



Planning and Zoning Commission

Planning Report

September 5, 2013

NE Quad, Subarea 5A- Kroger Marketplace Centre

Case Summary

Agenda Item	2
Case Number	13-084Z/PDP/AFDP/CU
Proposal	The addition of 3,419-square-foot to the existing grocery store footprint and the addition of permitted uses to the existing development text for an existing shopping center within Subarea 5A of the NE Quad Planned Unit Development District, on the north side of Hard Road, west of the intersection with Sawmill Road.
Request	Rezoning/Preliminary Development Plan Amended Final Development Plan/Conditional Use Review and approval under the provisions of Zoning Code Section 153.050 and 153.236.
Site Location	3868 Hard Road North side of Hard Road, approximately 350 feet north of the intersection with Hard Road.
Applicant	Nick Vollman; represented by Ben Hale, Jr.
Case Manager	Jennifer M. Rauch, AICP, Planner II.
Contact Information	(614) 410-4690 jrauch@dublin.oh.us
Planning Recommendation	<u>Approval of the Rezoning/Preliminary Development Plan</u> Planning recommends approval of this rezoning/preliminary development plan as it complies with the applicable review criteria, with no conditions. <u>Approval of the Amended Final Development Plan</u> Planning recommends approval of this amended final development plan as it complies with the applicable review criteria, with no conditions. <u>Approval of the Conditional Use</u>

Planning recommends approval of this conditional use as it complies with the applicable review criteria, with one condition.

- 1) The proposed patio amenities be stored in a location that is not visible to the public when not in regular use unless the patio furniture is all-weather material, set up for use and not covered in any way, and weather conditions make the use of furniture possible.



13-084Z/PDP/FDP
Rezoning/Preliminary Development Plan/
Final Development Plan
NE Quad - Subarea 5A - Kroger Marketplace
7625 Sawmill RD

0 100 200
Feet

Facts	
Site Area	27.51- acre site
Zoning	PUD, Planned Unit District (NE Quad plan, Subarea 5A)
Surrounding Zoning and Uses	<p>North: Chase bank branch across Summer Drive in Subarea 5B of the NE Quad PUD.</p> <p>South: Across Hard Road - Lifetime Fitness, zoned PUD.</p> <p>East: Across Sawmill Road are commercial and multiple-family uses in the City of Columbus.</p> <p>West: Across Emerald Parking are the Scioto Crossings multiple-family and single-family residential development, also zoned PUD, NE Quad.</p>
Site Features	<ul style="list-style-type: none"> • Full access from Hard Road and Sawmill Road • Frontage: Sawmill Road- approximately 1,500 feet; Hard Road- 1,200 feet; Emerald Parkway- 1,000 feet
History	<p>2004</p> <p>October 21, 2004 – Approval for final development plan for a retail center, grocery store, two multi-tenant retail buildings, and a fuel station.</p>

Details	Rezoning with Preliminary Development Plan
Proposal	The proposal includes modifications to the development text to permit additional building area, additional permitted uses; and an amended development plan that includes the modified building footprint.
Existing Approved Density Provision	<p>The existing approved development text permits a total building square footage for the first phase of the shopping center at 173,976 square feet, which permits 99,945 square feet for the grocery store and 74,031 square feet for retail.</p> <p>As part of the original shopping center approval, there was significant discussion regarding the scale of the center and the desire to ensure it was at a neighborhood level and not intended to serve a regional population, which generated the square footage limits.</p> <p>The text permits a maximum future square footage of 24,000 square feet for a future building located to the west of the existing shopping center building and is not proposed to change with this proposal. The permitted square footage for the multi-tenant retail buildings and fuel center is limited separately within the development text and is also unchanged with this proposal.</p>

