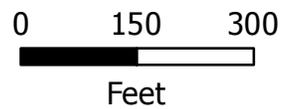


City of Dublin

13-122CU
 Conditional Use
 NE Quad, Subarea 5A
 Kroger Marketplace Centre - Real Estate Brokerage Office
 7533 Sawmill Road



PROPOSED DEVELOPMENT TEXT TO BE APPROVED BY CITY COUNCIL

Subarea 5A: Retail Center Area (27.951 +/- acres)

Permitted Uses:

Department stores
Meat and fish (sea food) markets
Grocery Stores
Large format retail
Candy, nut and confectionery stores
Men's and boy's clothing and furnishings stores
Women's accessory and specialty stores
Women's ready-to-wear stores
Family clothing stores
Children's and infant's wear stores
Shoe stores
Custom tailors
Miscellaneous apparel and accessory stores
Radio, television and music stores
Drug stores and proprietary stores
Eating and drinking places
Book and stationery stores
Sporting goods stores and bicycle shops
Jewelry stores
Florists
Cigar stores and stands
News dealers and news stands
Camera and photographic supply stores
Gift, novelty and souvenir shops
Optical goods stores
Miscellaneous retail stores not elsewhere classified
Commercial and stock savings banks
Mutual savings bank
Trust companies not engaged in deposit banking
Establishments performing functions closely related to banking
Savings and loan associations
Agricultural credit institutions
Personal credit institutions
Business credit institutions
Loan correspondents and brokers
Beauty shops
Barber shops
[Health and allied services including day spas and health and fitness clubs with a maximum class size of thirty-five \(35\)](#)

Conditional Uses:

The following uses shall be permitted in the retail center area, subject to approval in accordance with Dublin City Code Section 153.236.

~~Health and allied services including day spas and health clubs with a maximum class size of thirty-five (35)~~

Miscellaneous personal services

Auto-oriented commercial facilities

Outdoor service facilities/[outdoor dining patios](#)

[Tutoring and educational services](#)

[Real Estate Sales Offices](#)

Additional Use Considerations:

1. Two (2) multi-tenant retail buildings with a combined square footage of 17,000 square feet shall be permitted along the Sawmill Road frontage per the submitted development plan. A drive-thru and/or drive-in shall be permitted on one (1) of the multi-tenant retail outbuildings subject to approval in accordance with Dublin City Code Section 153.236. Should these two multi-tenant retail outbuildings not immediately be developed, the sites shall be fine graded and seeded with grass as a holding measure until the lots are used.
2. Except for the grocery use and the two 18,000 square foot tenant spaces, no individual tenant space may exceed 10,000 square feet.
3. One (1) gasoline sales kiosk, with maximum square footage of 150 square feet shall be permitted along the Sawmill Road frontage per the submitted development plan.
4. The hours of operation shall be as follows:
 - a. Grocery store: 24 hours a day
 - b. Retail space: 6:00 a.m. to 12:00 a.m.
 - c. Restaurants: 6:00 a.m. to 2:00 a.m.

Yard and Setback Requirements:

PROPOSED DEVELOPMENT TEXT TO BE APPROVED BY CITY COUNCIL

1. Along Sawmill Road, the pavement setback shall be 40', and the building setback shall be 69'.
2. Along the Hard Road extension, the pavement setback shall be 50' and the building setback shall be 60'.
3. Along the Emerald Parkway extension, the pavement setback shall be 40', and the building setback shall be 50'.
4. Along Summer Drive, the pavement setback shall be 35' and the building setback shall be 60', measured from the centerline of the road.
5. Along the 4.4 acre tree preservation zone, the pavement setback shall be zero, and the building setback shall be 75'.
6. Interior lot lines shall have a zero setback for parking and building.
7. Easements for any purpose along the east side of Emerald Parkway, shall have no effect on the setbacks detailed herein or depicted on the Preliminary Development Plan.

Density:

1. Total building square footage for the first phase shall be ~~173,976~~ 179,098, which consists of two parts:
 - a. Grocery Store: A maximum building area of 105,067 square feet with a maximum retail grocery component that shall not exceed 98,500 square feet. The retail grocery component shall be considered areas used for general retail purposes or areas open to public use. ~~(99,945-grocery and~~
 - b. Shopping Center: A maximum building area of 74,031 for retail use).
2. Total building square footage for the second phase shall 24,000.
3. The square footage for the multi-tenant retail buildings and gasoline sales kiosk adjacent to Sawmill Road is 17,150, (17,000 restaurant/retail and 150 gasoline sales kiosk).

Height Requirements:

1. The maximum height for the main grocery building shall be 45' except architectural features such as parapets, appendices, hips, gables, spires, etc., which may extend up to 55'.

