City of Dublin
Office of the City Manager
5200 Emerald Parkway • Dublin, OH 43017-1090
Phone: 614-410-4400 • Fax: 614-410-4490

Memo

To: Members of Dublin City Council

From: Marsha I. Grigsby, City Manager

Date: January 23, 2014

Initiated By: Steve Langworthy, Director of Land Use and Long Range Planning
Jennifer M. Rauch, AICP, Planner II

Re: Ordinance 09-14 - Rezoning Approximately 27.5 Acres, Located on the North Side of Hard Road and on the West Side of Sawmill Road, from PUD, Planned Unit Development District (NE Quadrant, Subarea 5A) to PUD, Planned Unit Development District (NE Quadrant, Subarea 5A (Amended)) to Modify the Development Text and Preliminary Development Plan Regarding an Addition to the Existing Grocery Store and Modifications to the Permitted and Conditional Uses. (Case 13-084Z/PDP/FDP/CU) (Second reading/public hearing February 10 Council meeting)

Summary

Ordinance 09-14 is a request for review and approval of a rezoning with preliminary development plan for a 27.5-acre site to modify the development text and preliminary development plan regarding an addition to the existing grocery store and modifications to the permitted and conditional uses. (NE Quad Plan, Subarea 5A). The site is on the north side of Hard Road and on the west side of Sawmill Road.

Background

In 2004, City Council approved the rezoning to create Subareas 5A and 5B within the NE Quad. The final development plan for the site was approved by the Planning and Zoning Commission in 2004.

Description

Site

The site contains the grocery and shopping center building within the western portion of the site oriented toward Sawmill Road with the service and loading areas located along Emerald Parkway. Two multi-tenant retail buildings and the Kroger fuel station are located closer to Sawmill Road. The parking areas are located along the Sawmill Road and Hard Road frontages.

The site is surrounded by office, retail and residential uses within the NE Quad Planned Unit Development District. Chase bank is located to the north across Summer Drive and Lifetime Fitness is located to the south across Hard Road. Across Sawmill Road to the east are commercial and multiple-family uses in the City of Columbus. The Scioto Crossings multiple-family and single-family residential development are located to the west across Emerald Parkway.

Development Text and Preliminary Development Plan

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. The proposed modifications to the building area will accommodate a 500-square-foot retail expansion to the front of the store and two-story office/storage expansion to the rear of the Kroger building.

Density

The existing 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 text already permits another 24,000 square feet for a future building west of the existing shopping center building. Other outlot and gas station square footage is also separate from the permitted area.

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. 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.

The proposed development text increases the maximum building area to 105,067 square feet to accommodate a series of proposed additions. As part of the Planning and Zoning Commission review, concerns were raised about the increase to the retail portion of the grocery store. To the address this concern, the applicant specified a maximum of 98,500 square feet for the retail portion of the grocery store. The result is that should the applicant desire more storage and/or office space within the existing footprint they would have to reduce the retail area. The Commission further requested the future 24,000 square foot addition permitted within the text be reduced to 23,500 square feet. The text has been revised to reflect this modification.

Uses

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. The proposed text has been modified to include as permitted uses health and allied services, including day spas and health and fitness clubs with a maximum class size of 35, and conditional uses for tutoring and educational uses and real estate offices.

Parking

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 to the rear would have removed 11 spaces and would need to be replaced. During the Planning and Zoning Commission review, the Commissioners did not want to add more parking 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 total number of required parking spaces to 1,047.

Recommendation of the Planning and Zoning Commission

On November 7, 2013 the Planning and Zoning Commission recommended approval to City Council of the rezoning/preliminary development plan with the condition listed below, which has been addressed. A final development plan for the proposed building addition and a conditional use for an outdoor dining area were also approved by the Commission at the November 7 meeting.

Rezoning with Preliminary Development Plan Condition

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

Recommendation

Planning recommends City Council approval of Ordinance 09-14 at the second reading/public hearing on February 10, 2014.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 09-14 *Passed* _____, 20____

AN ORDINANCE REZONING APPROXIMATELY 27.5 ACRES, LOCATED ON THE NORTH SIDE OF HARD ROAD AND ON THE WEST SIDE OF SAWMILL ROAD, FROM PUD, PLANNED UNIT DEVELOPMENT DISTRICT (NE QUADRANT, SUBAREA 5A) TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT (NE QUADRANT, SUBAREA 5A (AMENDED)) TO MODIFY THE DEVELOPMENT TEXT AND PRELIMINARY DEVELOPMENT PLAN REGARDING AN ADDITION TO THE EXISTING GROCERY STORE AND MODIFICATIONS TO THE PERMITTED AND CONDITIONAL USES. (CASE 13-084Z/PDP/FDP/CU)

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, _____ of its elected members concurring, that:

Section 1. The following described real estate, (see attached legal description), situated in the City of Dublin, State of Ohio, is hereby rezoned PUD, Planned Unit Development District, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

Section 2. The application, including the list of contiguous and affected property owners, and the recommendations of the Planning and Zoning Commission, are all incorporated into and made an official part of this Ordinance and said real estate shall be developed and used in accordance there within.

Section 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this _____ day of _____, 2014.

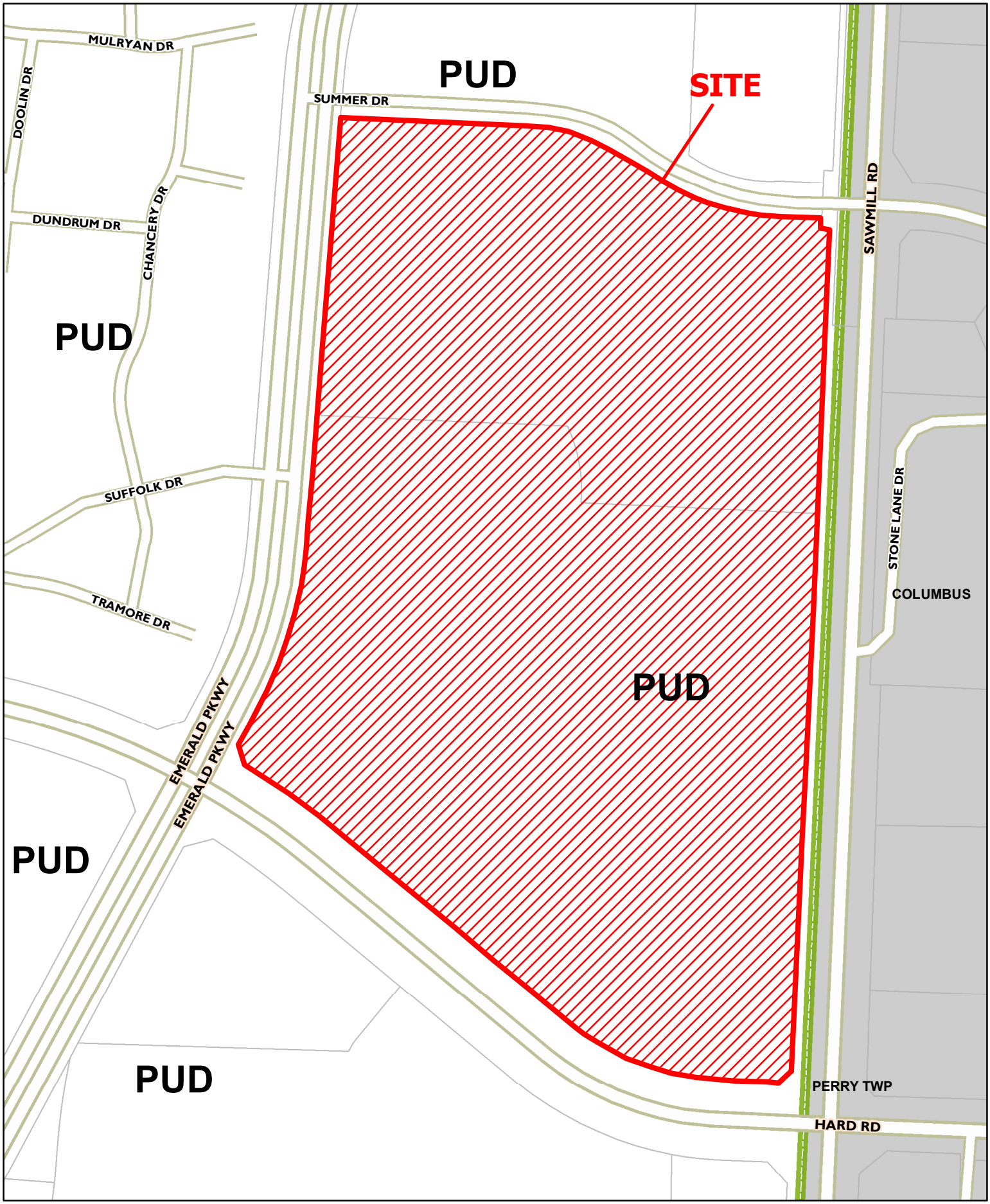
_____

Mayor - Presiding Officer

ATTEST:

_____

Clerk of Council



City of Dublin

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

0 100 200
Feet

N

CITY OF DUBLIN

Land Use and
Long Range Planning
5800 Shier-Rings Road
Dublin, Ohio 43016-1236

Phone/ TDD: 614-410-4600
Fax: 614-410-4747
Web Site: www.dublin.oh.us

PLANNING AND ZONING COMMISSION APPLICATION

(Code Section 153.232)

I. PLEASE CHECK THE TYPE OF APPLICATION:

- [ ] Informal Review
- [ ] Concept Plan (Section 153.056(A)(1))
- [x] Preliminary Development Plan / Rezoning (Section 153.053)
- [ ] Final Development Plan (Section 153.053(E))
- [x] Amended Final Development Plan (Section 153.053(E))
- [ ] Standard District Rezoning (Section 153.018)
- [ ] Preliminary Plat (Section 152.015)
- [ ] Final Plat (Section 152.085)
- [ ] Conditional Use (Section 153.236)
- [ ] Corridor Development District (CDD) (Section 153.115)
- [ ] Corridor Development District (CDD) Sign (Section 153.115)
- [ ] Minor Subdivision
- [ ] Right-of-Way Encroachment
- [ ] Other (Please Specify): _____

Please utilize the applicable *Supplemental Application Requirements* sheet for additional submittal requirements that will need to accompany this application form.

II. PROPERTY INFORMATION: This section must be completed.

Property Address(es):	7625 Sawmill Road
Tax ID/Parcel Number(s): 273-011339 273-011340	Parcel Size(s) (Acres): 28.03 acres
Existing Land Use/Development:	Grocery Store & Retail Shopping Center

IF APPLICABLE, PLEASE COMPLETE THE FOLLOWING:

Proposed Land Use/Development:	An amendment to the existing PUD to allow for a 3,419 sq. ft. expansion to the existing grocery store.
Total acres affected by application:	28.03 acres

III. CURRENT PROPERTY OWNER(S): Please attach additional sheets if needed.

Name (Individual or Organization):	Sawmill Hard Center LLC
Mailing Address: (Street, City, State, Zip Code)	c/o Schottenstein Property Group 1798 Frebis Avenue Columbus, OH 43206
Daytime Telephone: (800) 282-8462	Fax: N/A
Email or Alternate Contact Information:	Nick Vollman (614) 238-2031

IV. APPLICANT(S): This is the person(s) who is submitting the application if different than the property owner(s) listed in part III. Please complete if applicable.

Name: Kroger Co.	Applicant is also property owner: yes ☐ no ☒
Organization (Owner, Developer, Contractor, etc.): Tenant	
Mailing Address: (Street, City, State, Zip Code) 4111 Executive Parkway, Westerville, OH 43081	
Daytime Telephone: 898-3218	Fax: 898-3254
Email or Alternate Contact Information: Jordin.Horan@kroger.com	

V. REPRESENTATIVE(S) OF APPLICANT / PROPERTY OWNER: This is the person(s) who is submitting the application on behalf of the applicant listed in part IV or property owner listed in part III. Please complete if applicable.

Name: Ben W. Hale, Jr. & Jackson B. Reynolds, III	
Organization (Owner, Developer, Contractor, etc.): Smith & Hale LLC	
Mailing Address: (Street, City, State, Zip Code) 37 West Broad Street, Suite 725, Columbus, OH 43215	
Daytime Telephone: 221-4255	Fax: 221-4409
Email or Alternate Contact Information: jreynolds@smithandhale.com	

VI. AUTHORIZATION FOR OWNER'S APPLICANT or REPRESENTATIVE(S): If the applicant is not the property owner, this section must be completed and notarized.

I Nick Vollman, the owner, hereby authorize _____ to act as my applicant or representative(s) in all matters pertaining to the processing and approval of this application, including modifying the project. I agree to be bound by all representations and agreements made by the designated representative.

Signature of Current Property Owner: [signature]	Date: 8/1/13

☐ Check this box if the Authorization for Owner's Applicant or Representative(s) is attached as a separate document.

Subscribed and sworn before me this 1st day of August, 20 13

State of Ohio

County of Franklin

Notary Public Sonya L. Barlow

NOTARY PUBLIC STATE OF OHIO

SONYA L BARLOW
NOTARY PUBLIC
STATE OF OHIO
My Commission Expires April 25, 2016

VII. AUTHORIZATION TO VISIT THE PROPERTY: Site visits to the property by City representatives are essential to process this application. The Owner/Applicant, as noted below, hereby authorizes City representatives to visit, photograph and post a notice on the property described in this application.

I Jackson B. Reynolds III, the owner or authorized representative, hereby authorize City representatives to visit, photograph and post a notice on the property described in this application.

Signature of applicant or authorized representative:	Date:

VIII. UTILITY DISCLAIMER: The Owner/Applicant acknowledges the approval of this request for review by the Dublin Planning and Zoning Commission and/or Dublin City Council does not constitute a guarantee or binding commitment that the City of Dublin will be able to provide essential services such as water and sewer facilities when needed by said Owner/Applicant.

I Jackson B. Reynolds, III, the owner or authorized representative, acknowledge that approval of this request does not constitute a guarantee or binding commitment that the City of Dublin will be able to provide essential services such as water and sewer facilities when needed by said Owner/Applicant.

