms. Kramb agreed.

Mr. Hardt said the floor plan documents also showed a series of vending machines on the exterior of the building on the front, which would not be supported. Mr. Taylor agreed.

Mr. Taylor said he had concerns about allowing tutorial and educational services as a permitted use, because the life of a shopping center is really dependent on foot traffic and those are not high traffic uses. He said he would like to keep those as conditional uses, because it gives them a chance to look at the entire center and see the impacts. He said the site plan shows the new and old overlay on the same sheet here, and he asked for clarification about the parking space and landscape modifications.

Ms. Rauch said there is existing parking along the southern portion of the Kroger to the rear and a landscape island at the western edge, which will be removed with the proposed storage addition. She said the area is reconfigured and the parking spaces removed will be moved to the center of the service area to meet the text.

Mr. Taylor said when he is at the site looking across the parking lot to the south from the gas station there is not a car in the parking spaces regardless of the times of day and night. He wondered if the site is over parked and if this was a good example of something to take a look at in the future. He said it would be nice if more green space could be located along Sawmill Road and less parking was located in the area. He said he was in favor of the Starbucks addition if it can be a separate tenant space. He said he was not in favor of the two-story addition or changing the patios and tutoring and educational uses to permitted use.

Mr. Hale said the applicant will table the application tonight and take all of this into consideration. He said the applicant needs to add the storage area and they would limit it to storage. He said the applicant needs the ability to store items on-site and eliminate the shuttling back and forth from the offsite facility to bring goods. He said they will limit that square footage to storage, but not increase our retail square footage. He said the future expansion area for the shopping center, which has not been built, was a big deal when it was approved. He said there was significant discussion about this area and we built a fence and landscaped to screen the rear of the shopping center until the future expansion happens. He said the purpose of the future expansion was approved to serve a function of screening the service areas. He stated the building was spread out in order to totally contain the service area. He said he was not sure if it was in anybody's best interest to permit the proposal by reducing the future expansion area. Mr. Hale said they will go back and clarify the list of permitted uses make them uniform.

Mr. Hardt said the applicant should reconsider and modify the application to remove the parking spaces relocated in the rear, because the future expansion will limit the spaces in the long term. Mr. Hale agreed there was a lot of extra parking. Ms. Newell agreed.

Mr. Fishman said he did not want it forgot within the Perimeter Center, Giant Eagle did not exceed 99,000 square feet. He said the Kroger store should stay at 100,000 square feet.

Ms. Amorose-Groomes confirmed the applicant would like to table the application.

Ms. Boring thanked everyone for being so careful.

Motion and Vote

Mr. Fishman moved to table the case, seconded by Mr. Hardt. The vote was as follows: Mr. Budde, yes; Mr. Taylor, yes; Ms. Amorose-Groomes, yes; Ms. Kramb, yes; Ms. Newell, yes; Mr. Hardt, yes; and Mr. Fishman, yes. (Tabled 7 – 0.)

**3. Millennium Office Complex – Aloha Learning Center
13-091CU**

**6063 Frantz Road
Conditional Use**

Mr. Taylor introduced this consent application to permit a learning center to be located within an existing office building in the Millennium Office Complex zoned PUD, Planned Unit Development District, located on the east side of Frantz Road, approximately 750 feet south of Metro Place South. He said the Commission is the final authority on this application and he swore in the applicant and staff.

Ms. Rauch indicated this was a Conditional Use request for an educational tutoring service within an existing office development. She said Planning recommends approval with no condition.

Ms. Sunisha Motaparathi (6777 Riverside Glen Court, Dublin) said she is presenting on behalf of the Aloha Center franchise they are trying to open. She said the main goal at this franchise is providing education for kids, especially with math, English, reading and writing.

Motion and Vote

Ms. Newell moved, Mr. Hardt seconded, to approve this Conditional Use as it complies with the applicable review criteria with no conditions. The vote was as follows: Mr. Fishman, yes; Mr. Budde, yes; Ms. Kramb, yes; Mr. Taylor, yes; Mr. Hardt, yes; and Ms. Newell, yes. (Approved 6 – 0.)