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2. The maximum height of the retail/restaurant space attached to the main grocery building shall be 38", except architectural features such as parapets, appendices, hips, gables, spires, etc., which may extend up to 50'.
3. The maximum height of the multi-tenant retail buildings shall be 28', except architectural features such as parapets, appendices, hips, gables, spires, etc., which may extend up to 30'.

Parking and Loading:

1. Unless otherwise stated herein or otherwise depicted on the preliminary development plan, all parking and loading shall be regulated by Dublin Code, Section 153.200 et seq.
2. There shall be ~~1,058~~1,047 parking spaces provided for Subarea 5A including the multi-tenant retail building and gasoline sales area, as indicated on the site plan. Eight stacking spaces shall be provided for the pharmacy drive-thru as part of the grocery. The applicant has planned this development around the preservation of the 4.4 +/- acre tree preservation zone at the northwest corner of Hard and Sawmill Roads. Also, the City of Dublin realigned the Emerald Parkway extension easterly resulting in a net loss to this property of approximately two (2) acres. Due to the provision of the 4.4 +/- acre tree preservation area and the acreage loss due to the road realignment, this site does not meet the minimum parking requirement. In consideration of these factors, the minimum parking requirement shall not be strictly enforced.
3. Service courts and loading docks shall be screened from all sides by landscaping mounding or walls.
4. There shall be shared parking between the main grocery building, the restaurant retail attached thereto, the multi-tenant retail buildings, and the gasoline sales area.
5. Internal pedestrian walkways as shown on the site plan will provide the necessary access points from parking areas to the stores. Bicycle racks will be provided along the front of the stores.
6. Shopping cart corrals shall be located within the parking lots and constructed in an "H" design utilizing landscape materials which provide screening of the stored carts. No vertical, non-generic cart corral signage will be allowed at each site.
7. Employees will park within the site as determined by the employer.

PROPOSED DEVELOPMENT TEXT TO BE APPROVED BY CITY COUNCIL

8. A large portion of the site is served by an existing stormwater drainage system, the remainder of the site will comply with the existing stormwater regulation found in the Dublin zoning code as articulated in the MORPC 5 year storm release rates and further the current Dublin standards with regard to stormwater quality must be met.
9. Stacking requirements for the fuel station shall be in compliance with the requirements of the Dublin City Code.

Circulation:

1. Sawmill R.O.W. shall be 68' from the centerline (to be resolved with City of Columbus).
2. Hard Road R.O.W. between Sawmill Road and Emerald Parkway shall be 135'.
3. Emerald Parkway shall have a 100' right-of-way and a pavement width consistent with prudent traffic engineering principles.
4. Summer Drive shall be private and maintained by the developer. Summer Drive shall be constructed by the developer to a specification approved by the City Engineer. All other publicly dedicated R.O.W. shall be 50'.
5. A bike path shall be developed along the Sawmill Road frontage and link with the existing pedestrian path along Hard Road.
6. Construction of Emerald Parkway from Sawmill to Hard Road shall occur before or simultaneously with the development of the retail center. In addition, at such time applicants shall dedicate the required right-of-way for the extension of Emerald Parkway to Bright Road. All curb cut locations and spacing shall be designed according to prudent traffic engineering principles.
7. The owner shall pay toward construction of Emerald Parkway north of Hard Road concurrent with development of the retail center, pursuant to a separate Infrastructure Agreement between the developer and the City.
8. The owner shall modify existing signals and pavement markings on Sawmill Road to the satisfaction of the cities of Columbus and Dublin; that curb cut location and function be as shown on the site plan and to the satisfaction of the City Engineer of the City of competent jurisdiction; that street lighting, curb and gutter, bike path and sidewalks be installed per City standards, to the satisfaction of the City Engineer; and easements for all utilities be recorded at a later date to the satisfaction of the City Engineer.

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Waste, Refuse, Outdoor Display Areas and/or other Environmental Commitments:

1. All waste and refuse shall be containerized. The multi-tenant buildings and gasoline sales area will also be required to have lids on their dumpsters to mitigate any odor or pest problems in the area.
2. Seasonal outdoor sales shall be permitted subject to issuance of a seasonal outdoor sales permits in compliance with the requirements of the Dublin City Code.
3. The outside display area around the gasoline sales kiosk shall be limited to the following:
 - a. Ice and beverage vending machines so long as they do not face a public right-of-way and are not internally illuminated.
 - b. Limited automotive product display racks, not to exceed 36" in height adjacent to the sales kiosk.
4. Outdoor display shall be prohibited for the two (2) multi-tenant retail buildings.
5. All waste and refuse containers and areas must be screened on three sides by a solid fence, wall, or building with a matching solid wood or metal gate to a minimum height of six (6) feet, unless otherwise in compliance with the Dublin City Code. The enclosure material is to match that of the predominate material of all buildings unless otherwise approved by the Planning and Zoning Commission.