Signature of applicant or authorized representative: Jackson B. Reynolds III Date: 8/1/13

IX. APPLICANT'S AFFIDAVIT: This section must be completed and notarized.

I Jackson B. Reynolds, III, the owner or authorized representative, have read and understand the contents of this application. The information contained in this application, attached exhibits and other information submitted is complete and in all respects true and correct, to the best of my knowledge and belief.

Signature of applicant or authorized representative: Jackson B. Reynolds III Date: 8/1/13

Subscribed and sworn to before me this 1st day of August, 2013

State of Ohio

County of Franklin Notary Public Natalie C. Timmons

Natalie C. Timmons
Notary Public, State of Ohio
My Commission Expires 09-04-2015

FOR OFFICE USE ONLY			
Amount Received: 3031	Application No: 13-084 Z/PP/FDP	P&Z Date(s):	P&Z Action:
Receipt No: 270148	Map Zone: Zone 1	Date Received: 08/05/13	Received By: CDH
City Council (First Reading): 1/27/14		City Council (Second Reading): 2/10/14	
City Council Action:		Ordinance Number: 09-14	
Type of Request: Rezoning / Preliminary Development Plan / Final Development Plan			
N, S, E, W (Circle) Side of: Sawmill Rd			
N, S, E, W (Circle) Side of Nearest Intersection: Hard Rd			
Distance from Nearest Intersection: 750 Ft			
Existing Zoning District: PUD		Requested Zoning District:	

FILE COPY

RECEIVED

AUG 05 2013

CITY OF DUBLIN
PLANNING

PROPERTY OWNER

Sawmill Hard Center LLC
c/o Schottenstein Property Group
P.O. Box 24550
Columbus, OH 43224-4550
273-011339

Sawmill Partners Investment Co No II
c/o Schottenstein Property Group
P.O. Box 24550
Columbus, OH 43224-4550
273-008385

LTF Real Estate Co Inc.
2902 Corporate Place
Chanhassen, MN 55317
273-012153

Cord Camera Centers Inc.
745 Harrison Drive
Columbus, OH 43204
590-157012

FirstMerit Bank NA
106 South Main Street
Akron, OH 44308
590-251717

SURROUNDING PROPERTY OWNERS

Residence at Scioto Crossing LLC
3895 Stone Ridge Lane
Dublin, OH 43017
273-011301

7676 Sawmill LLC
7675 Sawmill Road
Dublin, OH 43017
273-012356

Moo Moo Sawmill LLC
13375 National Road SW
Etna, OH 43068
590-191304

APPLICANT

Kroger Co.
4111 Executive Parkway
Westerville, OH 43081

City of Dublin
5200 Emerald Parkway
Dublin, OH 43017
273-012152

WEC 98H-38 LLC 6161-02
c/o CVS Pharmacy Inc.
1 CVS Drive
Woonsocket, RI 02895
590-128611

M & E REMDR LLC
c/o American Blue Ribbon Holdings L
400 West 48th Avenue
Denver, CO 80216
590-251716

kroger-sawmill.lbl (nct)
8/1/13 F:Docs/s&hlabels/2013

EXHIBIT A

DESCRIPTION OF A 9.985 ACRE TRACT
LOCATED NORTH OF HARD ROAD AND
WEST OF SAWMILL ROAD
CITY OF DUBLIN, FRANKLIN COUNTY, OHIO

Situate in the State of Ohio, County of Franklin, City of Dublin, lying in Section 2, Township 2, Range 19, United States Military District, being part of a 22.870 acre tract conveyed to Sawmill Hard Center LLC, by deed of record in Instrument Number 200412060276772 and all of a 5.081 acre tract conveyed to Sawmill Hard Center LLC, by deed of record in Instrument Number 200412060276771, all records herein of the Recorder's Office, Franklin County, Ohio, said 9 985 acre tract being more particularly described as follows:

BEGIN FOR REFERENCE, at a Franklin County Monument Number 7772, at the centerline intersection of Sawmill Road and Hard Road as shown and delineated on the record plat of the DEDICATION OF HARD ROAD, a subdivision of record in Plat Book 78, Page 11-13;

Thence North 87°25'06" West, a distance of 67.50 feet, along the centerline of said Hard Road, to a point;

Thence North 02°34'54" East, a distance of 88.50 feet, leaving the centerline of said Hard Road, to a point in the northerly right-of-way line of said Hard Road;

Thence North 02°34'54" East, a distance of 942.36 feet, along the proposed westerly right-of-way line of said Sawmill Road, to an iron pin set at the **POINT OF TRUE BEGINNING;**

Thence the following six (6) courses and distances over and across said 22 870 acre tract:

1. North 87°25'04" West, a distance of 399.02 feet, to an iron pin set;
2. North 02°34'56" East, a distance of 15.91 feet, to an iron pin set;
3. Along a curve to the left, having a central angle of 24°44'45", a radius of 272.08 feet, an arc length of 117.51 feet, a chord which bears North 11°40'42" West, a chord distance of 116.60 feet, to an iron pin set;
4. North 87°25'04" West, a distance of 125 03 feet, to an iron pin set;
5. South 02°34'56" West, a distance of 1.00 feet, to an iron pin set;
6. North 87°25'04" West, a distance of 298.77 feet, to an iron pin set in the north line of said 22.870 acre tract;

Thence North 04°33'00" East, a distance of 504.06 feet, along the west line of said 22 870 acre tract ands said 5.081 acre tract, to an iron pin set,

Thence the following five (5) courses and distances along the north lines of said 5.081 acre tract:

1. South 87°25'06" East, a distance of 322.56 feet, to an iron pin set;
2. Along a curve to the right, having a central angle of 29°42'08", a radius of 298.30 feet, an arc length of 154.64 feet, a chord which bears South 72°33'38" East, a chord distance of 152.91 feet, to an iron pin set;
3. South 57°42'15" East, a distance of 79.69 feet, to an iron pin set,
4. Along a curve to the left, having a central angle of 29°43'24", a radius of 418.18 feet, an arc length of 216 94 feet, a chord which bears South 72°33'24" East, a chord distance of 214.52 feet, to an iron pin set;
5. South 87°25'06" East, a distance of 87.31 feet, to an iron pin set in the proposed westerly right-of-way line of said Sawmill Road;

Thence South 02°34'54" West, a distance of 497.96 feet, along the proposed westerly right-of-way line of said Sawmill Road, to the **POINT OF TRUE BEGINNING,** containing, 9.985 acres, more

or less. Being 4.904 acres out of said 22.870 acre tract and being 5.081 acres out of said 5.081 acre tract. Being subject to all easements, restrictions and rights-of-way of record.

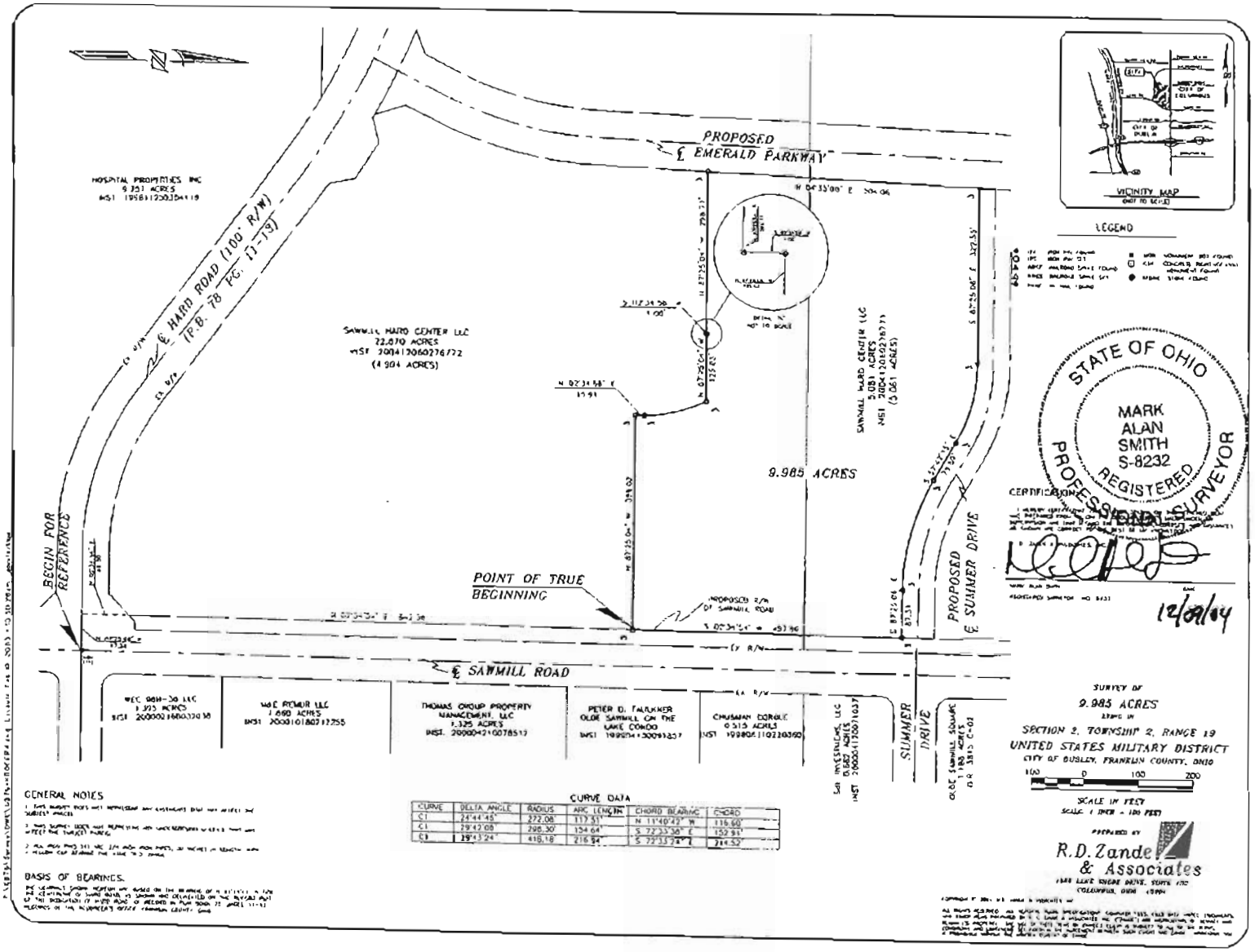
All iron pins set are ¾ inch iron pipes, 30 inches in length, with a yellow cap bearing the name "R.D. Zande".

The bearings in the above description are based on the bearing of North 81°19'41" West, for the centerline of Hard Road, as shown and delineated on the record plat of THE DEDICATION OF HARD ROAD, of record in Plat Book, 78, Pages 11-13, records of the Recorder's Office, Franklin County, Ohio.

P:/6876/SURVEY/DATA/6876-kroger4.doc

0-71-B
All of
(273)
11339
+
on split
4.904 Acres
out of
(273)
11340

DESCRIPTION VERIFIED
DEAN C. RINOLE, P.E.,P.S.
BY: _____
DATE: 2-14-05



CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD
C1	24°44'45"	272.08'	117.51'	N 11°40'42" W	116.60'
C1	29°42'08"	298.30'	154.64'	S 72°33'38" E	152.91'
C3	29°43'24"	418.18'	216.94'	S 72°33'24" E	214.52'

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:

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 23,500.

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'.

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.

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.

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.

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.

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.

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.

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.

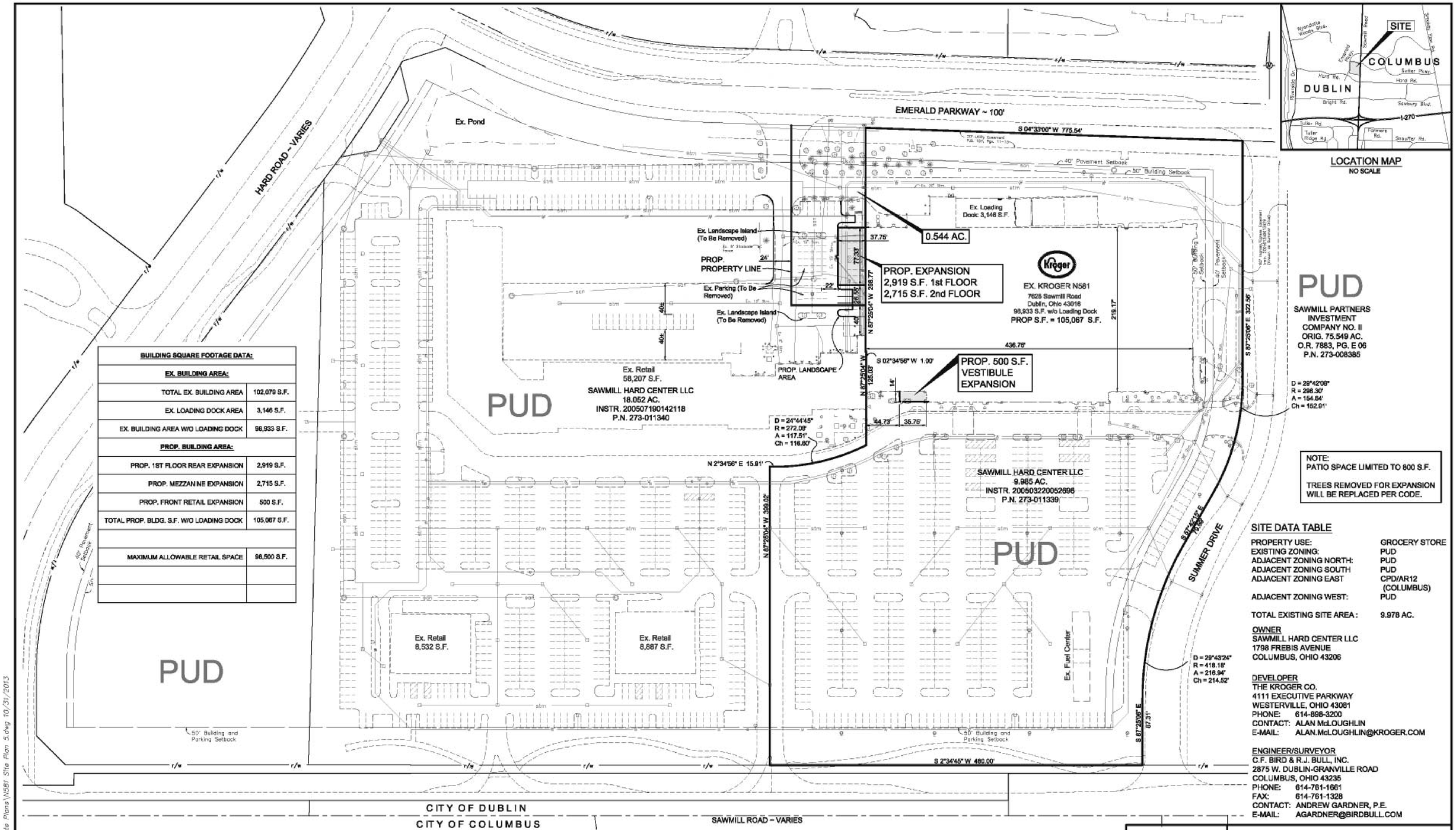
10. All other signage not identified shall comply with Section 153.150 et seq., of the Dublin zoning code.