Details	Rezoning with Preliminary Development Plan
Proposed Density Provision	<p>The proposal seeks to permit an additional 3,419 square feet within the shopping center to allow for the following:</p> <ul style="list-style-type: none"> • 500-square-foot addition along the Kroger storefront for an additional retail tenant • 3,419-square-foot addition to the rear of the building to permit additional storage for the Kroger store. <p>The proposal includes an increase in building square footage, which is intended for storage use along the rear, and an additional tenant space along the front elevation. The proposed modifications to the front of the store will provide additional activity along this elevation enhancing pedestrian interaction.</p>
Existing Use Provisions	<p>The uses referenced within the approved development text follow the permitted uses within the CC, Community Commercial District with a few exceptions and include a wide variety of retail, commercial and office uses. The conditional uses are very limited and include health and allied services, miscellaneous personal services, auto-oriented commercial facilities and outdoor service facilities.</p>
Proposed Use Provisions	<p>The applicant is proposing modify the uses to include health and allied services, and outdoor services facilities as permitted uses, instead of conditional uses; and to add tutoring and educational services to the list of permitted uses.</p> <p>The applicant has included size limitation for the health and allied services and the tutoring and educational uses to ensure the tenant spaces remain at a neighborhood level and ensure minimal effects to the site.</p> <p>The request for outdoor dining area as a permitted use is comparable to provisions provided in recent development texts for the Avery Square Shopping Center (Kroger) and Perimeter Center Shopping Center (Giant Eagle). The text requires complementary amenities (fences, tables, chairs, flower boxes, etc.) for all patios within the center and maintenance of adequate sidewalk widths.</p>
Parking Provisions	<p>The approved development text requires 1,058 parking spaces for the entire of the shopping center, multi-tenant buildings, and fuel center, which will be maintained with the proposal.</p>
Stormwater Provisions	<p>The applicant has submitted a stormwater management report that demonstrates compliance with the City of Dublin Stormwater Management Code.</p>

Analysis	Rezoning with Preliminary Development Plan
Process	Section 153.050 of the Zoning Code identifies criteria for the review and approval for a rezoning/preliminary development plan (full text of criteria attached). Following is an analysis by Planning based on those criteria.
1) <i>Consistency with Dublin Zoning Code</i>	Criterion met: This proposal is consistent with the Zoning Code, except as altered in the proposed development text.
2) <i>Conformance with adopted Plans</i>	Criterion met: The uses and density proposed for this site are consistent with the development patterns and densities of the surrounding area and meet the intended character of the shopping center. The proposal is minimal in scale and will not affect the desire to remain a neighborhood oriented shopping center.
3) <i>Advancement of general welfare and orderly development</i>	Criterion met: This proposal is compatible with the existing shopping center development.
4) <i>Effects on adjacent uses</i>	Criterion met: The proposal will not negatively affect the value of property within and adjacent to the area.
5) <i>Adequacy of open space for residential development</i>	Criterion met: Not applicable.
6) <i>Protection of natural features and resources</i>	Criterion met: Not applicable.
7) <i>Adequate infrastructure</i>	Criterion met: The site will continue to maintain adequate access to infrastructure.
8) <i>Traffic and pedestrian safety</i>	Criterion met: The site does not require additional traffic study as the use remains consistent.
9) <i>Coordination & integration of building & site relationships</i>	Criterion met: The proposal maintains the existing development patterns of shopping center.
10) <i>Development layout and intensity</i>	Criterion met: The proposed plans contribute to the orderly development of this site, including proposed uses and density.
11) <i>Stormwater management</i>	Criterion met: The proposed modifications meet the stormwater management requirements.
12) <i>Community benefit</i>	Criterion met: The development text outlines all applicable development requirements for this project.

Analysis		Rezoning with Preliminary Development Plan
<i>13) Design and appearance</i>	Criterion met with conditions: The proposal does not alter the design or appearance provisions within the text.	
<i>14) Development phasing</i>	Criterion met: This is a single phase project.	
<i>15) Adequacy of public services</i>	Criterion met: There are adequate services for the development.	
<i>16) Infrastructure contributions</i>	Criterion met: No contributions are required as part of this proposal.	

Recommendation		Rezoning with Preliminary Development Plan
Approval	In Planning's analysis, this proposal complies with the rezoning/preliminary development plan criteria and the existing development standards within the area. Approval is recommended with no conditions.	

Details		Amended Final Development Plan
Proposal	<p>This proposal includes:</p> <ul style="list-style-type: none"> • 500-square-foot addition along the Kroger storefront for an additional retail tenant, • 3,419-square-foot addition to the rear of the building to permit additional storage for the Kroger store, • Modifications to the existing parking lot, • New outdoor seating area, and • Architectural modifications for the additional spaces. 	
Layout	<p>The proposed 500-square-foot addition is on the front (east) elevation of the Kroger store and will extend a portion of the existing storefront to the south by 35 feet. The proposed modification will create a space for an additional tenant, which can be accessed from inside the Kroger store, as well as from the building exterior.</p> <p>The proposal also includes a new outdoor seating area adjacent to this front elevation. This seating area will be located south of the new tenant entrance door. The proposed location of the seating area will retain the sidewalk clearance and not extend past the existing front elevation.</p> <p>The proposed 3,419-square-foot additional storage area is to the rear of the building along the south elevation of the existing service and loading area.</p>	

Details		Amended Final Development Plan
Parking	The storage addition proposes the removal of 11 parking spaces. The plans indicate the replacement of these parking spaces on site with five spaces added to the existing parking bay and six parallel spaces located in the service area.	
Architecture	The proposed architectural modifications will match the design and materials of the existing building, as proposed provide a seamless design between the existing building and the proposed additions.	