Storage, Equipment and Screening:

1. No materials, supplies, equipment or products shall be stored or permitted to remain on any portion of the parcel outside of permanent structure. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building.
2. All commercial vehicles associated with businesses operating within the center must be parked within a fully screened loading zone.

Landscaping:

1. Except as otherwise stated herein landscaping shall conform to the Dublin Landscape Code, Section 153.130 et seq.

PROPOSED DEVELOPMENT TEXT TO BE APPROVED BY CITY COUNCIL

2. Landscaping within the Sawmill Road setback shall be comprised of a combination of evergreen and deciduous shrubs, flowering and deciduous trees to a height of 3.5'.
3. A 4' to 6' mound landscaped with a mixture of evergreen and deciduous plantings will be located along the Emerald Parkway frontage to the west of the Kroger building to provide a buffer from Emerald Parkway.
4. Street trees shall be planted along Sawmill Road, Hard Road and Emerald Parkway per City of Dublin Standards.
5. The applicant shall meet the City of Dublin Tree Preservation Ordinance unless a Tree Preservation Waiver is granted by the Dublin City Council.
6. The locations of planned signage and entry walls are indicated on the attached site plan.
7. A 4.4 +/- acre tract of land located at the northwest corner of Sawmill and Hard Roads shall be privately owned and maintained and will be designated open space. A no disturb zone/tree preservation zone will be privately maintained with the only intrusions being the Hard Road access which connects to the shopping center and any necessary utilities to serve the site. No clearing or thinning of trees shall be permitted in that area except for customary practices to improve the aesthetic of the area. Existing trees within this area shall be counted toward the minimum landscape requirement of Dublin City Code Section 153.133(B)(3)(a). The area shall be maintained in compliance with the requirements of the Dublin City Code.

Lighting:

1. External light fixtures may be pole or wall mounted, dark in color and of similar type and style.
2. All parking lot lighting shall be limited to 28' in height.
3. Lighting program shall be designed to minimize glare and light trespass onto adjacent properties.

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4. All lighting fixtures shall be cut-off fixtures to prevent spillage of light onto adjacent properties, and shall conform to City of Dublin Lighting Guidelines.
5. The above lighting restrictions are applicable to all of Subarea 5A.

Architecture:

1. All building materials shall be earthtone in color.
2. The basic building materials shall be brick, stone and EIFS.
3. Roof lines, facades, rear and side building elevations shall be varied to provide relief in the building facades and alternate building massing.
4. Building materials shall be consistent on all visible sides of the buildings.
5. Where hipped or gabled roofs are provided, dimensional asphalt shingles will be the predominate roof material.
6. Main retail building tenants may have a variety of storefront conditions that include a covered colonnade or building mounted fabric awnings. Combinations of hipped, gabled, and detailed horizontal parapets shall be encouraged to breakup the over roof line.
7. Building materials consisting of brick, stone, and EIFS, shall be used for the larger anchor store, minor anchor store(s) (if provided), smaller retail shop buildings and the multi-tenant retail buildings. Non-visible (service court) masonry walls shall be painted concrete block in a color harmonious with the brick used throughout the center.
8. Other anchors and smaller shops may have colonnaded fronts, per the attached elevations, using a design similar and harmonious with those pilasters provided for the larger stores. Parapets projected above the columns will be articulated at larger tenant entrances. These parapets will be either rectilinear or gable in shape per the illustrations accompanying this text. Other materials will be the same as those provided for the major anchors with non-visible rear walls being concrete block painted to be harmonious with the brick used throughout the center.

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9. Roof mounted equipment shall be screened with hipped or gabled roofs as well as detailed horizontal parapets. Rear and side building parapets on the anchor store shall be horizontal in nature, but shall be varied in height.

Signage:

1. Proposed signage shall be as approved with the Final Development Plan.
2. Unless otherwise indicated in this text, or any attachment hereto, all signage shall be in conformance with the pertinent provision of the Dublin Sign Code.
3. The wall sign for the major tenant shall be a maximum 110 square feet for the grocery façade facing Sawmill Road as shown on the submitted plans which is comparable with the wall signage previously approved for grocery store locations within Dublin. A maximum 50 square foot wall sign identifying the grocery store shall be permitted on the west side of the building along the Emerald Parkway frontage. The two (2) monument center identification signs identifying the grocery store shall be permitted on the west side of the building along the Emerald Parkway frontage. The two (2) monument center identification signs identifying the major tenant shall be a maximum of 8 feet in height and shall be 66 square feet for the Sawmill Road location and 66 square feet in size for the Hard Road location.
4. The signage for the other tenants shall be described as follows:
 - a. The maximum height for the individual letters will be 30", except for ascenders and descenders.
 - b. The maximum graphic span on the front façade for each tenant shall be 80% of the sign fascial length and the wall sign shall be located over the entrance to the tenant space.
 - c. The signage will consist of individual channel letter boxes affixed to the façade. The letter faces will be made on acrylic plastic which will be illuminated internally by neon tubing. The return sides of all letters shall be dark bronze throughout the entire center. No exposed raceways shall be permitted. Letter boxes will be mounted flush with the wall.
 - d. No individual sign shall exceed three (3) colors.