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

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.



BUILDING SQUARE FOOTAGE DATA:	
EX. BUILDING AREA:	
TOTAL EX. BUILDING AREA	102,079 S.F.
EX. LOADING DOCK AREA	3,146 S.F.
EX. BUILDING AREA W/O LOADING DOCK	98,933 S.F.
PROP. BUILDING AREA:	
PROP. 1ST FLOOR REAR EXPANSION	2,919 S.F.
PROP. MEZZANINE EXPANSION	2,715 S.F.
PROP. FRONT RETAIL EXPANSION	500 S.F.
TOTAL PROP. BLDG. S.F. W/O LOADING DOCK	105,067 S.F.
MAXIMUM ALLOWABLE RETAIL SPACE	98,500 S.F.

LOCATION MAP
NO SCALE

NOTE:
PATIO SPACE LIMITED TO 800 S.F.

TREES REMOVED FOR EXPANSION WILL BE REPLACED PER CODE.

SITE DATA TABLE

PROPERTY USE:	GROCERY STORE
EXISTING ZONING:	PUD
ADJACENT ZONING NORTH:	PUD
ADJACENT ZONING SOUTH	PUD
ADJACENT ZONING EAST	CPD/AR12 (COLUMBUS)
ADJACENT ZONING WEST:	PUD
TOTAL EXISTING SITE AREA :	9.978 AC.

OWNER
SAWMILL HARD CENTER LLC
1798 FREBIS AVENUE
COLUMBUS, OHIO 43206

DEVELOPER
THE KROGER CO.
4111 EXECUTIVE PARKWAY
WESTERVILLE, OHIO 43081
PHONE: 614-898-3200
CONTACT: ALAN McLOUGHLIN
E-MAIL: ALAN.McLOUGHLIN@KROGER.COM

ENGINEER/SURVEYOR
C.F. BIRD & R.J. BULL, INC.
2875 W. DUBLIN-GRANVILLE ROAD
COLUMBUS, OHIO 43235
PHONE: 614-761-1661
FAX: 614-761-1328
CONTACT: ANDREW GARDNER, P.E.
E-MAIL: AGARDNER@BIRDBULL.COM

Bird+Bull Engineers + Surveyors
C.F. BIRD & R.J. BULL, INC.
Engineers and Surveyors
2875 W. Dublin-Granville Road
Columbus, Ohio 43235
Ph: (614) 761-1661
Fax: (614) 761-1328
WWW.BIRDBULL.COM

N581 KROGER
7361 SAWMILL ROAD
DUBLIN, OHIO 43016

SITE PLAN

SCALE: 1" = 60'			JOB NO.	
DWN:WSM	CKD:AAG	DATE: 10/28/2013	11-094	1

H:\Jobs\2011\094\ACAD\DWG\Site Plans\N581 Site Plan 5.dwg 10/31/2013

FRONT ELEVATION - EAST

ALL PROPOSED MATERIALS AND SIGNAGE ARE TO MATCH EXISTING UNLESS NOTED OTHERWISE

SIDE ELEVATION - SOUTH

ALL PROPOSED MATERIALS ARE TO MATCH EXISTING.

REAR ELEVATION - WEST

ALL PROPOSED MATERIALS ARE TO MATCH EXISTING.

RECEIVED
13 0842
SEP 26 2013
CITY OF DUBLIN
PLANNING

Kroger N581

September 20, 2013

Dublin, OH
513086

architecture + design

City of Dublin
Land Use and Long Range Planning
5800 Shier Rings Road
Dublin, Ohio 43016-1236
phone 614.410.4600
fax 614.410.4747
www.dublinohiousa.gov

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
Land Use and Long Range Planning
5800 Shier Rings Road
Dublin, Ohio 43016-1236
phone 614.410.4600
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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

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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 Rauch

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 if 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.

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:

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'.

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.

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.

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.

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.

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.

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.

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

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.

PROPOSED DEVELOPMENT TEXT

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)
Tutoring and educational services
Outdoor Dining Areas within the shopping center and the Sawmill Road buildings

to be allotted to the various tenants to be administratively approved by Land Use and Long Range Planning. Those outdoor dining areas shall employ complementary amenities (fences, tables, chairs, flower boxes where appropriate). Adequate sidewalk widths must be maintained at all times. Additional parking spaces shall not be required for outdoor dining patios.

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 and outdoor dining patios not meeting the requirements above.

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.

PROPOSED DEVELOPMENT TEXT

Yard and Setback Requirements:

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~~177,395, (~~99,945~~103,364 grocery and 74,031 retail), the maximum future square footage shall be 24,000. 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'.

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:

PROPOSED DEVELOPMENT TEXT

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 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.

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:

PROPOSED DEVELOPMENT TEXT

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 fo the City Engineer.

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.

PROPOSED DEVELOPMENT TEXT

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.

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.

PROPOSED DEVELOPMENT TEXT

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.

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.

PROPOSED DEVELOPMENT TEXT

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.

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.

PROPOSED DEVELOPMENT TEXT

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.

   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.

PROPOSED DEVELOPMENT TEXT

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 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.

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

Approved Development Text

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

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:

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, (99,945 grocery and 74,031 retail), the maximum future square footage shall be 24,000. 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'.

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 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.

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 fo the City Engineer.

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.

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.

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.

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.

   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 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.

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PLANNING AND ZONING COMMISSION

RECORD OF ACTION

SEPTEMBER 5, 2013

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

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

Proposal:	To add approximately 3,419-square-feet to the existing grocery store footprint, add permitted uses to the existing development text, and for an outdoor dining area for a shopping center within 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 approval of rezoning/preliminary development plan/amended final development plan/conditional use application under the provisions of Code Sections 153.053 and 153.236.
Applicant:	Nick Vollman; represented by Ben Hale Jr.
Planning Contact:	Jennifer M. Rauch, AICP, Planner II
Contact Information:	(614) 410-4690, jrauch@dublin.oh.us

Motion: Warren Fishman moved, John Hardt seconded, to table the Rezoning/Preliminary Development Plan/Final Development/Conditional Use application at the request of the applicant.

VOTE: 7 – 0.

RESULT: This Rezoning/Preliminary Development Plan/Final Development/Conditional Use application was tabled.

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 Rauch

Jennifer M. Rauch, AICP
Planner II

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

Mr. Taylor introduced this request to add additional area to the existing grocery store, and modify the permitted uses within the existing development text, and for an outdoor dining area for a shopping center within 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. He said the application requires three motions and three votes. He swore in anyone who wished to speak.

Ms. Rauch said the site is located on the west side of Sawmill Road, north of the intersection with Hard Road and Emerald Parkway, which runs along the western boundary. She stated the shopping center is located in the western portion of the site with parking and outparcels located along the Sawmill Road frontage. She said the rezoning and preliminary development portion of this applicant includes modifications to the square footage requirements within the previously approved development text, as well as modifications to the permitted uses. She indicated the approved development text limits an overall square footage for the grocery store, and the remaining retail components for this entire shopping center, which was based on a large discussion of the previous rezoning to ensure the shopping center was neighborhood-serving and did not create a regional draw. She said accounts for a future expansion of the shopping center located along Emerald Parkway, with an expansion allowance of 24,000 square feet, which is unchanged with this proposal.

Ms. Rauch stated the applicant is proposing to create two small scale expansions with approximately 3,000 square feet located to the rear of the Kroger store intended for additional storage space, and 500 square feet for an internal tenant space located on the front elevation of the Kroger store, which will be accessed independently. She said the proposal does alter the original square footage numbers, but given the majority of the expansion occurs to the rear and is intended for storage and the tenant space is located along the front and helps increase the pedestrian interaction as part of the shopping center, Planning supports the proposed modification.

She outlined the proposed modifications to the uses and stated three conditional uses are proposed to be permitted uses within the proposed development text and include health and allied services, educational and tutoring, and outdoor dining areas. She said the proposed outdoor dining areas are consistent with the Giant Eagle and Avery Square shopping centers.

She indicated the proposed modifications on the elevations and stated the same design details and materials will be used to match the existing center. She highlighted three trees along the front elevation, which may have to removed and replaced on site. She said Planning has modified the previous condition and the applicant is in agreement. She stated the third part of this application is the outdoor dining area associated with the additional tenant space along the front elevation. She presented the furniture details Ms. Rauch stated Planning has reviewed the applications recommends approval with no conditions for the rezoning and preliminary development plan; approval with one condition for the final development plan; and approval with one condition for the conditional use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Boring thanked everyone for being so careful.

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

3. Millennium Office Complex – Aloha Learning Center 6063 Frantz Road
13-091CU Conditional Use

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

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

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

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

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

OCTOBER 21, 2004

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

4. Final Development Plan/Conditional Use 04-122FDP/CU – NE Quad PUD Retail, Subarea 5A – Kroger Center Fuel Station – 7515 Sawmill Road
Location: 9.975 acres located on the northwest corner of Sawmill and Hard Roads.
Existing Zoning: PUD, Planned Unit Development District (NE Quad plan).
Request: Review and approval of a final development plan under the PUD provisions of Section 153.056, and a conditional use request for an auto-oriented use under the provisions of Section 153.237.
Proposed Use: A gas station with eight fuel pumps and a 98-square foot sales kiosk.
Applicant: Sawmill Partners Investment Company, 1798 Frebis Avenue, Columbus, Ohio 43206-3729; represented by Ben W. Hale, Jr., Smith and Hale, 37 West Broad Street, Suite 725, Columbus, Ohio 43215.
Staff Contact: Jamie E. Adkins, Planner.

MOTION #1: To approve this **Final Development Plan** because it is consistent with the Northeast Quadrant PUD plan, it is compatible with adjacent uses and proposed development in the area, and it meets the requirements of the new Planned Districts Ordinance, with eight conditions:

1) That the design of all private drives, parking areas, and drive approaches meet or exceed the requirements and standards of the Engineering Division;
2) That the site comply with the Division of Engineering Administrative Policy for Intersection Visibility Triangles at all proposed access points;
3) That all utility connections and/or extensions meet or exceed the requirements and standards of the Engineering Division;
4) That the site stormwater management be in compliance with the current Stormwater Regulations, to the satisfaction of the City Engineer;
5) That the landscape plan be revised to conform to the comments contained within this staff report, subject to staff approval;

CITY OF DUBLIN

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PLANNING AND ZONING COMMISSION

RECORD OF ACTION

OCTOBER 21, 2004

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

5. **Conditional Use 04-123CU – NE Quad PUD Retail, Subarea 5A – Kroger Center Multi-Tenant Out Building Drive-Thru – 7625 Sawmill Road**
Location: 17.97 acres located on the northwest corner of Sawmill and Hard Roads.
Existing Zoning: PUD, Planned Unit Development District (NE Quad plan).
Request: Review and approval of a conditional use request for an auto-oriented use (drive-thru) under the provisions of Section 153.237.
Proposed Use: A drive-thru for an 8,500-square foot retail building.
Applicant: Sawmill Partners Investment Company, 1798 Frebis Avenue, Columbus, Ohio 43206-3729; represented by Ben W. Hale, Jr., Smith and Hale, 37 West Broad Street, Suite 725, Columbus, Ohio 43215.
Staff Contact: Jamie E. Adkins, Planner.

MOTION: To disapprove this Conditional Use because it does not meet the following Conditional Use Criteria 1, 3, 4, 7, and 8 as listed in Section 153.236(C) of the Code:

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.
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.
7) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation, 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.

PLANNING AND ZONING COMMISSION
RECORD OF ACTION
OCTOBER 21, 2004

5. Conditional Use 04-123CU – NE Quad PUD Retail, Subarea 5A – Kroger Center Multi-Tenant Out Building Drive-Thru – 7625 Sawmill Road (Continued)

8) Vehicular approaches to the property shall be so designed as not to create interference with traffic on surrounding public and/or private streets and roads.

VOTE: 4-2.

RESULT: This Conditional Use application was disapproved.

STAFF CERTIFICATION

Daniel D. Bird, FAICP
Director of Planning

AMENDED

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

OCTOBER 21, 2004

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

6. Final Development Plan/Conditional Use 04-121FDP/CU – NE Quad PUD Retail, Subarea 5A – Kroger Center – 7625 Sawmill Road
Location: 9.975 acres located on the northwest corner of Sawmill and Hard Roads.
Existing Zoning: PUD, Planned Unit Development District (NE Quad plan).
Request: Review and approval of a final development plan under the PUD provisions of Section 153.053, and a conditional use request for an auto-oriented use under the provisions of Section 153.237.
Proposed Use: A 198,000-square foot shopping center anchored by a 99,945-square foot grocery store with a drive-thru pharmacy, and two 8,500 square-foot retail buildings.
Applicant: Sawmill Partners Investment Company, 1798 Frebis Avenue, Columbus, Ohio 43206-3729; represented by Ben W. Hale, Jr., Smith and Hale, 37 West Broad Street, Suite 725, Columbus, Ohio 43215.
Staff Contact: Jamie E. Adkins, Planner.