Analysis		Amended Final Development Plan
Process	Section 153.050 of the Zoning Code identifies criteria for the review and approval for a final development plan (full text of criteria attached). Following is an analysis by Planning based on those criteria.	
1) <i>Consistency with the preliminary development plan.</i>	Criterion met: This proposal is consistent with the proposed development text and preliminary development plan.	
2) <i>Traffic and pedestrian safety</i>	Criterion met: The proposed modifications to the existing parking lot are minimal, as they are located to the rear of the shopping center.	
3) <i>Adequate public services and open space</i>	Criterion met: The site has adequate public services. No open space dedication is required.	
4) <i>Protection of natural features and resources</i>	Criterion met: Not applicable.	
5) <i>Adequacy of lighting</i>	Criterion met: The proposal will meet the approved lighting plan and the fixtures will match existing.	
6) <i>Signs consistent with preliminary development plan</i>	Criterion met: Not applicable.	
7) <i>Appropriate landscaping to enhance, buffer, & soften the building and site.</i>	Criterion met: No modifications are proposed to the existing landscaping.	
8) <i>Compliant stormwater management</i>	Criterion met: Stormwater management for the site is accommodated is met.	

Analysis	Amended Final Development Plan
9) All phases comply with the previous criteria.	Not applicable.
10) Compliance with other laws & regulations.	Criterion met with condition: The proposal complies with all other known applicable local, state, and federal laws and regulations.

Recommendation	Amended Final Development Plan
Approval	Based on Planning's analysis, the proposed modifications meet the applicable review criteria and approval is recommended with no conditions.

Details	Conditional Use
Proposal	The application includes 630 square feet of outdoor seating area for a new tenant space within the Kroger Shopping Center. The proposed changes to the text request outdoor dining area be permitted throughout the center; however, the applicant is requesting approval of the conditional use to permit this space as the new provisions are not in effect.
Outdoor Seating Area	The proposed outdoor seating area is adjacent to the 500-square-foot additional along the front elevation. This seating area will be located south of the new tenant entrance door on the existing concrete area.
Use	The applicant is proposing to operate the patio during the tenant space hours.
Furniture	Tables are mix of black metal round and square tables with aluminum chairs. No umbrellas are proposed at this time.

Analysis	Conditional Use
Process	Section 153.236 of the Zoning Code identifies criteria for the review and approval of a conditional use (full text of criteria attached).
1) Harmonious with the Zoning Code and/or Community Plan.	Criterion met: This proposal is consistent with the requirements of the Zoning Code and the Community Plan.
2) Complies with	Criterion met: This proposal is consistent with the requirements of the

Analysis	Conditional Use
<i>applicable standards.</i>	Zoning Code.
3) <i>Harmonious with existing or intended character in vicinity.</i>	Criterion met: The proposed use will not alter the essential character of the area and is compatible with surrounding uses.
4) <i>Will not have a hazardous or negative impact on surrounding uses.</i> Condition 1	Criterion met condition: Proposed operations will not have an adverse effect on surrounding uses, as the proposed seating area is located along the front elevation. Planning recommends the proposed patio amenities must be stored in a location that is not visible to the public when not in regular use unless the patio furniture is all-weather material, set up for use and not covered in any way, and weather conditions make the use of furniture possible.
5) <i>Will provide adequate services and facilities.</i>	<i>Not applicable.</i>
6) <i>Will not harm the economic welfare.</i>	Criterion met: This proposed use contributes positively to the economic climate of the city, by providing an additional amenity for shopping center patrons.
7) <i>Create no use or characteristic that is detrimental to the surrounding uses.</i>	Criterion met: The use will not be detrimental to the surrounding area. The proposed patios will be additional amenity for the shopping center.
8) <i>Vehicular circulation will not interfere with existing circulation.</i>	Not applicable.
9) <i>Not detrimental to property values in the vicinity.</i>	Criterion met: This proposal will not be detrimental to property values.
10) <i>Will not impede the development or improvement of surrounding properties.</i>	Criterion met: This proposal uses are contained on site and will not impede development or improvement to the surrounding properties.

Recommendation	Conditional Use
Approval	Planning recommends approval of the proposal as it complies with the application review criteria with the condition listed below.
Conditions	1) The proposed patio amenities be stored in a location that is not visible to the public when not in regular use unless the patio furniture is all-weather material, set up for use and not covered in any way, and weather conditions make the use of furniture possible.