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- e. All sign finishes shall be matte finish.
5. All signage shall be comprised of the color palette approved as a part of the Final Development Plan.
6. Signage shall be permitted for the pharmacy at the northern edge of the grocery use. Said signage to include canopy and post, shall be directional in nature indicating pharmacy drive thru location and "do not enter" signs per Dublin Signage Code.
7. Gas station signage shall be as approved with the Final Development plan. No signage shall be permitted on the building, pumps, or canopy, except as required by the law.
8. The site shall have a series of uniform egress and/or directional signs to aid traffic flow throughout the site, said signage shall comply with the pertinent provisions of the Dublin Zoning Code.
9. Blade signs shall be permitted to enable walking traffic to identify all tenants.
10. All other signage not identified shall comply with Section 153.150 et seq., of the Dublin zoning code.
11. No exposed neon, soda machines, banners, ATMs, etc., shall be permitted outside the buildings, except for the gasoline station outlet where ice and beverage machines are permitted.

Maintenance:

All buildings, structures, fences, paved areas, landscaped areas and other improvements shall at all times be kept in good condition and repair and with a clean and slightly appearance. Landscape areas shall be maintained with materials specified in the Plan and in a healthy living state, mowed, pruned, watered and otherwise maintained as appropriate. There shall be provided and kept in good working order, trash compactors and/or depositories at approved locations which shall be emptied prior to becoming full and a pest and rodent control program shall be provided if necessary. Tenants will be required to deposit trash only in said compactors or depositories and said properties shall be kept free of litter under all reasonable conditions and parking

PROPOSED DEVELOPMENT TEXT TO BE APPROVED BY CITY COUNCIL

and paved areas shall be power swept where necessary. All signage shall be kept in good repair. Lighting, painting and associated materials on signage shall be kept in a continuously upgraded condition. When, and if, vacancies shall occur, said spaces shall be decoratively maintained free of litter, dirt and left over and/or deteriorated signage so as to appear ready for re-rental and re-occupancy provided that nothing herein shall be construed as interfering with the right to make reasonable repairs or alterations to said premises.

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

NOVEMBER 7, 2013

The Planning and Zoning Commission took the following action at this meeting:

- 1. NE Quad – Subarea 5A – Kroger Marketplace** **7625 Sawmill Road**
13-084Z/PDP/FDP/CU **Rezoning/Preliminary Development Plan/
Final Development Plan/Conditional Use**

Proposal: An addition to the existing grocery store, modifications to the permitted uses within the existing development text, and an outdoor dining area for a shopping center within Subarea 5A of the NE Quad Planned Unit Development, located on the west side of Sawmill Road approximately 750-feet north of the intersection of Hard and Sawmill Roads.
Request: Review and recommendation of approval to City Council of a rezoning with preliminary development plan and review and approval of a final development plan, both under the provisions of Zoning Code Sections 153.050. This is also a request for a review and approval of a conditional use under the provisions of Zoning Code Section 153.236.
Applicant: Nick Vollman; represented by Ben Hale, Jr., Smith and Hale LLC.
Planning Contact: Jennifer M. Rauch, AICP, Planner II.
Contact Information: (614) 410-4690, jrauch@dublin.oh.us

MOTION #1: Richard Taylor moved, Joseph Budde seconded, to forward a recommendation of approval to City Council this Rezoning/Preliminary Development Plan because it is complies with the preliminary development plan and the applicable review criteria with one condition:

- 1) To modify the text to reduce the future expansion square footage to 23,500 square feet this is less by the increased amount of retail area of the Kroger Marketplace 500 square feet.

*Ben Hale Jr., agreed to the above conditions.

VOTE: 5 – 2.

RESULT: This Rezoning/Preliminary Development Plan application will be forwarded to City Council with a recommendation of approval.