MOTION #1: To approve this **Final Development Plan** because it is consistent with the Northeast Quadrant PUD plan, it is compatible with adjacent uses and proposed development in the area, and it meets the requirements of the new Planned Districts Ordinance, with 12 conditions:

1) That the landscape plan be revised to incorporate the comments in this staff report, subject to staff approval;
2) That traffic study issues be resolved to the satisfaction of the City Engineer;
3) That the plans be revised to include seven additional parking spaces as required by text, subject to staff approval;
4) That the design of all private drives, parking areas, and drive approaches meet or exceed the requirements and standards of the Engineering Division;
5) That the site must comply with the Division of Engineering Administrative Policy for Intersection Visibility Triangles at all proposed access points;
6) That all utility connections and/or extensions meet or exceed the requirements and standards of the Engineering Division;

AMENDED

PLANNING AND ZONING COMMISSION
RECORD OF ACTION
OCTOBER 21, 2004

6. Final Development Plan/Conditional Use 04-121FDP/CU – NE Quad PUD Retail, Subarea 5A – Kroger Center – 7625 Sawmill Road (Continued)

7) That the applicant and Engineering Division staff meet prior to applying for building permit approval to review stormwater management;
8) That the individual tenant wall signs be fastened into the mortar joints rather than the brick;
9) That the proposed stripe on the light pole housing be removed;
10) That the parapets for the building be varied in height, subject to staff approval;
11) That all mechanicals be painted to match the buildings and screened to Code;and
12) That other than the Kroger sign, signage colors be limited to no more than four, with an emphasis on subdued, muted color, and that the colors be brought back for approval by the Planning and Zoning Commission.

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

VOTE: 6-0.

RESULT: This **Final Development Plan** was approved.

MOTION #2: To approve this **Conditional Use application** because it meets the conditional use criteria listed in 153.236(C), and the requirements of the Northeast Quadrant PUD preliminary development plan.

VOTE: 6-0.

RESULT: This **Conditional Use** was approved.

STAFF CERTIFICATION

_____
Daniel D. Bird, FAICP
Director of Planning

Kerry Reeds, MSI Design, indicated the screen along the future retail area is a three-foot mound, which wraps around to the side, along the entire area. There is a decorative six-foot wood fence that occurs on top of the mound and there are evergreen trees.

Mr. Reeds explained that on Sawmill Road, mounding occurs sporadically in areas. Where it does not occur; there is an evergreen hedge in three areas. On the corner, leather leaf viburnum and evergreen plant materials have been added, per staff's request. Evergreens wrap the entire perimeter of the fuel station. In addition, there are a number of trees along the Summer Drive frontage, as well as along Sawmill, which will be preserved. Per Council's request, it will be opaque.

Mr. Reeds said behind the sign there is a curvilinear wall about waist-high, with perennials in front and behind. That is the mound where the broad-leaf evergreen shrubs are on top, and then the evergreens, and then it drops back down to the fuel station. That is all elevated above the ground plane at that corner.

Mr. Hale said they believe they have a product that is on par with, or better than, anything ever built in Dublin in terms of a shopping center. He noted the Staff Report incorrectly states the pharmacy will be open from Midnight to 6 a.m. The agreement is that the drive-thru pharmacy, the fuel station, and the restaurant, etc. will be closed from Midnight until 6 a.m. The grocery store, by the text, is permitted to stay open 24 hours, and the pharmacy is located inside that building. The Kroger building in the text is listed as 99,945 square feet, but it is actually 101,416 square feet after adding on the improvements.

4. Final Development Plan 04-122FDP – NE Quad PUD Retail, Subarea 5A – Kroger Center Fuel Station – 7515 Sawmill Road

[See joint presentations for this case and Cases 5 and 6 earlier given by Jamie Adkins and the applicant's representative, Ben W. Hale, Jr.]

Mr. Sprague asked about the width of the pillars; he said from the side, they looked more substantial.

Mr. Ford said as requested, they are the exact size as those at the Perimeter Center Shell gas station.

Mr. Messineo said it looked too tight. He asked how cars flowed through the stalls with trailers, etc.

Mr. Ford said they looked at the turning radiuses within that area, as well as, for delivery of the fuel itself, in terms of access to the western-most point on the pumps. He said a Civil Engineer looked at that to make sure that all turning radii met the requirements.

Ms. Boring said it was 14 feet 6 inches for clearance. She asked if there was a minimum allowable for a clearance on a fuel station, and could it be lowered.

Mr. Ford said ODOT standards for bridge clearance are 14 feet 6 inches. He said that was the minimum height you can access with an overland vehicle.

Ms. Boring asked how the changeable copy signage was permitted on the pumps.

Ms. Adkins said the Sign Code permits fuel stations to have changeable copy signage.
Mr. Gerber asked about advertising on the pumps, etc.

Ms. Adkins said it is covered in the Sign Code.

Mr. Gerber made the motion for approval of this **Final Development Plan** because it is consistent with the Northeast Quadrant PUD plan, it is compatible with adjacent uses and proposed development in the area, and it meets the requirements of the new Planned Districts Ordinance, with eight conditions:

1) That the design of all private drives, parking areas, and drive approaches meet or exceed the requirements and standards of the Engineering Division;
2) That the site comply with the Division of Engineering Administrative Policy for Intersection Visibility Triangles at all proposed access points;
3) That all utility connections and/or extensions meet or exceed the requirements and standards of the Engineering Division;
4) That the site stormwater management be in compliance with the current Stormwater Regulations, to the satisfaction of the City Engineer;
5) That the landscape plan be revised to conform to the comments contained within this staff report, subject to staff approval;
6) That sign placement be coordinated with the grading and landscaping proposed for that area, as well as the required sight triangle and all utilities, subject to staff approval;
7) That the fuel station canopy lighting use recessed flush lens fixtures; and
8) That gutters, downspouts, soffits, vents and other similar architectural and mechanical elements be painted to match the canopy.

Ben Hale, Jr., representing the applicant, agreed to the above conditions.

Mr. Messineo seconded the motion and the vote was as follows: Ms. Boring, yes; Mr. Zimmerman, yes; Mr. Sprague, yes; Mr. Saneholtz, yes; Mr. Messineo, and yes; Mr. Gerber, yes. (**Final Development Plan** - Approved 6-0.)
Mr. Gerber made the motion to approve this **Conditional Use** application because it meets the Conditional Use criteria listed in 153.236(C), and it meets the requirements of the Northeast Quadrant PUD preliminary development plan, with no conditions.

Mr. Zimmerman seconded the motion, and the vote was as follows: Mr. Messineo, yes; Mr. Saneholtz, yes; Mr. Sprague, yes; Ms. Boring, yes; Mr. Zimmerman, yes; and Mr. Gerber, yes. (**Conditional Use** - Approved 6-0.)

5. Conditional Use 04-123CU – NE Quad PUD Retail, Subarea 5A – Kroger Center Multi-Tenant Out Building Drive-Thru – 7625 Sawmill Road

[See joint presentations for this case and Cases 4 and 6 earlier given by Jamie Adkins and the applicant's representative, Ben W. Hale, Jr.]

Mr. Saneholtz was concerned about the drive-thru and the deliveries to this building. He understood that it is screened behind the delivery paddock, but asked if the drive-thru lane was actually to the west of that separation wall. He asked how many cars stacked from the first drive-thru window would it take to block the delivery area.

Mr. Reeds said it would take eight cars in the drive-thru to block deliveries.

Mr. Saneholtz asked what were the standard stacking requirements.

Ms. Adkins said twelve vehicles.

Mr. Hale said Dublin has a higher requirement than most. Most jurisdictions require eight.

Mr. Saneholtz asked if the proposed drive thru window was shown on the plan.

Mr. Gerber said they only know approximately where it is going to be on the south building.

Ms. Boring thought the Commission wanted to know exactly what it looked like.

Mr. Saneholtz said he did not know if their drive-thru window would change the visual of that south side of the building. He did not know if there's going to be one or two windows, or whether it's going to have an awning or a flat roof.

Mr. Gerber asked if it was defined in the text. He said the Commission is talking about the Conditional Use, not necessarily the structure. He said it was a question he thought needed to be clarified.

Mr. Messineo asked where was the escape lane.

Mr. Saneholtz predicted that high school students would enter the drive thru from the south parking lot, through parking spaces. He said a drive thru on this building did not work for him. He asked what is the anticipated traffic flow, and how do those vehicles get qued, especially those vehicles coming from the west, coming off of Hard Road on the south side of this parking lot.

Mr. Hale said they will either come down the first row of parking nearest the woods, go around the building and enter the queue, or they could drive down and come up the fourth aisle, and go into the queue.

There was a discussion about an escape lane. Mr. Hale said in order for all eight vehicles to escape in a lane, trees will need to be removed.

Mr. Gerber said he was most interested in the traffic pattern of the whole center as it relates to, and how this plays a part of that. He said potentially, there could be many cars at one given time going to various different points in the center.

Mr. Hale said they have the right to do a drive-thru, on these two buildings, and the question is where is that drive-thru going to be. He said they have put the drive-thru on the end of the building, so when you drive south on Sawmill Road, they can turn into the drive, get into and out the drive-thru, and get back on Hard Road, and go south. He said they think the predominant movement during that time of the day when there is heavy traffic will be a right-in, which is a very safe movement, come in get in the line, get whatever they want, come out and exit here and continue their drive south. They also have the major north-south drive abutting this building, so if somebody wants to come down, they obviously can drive there, to get in if they're at Kroger or some place else. Mr. Hale said if you put it in the other building you'll lose a lot of efficiencies and with the 2½-acre woods there, the drive-thru from Sawmill Road, or from Hard Road is going to be practically invisible. He said they have tried to do it in an aesthetic way at one of those right-in/right-out intersections, so it works.

Ms. Boring read the Conditional Use Criteria: 1) The proposed use will be harmonious, and 2) That the proposed use will be harmonious with the existing intended character of the general facility. She said she thought it is very clear the reason they do not know where the awning and the windows are. Ms. Boring said the intent in 1995, was that Councilman Strip wanted absolute discretion of Council as to the proposed usage of these outlots at the time. She said Mr. Hale mentioned last time, the intent - they would be primarily restaurants. She said he met with the residents and they objected to the possibility of drive-thrus on those sites. She said Mr. Hale said that they were going to be smaller restaurant types. The Civic Association told them they did not want drive-thrus on those parcels. Ms. Boring said the fact that they relented to drive-thrus in the text meant that they were allowing, again, for the outparcels. She said they were supposed to have <u>one</u> outparcel. The City let them change the two outparcels, and ended up with three outparcels (two out parcels and a gas station). Ms. Boring said it ended up with instead of three out parcels on these two things, having three outparcels and a gas station, which technically could be an outparcel.

Ms. Boring said she was very upset about this proposal, because when they said "drive-thru," they were talking a bank. She said they did not want to raise that possibility so that a drive-thru cleaners or something similar could be permitted. She said at no time were they ever thinking of a drive-thru, fast food restaurant. She said Council wanted absolute discretionary choice over that. Ms. Boring said there has been no discussion about that because it was always clear. She said "fast-food" restaurant has always been clear from day one. The intent was that they did not want one on the outparcel. Ms. Boring said this Conditional Use does not meet that criteria. She said she thought this is a shame that it has gotten this far.

Mr. Hale begged to differ. He said there is no mention of this drive-thru being for a bank or anything else. He said it states a drive-thru and/or drive-in shall be permitted on one of the multi-tenant retail sites as a permitted use. He thought it was clear on the record at the zoning that the Civic Association did not have a closure of the mind on they did not want any drive-thrus and they restricted the drive-thru. He said if they had not said anything about it, they would have used this language in this text, and they would have been allowed multiple drive-thrus on this piece of property. He said they limited it to one drive-thru. He said they have put the drive-thru in what he thought was the best place for it. He said if there is a better place to put the drive-thru, they would move the drive-thru.

Mr. Hale said Ms. Boring was going back to a zoning that precedes this, and there is also no question that zoning required that there was one large restaurant at the corner, and there were also restaurants on the northeast, which they are not in for tonight. He said those restaurants all had to be sit-down type restaurants without drive-thrus.

Ms. Boring asked when did Council's absolute discretion to proposed usage disappear.

Ms. Adkins said when the property was rezoned in March, the previous zoning became ineffective.

Ms. Boring asked if the conditions were lost. Ms. Adkins said yes.

Ms. Boring reiterated hers and the Civic Association's concerns over the location of this drive-thru. She also discussed the history and how the site had changed.

Mr. Hale said the record was clear that the Civic Association did not want drive-thrus, and they had a drive-thru. He said they did not hide this drive-thru.

Ms. Boring said a drive-thru facility and drive-thru restaurant are two different things.

Mr. Hale said they put this Conditional Use consideration in the text, and what that Conditional Use consideration stated is that they get a drive thru in both multi-tenant uses. He said staff wanted to cull it out as to what uses were allowed. He said had they said nothing about drive-thrus, they would still have a right to a conditional use for multiple drive-thrus. However, they only had one and limited it.

Mr. Saneholtz said he remembered discussing the mounding on the south side obstructing the view of the woods. He said he had not considered a drive-thru on this building.
Ms. Boring asked how to differentiate a drive-thru dry cleaner and drive-thru bank, when it lists in the text that a drive-thru is permissible. She asked if that meant a drive-thru fast-food restaurant or bank, dry cleaner or other facility. Ms. Boring said "drive-thru" does not necessarily specify it is a fast-food restaurant.

Ms. Adkins said the text lists all those things as permitted uses, and separately, as Mr. Hale read before into the record, the drive-thru on one of the two multi-tenant buildings. She said the text

does not specifically limit the type of drive-thru or the permitted uses that can be associated with the drive-thru.

Ms. Boring said she was extremely disappointed that that was not found and not carried through. She said it was very clear that fast-food restaurants or drive-thrus were not wanted in that out parcel or in that whole area.

Mr. Messineo asked if they are bound by this limited use of a drive-thru.

Ms. Adkins said they are permitted to have one drive-thru, in one of the two retail buildings, subject to the Code section for Conditional Use approval.

Ms. Readler said that they are entitled to a drive-thru as in the text, and there is no limitation on the type of drive-thru. She said it could be in conjunction with any of the permitted uses, which include eating and drinking establishments. However, it would have to meet the Conditional Use criteria listed in the staff report.

Mr. Messineo asked which criteria did this not meet.

Ms. Boring said "the proposed use would be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Code and/or the Community Plan."

Mr. Sprague asked about the stacking requirement for 12 cars.

