



Planning and Zoning Commission

# Planning Report

November 7, 2013

## NE Quad, Subarea 5A- Kroger Marketplace Centre

### Case Summary

Agenda Item	1
Case Number	13-084Z/PDP/FDP/CU
Proposal	An addition to an existing grocery store, modifications to the permitted uses within the existing development text, and an outdoor dining area, for an existing shopping center in Subarea 5A of the NE Quad Planned Unit Development District, north of Hard Road, west of the intersection with Sawmill Road.
Request	Rezoning/Preliminary Development Plan, 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 Final Development Plan</u> Planning recommends approval of this final development plan as it complies with the applicable review criteria, with no conditions.

Approval of the Conditional Use

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	
---	---	-------------------	---

<b>Facts</b>	
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 Parkway 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"> <li>• Full access from Hard Road and Sawmill Road</li> <li>• Frontage: Sawmill Road - approximately 1,500 feet; Hard Road - 1,200 feet; Emerald Parkway - 1,000 feet</li> </ul>
History	<p>2004</p> <p>Approval for final development plan for a retail center, grocery store, two multi-tenant retail buildings, and a fuel station. Various approvals for tenant spaces and outdoor patios have taken place since 2004.</p>
Update	<p>Planning and Zoning Commission reviewed this application at the September 5, 2013 meeting and expressed concern regarding the proposed storage area creating an increase in building area, the modifications to the uses, and the sign proposed for the Starbucks. The Commission's conclusions were to limit the proposed addition area to storage and office use, to keep the educational uses and outdoor dining areas as conditional uses, and to limit the approval of a tenant sign for Starbucks.</p>

<b>Details</b>	
<b>Rezoning with Preliminary Development Plan</b>	
Proposal	The proposal includes modifications to the development text regarding the permitted building area with the inclusion of additional storage and office area, and modifications to the permitted uses.

<b>Details</b>		<b>Rezoning with Preliminary Development Plan</b>
<b>Density: Existing Provisions</b>	<p>The existing approved development text permits 173,976 square feet total building square footage for the first phase of the shopping center, of which 99,945 square feet was permitted for the grocery and 74,031 square feet for retail. The existing grocery store contains a building area of 98,933 square feet with an additional 3,146-square-foot covered loading dock located at the rear.</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 another 24,000 square feet for a future building located to the west of the existing shopping center building. Other outlot and gas station square footage is also separate from the permitted area.</p>	
<b>Density: Proposed Provisions</b>	<p>At the September 5<sup>th</sup> meeting, the Commission expressed concern about the proposed additional building area and the desire to ensure a consistent approach to grocery store approvals. The Commission asked the proposed two-story addition at the south side of the building be limited to storage and office and not increase the existing retail portion of the building. The applicant has revised the development text in accordance with the Commission's request.</p> <p>The proposed development text has been modified to increase the maximum building area to 105,067 square feet to accommodate the proposed additions. To address the Commission's concerns about the retail area, a maximum of 98,500 square feet has been established for the grocery. The retail maximum will limit the areas open to the public. Should the applicant desire more storage and/or office space within the existing footprint they would have to reduce the retail area.</p>	
<b>Uses: Existing Provisions</b>	<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>	

Details		Rezoning with Preliminary Development Plan
Uses: Proposed Provisions	<p>The Commission expressed concerns reading the applicant's request to modify the text to change outdoor service facilities (patios) and tutoring and educational uses from conditional to permitted uses. The applicant has withdrawn the proposed text.</p> <p>The proposed text does continue to have health and allied services and real estate uses as permitted uses. A size limitations was added for the health and allied services to ensure the tenant spaces remain at a moderate level and create minimal effects.</p>	
Parking	<p>The approved development text requires 1,058 parking spaces for the entire shopping center, including the multi-tenant buildings and fuel center. The proposed addition would have removed 11 spaces. The Commission did not want to replace these spaces because of the number of unused spaces already on the site. Accordingly, the applicant has modified the text to reduce the number of required spaces to 1,047.</p>	
Stormwater	<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	<p>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.</p>	
<i>1) Consistency with Dublin Zoning Code</i>	<p><b>Criterion met:</b> This proposal is consistent with the Zoning Code, except as altered in the proposed development text.</p>	
<i>2) Conformance with adopted Plans</i>	<p><b>Criterion met:</b> 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 a neighborhood center. The applicant has discussed with Planning this aspect of the center and will present their findings to the Commission for its consideration. Overall, the proposal building area modifications are minimal and the imposed limits on the total retail area within the grocery will maintain the desired scale.</p>	
<i>3) Advancement of general welfare and orderly development</i>	<p><b>Criterion met:</b> This proposal is compatible with the existing shopping center development The storage and office area is located to the rear of the store in the service area, and the minor addition proposed along the</p>	