RECORDED VOTES:

Chris Amorose Groomes	Yes
Richard Taylor	Yes
Warren Fishman	No
Amy Kramb	No
John Hardt	Yes
Joseph Budde	Yes
Victoria Newell	Yes



City of Dublin

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PLANNING AND ZONING COMMISSION

RECORD OF ACTION

NOVEMBER 7, 2013

The Planning and Zoning Commission took the following action at this meeting:

1. **NE Quad – Subarea 5A – Kroger Marketplace** **7625 Sawmill Road**
13-084Z/PDP/FDP/CU **Rezoning/Preliminary Development Plan/
Final Development Plan/Conditional Use**

MOTION #2: Richard Taylor moved, Joseph Budde seconded, to approve Final Development Plan because it complies with the review criteria with one condition:

- 1) The applicant replace any trees removed as part of the proposed expansion in accordance with the tree replacement provisions of the Code, subject to approval by Planning.

*Ben Hale Jr., agreed to the above conditions.

VOTE: 5 – 2.

RESULT: This Final Development Plan was approved.

RECORDED VOTES:

Chris Amorose Groomes	Yes
Richard Taylor	Yes
Warren Fishman	No
Amy Kramb	No
John Hardt	Yes
Joseph Budde	Yes
Victoria Newell	Yes



City of Dublin

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PLANNING AND ZONING COMMISSION

RECORD OF ACTION

NOVEMBER 7, 2013

The Planning and Zoning Commission took the following action at this meeting:

- 1. **NE Quad – Subarea 5A – Kroger Marketplace** **7625 Sawmill Road**
13-084Z/PDP/FDP/CU **Rezoning/Preliminary Development Plan/
Final Development Plan/Conditional Use**

MOTION #3: Amy Kramb moved, Victoria Newell seconded, to approve this Conditional Use application because 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.

*Ben Hale Jr., agreed the above conditions.

VOTE: 7 – 0.

RESULT: This Conditional Use application was approved.

RECORDED VOTES:

Chris Amorose Groomes	Yes
Richard Taylor	Yes
Warren Fishman	Yes
Amy Kramb	Yes
John Hardt	Yes
Joseph Budde	Yes
Victoria Newell	Yes

STAFF CERTIFICATION

Jennifer M. Rauch, AICP
Planner II

Motion and Vote

Mr. Taylor moved, Mr. Budde seconded to accept the October 17, 2013 meeting minutes as amended. The vote was as follows: Mr. Hardt, yes; Ms. Kramb, yes; Mr. Fishman, yes; Ms. Amorose Groomes, yes; Ms. Newell, yes; Mr. Budde, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

Ms. Amorose Groomes noted that Cases 1 and 2 were eligible for consent and asked if anyone requested that either be pulled. Ms. Kramb pulled Case 1, Kroger Marketplace. Mr. Taylor said he wanted to briefly discuss conditional uses in general, but he did not have comments regarding Case 2, Orangetheory Fitness.

Ms. Amorose Groomes determined the case order as Case 2, 1, 3, 4, and 5. She briefly explained the rules and procedures of the Planning and Zoning Commission.

1. NE Quad – Subarea 5A – Kroger Marketplace **7625 Sawmill Road**
13-084Z/PDP/FDP/CU **Rezoning/Preliminary Development Plan/
Final Development Plan/Conditional Use**

Chair Chris Amorose Groomes introduced this application requesting approval for an addition to the existing building, modifications to the uses within the existing development text, and an outdoor dining area for a shopping center within Subarea 5A of the NE Quad Planned Unit Development, located on the west side of Sawmill Road approximately 750-feet north of the intersection of Hard and Sawmill Roads. She said there would be separate motions for the Rezoning with Preliminary Development Plan, which will be forwarded on to City Council; the Final Development Plan; and the Conditional Use, for which the latter two applications the Commission is the final authority.

Ms. Amorose Groomes swore in those who intended to address the Commission in regards to this case including Ben Hale, Jr., Smith and Hale, LLC [37 West Broad Street, Columbus, Ohio], representing the applicant, Nick Vollman and Jordin Horan, 411 Executive Parkway, representing the Kroger Company, and City representatives.

Jennifer Rauch presented this application for a rezoning/preliminary development plan with a final development plan and a conditional use for the Kroger Marketplace store. She said the Commission reviewed this application in September 2013 with a similar request for additional building area located to the rear of the building in the service area and a 500-square-foot addition at the front of the building. She said previously the Commission was concerned about the overall size of the proposed building addition, and the requirements and intent of the original text. She said the Commission requested the proposed addition to the rear be limited to storage use in order to limit the retail component of the building and to address the concerns raised about keeping the shopping center at a neighborhood scale.

Ms. Rauch said Planning worked with the applicant to come up with a solution to address the Commission's concerns. She said the existing text permits 99,933 square feet for the Kroger building and with the revisions, the applicant is proposing to cap the grocery/retail component at 98,500 square feet, while permitting the building to expand to 105,067 square feet to accommodate the proposed additions.