Communications

Ms. Amorose Groomes asked for an update regarding the email issues. Ms. Rauch stated the City has officially migrated from Groupwise to Outlook, which happened at the end of day on Friday. She said the instruction of how to switch from Groupwise to Outlook are located in Dropbox for your reference. She said if anyone has problem with this change to let her know and we will help to get it setup.

Ms. Rauch indicated the Commissioners received an invitation on the dais tonight regarding a City Council work session scheduled for Monday, September 16th. She said Council will be discussing with staff and the consultants the framework for the Scioto River Corridor and all the Board and Commission members are invited to attend and listen to the discussion.

Ms. Rauch indicated the PZC regular meeting scheduled for September 19th has a light agenda and if the Commission desired, the end portion of the meeting could be used to continue the review of the Bridge Street District.

Ms. Readler said there was an inquiry regarding how to ensure the Commission is kept update on Council action that the Commission reviewed and recommended. She stated one method to address this would be to include the actions listed on the Clerk of Council website and include this information in the Commission's packet.

Mr. Taylor asked if a case was considered pending if the Commission voted on a case, but it was not approved by Council. Ms. Readler indicated they would still consider that as a pending case.

Ms. Amorose Groomes asked if Action Items emails were generated for City Council meeting. Ms. Rauch said no, but Planning could provide information via email regarding Council actions on Commission related cases.

Mr. Taylor indicated an email would be helpful as it comes out in real time after Council has acted. Ms. Rauch said Planning will send this information by email.

Commission Roundtable Bridge Street District Review

Ms. Amorose Grooms said she wanted to start the Bridge Street District discussion tonight on 153.066, as the Commissioners had identified this section at the August 22 meeting. She said the goal tonight would be to identify issues and information they would like Planning to gather and discuss at a future meeting. She said her understanding was Council wanted to review the sections as they were completed by the Commission, rather than waiting until the entire Code was reviewed and sending it all. Mr. Taylor agreed.

Mr. Hardt said as it relates to Section 153.066, he went back and reviewed his notes as well as the minutes and commentary from the Commissioners when this was debated during the initial code review. He said there are a couple of key things in the existing section that gave him heartburn two years ago and continue to do so today. He said most significantly at the basic plan review level, we only see a very small piece of a project or we see an incomplete picture of it and then potentially a project can go on thru the ART process without us, or more importantly the public, ever seeing the whole thing.

Mr. Hardt said he had put some thought into what would put his mind at ease and he found an earlier draft of the code. He said that this version appears to him to be in line with what the Commission desires. He stated this version essentially allowed the Commission, at basic Plan Review, to determine whether a project was appropriate for a decision to be made by the Commission in an open forum with the public, the developer, staff and everybody participating in the conversation or be placed on an ART approval tract. Mr. Hardt recalled some discussion about criteria for such a determination such as to how significant a project was, what type of issues might warrant having a Commission review. He said he thinks the ART is a good process; but he had problem with the ART process being the default. His main concern was that every project goes on that track with the potential to be reviewed behind closed doors at City Hall versus having it be reviewed here in a public forum where the Commission could hear from residents like we did tonight.

Mr. Fishman said he would echo that but he would have said it a little differently. He said he was comfortable with sending minor projects to the ART and then the projects that the Commission felt would be a reflection of the public, which is what made Dublin great, would be decided here. Mr. Fishman said he was shocked to find out 50 cases have gone thru the ART process and the Commission knew nothing about them.

Mr. Fishman was contemplating the types of projects the Commission should review and the minor ones appropriate for an ART review process. He reiterated that he did not perceive this process as a hardship to an applicant or developer and that the public process is very important not just to him but to Dublin as a whole.