Ms. Adkins said it is a part of the Conditional Use section of the Code, as amended in 1999, to list the required stacking spaces for different uses. A drive-thru restaurant requires 12 spaces.

Mr. Sprague was concerned the stacking would block the service area. He suggested keeping the buffer along the woods, but eliminating some of the landscaping on the southwest corner.

Ms. Boring suggested no drive thru.

Mr. Sprague continued, and said eliminating landscaping on the southwest corner of the stacking out straight, instead of bending it would enable 12 cars to stack.

Mr. Hale said you could be crossing this driveway, and going into parking areas. He thought it was better to wrap the cars.

Ms. Boring and Mr. Sprague agreed the drive-thru restaurant did not meet the following Conditional Use criteria:

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.
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.
7) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation, 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 and roads.

Mr. Hale asked how cars stacking at a bank, restaurant, or cleaners drive thru differed.

Mr. Gerber said the hours of operation would be different.

Mr. Hale said the drive thru would be the busiest from 6-10 a.m. when not much else is happening in the center.

Mr. Messineo asked if a sit-down restaurant with a patio would be more agreeable. He said he thought that was what was going to be there.

Ms. Boring said that was exactly what she thought the intent was.

Mr. Messineo said this seemed like the best location in the whole site for a sit-down restaurant with a patio. However, that does not contradict their right to have a drive-thru on one of these two buildings.

Mr. Messineo said he could not see how 12 cars can be stacked the way it is designed. He did not think the stacking will be as shown on the drawings.

Mr. Hale assured that they could get 12 cars in that space comfortably. He said there is no way the stacking could obstruct a public street.

Mr. Messineo stated that it looked like those cars are very close to the front of that building, and there is no way they can get that far up on the building.

Mr. Saneholtz said if they cannot stack those 12, and they need to move just one more back, they are obstructing the drive aisles for the parking lot, not to mention the impact upon pedestrian traffic of all this cross traffic within the parking lot, that this entity is going to cause. He said he was concerned about pedestrian safety, as well.
Mr. Hale did not think pedestrian safety was an issue since customers park in front of this use.

Mr. Gerber asked if traffic studies had been done for inside the center.

Ms. Readler said traffic studies were not typically done on private sites with private internal traffic.

Mr. Saneholtz said Tim Horton's is not the only user of the building – there are two other retail establishments. He suggested there would be an issue from the other two tenants about user delivery. He asked if delivery hours would be limited.

Mr. Saneholtz asked if Dublin's stacking requirements are written to allow for the creation of gaps for cross traffic.

Ms. Adkins did not think that the Code addresses it.

Mr. Hale said they put this drive thru where they thought it was the absolute best in terms of its visibility. He said they had a right to a drive-thru for this restaurant because is a permitted use. He said they thought they were meeting the criteria. Mr. Hale said Ms. Boring was going back to a history that pre-dates this zoning. He said they are doing here what is legal.

Mr. Gerber said with respect to the traffic patterns, he could see where additional time to review it might make sense based on what he heard from the Commissioners. However, he said he heard from the Commissioners that there was an impression that they were not contemplating this type of activity taking place at this location. He thought perhaps a tabling would help, but it sounded like there was a fundamental difference with respect to this impression. He was not sure if time could cure that or if staff can work something out. He did not want to hold this up, but hated to disapprove this based on what he heard.

Mr. Hale said there is not a word in the current zoning record about this use not being allowed here, or a use similar to this.

Mr. Gerber said he thought Ms. Boring acknowledged that that was a prior rezoning, but this summer, there were statements made and there are impressions from Commissioners that this would not be a drive-thru - that there would be a sit-down restaurant. He recalled a discussion that the Commission wanted to move the building where people would sit and look out at the trees.

Mr. Zimmerman said he remembered that conversation specifically. He asked the other Commissioners to assume that the applicant has the right to a drive-thru at one of these buildings and asked if they would be more amenable to it at the other building.

Ms. Boring cited UDF and Starbucks as two successful Dublin businesses without drive thrus. She said the problem was that the drive-thru does not meet Dublin's Code. She said drive thrus jam up traffic in shopping centers. Ms. Boring said it definitely does not blend with the intended character of the area.

Mr. Sprague said it seemed that there is more room to play with the stacking at the southern building.

Mr. Gerber said the issues are the traffic pattern, which could be worked out with staff, and the drive thru, which does not fit with the locale.

Mr. Saneholtz said Tim Horton's isn't the only one using the delivery area, and someone's delivery area will be blocked with the stacking. He saw no solution with these layouts.

Ms. Boring said pedestrian traffic is another issue that should not be ignored.

Mr. Saneholtz agreed pedestrian traffic should be encouraged.

Mr. Hale suggested they could extend the brick wall, remove one or two parking spaces, and put them elsewhere, so the service area has a separate entry and there's no conflict between the service area and the stacking. There would be a total screen wall on the whole back of that building.

Mr. Saneholtz suggested that if Tim Horton's had a vehicle backed in there, it would take cooperation to make it work.

Mr. Sprague said that is true for any tenant building.

Ms. Boring made a motion to disapprove this **Conditional Use** because it does not meet the following Conditional Use criteria:

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.
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.
7) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation, 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 and roads.

Mr. Gerber said if this site becomes a Tim Horton's, and they leave, another user would have to get approval for a Conditional Use as well.

Ms. Readler said they would have to look to see if it was a similar use.

Mr. Gerber asked if it could be a minor modification.

Ms. Readler said the Law Director's office had researched the issue and there is not a lot out there, but you can analogize to certain permit situations.

Mr. Gerber said Dublin's definition of "fast food" is very broad.

Ms. Readler said she did not think "fast food" is listed as permitted. She said in the text, they are permitted to have eating and drinking establishments.

Mr. Saneholtz seconded Ms. Boring's previous motion to disapprove.

Mr. Gerber clarified that there was a motion, calling for disapproval of this **Conditional Use** based on the Conditional Use criteria 1, 3, 4, 7 and 8 listed above. He said a Yes vote would mean disapproval, and a No vote meant the motion was not supported.

The vote was as follows: Mr. Zimmerman, no; Mr. Sprague, yes; Mr. Messineo, yes; Mr. Gerber, no; Mr. Saneholtz, yes; and Ms. Boring, yes. (**Conditional Use -** Disapproved 4-2.)

6. Final Development Plan/Conditional Use 04-121FDP/CU – NE Quad PUD Retail, Subarea 5A – Kroger Center – 7625 Sawmill Road
[See joint presentations for this case and Cases 4 and 5 earlier given by Jamie Adkins and the applicant's representative, Ben W. Hale, Jr.]

Regarding the **Final Development Plan,** Ms. Boring asked about the change in pavement, which was supposed to be pedestrian-friendly.

Mr. Reeds explained there is a band, and between that band there will be stamped concrete. It also occurs at the accessible aisles, so that at the accessible parking spots there will be sidewalk.

Ms. Boring asked if there would be a change of color with the stamped concrete.

Mr. Reeds responded that there would be a change of color and texture. Benches typically occur adjacent to planters and there are numerous locations for benches and bike racks. Also, there are decorative lights along the storefronts.

Mr. Gerber said these were things talked about at the preliminary and there were conditions at that time. He did not see any of those conditions still listed. He had thought they had a practice where they would continue to be listed, so they could be crossed off. Ms. Boring also asked where the previous conditions were listed.

Ms. Adkins explained staff had done that in the past and apologized for their not being included this time. In the future they will be included; however, staff made sure that the conditions were met for this application.
Mr. Gerber asked what the traffic study issues were to be resolved to the satisfaction of the City Engineer.

Ms. Adkins stated most of the issues have been resolved. Staff has received confirmation from the City of Columbus for the applicant to do work in the City right-of-way. It was a condition to make sure that the proposed improvements get done.

Mr. Gerber asked the meaning of Condition 5: "That the site must comply with the Division of Engineering, Administrative Policy for Intersection Visibility Triangles at all proposed access points."

Ms. Adkins explained that meant that the final Engineering drawings have to show the Engineering triangle for site visibility, to make sure that there is no obstruction in using those triangles.

Ms. Boring asked about Condition 10: "That the parapets for the building be varied in height, subject to staff approval."
Ms. Adkins said it was a requirement of the text that parapets be varied in height, so there is not one long expanse, one length of the building, that the parapet height does not change within. She said staff wanted a little break-up in the height.

Ms. Boring asked what did not match the Large Format Retail Design Guidelines.

Ms. Adkins responded that the Guidelines require if you have a certain length of a façade, that at some point the building has to recess 10 feet, for a distance of 50 feet. She said the way that the building was laid out it was not physically possible to do that. However, a few feet were recessed to attempt to meet the intent, which was essentially to break-up some of those long building façades. She said the roofline and material changes, etc. also meet the intent of the Guidelines.

Ms. Boring asked about the sign colors proposed.

Ms. Adkins showed samples of the four sign colors proposed: Ivory, Blue, Green, and Burgundy. She said they are now more muted and darker, as the Commission had requested last time.

Mr. Zimmerman asked to see a rendering of the cart corrals, but Mr. Ford did not have a cart corral rendering available.

Mr. Reeds said they are evergreen hedges that curve along a landscaped hedge.

Ms. Boring said the sign colors proposed were too bright and not subdued enough. Mr. Reeds explained that they would be backlit.
Ms. Boring felt the Forest Green had to be toned down, the Blue had to be toned down to Navy (except for the Kroger sign), and the Burgundy needed to be burgundy, instead of red. Mr. Ford felt for chroma colors they were not too high a color. Mr. Messineo asked if there was somewhere else, where these colors could be seen on a sign. Mr. Ford said they were similar to those at Perimeter Center. He did not know the Perimeter Center PMS colors used for signs; however, he agreed to match them, if asked to by the Commission. Mr. Hale repeated that if they do not match now, they would match them.

Ms. Boring said the condition was not to "match" the colors. She read from page eight of the May 17, 2004, Council Minutes: "That the reference to the colors in the text be eliminated at this

time, that the color palette be brought back for approval by staff and P&Z, that the color palette other than the Kroger sign, be limited to no more than four in the center with an emphasis on subdued, muted colors.

Mr. Hale said they brought back colors at the informal hearing, and the Commission thought they were too bright. He said these colors are substantially more subdued (darker in color).
Mr. Messineo added that in the March 18 minutes, Condition 10 references that building materials and trim colors will be earth tone in color.

Ms. Boring said that the sign colors Council requested were Navy Blue and Forest Green, not Emerald Green, and that they should come back for approval by the Commission. Ms. Wanner thought they were referring to the informal hearing, which did not have any conditions. The minutes from that informal hearing stated that Navy, Green (not Kelly Green, and Tan, in addition to eliminating the Sunflower color, were requested.

Mr. Gerber asked how accurate were the palettes. Mr. Reeds said they were from the actual sign manufacturer. Ms. Boring noted the sign colors were to match the awning colors. The colors were Navy, Green (not Kelly Green), and Tan, and Forest Green as mentioned. Mr. Saneholtz agreed.

Mr. Reeds said they would match the PMS colors at Perimeter Center, subject to staff approval.

Mr. Gerber said to make it a condition to get the colors Ms. Boring listed, subject to staff approval.

Ms. Boring suggested the condition read: "That the colors be brought back to the Commission for approval."

Ms. Wanner pointed out that the color struggle might be a comparison by of internal vs. external illumination for the signs.

Mr. Sprague said the colors at night, when they are backlit are the problem, as they are quite different. Ms. Wanner added that the Perimeter Center comparison may not be as good in this case because those have a completely different light fixture and they are externally lit, gooseneck, engraved signs. She was not sure how the applicant could address the internal illumination of the sign.

Ms. Boring said Ms. Wanner made a very good point in that the other center is not internally illuminated. She said either the lighting should be gooseneck, or the colors should be toned down. She did not think the condition needed to be rewritten.

Mr. Gerber said a Condition 12 was needed. Mr. Saneholtz added Condition 12: That the sign colors accurately coordinate with the colors intended for the awnings. He said it was difficult to compare these colors to those of the awnings without the color samples of both.

Mr. Gerber added to Condition 12: ...sign color palettes, subject to Commission approval. Ms. Boring revised Condition 12: That other than the Kroger sign, colors be limited to no more than four, with an emphasis on subdued, muted colors, and be brought back for approval by staff and the Commission.

Mr. Gerber made the motion to approve this **Final Development Plan** because the development is compatible with adjacent uses and proposed development in the area; and, it meets the requirements of the new Planned Districts Ordinance, with 12 conditions:

1) That the landscape plan be revised to incorporate the comments in this staff report, subject to staff approval;
2) That traffic study issues be resolved to the satisfaction of the City Engineer;
3) That the plans be revised to include seven additional parking spaces as required by text, subject to staff approval;
4) That the design of all private drives, parking areas, and drive approaches meet or exceed the requirements and standards of the Engineering Division;
5) That the site must comply with the Division of Engineering Administrative Policy for Intersection Visibility Triangles at all proposed access points;
6) That all utility connections and/or extensions meet or exceed the requirements and standards of the Engineering Division;
7) That the applicant and Engineering Division staff meet prior to applying for building permit approval to review stormwater management;
8) That the individual tenant wall signs be fastened into the mortar joints rather than the brick;
9) That the proposed stripe on the light pole housing be removed;
10) That the parapets for the building be varied in height, subject to staff approval;
11) That all mechanicals be painted to match the buildings and screened to Code; and
12) That other than the Kroger sign, colors be limited to no more than four, with an emphasis on subdued, muted colors, and be brought back for approval by staff and the Commission.

Ben W. Hale, representing the applicant, agreed to the above conditions.

Mr. Zimmerman seconded the motion and the vote was as follows: Mr. Saneholtz, yes; Mr. Sprague, yes; Mr. Messineo, yes, Ms. Boring, yes; Mr. Zimmerman, yes; Mr. Gerber, yes. (**Final Development Plan** - Approved 6-0.)

Regarding this **Conditional Use** application**,** Mr. Messineo asked if prescription orders are taken at the drive-thru pharmacy, and are cars going to wait in line for 15 minutes or more for them. Jim Brown, a Kroger Senior Engineer, said prescriptions are dropped off. If they're not immediately available, the customer returns. Linda Patterson, Kroger, said most of the time it is a drop-off or pick-up point.