John Hardt asked if the sales floor was 98,500 square feet. Ms. Rauch said it means the area to which the public has access.

Mr. Hardt asked how that compared to the existing sales floor of the store. Ms. Rauch referred the question to the applicant.

Ms. Rauch said the second part of the application addresses modifications to the permitted and conditional uses within the development text. She explained the original submittal proposed Education

and Tutoring, Health and Allied Services, Outdoor Dining and Service, and Real Estate Office proposed as Permitted Uses, but the Commission wanted to keep Health and Allied Services, Outdoor Dining and Service, and Real Estate Office use as Conditional Uses, which the proposal has done. She said to address Mr. Taylor's questions the maximum class size is limited to 35 students within the development text.

Ms. Rauch said the proposed Final Development Plan includes modifications to the architecture which are compatible with the existing building design and materials. She presented the plan showing the area where the building additions will be located. She said the existing trees located along the front elevation will be removed with the construction and have been conditioned to be replaced on site per Code. Ms. Rauch said the rear addition will require the removal of existing parking spaces. She said the previous proposal included the replacement of these spaces on site; however, the Commission determined these spaces would not need to be replaced because of the over-parked nature of this site. She said to address this comment the applicant has reduced the required parking number within the development text.

Ms. Rauch said the final part of this application is a conditional use request for a 680-square-foot outdoor dining patio for Starbucks which will be associated with the new front addition.

Ms. Rauch said Planning proposes a recommendation of approval to City Council for the Rezoning/Preliminary Development Plan with no conditions. She said Planning recommends approval of the Final Development Plan with one condition requiring the replacement of the trees for the expansion area on-site, and the Conditional Use with one condition regarding the storage of patio furniture during inclement weather.

Ben Hale, Jr., Smith and Hale, representing The Kroger Company, said they are very anxious to remodel the interior of this store to be competitive with the new Walmart across the street. He said Starbucks is currently located in the middle of the store and will be relocated in the proposed additional along the front of the store with a seating area and a door accessible from the store. Mr. Hale said the proposed storage area is needed for efficiency so panel delivery trucks will not have to continually deliver merchandise to the store. He said the applicant agreed to reduce the retail permitted in the store by approximately 1,000 square feet. Mr. Hale said they rent several thousand square feet of storage area in the rear of the shopping center which is treated like part of their retail area.

Mr. Hale said he contacted Mack Parkhill of the Northeast Civic Association, who expressed no concerns about the proposal and understood the revisions were compatible with the existing building. Mr. Hale said the Starbucks wall sign was removed, as requested by the Commission. He said the sign was not part of this application, and if they decide they want a sign, they will have to come back to the Commission for approval.

Mr. Hale said four Kroger representatives were present to answer any Commission questions.

Ms. Amorose Groomes invited public comments regarding this application. [There were none.]

Amy Kramb said she supported the changes to the Kroger store, but she would like to see the additional square footage subtracted from the future 24,000 to maintain the intent of the maximum square footage on the site. Ms. Kramb said it seemed awkward to limit or base it the need for a conditional use on a maximum class size of 35 persons. She asked if it should be based on either maximum occupancy of the building or a square footage to stick to the intent of small businesses and limit a larger health club.

Claudia Husak said the existing development text currently limits the square footage of a single tenant and that would by default limit the tenant space. Ms. Rauch said the text stated that no individual tenant space may exceed 10,000 square feet.

Ms. Kramb suggested the class size requirement text be removed. Ms. Rauch said the text could be modified to remove the class size.

Mr. Hardt said he was in favor of keeping the class size limitation for these types of facilities, because the clientele trickles in and out one at a time. He said a large mass of people show up at the same time for one event which has a significant impact on parking. He said he understood the two things proposed layered on top of each other limit the size of a fitness facility to 10,000 square feet, but the requirement limiting the class size to no more than 35 persons was appropriate. He said anything larger than that size would have an impact on adjacent businesses. He said he was supportive of the class size limit as written.

Mr. Hardt said he appreciated the change to the parking in the rear. Mr. Hardt said the proposed modification to limit the retail could seem like a minor concession, but he did not think it was. He said the concern from residents to limit the grocery store to 100,000 square feet to ensure the scale and character of the store and the retail center focused on the neighborhood would be maintained. He said the retail floor space will be held steady, meaning the character and the scale of the store is not changing. He said we are indeed only adding storage and for him that was a significant difference that went a long way toward making him feel comfortable with this proposal.

Mr. Hardt said during the previous review the rear elevations and the floor plan did not match and wanted to confirm these discrepancies had been addressed. Mr. Hale said it had been and there was only one round window.

Warren Fishman said Mr. Hardt's comment about the parking situation with the health club was a good point. He said he thought limiting the size of the class was valid because people showed up at all times.