Mr. Budde said he felt like the Commission was acting hasty in discussing changing the process since he thought the process had not been in place long enough to thoroughly judge it. He said he had not had a chance to analyze the 50 ART cases, but thought that a majority was fairly minor with signs and things like that. He said he thought there had not yet been enough experience with projects to determine what to tell City Council what works and does not work in the Bridge Street Code.

Ms. Newell responded that she thinks when you do something at the ART and it is done behind closed doors, then you do lose track of what the public thinks about the project. She was concerned that a smaller group of people would sway each other's opinions. She feared that this could lead to the ART members being hesitant to turn an application down. She said she thought some of the concerns the Commissioners had with approved ART applications, for signs for example, may have also been shared by the general public and those would have been voiced if the Commission reviewed them. Ms. Newell said she understood Mr. Budde's comments but thought that the risks associated with waiting to gain more experience with the code and the process were simply too great.

Mr. Taylor asked once it became clear to him that the Commission would look at the code again he studied other form based codes, which he wished he had done four years ago. He said that all planners know that Duany Plater-Zyberk wrote the first form based code. He said he studied everything they had written to determine if anything would make sense for Dublin. He was particularly interested in how these codes were administered. Mr. Taylor found that what most had in common were two documents - a code and a regulating plan. He said that the regulating plans at the very simplest level are a strict street network, building footprints districts of use; not the blobs of space that we have, but actually prints of buildings drawn in.

Mr. Taylor shared his insights from reviewing these other form based codes. He stated that with the Bridge Street Code they added some language regarding the desire for high quality signs and in other codes he has reviewed there were regulating plans or master sign plans with very specific examples. He uses the Koko Fit sign as an example of where he thought the 2-D view might have been ok but the sign did not translate to 3-D.

Mr. Taylor continued by saying what he thinks Mr. Hardt was talking about really just two options at this point, either stop the whole thing in its tracks and hire someone who is a designer in urban planning and create the regulating plan or allowing another body to have a look at some of these things and look at it from a broader perspective. He said he desires more submission requirements at the basic plan stage so that the Commissioners would not just be looking at an isolated site but also have review of the larger context. Mr. Taylor also said that having a checklist for a review of things that are a little bit more subjective. He cited examples such the amount of mixed-use a project has, the streetscape, the diversity of housing types, the walkability of a project and many other more subjective aspects that are considered to contribute to walkable urbanism.

Ms. Kramb said she approached this a little bit differently. She has a list of things she would like to see to make an informed decision on how to go about changing things. She would be interested in seeing what the developers have said about the process; has it sped up the process for them; if so how much has it sped up the process; is it cumbersome because its new or is it cumbersome because of the process; she would like to have a list of questions for them. She requested to see what has been the average time frame for the various types of projects to come thru. She requested to see what has gone through the ART process.

Ms. Amorose Groomes indicated that we have some great ideas on the table thus far. She said she knows just from the experience in how an application came in and how it went out. She said she was very interested to see what Koko Fit submitted and how it looked differently when it was installed. She was concerned that maybe the ART was just not pushing applicants

enough. She said she would also like to know if we are pushing them at all to make high quality and best design choices. She said she has a grave concern over submittals; it was embarrassing in the Edwards case, when the Commission talked about streetscapes and were told that beyond the right-of-way would be sidewalks but they did not get to see these details. She said the Commission cannot accept submittals that are not relevant in terms of their surroundings. She also has some concerns about the street network of what Mr. Taylor was talking about related to the design. She said she was worried about not knowing where the street is going to go if we want urban walkable areas because they have to go where they have to go. Make urban and walkable areas. Not where the building makes it convenient for them to run.

Ms. Amorose Groomes asked staff to come back to them with addressing those concerns of where are we in the process. She was particularly concerned about the fact that this body had zero power in the basic plan review, zero authority, we have no power and she would also argue that the Commission was not terribly well represented at City Council in what their thoughts actually were. She asked that this be discussed at the meeting on September 12, 2013 and requested to hear from staff regarding their thoughts and concerns with this section of code and its implementation and some of the things they feel are right or wrong about it and why. She said she was hoping that we will be close to coming up with an implementation procedure that at least this body is comfortable with taking forward to Council.