Mr. Zimmerman made the motion to approve this **Conditional Use** because it meets the conditional use criteria listed in 153.236(C), and the requirements of the Northeast Quadrant PUD preliminary development plan.

Mr. Saneholtz seconded the motion and the vote was as follows: Mr. Sprague, yes; Mr. Messineo, yes; Ms. Boring, yes; Mr. Gerber, yes, Mr. Saneholtz, yes; and Mr. Zimmerman, yes. (**Conditional Use** - Approved 6-0.)

7. Amended Final Development Plan 04-128AFDP - Killilea Park - 6811 McDevitt Drive
The applicant, Laura Karagory, City of Dublin, Division of Grounds and Facilities was present. Being no conditions or issues to discuss, Mr. Gerber moved for approval because the park provides a gathering place and community focal point that will contribute to a positive sense of place, residents' quality of life and Dublin's "green" image, with no conditions.

Ms. Boring seconded the motion, and the vote was as follows: Mr. Messineo, yes; Mr. Saneholtz, yes; Mr. Sprague, yes; Mr. Zimmerman, yes; Ms. Boring, yes; and Mr. Gerber, yes. (Approved 6-0.)

Mr. Gerber thanked everyone for their presentations and their patience.

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Lois Willard
Clerical Specialist II
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PLANNING AND ZONING COMMISSION

RECORD OF ACTION

JULY 1, 2004

The Planning and Zoning Commission took no action on the following case at this meeting:

1. **Informal Review – 04-094INF – Northeast Quadrant PUD Subarea 5A – Kroger Centre – Sawmill Road**
   Location: 27.951 acres located on the northwest corner of Sawmill and Hard Roads.
   Existing Zoning: PUD, Planned Unit Development District (NE Quad plan).
   Request: Informal review of architecture, signage, and landscaping for the Kroger Centre development.
   Proposed Use: A 198,000-square foot shopping center anchored by a 99,945-square foot grocery store with a drive-thru pharmacy, a 98-square foot eight pump gas station and two 8,284-square foot multi-tenant buildings.
   Applicant: Sawmill Partners Investment Company, 1798 Frebis Avenue, Columbus, Ohio 43206-3729; represented by Ben W. Hale, Jr., Smith and Hale, 37 West Broad Street, Suite 725, Columbus, Ohio 43215.
   Staff Contact: Anne Wanner, Senior Planner.

RESULT: No vote or action was taken on this informal case. The Commission requested that there be further adherence to the large format retail guidelines, the elimination of the "Sunflower" color from the proposed sign color palette, and enhanced screening and landscaping treatment along Emerald Parkway.

STAFF CERTIFICATION

Frank A. Ciarochi
Acting Planning Director

13-0842/PDP/FDP
Rezoning/Preliminary Development Plan/
Final Development Plan
NE Quad- Subarea 5A- Kroger Marketplace
7625 Sawmill Road

depth of substantial changes that the Planned District ordinance had overall, but it is a substantial document.

Mr. Gerber requested a 20-minute overview with packets provided. He suggested it be reviewed by section at more than one Commission meeting if that was what the other Commissioners felt was the best approach. Mr. Gunderman agreed.

Mr. Gerber said after reviewing the Council minutes for the first case he recalled the discussion with Anne Wanner and Jennifer Readler regarding preliminary development plans and how the Commission was going to change the way preliminary and final development plans were reviewed. He wondered if it made sense for Ms. Wanner and Ms. Readler to put together a report including the rationale why the Commission was thinking along those lines and solicit Council's input.

Ms. Readler agreed to provide Council with a report regarding the Commission's plan review procedure.

Mr. Gerber announced that Case 4: Final Development Plan 04-073FDP – Perimeter West Subarea 1 – Ruscilli Office Buildings – 6840-6890 Perimeter Drive had been postponed prior to this meeting. He said there were three informal cases remaining on the agenda. He said typically, informal cases come to the Commission when the applicant is trying to get input from the Commission about a plan. He said they usually make a very brief presentation, the Commission shares their thoughts, and the applicant then decides whether they want to make a formal application and continue with the process. Mr. Gerber said usually, the Commission does not permit public comments from the audience at this stage, because the Commission and applicants are not sure of the status of the case. He asked that anyone who had planned to speak tonight to provide their address to Libby Farley so that can be notified of subsequent meetings, if the applicant does go forward with the project.

1. Informal Review 04-094INF – Northwest Quadrant PUD Subarea 5A – Kroger Centre – Sawmill Road

Chair Gerber stated that this informal case was limited to 30 minutes.

Anne Wanner said this rezoning was approved by City Council on May 17, 2004 and it went into effect on June 17. She said at the City Council meeting, there were special conditions added regarding the development text limitations for tenant sizes, color limitations for signage, and additional landscape treatment around the gas station, which is a conditional use. She said in addition the Planning Commission approval included a condition, which required informal review of the signage, landscaping, and architecture. Ms. Wanner said the applicant has worked on some of the items that were discussed at the rezoning and they are bringing them to the Commission for informal review.

Ms. Wanner said this site is located on the east side of Dublin, at the intersection of Hard Road and Sawmill Road. She showed slides of the site. Surrounding zonings include the PUD, Planned Unit Development Districts. The City of Columbus is located to the east of the site. There is a significant stand of trees (approximately 4.4 acres) and a tree row running along the northern end of the site. Significant development to the east of the site includes additional retail,

grocery store uses, the Scioto High School, and Wyandotte Woods subdivision on the west, and the proposed Emerald Parkway connection to be constructed within the next year.

Ms. Wanner said there is significant signage proposed for the site. She said the applicant had responded to staff's comments regarding the signage. They have incorporated brick into the sign to match the building, as well as the gas station sign. She showed a slide which indicated where each of the proposed signs are to be located. There will be two Kroger Centre signs, one gas station sign located at the corner of Sawmill Road and proposed Summer Drive. She said there are two Kroger wall signs proposed. One will face Sawmill Road and the other, Emerald Parkway. There are some drive-thru and directional signs proposed for the pharmacy. Small tenant signs will be located along the façades of the stores.

Four colors have been proposed for the tenant signage: delft blue, Kelly green, sunflower, and white. However, the tenants will still be restricted to three-colors, per sign, consistent with Code. She showed a sample board of awning colors proposed which included burgundy, blue striped and green striped.

She showed slides of the architectural elevations for the Kroger building. As part of this review, she said staff noticed that some of the elevations do not comply with the Large Format Retail Guidelines. She said staff suggests that the applicant provide a little more articulation, especially on this elevation the north and west sides by providing more stone and building recesses to comply with the Guidelines.

Ms. Wanner said there is a lot of articulation along the retail elevations. There are cupolas, dormers on rooflines, window mullion treatments along the storefront tops, awnings, stone and other architectural details.

She said the rear of the retail buildings would face Emerald Parkway. She said staff suggests that some additional articulation, perhaps material change, occur on the rear which will face Emerald Parkway.

Ms. Wanner said the applicant has added more detail for the multi-tenant retail buildings. Dormers, cupolas, awnings, and mullion treatments have been added to the doorways.

She showed a slide of the gas station canopy elevations. She said staff has requested the applicant to vary the gas station columns to provide more of a rectangular column. She said that was not reflected in the elevations shown tonight. Ms. Wanner said staff also suggests adding hip elements, to the canopy roofline to break up the mass, and a moulding treatment around the EIFS.

A slide showing the proposed gas station signage was shown. Ms. Wanner said the applicant was proposing to save a couple trees within this area. She said at the City Council rezoning hearing, screening at this corner was heavily discussed. She said staff recommends adding additional landscape treatment to this corner because the gas station canopy still can be seen. She said there are things the applicant can do to provide additional buffering in this area.

Ms. Wanner said the landscaping and drawing plans have progressed. However, there are some additional studies of the architecture that staff will have to do to make sure the Large Format

Retail Guidelines are met. She said the Guidelines are extensive and will be addressed at the final development plan stage. She assured that there will be additional articulation throughout the site. Ms. Wanner said the landscaping plan had come a long way. Staff has not yet determined if the basin shown will be a pond or a dry basin.

She said landscaping along Sawmill Road includes undulating mounds, additional landscaping that will blend with the landscaping to the north, and additional sidewalks have been.

Ben W. Hale, Jr., attorney representing the applicant, said they have added more stone to the shopping center to soften the building. He said the multi-tenant buildings in front have been redesigned to match the retail center. They have tried to reduce the scale of the building and make it feel more pedestrian-friendly. He said on the Kroger store, they have added stone elements, banding, and more detail elements including awnings, etc.

Brent Racer, representing Ford and Associates, said they had changed out some of the materials to break down the sheer mass of the Kroger building. However, they are still using some of the elements, which will be continuous throughout the center (cupolas, detailing, brickwork, quioning, etc.) so that there is more of a pedestrian-feel rather than one giant center.

Kerry Reeds, MSI Landscape Architects, said the landscaping has been revised along Sawmill Road since the Commission has last seen this project. He said they now have a combination of evergreen hedge material, intermittent landscape mounds, deciduous hedge material as well as perimeter plantings along the frontage. Mr. Reeds said they revised the corner landscape at Sawmill Road and Summer Drive to reflect a low stone wall with a mound behind it that will have a two-tier planting scheme, a deciduous hedge and then an evergreen hedge behind it, as well as flowering trees, and then perennials on the front side of the wall. He said since the last meeting, a walkway has been added from the proposed bikepath along Sawmill Road, west into the site. Other sidewalks have also been added, as well as traffic calming crosswalks along the main storefront drive that will serve for the handicap accessible spaces. Pavers or stamped concrete will occur for traffic calming purposes at numerous points along the storefront drive.

Mr. Gerber reminded the Commission that tonight's discussion should focus on architecture, signage, and landscaping only, keeping in mind that the drive-thru pharmacy and gas station are conditional uses, which will come back with the final development plan.

Ms. Reiss said the changes made helped improve the project. She reiterated what Ms. Wanner said staff said that the large mass on the rear of the Kroger building needs to be broken in some way, by varying the recesses on the building. She said the "future retail" area shown was sufficiently landscaped now so that the rear of the other retail portion will be screened from Emerald Parkway until that is developed.

Ms. Reiss did not care for the Sunflower yellow signage. She said it seemed too striking and too large of a contrast between the yellow and the brick.

Ms. Boring thought the signage colors were not muted as City Council had directed.

Ms. Reiss said the colors of the tenant signage should match the awning colors proposed. Ms. Boring said those colors were navy, green (not Kelly green), and tan. Ms. Reiss said the awning and signs should match.

Ms. Reiss said on the rear elevations, at the corners, there are areas that look like parapets, but on the rear elevations there are no hip roofs on them. She would like to see the hip roofs repeated on the Kroger rear elevation.

Mr. Messineo said he really appreciated Ms. Wanner's staff report. However, he said there seemed to be a lot of things in the report that need to be resolved. He asked if they all would be resolved or were they in dispute.

Mr. Hale said he did not think so. He said the process was that they were to file a final development plan. He said when a final development plan was filed, all the details have to be finalized. Mr. Hale said they had, to this point tried to respond to what they heard from City Council. He said at the Planning Commission last time, they said they would come back and show these details rather than spend money doing final drawings until they had this discussion. He said this discussion enabled them to take the Commission's and staff's comments and try to revise the plans before they come back for a review.

Mr. Messineo agreed with all of staff's recommendations in the staff report.

Mr. Saneholtz said the thought this was a great improvement. He said the changes made break up the mass of the building. He asked if the tenant signs were located above the awnings.

Mr. Racer said the tenant signs were above the awnings. He said individual letters would be fastened to the building.

Mr. Saneholtz supported the other Commissioners and said the awnings and tenant signage should coordinate. He said the colors proposed for the signs do not work.

Mr. Saneholtz referred to page 4 of the staff report regarding the perimeter planting requirement, He said specifically, that this treatment (a 3.5 foot hedge, mound, or wall) was required along the south side of the parking lot, adjacent to the tree reserve. He asked if that would make it difficult to see the preserved woods.

Ms. Wanner said unfortunately, the text specifically states that this 4.4 acres of woods will be counted towards the interior landscaping, and it does not address the perimeter landscaping. Ms. Wanner stated that it is the Commission's discretion if they feel that this wooded area can count for perimeter landscaping.

Mr. Saneholtz said he did not have a strong opinion on this other than the Commission asked the applicants to preserve the woods and he did not want anything done to detract from it.

Mr. Hale did not think anything formal should be in front of the woods.

Ms. Boring said it is a great buffer between the woods and the parking lot in order to help catch some of the natural trash and debris that happens in a parking lot. She thought it should remain. Mr. Hale said they would do something appropriate.

Ms. Wanner suggested an informal, naturalized landscaping application in that area would be more appropriate which would still incorporate trees to shade that section of the parking lot.

Mr. Saneholtz asked what would be to the north of the gas station. Ms. Wanner said that was Subarea 5B, and it was zoned for office use.

Mr. Saneholtz had a screening concern on the corner, further to the west, depending upon how the north piece was developed as far as visibility when coming south on Sawmill Road.

Ms. Boring said if the applicant is going to use the colors on the awning material board shown, the colors should not only match the signs, but should be burgundy, navy, taupe, and forest green.

Ms. Boring was concerned about the height of the tenant signs meeting the Sign Code. Mr. Hale said all the signage was in compliance, except for the Kroger sign.

Ms. Boring said progress had been made, however the dormers looked inappropriate. She said the Kroger section is too massive and it should look like a little village with more dormers.

Mr. Messineo asked if the Kroger wall could be broken up slightly.

Mr. Racer tried to clarify the changes along the Kroger edge. He said they have changed some of the materials and added vertical elements help break up the size. They have tried to manipulate the buildings recesses to provide interest.

Mr. Messineo said it looked as though there were some indents on each side of the Kroger sign where the brick was set. He said it looked very massive on the rendering. He suggested it be made of EIFS or a different kind of material.

Ms. Boring said the roofline is too massive.

Mr. Messineo liked the east Kroger building elevation. He asked if there were windows on top. Mr. Racer said it was brick banding.

Ms. Boring said the back of the buildings definitely need much more work. She said there should not be meter boxes hanging in the rear like at the back of the Meijer's outparcel. She said there were two reasons: Emerald Parkway is going to be a major thoroughfare, and it does not have varied architecture. She said the back elevation needs to be more thoughtfully planned. Ms. Boring said the meter boxes should be screened, not just painted the same color. She said the back needs to look almost like the front of the building.

