



Planning and Zoning Commission

# Planning Report

January 23, 2014

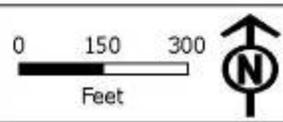
## NE Quad, Subarea 5A- Kroger Marketplace Centre- Real Estate Brokerage - Conditional Use

### Case Summary

Agenda Item	1
Case Number	13-122CU
Proposal	A 1,976-square-foot real estate brokerage office within an existing shopping center within Subarea 5A of the NE Quad Planned Unit Development District, located on the west side of Sawmill Road, north west of the intersection with Hard Road.
Request	Conditional Use Review and approval of conditional use under the provisions of Zoning Code Section 153.236.
Site Location	7533 Sawmill Road, approximately 1,000 feet northwest of the intersection with Hard Road.
Applicant	Nick Vollman – Plaza Properties.
Case Manager	Marie Downie, Planning Assistant and Claudia D. Husak, AICP, Planner II.
Contact Information	(614) 410-4600   mdownie@dublin.oh.us   chusak@dublin.oh.us
Planning Recommendation	<u>Approval with 1 condition</u> Planning recommends approval of this conditional use as it complies with the applicable review criteria with one condition:  1) That the proposed use not be permitted until City Council approval of Ordinance 09-14 and the passing of the required 30-day referendum period.



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



<b>Facts</b>	
Site Area	18.052- acre site, 1,976-square-foot-tenant space
Zoning	PUD, Planned Unit Development District (NE Quad plan, Subarea 5A)
Surrounding Zoning and Uses	<p>North: Chase bank branch north of 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, commercial and multiple-family uses in the City of Columbus.</p>
Site Features	<ul style="list-style-type: none"> <li>• Access: Driveways off 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> <li>• The proposed use is in the center of the principal building of the shopping center facing Sawmill Road.</li> </ul>
History	<p><b>2013</b></p> <p>The Planning and Zoning Commission recommended approval to City Council of a rezoning/preliminary development plan/final development plan/conditional use which included minor modifications to the development text for the shopping center (case #13-084Z/PDP/FDP/CU). This recommendation will be passed on to City Council for approval.</p> <p>On November 7, 2013 the Planning and Zoning Commission approved Orange Theory Fitness as a conditional use within the Kroger Marketplace Centre.</p> <p>The Planning and Zoning Commission approved a conditional use application for First Team personal health club on August 22, 2013.</p> <p><b>2007</b></p> <p>The Planning and Zoning Commission approved conditional use applications in the Kroger Marketplace Centre for BEAT Fitness, Curves Fitness Center, and American Dental Center.</p> <p><b>2004</b></p> <p>On October 21, 2004 the Final Development Plan for a retail center, grocery store, two multi-tenant retail buildings, and a fuel station was approved.</p>

<b>Details</b>	
<b>Conditional Use</b>	
Proposal	The proposal is to permit the operation of a real estate brokerage office in a 1,976-square-foot tenant space within the existing shopping center.

Details	Conditional Use
Use	<p>The revised text recommended for approval by the Planning and Zoning Commission on November 7, 2013 must be approved by City Council for the real estate brokerage office to be considered for a conditional use (City Council Ordinance 09-14 / Planning and Zoning Commission case #13-084Z/PDP/FDP/CU). The ordinance will be considered by Council on January 27, 2014 and the second reading/public hearing should take place on February 10, 2014.</p> <p>This development text to be reviewed by City Council requires a conditional use application for all Real Estate Sales Offices. If approved by City Council, the development text would be in effect as of March 10, 2014. If the Commission approves this conditional use request, the applicant would be permitted to operate their business no sooner than March 10, 2014.</p>
Parking	<p>This shopping center was approved for 1,058 parking spaces. No additional spaces are required.</p>
Operational Details	<p>The proposed facility will be located in a 1,976-square-foot tenant space oriented toward Sawmill Road in the central portion of the shopping center. There will be a maximum of six full time employees with up to four part time employees. The typical hours of operation will be 9 a.m. to 7:00 p.m. Monday thru Saturday and 11 a.m. to 6 p.m. on Sundays. There may be periods in which the office would stay open past the typical hours.</p> <p>The proposed real estate brokerage office will provide services targeted toward the City of Dublin. The offices will attract little traffic flow due to the limited number of employees and the fact that most meetings take place elsewhere.</p>

Analysis	Conditional Use
<i>Process</i>	<p>Section 153.236 of the Zoning Code identifies criteria for the review and approval of a conditional use (full text of criteria attached).</p>
1) <i>Harmonious with the Zoning Code and/or Community Plan.</i>	<p><b>Criterion met:</b> This proposal is consistent with the requirements of the Zoning Code and the Community Plan.</p>
2) <i>Complies with applicable standards.</i>	<p><b>Criterion met with condition:</b> This proposal is a conditional use that will be applicable only if the revised text recommended for approval by the Planning and Zoning Commission is approved by City Council.</p>

Analysis	Conditional Use
3) <i>Harmonious with existing or intended character in vicinity.</i>	<b>Criterion met:</b> The proposed use is located appropriately within the shopping center and has operating hours that will not have a negative effect on surrounding areas.
4) <i>Will not have a hazardous or negative impact on surrounding uses.</i>	<b>Criterion met:</b> Proposed operations will not have an adverse effect on surrounding uses.
5) <i>Will provide adequate services and facilities.</i>	<b>Criterion met:</b> The proposal has sufficient services and facilities available for the intensity of the desired use.
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.
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.
8) <i>Vehicular circulation will not interfere with existing circulation.</i>	<b>Criterion met:</b> The proposal will not interfere with vehicular circulation.
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 will not interfere with surrounding improvements or developments.

Recommendation	Conditional Use
Approval with condition	Planning recommends approval of this conditional use as it complies with the applicable review criteria with one condition.
Condition	1) That the proposed use not be permitted until City Council approval of Ordinance 09-14 and the passing of the required 30-day referendum period.

## 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.