REZONING/PRELIMINARY DEVELOPMENT PLAN

Review Criteria

Section 153.050 of the Zoning Code identifies criteria for the review and approval for a Rezoning/Preliminary Development Plan. In accordance with Section 153.055(A) *Plan Approval Criteria*, Code sets out the following criteria of approval for a preliminary development plan (rezoning):

- 1) The proposed development is consistent with the purpose, intent and applicable standards of the Dublin Zoning Code;
- 2) The proposed development is in conformity with the Community Plan, Thoroughfare Plan, Bikeway Plan and other adopted plans or portions thereof as they may apply and will not unreasonably burden the existing street network;
- 3) The proposed development advances the general welfare of the City and immediate vicinity and will not impede the normal and orderly development and improvement of the surrounding areas;
- 4) The proposed uses are appropriately located in the City so that the use and value of property within and adjacent to the area will be safeguarded;
- 5) Proposed residential development will have sufficient open space areas that meet the objectives of the Community Plan;
- 6) The proposed development respects the unique characteristic of the natural features and protects the natural resources of the site;
- 7) Adequate utilities, access roads, drainage, retention and/or necessary facilities have been or are being provided;
- 8) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public safety and to accommodate adequate pedestrian and bike circulation systems so that the proposed development provides for a safe, convenient and non-conflicting circulation system for motorists, bicyclists and pedestrians;
- 9) The relationship of buildings and structures to each other and to such other facilities provides for the coordination and integration of this development within the PD and the larger community and maintains the image of Dublin as a quality community;
- 10) The density, building gross floor area, building heights, setbacks, distances between buildings and structures, yard space, design and layout of open space systems and parking areas, traffic accessibility and other elements having a bearing on the overall acceptability of the development plan's contribution to the orderly development of land within the City;
- 11) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas;
- 12) The design, site arrangement, and anticipated benefits of the proposed development justify any deviation from the standard development regulations included in the Dublin Zoning Code or Subdivision Regulation, and that any such deviations are consistent with the intent of the Planned Development District regulations;
- 13) The proposed building design meets or exceeds the quality of the building designs in the surrounding area and all applicable appearance standards of the City;
- 14) The proposed phasing of development is appropriate for the existing and proposed infrastructure and is sufficiently coordinated among the various phases to ultimately yield the intended overall development;
- 15) The proposed development can be adequately serviced by existing or planned public improvements and not impair the existing public service system for the area; and
- 16) The applicant's contributions to the public infrastructure are consistent with the Thoroughfare Plan and are sufficient to service the new development.

AMENDED FINAL DEVELOPMENT PLAN

Review Criteria

In accordance with Section 153.055(B) *Plan Approval Criteria*, the Code sets out the following criteria of approval for a final development plan:

- 1) The plan conforms in all pertinent respects to the approved preliminary development plan provided, however, that the Planning and Zoning Commission may authorize plans as specified in §153.053(E)(4);
- 2) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- 3) The development has adequate public services and open spaces;
- 4) The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Code;
- 5) The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity;
- 6) The proposed signs, as indicated on the submitted sign plan, will be coordinated within the Planned Unit Development and with adjacent development; are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and are located so as to maintain safe and orderly pedestrian and vehicular circulation;
- 7) The landscape plan will adequately enhance the principal building and site; maintain existing trees to the extent possible; buffer adjacent incompatible uses; break up large expanses of pavement with natural material; and provide appropriate plant materials for the buildings, site, and climate;
- 8) Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this Code and any other design criteria established by the City or any other governmental entity which may have jurisdiction over such matters;
- 9) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage; and
- 10) The Commission believes the project to be in compliance with all other local, state, and federal laws and regulations.

CONDITIONAL USE REVIEW CRITERIA

Section 153.236(C) sets out criteria for the review and approval of a Conditional Use.

(C) Action by the Planning Commission. The Planning and Zoning Commission shall hold a public hearing and shall not approve a conditional use unless it finds that such use at the proposed location meets all of the following requirements:

- 1) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Code and/or Community Plan.
- 2) The proposed use will comply with all applicable development standards, except as specifically altered in the approved conditional use.
- 3) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- 4) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
- 5) The area and proposed use(s) will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and

sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

- 6) The proposed use will not be detrimental to the economic welfare of the community.
- 7) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.
- 8) Vehicular approaches to the property shall be so designed as not to create interference with traffic on surrounding public and/or private streets or roads.
- 9) The proposed use will not be detrimental to property values in the immediate vicinity.
- 10) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.