Mr. Fishman said regarding the proposed Kroger additional square footage, he was in favor because it was a hardship in doing business. He said however, he was a Commissioner at the time of the original rezoning, and he recalled the neighbors were adamant about keeping the store small and the shopping center never growing in square footage. He agreed with Ms. Kramb and could not support this proposal unless the additional square footage was taken from the future 24,000 square feet building.

Joe Budde complimented Kroger for responding to the Commission's discussion last time and returning with the revised proposal. He agreed with size limitations and the class size limitations for the fitness uses. He said he agreed the future square footage should be reduced by the proposed addition with this application.

Victoria Newell said she appreciated the application and the limitation on the retail sales space. She said she thought it was a fair proposal; however, she also said last time she thought the expansion area needed to be balance with the overall size of the development. She agreed with Ms. Kramb the additional area should come out of the entire development area.

Richard Taylor said he had no problem with the additional space because it was being designated as storage and office space and does not increase the retail floor size. He thanked the applicant for removing the Starbucks sign. Mr. Taylor recalled on the previous proposal a pharmacy window was being moved and he did not see any reference to that on the plan. He said the floor plan showed the existing window blocked up.

Jordin Horan, 411 Executive Parkway, representing the Kroger Company, said the pharmacy window will be closed, because the pneumatic tube is located on the passenger side of a car, and therefore it does not serve its purpose. She explained with the remodeling the pharmacy will shift back into the store to enlarge their space and the window will not be near the pharmacy. She said the window is located under a canopy and only visible for the person driving up for prescriptions and the pneumatic tube faces the

other side. She said the drive-thru will still be active with a video screen on the driver's side instead a window.

Mr. Taylor asked if that would be handled as a minor modification. Ms. Rauch confirmed.

Ms. Amorose Groomes she was struggling with idea for reducing the future building along Emerald Parkway because of the amount of public and private investment made along this roadway and she was looking forward to this space being filled to ensure we are not looking at the back of a shopping center. She said she was struggling with removing what would be a much nicer façade along Emerald Parkway to accommodate the small addition on the back of the building and the coffee shop along the front.

Warren Fishman said this could be dealt with by landscaping and mounding and the reduction would be 6,000 square feet less. He said he would rather see mounding and landscaping to cover the back of the building. Mr. Fishman said he was sure when the applicant returned to the Commission with the future phase they would ensure the back of the building would not be seen from Emerald Parkway.

Victoria Newell said the 6,000 square feet would not have to be removed off right at the end of the building and could be taken off in the niches of the building as part of the architecture and still fill the entire length.

Mr. Fishman said any building area removed could be replaced with green space. He said the building did not have to be long and skinny. He said the architecture could be dealt with when the future building comes before the Commission and it would be ensured the back of the building would not be seen from Emerald Parkway.

Mr. Taylor said Kroger had made a good case they need this space to stay competitive. He said that this was approved in 2004, and the neighborhood now is a lot bigger, and so he did not have a problem with the neighborhood center being a little larger than it was when it was first approved.

Mr. Fishman said he thought the people who lived there had a problem with it. He said in 2004, the neighborhood was very vocal about this being a neighborhood center, not a regional center. He recalled the neighborhood wanted it smaller than it is. He said it was compromised again and again. He said they did not want Kroger to be as big as it was because they did not want giant big box stores. Mr. Fishman said he thought it was a hardship with Walmart going across the street and Dublin needed to keep Kroger in business. He said if a future Commission sees fit to go back to 24,000 square feet, that would be fine, but he thought it was only fair to have them give up the 6,000 square feet at this time.

Ms. Amorose Groomes said the only thing she could be convinced was to remove the square-footage of the footprint and not the second story. Mr. Fishman said he respectively disagreed and said regardless of where the square footage is people in it. He said the spirit of this center when they limited the square footage was to reduce the number of people, cars, traffic, because this was to be a neighborhood development. He said it should be limited now and could be addressed later when the future building comes forward and if it is determined to be needed at that time then it could be changed.

Ms. Kramb agreed with Mr. Fishman. She said the shopping center should be taken as a whole and if Kroger wanted to be there then the square footage should be taken away from the remaining amount of square footage for the center.

Ms. Amorose Groomes asked for the square footage of the addition on the ground. Ms. Rauch said it is 3,419 square feet, with the first floor is added at the rear and the 500 square feet.

Ms. Amorose Groomes asked if there were any further comments from the Commissioners about the other aspects of this proposal, the Final Development Plan or the Conditional Use. [There were none.]

Ms. Amorose Groomes reiterated she was in favor of reducing the future building by 3,419 square feet.

Jennifer Readler said if the Commissioners could come to a consensus on the square footage, they could ask the applicant to agree.