Analysis	Rezoning with Preliminary Development Plan
	front elevation will maintain adequate sidewalk distance.
4) <i>Effects on adjacent uses</i>	<b>Criterion met:</b> 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>	Not applicable.
6) <i>Protection of natural features and resources</i>	Not applicable.
7) <i>Adequate infrastructure</i>	<b>Criterion met:</b> The site will continue to maintain adequate access to infrastructure.
8) <i>Traffic and pedestrian safety</i>	<b>Criterion met:</b> The site does not require additional traffic study as the use remains consistent.
9) <i>Coordination &amp; integration of building &amp; site relationships</i>	<b>Criterion met:</b> The proposal maintains the existing development patterns of shopping center.
10) <i>Development layout and intensity</i>	<b>Criterion met:</b> The proposed plans contribute to the orderly development of this site, including proposed uses and density. The proposed area increase is limited to storage and office uses only and places a maximum square footage on those areas available to the public.
11) <i>Stormwater management</i>	<b>Criterion met:</b> The proposed modifications meet stormwater management requirements.
12) <i>Community benefit</i>	<b>Criterion met:</b> The development text outlines all applicable development requirements for this project.
13) <i>Design and appearance</i>	<b>Criterion met:</b> The proposal does not alter the design or appearance provisions within the text.
14) <i>Development phasing</i>	Not applicable.
15) <i>Adequacy of public services</i>	<b>Criterion met:</b> There are adequate services for the development.
16) <i>Infrastructure contributions</i>	Not applicable.

<b>Recommendation</b>		<b>Rezoning with Preliminary Development Plan</b>
Approval	In Planning's analysis, this proposal complies with the rezoning/preliminary development plan criteria and the existing development pattern established for the area. Approval is recommended with no conditions.	

<b>Details</b>	<b>Final Development Plan</b>
Proposal	<p>This proposal includes:</p> <ul style="list-style-type: none"> <li>• 500-square-foot addition along the Kroger storefront for an additional retail tenant;</li> <li>• 5,634-square-foot addition to the rear of the building to permit additional storage and office for the Kroger store;</li> <li>• Modifications to the rear parking area;</li> <li>• New outdoor seating area; and</li> <li>• Architectural modifications for the additional building spaces.</li> </ul>
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 to the left entering the new tenant door. The proposed location of the seating area does not reduce the sidewalk width or extend past the existing front elevation.</p> <p>The proposed 5,634-square-foot two-story storage and office area is located to the rear of the building along the south elevation of the existing service and loading area.</p>
Parking	The storage and office addition proposes the removal of 11 parking spaces. The plans previously indicated the replacement of these parking spaces on site, but at the Commission's suggestion they have been removed and the text modified to permit less parking spaces for the shopping center development.
Architecture	The proposed architectural modifications will match the design and materials of the existing building.

Details	Final Development Plan
Signs	The applicant has withdrawn the previous proposal for an individual tenant sign for the Starbucks tenant.

Analysis	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>	<b>Criterion met:</b> This proposal is consistent with the proposed development text and preliminary development plan.
2) <i>Traffic and pedestrian safety</i>	<b>Criterion met:</b> 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>	<b>Criterion met:</b> The site has adequate public services. No open space dedication is required.
4) <i>Protection of natural features and resources</i>	Not applicable.
5) <i>Adequacy of lighting</i>	<b>Criterion met:</b> The proposal will meet the approved lighting plan and the fixtures will match existing.
6) <i>Signs consistent with preliminary development plan</i>	Not applicable.
7) <i>Appropriate landscaping to enhance, buffer, &amp; soften the building and site.</i>	Not applicable.
8) <i>Compliant stormwater management</i>	<b>Criterion met:</b> Stormwater management for the site is accommodated is met.
9) <i>All phases comply with the previous criteria.</i>	Not applicable.
10) <i>Compliance with other laws &amp;</i>	<b>Criterion met :</b> The proposal complies with all other known applicable local, state, and federal laws and regulations.

Analysis	Final Development Plan
<i>regulations.</i>	

Recommendation	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 a 630-square-foot outdoor seating area for a new tenant space within the Kroger store
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, previously used for outdoor plant display. The applicant will be able to relocate the outdoor display area in compliance with Code.
Use	The patio will operate during the tenant space hours.
Furniture	Tables are mix of black metal round and square tables with aluminum chairs. No umbrellas are proposed.

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) <i>Harmonious with the Zoning Code and/or Community Plan.</i>	<b>Criterion met:</b> This proposal is consistent with the requirements of the Zoning Code and the Community Plan.
2) <i>Complies with applicable</i>	<b>Criterion met:</b> This proposal is consistent with the requirements of the Zoning Code.

<b>Analysis</b>	<b>Conditional Use</b>
<i>standards.</i>	
3) <i>Harmonious with existing or intended character in vicinity.</i>	<b>Criterion met:</b> 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	<b>Criterion met condition:</b> 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 condition commonly applied for storage of patio amenities when not in regular use.
5) <i>Will provide adequate services and facilities.</i>	Not applicable.
6) <i>Will not harm the economic welfare.</i>	<b>Criterion met:</b> This proposed use contributes positively to the economic climate of the city by providing an additional amenity for the center.
7) <i>Create no use or characteristic that is detrimental to the surrounding uses.</i>	<b>Criterion met:</b> 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>	<b>Criterion met:</b> This proposal will not be detrimental to property values.
10) <i>Will not impede the development or improvement of surrounding properties.</i>	<b>Criterion met:</b> This proposal uses are contained on site and will not impede development or improvement to the surrounding properties.

<b>Recommendation</b>	<b>Conditional Use</b>
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.