Ms. Boring said she was concerned about the height of the gas station canopy was too high. She said the roof needed to look more like that of a ranch house. The roof should be lowered to break up the mass to make it look more residential.

Ms. Boring asked if the Landmark tree would be preserved. Mr. Hale agreed.

Mr. Zimmerman suggested a stone wall would screen the meter boxes on the rear of the building. He agreed with the other Commissioners about the sign and awning colors, the gas station landscaping, and the screening of the meter boxes in the rear. He said the staff report was great and he agreed with its recommendations.

Mr. Gerber concurred with all the comments made. He said the applicants should work with staff on the Emerald Parkway screening. He said it was going to be a major road five to ten years from now. Mr. Gerber said he would like to see one rendering of the entire project because he sensed it would then not look as massive. He said this was on track, and he thanked everyone.

Ms. Reiss asked if the outparcels, until they are developed could be maintained in grass and landscaped such as the area where there is future retail. Mr. Hale said there would be a fence and heavy landscaping.

(No action was taken on this informal case.)

2. Informal Review 04-060INF – Swickard Property – Avery Road

Chair Rick Gerber said this is an informal review of the site, development, and architecture for a proposed 33,000 square-foot commercial development, anchored by an 11,000 square-foot retail building, three 4,800 square-foot buildings, and one 8,400 square-foot building. He said there will be no vote taken and the discussion will be limited to 30 minutes, including the presentation and questions.

Jamie Adkins said this is a review of a concept plan for a retail center with a CVS at the southwest corner of Avery Road and Woerner Temple Road. The site is generally located in the southwest area of Dublin, south of SR 161 and west of I-270. It is zoned RI-B, which is a township zoning, Restricted Suburban Residential District. The surrounding zoning districts are PUD, Planned Unit Development, R, Rural, PCD, Planned Commerce District, and RI, Restricted Industrial. A pond and three 4,800 square-foot buildings and one 8,400 square-foot building are included in the site plan. Ms. Adkins said the site has two restricted access points, on Avery Road and Woerner-Temple Roads, and a shared access with the Municipal Pool to the west. The access on Woerner-Temple Road will be limited. She said staff is encouraging an access connection with the properties to the south when they are developed.

She showed a slide of the CVS building architecture which was based on an Irish village theme to coordinate with the architecture in Ballantrae and the pool site. A slide showing the architecture of Buildings A, B, and C was presented. She said there were two buildings as shown on the proposed plan. She showed several slides of the surrounding areas, the site, and the proposed plan.

Ms. Adkins said the Community Plan shows this site as Medium Density Residential use, based on traffic studies for the general area. She said staff understands that this is a deviation from that use. However, staff believes that further study into traffic and improved site design could make this a good site for this type of use.

immediately in the case of an abducted or missing child under circumstances where that child was in immediate danger of serious harm or death. In February of 2001, he and Clark Donley of Sunny 95 put together the Amber Alert working group composed of police officials, media and citizens and established protocol and forums. They kicked off the first Ohio Amber Alert program in October 2001. The protocol was thereafter adopted by the U.S. Department of Justice and was shared with the rest of Ohio by the Attorney General's office. They are in the process of working on several issues both with the State Amber Alert Board he serves on and with the computer vendors. Time is of the essence when a child is missing. The concept proposed that the Attorney General's office is working on is for a web-based program to be accessed by every officer at the scene. It can speed the process by allowing a photo of the child to be scanned at the scene and forwarded to the television station. In addition, with the sex offender registry system, the AG's office is working to have the ability to pull up on a map the locations of the registered sex offenders in the area adjacent to an abduction. Their board is a non-profit board with limited funding. They are seeking new Board members to join them in this effort. On Saturday, the Mid Ohio Amber Alert Day will take place at Wyandot Lake, with contributions made to the organization from the admissions. He thanked Council for providing the opportunity to present information to them tonight. Their web site is www.midohioamberalert.org, and he encouraged anyone interested to contact them and join the effort. He noted that to date, 134 children have been recovered in America because of the Amber Alert system, and two of those were in Franklin County.

CITIZEN COMMENTS
There were no comments from citizens

LEGISLATION
SECOND READING/PUBLIC HEARING - ORDINANCES
REZONING
Ordinance 52-03
Providing for a Change in Zoning for 40 Acres Located on the Northwest Corner of Sawmill and Hard Roads, From: PUD, Planned Unit Development District, To: PUD, Planned Unit Development District. (Case No. 03-045Z - NE Quad PUD, Subareas 5A, and 5B - Kroger Centre - Sawmill Road)
Mayor Chinnici-Zuercher noted that a complete set of the proposed text was provided to Council on the dais tonight.
Ms. Wanner noted that the rezoning application was submitted in May of 2003 to revise the preliminary development plan for subareas 5A and 5B. The existing zoning standards permit 198,000 square feet of retail, one restaurant outparcel for subarea 5A and office uses at a maximum density of 10,000 square feet per acre, and two retail outparcels which were part of subarea 5B. The proposed modification will still permit office and retail uses, however the development standards and acreages in both subareas have been modified due to the realignment of Emerald Parkway and the preservation of the four-acre wooded area. She showed slides with the general location of the zoning at Hard and Sawmill Roads and the development in the area. There has been final development plan approval of the Sawmill condos located to the northwest of this site. She showed a map outlining subareas 5A and B. Emerald Parkway is proposed to connect to Sallergate, and there is an extension of Summer Drive that will bisect the two areas. The site plan includes a 198,000 square foot shopping center, including a 99,000 square foot Kroger, two multi-tenant retail buildings of 8,500 square feet each, and an eight-pump gas station with a 98 square foot kiosk. The subareas have been shifted due to the Emerald Parkway realignment, but the site retains a 4-1/2 acre tree stand. She showed some general architectural elevations of the Center and other retail tenant spaces. She also showed renderings of the gas station, noting that the architecture includes a hip roof line as well as materials to match the center.

Mrs. Boring pointed out that the conditional use for the gas station would be reviewed at a later date by the Planning Commission, together with the sign package and architecture. Ms. Salay asked for clarification - the architecture and signage for the gas station are not under Council's purview?
Ms. Wanner responded that Council is considering the text, which includes materials and the gas station as a conditional use. The gas station is approved as part of the permitted uses as a conditional use and the applicant would be required to return to P&Z for conditional use approval.

Mr. Lecklider clarified that the gas station is a conditional use, and if the proposed text is approved by Council, the gas station is a possibility, subject to approval of the conditional use by P&Z. If Council has concerns with any of the permitted uses in the text, further discussion can take place tonight.

Ms. Wanner noted that a condition of approval at P&Z was that the applicant submits the fence detail for a future retail area of 24,000 square feet. The applicant is not proposing to build this immediately, and a screening detail for the rear of these buildings has been provided. It includes a fence atop a landscaped mound
Another condition was that the applicant provide screening detail, and the details have been provided consisting of a screen wall to hide the loading dock area from view of Emerald Parkway. The proposed rezoning is generally consistent with the existing text and will provide additional services to support surrounding residents and future office employees. P&Z approved this by a unanimous vote on March 18 with 27 conditions. All of the conditions required to be fulfilled prior to scheduling the Council hearing have now been met. She emphasized that there is a condition that requires the applicant to return to P&Z prior to submitting a final development plan for an informal review for the signage, architecture and landscaping.

Mr. Lecklider noted that this is a major project and he appreciates the complexity of the issues addressed by staff and the Commission. If Council approves the text tonight, what discretion remains for the Commission in regard to signage, architecture and landscaping?
Ms Wanner responded that the PUD is a fairly flexible zoning district, and the final development plan approval is subject to the discretion of the Commission. The applicant has proposed a palette of colors to create more subdued colors for the signage. Staff is confident that the proposed signage package is fairly complete in terms of scale, and is discreet and subdued. There is more identification in place along the main retail shopping center area. At the final development plan stage, if the Commission determines that what is submitted is not in keeping with the text or is something they do not support, they have the discretion to disapprove it.

Discussion followed about the discretion of the Commission in regard to signage should Council approves the text tonight, given the level of detail provided.
Mrs. Boring stated that to her recollection, the scale of the project was so large that some things may have been missed in the review at P&Z. She understands Mr. Lecklider's concerns. The fact that there are 27 conditions is reflective of the Commission's desire to approve the project and yet retain discretion for some of the items. They did not discuss signage, as the Commission understood that the sign package would be brought back at a later date for review.
Ms. Wanner responded that the condition reads that the sign package will be brought back to the Commission for informal review prior to final development plan submittal.

Mr. Lecklider asked if the same is true with respect to the architecture.
Mrs. Boring responded that her sense was that the concerns about the architecture were that there should be something in the conditions to require it to appear more "village-like."
Ms. Salay asked how that could be accomplished
Mrs. Boring stated that the developers were given the latitude to address this, perhaps with separate buildings, similar to the recent development in Historic Dublin. The Commission was hopeful that they would bring back revisions to reflect this direction. The key issue related to the front of the retail buildings This is in condition #21, on page 33 of the minutes.

Mr Keenan pointed out that this rezoning has been recommended by the Commission by a unanimous vote. Given tonight's discussion, are there some aspects that the Commission did not support?
Mrs Boring responded that it was a matter of the enormity of the project and the time allocated to discuss some of the major portions of the development, such as signage and architecture. The Commission felt comfortable approving this, given the fact that a later review would take place for signage and architecture
Ms. Salay asked if Council approves the proposed text, what is the discretion of the Commission to make changes to architecture and signage?
Mr. Smith responded that the understanding is that the sign package will be reviewed again by the Commission prior to final development plan submittal. He suggested that Mr Hale indicate that although the text provides sign package details, that he is willing to take the sign package back to the Commission before final development plan

Ben Hale, 37 W. Broad Street, representing the applicant provided some contextual history, explaining that the condo development received preliminary development approval without a lot of detail provided about the finished product, due to the variety of units included, with the understanding that the final development plan submittals would address the detail items at a future date. The applicant, in fact, provided much more detail than what would be expected at the preliminary development plan stage from a legal standpoint. There were some particular concerns about the gas station and landscaping, and the appearance of the buildings in the front. So what was determined is that the applicant would come back with all of the detail of the architecture and sign package prior to the final development plan submittal. Under the zoning text, the Planning Commission has no right to expand what is in the text. They can't require more or allow more than what is in the text; the text establishes the maximum of what they can approve. Once Council approves the zoning text, this moves into an area of administrative law, where the Commission has administrative discretion. The applicant has agreed already to an extra step of submitting additional detail prior to the final development plan. The costs involved in preparing the final development plan submittals are very high, in view of the engineering, final architecture and other items required. With the condo development, the applicant returned to the Commission and staff prior to preparation of final development plan in order to ensure that a "meeting of the minds" was reached prior to finalizing all of the detail items. The process worked well with the condo development.
He noted that the architect for the project is present tonight. He added that the East Dublin Civic Association encouraged two things: they did not want a regional use, but more of a neighborhood service center; and they wanted the woods to be preserved as part of the development. Kroger was pursued aggressively as a likely user due to their location across the road and their need for expansion. As part of the Emerald Parkway extension, the plan was modified to have Kroger at the other end of the site. The right-of-way needed to be modified for the Emerald Parkway, and this affected the site. In today's market, Kroger builds new stores with gasoline services included without exception. He demonstrated the site plan with the modified layout.

Mr. Reiner asked why Kroger, which is presently under Columbus zoning, would want to move across the street to a much more restrictively zoned City and abandon their nearby site.
Mr. Hale responded that there are two issues: Wal-Mart is entering the market nearby and Kroger wants a more improved and efficient store. Kroger typically owns their own buildings, but in this case, they will lease the new building from the property owner, as owning the store as well as building it is not feasible. The property owner does not anticipate making any profit from the Kroger lease, but hopes to make profit from the remainder of the tenant mix. They have made this a very attractive offer for Kroger and this is why they will come to Dublin.

Mayor Chinnici-Zuercher suggested that Council Members have the opportunity to ask their specific questions at this time for response by the applicant and colleagues.
Mr. Hale suggested that they demonstrate the architecture on the building prior to taking questions

Mr. Lecklider noted that if Council agrees that the site is not regional in nature, then the preservation of the woods actually enhances the site in terms of repeat customers. Does the Kroger store as proposed meet the City's guidelines for large format retail?
Ms. Wanner responded that they meet the guidelines

Mr. Hale and the project architect showed some of the renderings of the proposed center.
Mark Ford, Ford Architects stated that they made a fairly lengthy presentation at the Commission, and the main focus of the architectural details related to the two smaller outbuildings at the far eastern end of the site. He described the renderings and their features. They have added more stone with the brick in response to the Commission's suggestion

Mrs. Boring pointed out that on page 31 of the minutes, there is an informal review planned for the architecture and landscaping prior to the final development plan. Mr. Hale indicated that if there are issues at that time, there could be changes. So what is being presented tonight has not been approved by the Commission

Mr. Hale noted that they will continue to work on the details and will have an informal review to ensure that they are on the right track with the Commission prior to submittal of the final development plan.

Mayor Chinnici-Zuercher offered Council the opportunity for questions.

Mr. Reiner asked for confirmation that the plan will preserve all of the very large trees.
Mr. Hale responded affirmatively. They have tried to leave a buffer in place to maximize the survival rate of the trees.
Ms. Wanner stated that they are working with the Engineer who is preparing the plat for all of Emerald Parkway, and they are including a tree preservation/no disturb zone note on the plat.
Mr. Reiner stated that he appreciates the preservation efforts for this spectacular entryway to the City.

Mrs. Boring noted that page 3 was not included in the distributed text, but it has been included tonight. It mentions a gasoline sales kiosk with a maximum square footage of 150 square feet. That seems to be an enormous sign.
Mr. Hale clarified that this is actually a small building for the gas station attendant, not a sign.