Mr. Goodwin asked what information the Commission wanted to have for the next round of discussion on this particular section of code.

Ms. Kramb said that if we are really going to solve or come up with suggestions for City Council on how to improve the process, she would want to see the answers to those questions that she asked.

Mr. Goodwin said that there may be some pieces of detailed data we would not be able to out to the Commission in tomorrow's packet, and suggested to continue this discussion, staff could be prepared to have some discussion on the 12th and provide some materials by tomorrow.

Ms. Kramb indicated that she would really like to get some timeframes.

Ms. Amorose Groomes added that City Council already asked for all of that.

Mr. Goodwin said that there is some level of that material staff has prepared.

Mr. Fishman said that Mr. Taylor brought up some good points.

Ms. Amorose Groomes summarized the expectation that at the meeting on September 12, the Commission and staff will have those discussions and then if there are some outstanding things they could be picked up at a later meeting.

Mr. Hardt wanted to make one more point about all the projects that are under construction in the region that appear to be exactly the types of projects they want in the Bridge Street Corridor. He was curious to know what their review procedures are.

Mr. Goodwin said he wanted to clarify if the discussion is to begin on site development standards and possibly building types; are there any specific materials the Commission would like to go out in packets in advance or would they like to approach it in the same way; have a discussion and if there is additional follow-up materials we need to provide, do that after the fact.

Ms. Kramb reiterated that she was interested to review a checklist the ART might use in its review of applications. She said she was curious as to how they are making the decisions and how those decisions are documented for the next person who comes and might not know how the decision was made last time.

Ms. Newell added that relates to her question, how do you say no.

Mr. Hardt asked for those who were here will remember this well, as the Code was going to City Council, there was really two different versions of the review and approval process floating out there.

Mr. Goodwin said that they could provide the members with a copy of it.

Ms. Amorose Groomes stated that she thought that would get them off and running. She encouraged staff to bring forth things that you would like to see in the text in this section of the code and possible fixes for those.

Mr. Hardt brought up the review of the final development plan for MAG; the site plan that was submitted had six little tiny dots on it that were just labeled with a number that none of us caught. He said he believes staff did not catch them or if they did, they did not bring them to our attention. He said that it turns out those six dots are flag, big flag poles; 35' high a five by ten flag on it, which amounts to six more 50-square-foot signs. He said he was not sure if that is permitted from a sign perspective.

Ms. Rauch said that they are government flags.

Mr. Hardt clarified that the flags represent the governments of the manufacturers.

Ms. Rauch said that the flag, pennant and insignia of any Nation, State or City or other political unit and then the code regulates pole height and maximum flag size, so the maximum height is 35'.

Mr. Hardt stated he did not know what the right answer is and he did not know if the outcome would have been any different, but given all the conversation we had about signs, and branding. He is disappointed and troubled that this was not part of the conversation.

Ms. Rauch stated that it was permitted per Code based on what Mr. Hardt said.

Mr. Hardt replied that when he was designing buildings, he was well aware of that Code section. He does not see a reason why a car dealer in Ohio would be flying a German flag other than for advertising purposes. She mentioned they are also lit up at night.

Mr. Fishman said that we are lucky that we have a couple of architects on the staff, but he is not an architect and he definitely would have missed those numbers and we really have to rely on staff to tell us that, even though they were allowed to have them, we might have had a different attitude about their signs, if we had known there was going to be a German flag in front of the Volkswagen dealership.

Mr. Fishman said that, just tonight Mr. Hardt came up with 6,000 square feet instead of 3,000 square feet and so his attitude would have been even stronger if he had known it was 6,000 square feet. He reiterated that we need staff to make us aware of every fact that is there, because they are connected with other things.

Mr. Rauch agreed with Mr. Fishman.

Ms. Amorose Groomes adjourned the meeting at 10:03 p.m.

As approved by the Planning and Zoning Commission on October 17, 2013.