Mr. Fishman reiterated he thought any square footage added should be deducted.

Joe Budde said after hearing all the discussion, he agreed the amount of square footage of the footprint only should be deducted from the future development area.

Ms. Newell said she appreciated the compromise and appreciated Kroger limiting the square footage of the retail area because she thought it would have the biggest impact. She said however, she could not help but think about the future development if someone wanted to add storage elsewhere and it kept increasing the size of the center. She said she knew the future section may never be built, but it is currently in the text and in the proposal to be built and she thought the Commission had to consider that. She said she was thinking in terms of the whole development and that was why she said she was on the fence.

Ms. Kramb said she was in favor of reducing the entire amount from the future building, the 6,000 square feet.

Mr. Hardt said because of the nature of the proposed addition, he was supportive of this proposal as it was submitted with no deductions.

Ms. Amorose Groomes asked for Mr. Hale's thoughts on this.

Mr. Hale clarified Kroger did not own the center and was paying rent on the additions. He said Kroger said they would be willing to have 500 square feet of additional retail taken off the 24,000 square feet building and pay the landlord for it. He said he was present during the rezoning approval and he recalled the future development was a big deal. He said they wanted the landlord to build it with the rest of the center because they wanted it to hide the back of the center, and they reached a compromise where they put up a fence and landscaped it to try to make it look as good as they did. Mr. Hale said the purpose was to create a service court that was invisible with store fronts along Emerald Parkway.

Mr. Hale in order to do what Ms. Kramb has suggested was asking Kroger to pay rent twice because they will have to pay for the space they have and the space they lose. He said he did not think Kroger felt that was fair to them nor should they have to do that. Mr. Hale said from an aesthetic point of view the entire future space needed to stay there. Mr. Hale said they will agree to take 500 square feet from that and pay the rent on both of them for what they are really using as additional retail because truly the rest is an office space and a warehouse space and the applicant has agreed they will not use that space for anything else. He said Kroger was trying to do everything they can to make sure they can compete with Walmart and Target. Mr. Hale said this proposal is important to the Kroger business and to Dublin and he hoped the Commission will support them.

Ms. Amorose Groomes said she could be talked down to the 500 square feet because that is sale-able space for them and she was sure they would be collecting rent from the coffee shop. She asked if the Commission had a general consensus of support for the reduction of the overall development size.

Mr. Taylor said he could go for the 500 square feet.

Mr. Hardt said he did not think it was necessary and supported the proposal as is. He confirmed they had a consensus on the 35-person limitation.

Motion #1 and Vote – Rezoning/Preliminary Development Plan

Richard Taylor moved, Joseph Budde seconded, to forward a recommendation of approval to City Council this Rezoning/Preliminary Development Plan because it is complies with the preliminary development plan and the applicable review criteria with one condition:

- 1) To modify the text to reduce the future expansion square footage to by 500 square feet to 23,500 square feet.

Mr. Hale agreed to the condition.

The vote was as follows: Ms. Newell, yes; Mr. Hardt, yes; Mr. Fishman, no; Ms. Amorose Groomes, yes; Ms. Kramb, no; Mr. Budde, yes; and Mr. Taylor, yes. (Approved 5 – 2)

Motion #2 and Vote – Final Development Plan

Richard Taylor moved, Joseph Budde seconded, to approve the Final Development Plan because it complies with the review criteria with one condition:

- 1) The applicant replace any trees removed as part of the proposed expansion in accordance with the tree replacement provisions of the Code, subject to approval by Planning.

Mr. Hale agreed to the condition.

The vote was as follows: Mr. Hardt, yes; Ms. Kramb, no; Ms. Newell, yes; Mr. Fishman, no; Ms. Amorose Groomes, yes; Mr. Budde, yes; and Mr. Taylor, yes. (Approved 5 – 2.)

Motion #3 and Vote – Conditional Use

Amy Kramb moved, Victoria Newell seconded, to approve this Conditional Use application because 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.

Mr. Hale agreed the condition.

The vote was as follows: Mr. Budde, yes; Mr. Fishman, yes; Mr. Taylor, yes; Mr. Hardt, yes; Ms. Amorose Groomes, yes; Ms. Newell, yes; and Ms. Kramb, yes. (Approved 7 – 0.)

2. NE Quad – Subarea 5A - Kroger Marketplace Centre – Orange Theory Fitness

13-105CU

**7581 Sawmill Road
Conditional Use**

Chair Amorose Groomes introduced this Conditional Use application requesting a 3,170-square-foot exercise facility within the existing Kroger Marketplace Centre within Subarea 5A of the NE Quad Planned Unit Development, located on the west side of Sawmill Road approximately 750-feet north of the intersection of Hard and Sawmill Roads.