Mrs. Boring noted in regard to the outbuildings that the Civic Association believes they should be single, not multiple use buildings. Having four to five tenants in the outbuildings will not encourage pedestrian traffic into the center. Also, in the previous zoning text, there was a specific size limit for each of the tenants, but there are no restrictions included in this text.
Mr. Hale responded that if Council wants to add this condition, they would include the maximum sizes in the text.
Mrs. Boring asked that this condition be added, that other than the main store, no individual tenant exceed 10,000 square feet to ensure that the center is neighborhood friendly.
Mr. Hale responded that there are some tenants, such as bookstores, who want a larger footprint and for that reason, these sizes were shown.
Mrs. Boring stated that the text could then include two buildings at a maximum of 18,000 square feet, with the remainder of tenants limited to no more than 10,000 square feet. She is still advocating that the outlots be single uses.

Ms. Salay commented about bikepath access. Has this been discussed?
Mr. Hale responded that there are hike and bikepaths on the plan. The Commission has also requested a sidewalk in a portion of the site. All of these provide good access to the center.

Ms Salay asked about the 8,500 square foot retail outparcels. For comparison purposes, how large is the building in front of Meijer's?
Ms Wanner responded that it is 12,600 square feet

Ms. Salay asked about the maximum number of tenants in the outbuildings.
Mr Ford responded that there are five sections of storefront, at 1400 square feet each.
Mr Hale added that the applicant believes that some of these will be taken by tenants such as a coffee shop.

Ms Salay asked the applicant to point out locations of the monument signs for the center and for the gas station
Mr Reed, landscape architect pointed out the locations of these on the map.
Ms Salay asked for confirmation that the text of the signs indicates, "Kroger Centre."
Mr Reed confirmed this
Mr. Hale added that they are in compliance with the Code.

Mr Lecklider asked if the main sign would require a variance.
Mr Hale responded that in terms of the height on the building, it is in compliance with Code, not exceeding 15 feet Every similar building in Dublin, including the Avery Kroger and former Big Bear has built into its text a variance from the Code to allow the sign to be up where it should be located on the building
Ms Wanner clarified that if it is in the text, it will not require a variance.

Mrs. Boring clarified that the design and each individual sign package will be reviewed by the Commission, but if the text indicates the allowable signage is up to 110 square feet, they already have that permission. The text governs the amount.
Mr. Lecklider noted that he is curious about why staff supports the gas station.
Ms. Wanner stated that in terms of a gas station as a permitted use, when staff reviewed the site and permitted uses, it seemed appropriate in view of the lack of service stations in the vicinity. The scale fits within a locally oriented gas station, with eight pumps. Staff felt this use was appropriate in combination with the retail and other uses.
The other factor is the number of residential units to the north – the single-family homes, the condominiums, and these people will need the services.

Mr. Hale noted that they have visited the Cincinnati headquarters many times over the plans for this Center. Kroger understands the need to comply with the Dublin Code, but they also have requirements that make this a feasible project for them from a business point of view. Kroger will not build on a new site without an accompanying gas station facility.
Mr. Lecklider responded that BJ's also required a gas station, but ceased business operations in less than 12 months. In terms of the substantial landscaping and architecture requirements for stations such as BP and Shell, how can they compete with this proposed station?
Mr. Reiner noted that the station would be screened from the front.
Mr. Hale added that the Commission has made it clear that the gas station will need to have a first class landscaping plan as part of the conditional use approval.

Mr. Lecklider asked what is unique with respect to the eastern portion of the site that doesn't exist elsewhere on the site?
Mr. Hale responded that the Commission has indicated that the conditional use approval will require a special landscaping plan for the gas station, and this is the expectation they will have to meet. The other stations, BP and Shell, do not make the majority of their profits with gasoline sales – they make money on the other items and services they provide. This station provides only fuel to the Kroger customers and is not a full-service gas station such as those at Perimeter Center.

Mr. Reiner added that this provides an option to obtain fuel on the western side of Sawmill, and may lower the price through competition.

Mr. Lecklider stated that his concern is the proliferation of these types of gas stations in parking lots, both to be developed and those existing.

Mr. Keenan asked if his concern is with the use or the amount of screening for the gas station.
Mr. Lecklider responded that he is not comfortable with the use in what is essentially a parking lot. There is the potential for a lot of conflict here, and Dublin does not have much experience in planning this type of facility.

Mr. Hale clarified that they have spent the past 2-1/2 years to persuade Kroger to come to this site, and the effort is to build a high quality neighborhood center. If Kroger leaves, they will not come back, and the property owner will use it for their existing zoning. Everyone has indicated their desire to have a neighborhood center, with a grocery store, with great architecture, something that identifies this side of the road as Dublin. But from a business standpoint, there are things that are needed to make this happen. If Council turns down this proposal, Kroger will not be back. This is an important decision for Dublin, and it is inconceivable that someone would turn this down. If Kroger is not able to obtain approval with the gas station at this time, they will not build on this site. Mr. Hale noted that the proposed Wal-Mart to the north will eventually be built, and Kroger's plan calls for this store to be established before that time.

Mayor Chinnici-Zuercher noted that the east side residents have indicated that they have a need for a gas station in their area, so this is an opportunity to provide an easily accessible station on the west side of Sawmill. Mayor Chinnici-Zuercher suggested that Mr. Lecklider articulate his objections and his recommendations for making this proposal more acceptable to him.

Mrs. Boring noted that the neighborhood believes that, compared to what was discussed 12 years ago, this grocery store is the best option for a neighborhood use. Currently,

people travel to Powell to access a larger, newer grocery store, and having one in this location will alleviate traffic. In addition, with appropriate landscaping and signage, the residents support a gas station in this location, which will also reduce traffic. The other consideration is that under the existing zoning, the property owner can develop the site without preserving the trees. She asked that Council seriously consider this proposal. The process over the past 12 years has been long and difficult, and has resulted in this proposal being brought forward.

Mr. Lecklider noted that he has difficulty in distinguishing this gas station from BJ's, which had existing mounding and landscaping. The landscaping and mounding in this proposal seems to be that which would exist with or without a gas station.
Mr. Hale responded it was clear at the Commission that the expectation for a conditional use approval is upgraded landscaping. It will far exceed the existing landscaping code. This will be a first-class center.

Mr. Lecklider recalled reading in the Commission minutes about landscaping, particularly due east of the Kroger site. There was some debate that the applicant did not want to do a lot of landscaping because they did not want to obstruct the views.
Mr. Hale responded that the only discussion was that the architect had proposed a hedge in this area, and the Commission requested mounding plus the hedge. For this reason, the applicant agreed to bring the landscaping portion back to the Commission to show the revisions.

Mr. Lecklider asked how this could be structured such that Council has leverage, and not the applicant. If the City prefers something more opaque than the hedge, and the text is approved as written, the applicant may insist that they want the hedge treatment. Who would prevail in this?
Mr. Hale responded that the City has made their desires very clear in terms of landscaping. They will meet all of the expectations within the voice of reason.
Mrs. Boring commented that she recalls that the Commission wanted undulating mounding, and the applicant agreed to incorporate this.
Mr. Hale added that the Commission also wanted them to match the treatment already approved for the condominiums to the north. They will meet the community's expectations as articulated by the Commission.

Ms. Salay asked if mature trees will be removed with the gas station – maybe they could be incorporated into the landscape treatment.
Ms Wanner stated that some of the problems encountered relate to construction around the drip line. The tree may die in spite of efforts to save it.
Mr Hale pointed out that the tree in question is a cottonwood tree – it may be a landmark tree, but it is not a good tree. The good tree species have been preserved

Ms. Salay noted that she visited a gas station in Longboat Key, Florida a couple of weeks ago and the site was so heavily landscaped that the gas station identity was nearly indiscernible from the center. It was a busy shopping center, with a grocery store, and the signage was very subtle behind the landscaping. She would like to see the gas station heavily landscaped If it is the only gas station in this vicinity, people will find it When Perimeter Center was built, there was a lot of discussion about colors for the various tenants in the large retail center. She would personally favor allowing four subdued colors from which the tenants can choose. The lighting should also be subdued to complement the village architectural look of the center.

Mrs Boring asked if she would suggest adding a condition in regard to the color palette
Mayor Chinnici-Zuercher noted that it would not be reasonable to actually select the colors at this time.
Ms. Salay suggested that a palette be submitted, similar to that in Perimeter Center.
Mayor Chinnici-Zuercher asked if there is any known reason that there could not be a limitation of colors. Perhaps the motion could limit the number of colors, and staff could work with the applicant on the actual palette
Mrs Boring asked the Law Director how this could be removed from the text temporarily so that it could be approved, with the condition that the color palette be brought back to be incorporated into the text at a later date
Mr. Smith asked for clarification – does Council want to make the final decision on the colors or do they want the Commission to do so?

Mayor Chinnici-Zuercher stated that Council does not want to make the final decision they want to give direction to the Commission on this.
Mr. Smith suggested that the condition be amended to state that the applicant has agreed that Council's recommendation with respect to the number of colors should be passed on to P&Z as to the sign package, and that number of colors would then become a part of the requirement when they return for approval.
Mr. Hale clarified that he understands this direction in regard to the shopping center, but Kroger has a color palette specific to them.
Mayor Chinnici-Zuercher stated that those colors could be included in the palette.
Mr. Hale reiterated that if there were a restriction of four colors, he would recommend that the Kroger colors be separate from the colors for the remainder of the center.
Mayor Chinnici-Zuercher stated that this seems reasonable.

Ms. Salay commented in regard to the gas station canopy. The Shell station at Perimeter has very balanced columns that are rectangular in shape and has a nice appearance, in contrast to those at the BP station at Perimeter that are not balanced.

Mr. Lecklider asked about the gas station lighting underneath the canopy. Is there a reason, regulatory or otherwise, that the gas station lighting has to be extremely intense?
Ms. Wanner responded that it is subject to the City's exterior lighting guidelines.
Mr. Lecklider noted that the lighting under the gas station canopies seems much brighter than in the parking lot around them.
Ms. Salay commented that the type of lens used seems to affect this -- the Shell station canopy has a light lens that is acceptable.

Mayor Chinnici-Zuercher stated that these are details that must be addressed at the staff level. There is a balance issue with lighting to ensure the safety of the customers.
She noted that another issue is with the shopping cart corrals. At a Target store in Indianapolis, she has seen a brick cart corral in a rectangular shape. It has a very nice appearance and yet it was understood by the location visually that it was intended to house the carts.
Mr. Hale responded that Kroger is not enthusiastic about the current option of cart bays that exist in Dublin, so they are willing to look into other options. He asked that she obtain a picture of the Indianapolis example.

Mayor Chinnici-Zuercher commented that this has been a very controversial zoning for many years. She feels strongly that the property owner has taken into consideration the concerns and desires of the area citizens. This development is an excellent addition to this portion of Dublin and will provide services and amenities close to their homes. She asked about the timeframe for construction.
Mr. Hale responded that this can be built while Emerald Parkway is under construction, but cannot be occupied until the Parkway is completed. Their estimated timeframe for occupancy of the Centre is late spring/early summer 2005.

Mrs. Boring moved to approve the rezoning with the added conditions that:

1. The text includes defined limitations of the tenant space.
2. The reference to colors in the text be eliminated at this time, the color palette be brought back for approval by staff and P&Z; the color palette, other than the Kroger sign, be limited to no more than four in the center, with an emphasis on subdued/muted colors.
3. Special emphasis be given to the landscaping around the gas station.

Mr. Reiner seconded the motion.
Vote on the motion: Ms Salay, yes; Mr. Lecklider, yes; Mr. Reiner, yes; Mr Keenan, yes; Mayor Chinnici-Zuercher, yes; Mr. McCash, abstain; Mrs Boring, yes

- Tree Waiver Request - NE Quad PUD, Subareas 5A and 5B - Kroger Centre - Sawmill Road

Ms. Wanner stated that the applicant for the Kroger Centre has requested a tree waiver as outlined in the staff memo
Ms. Salay asked for verification of the size of the replacement trees.
Ms Wanner responded that the developer's request referenced two-inch replacement trees, but the City requires the replacement trees to be 2-1/2 inches. The staff report calculations are based upon the 2-1/2 inch tree replacements.
Mr. Reiner moved approval of the waiver
Mrs. Boring seconded the motion.

Vote on the motion: Mr. Reiner, yes; Mr. Keenan, yes; Mr. Lecklider, yes; Ms. Salay, yes; Mrs. Boring, yes; Mayor Chinnici-Zuercher, yes; Mr. McCash, abstain.

WAIVING COMPETITIVE BIDDING
Ordinance 30-04
Waiving Competitive Bidding Requirements, Pursuant to Section 8.04 ('Contracting Procedures'), Paragraph (C) ("Waiver of Competitive Bidding") for Alcoholic Beverages, Soft Drinks and Bottled Water for the Dublin Irish Festival.
There was no further questions.
Vote on the Ordinance: Mrs. Boring, yes; Mr. Lecklider, yes; Mr. Reiner, yes; Mayor Chinnici-Zuercher, yes; Mr. McCash, yes; Mr. Keenan, yes.

ACCEPTANCE OF BID
Ordinance 31-04
Accepting the Lowest and Best Bid for Sanitary Sewer Cleaning and Authorizing the City Manager to Enter Into a Contract for Procurement of Said Services.
There were no further questions.
Vote on the Ordinance: Mayor Chinnici-Zuercher, yes; Mr. Keenan, yes; Mr. Reiner, yes; Mr. McCash, yes; Mr. Lecklider, yes, Mrs. Boring, yes.

INTRODUCTION /FIRST READING - ORDINANCES
BID
Ordinance 35-04
Accepting the Lowest/Best Bid for the Muirfield Drive/Brand Road Roundabout Project, and Declaring an Emergency. (Request to dispense with public hearing)
Mr. Lecklider introduced the ordinance.
Ms. Brautigam stated that staff is requesting waiving the public hearing and passing this as an emergency so that work can begin on June 7. A very favorable bid was received, and staff is recommending award of the bid to the lowest/best bidder.
There was no public testimony.
Mayor Chinnici-Zuercher stated that Council has discussed this issue on several occasions and there are no further questions at this time.
Mr. Reiner moved to dispense with the public hearing and to declare an emergency.
Ms. Salay seconded the motion.
Vote on the motion: Mr. Keenan, yes; Mr. Reiner, yes; Mr. McCash, yes; Mr. Lecklider, yes; Ms. Salay, yes; Mrs. Boring, yes; Mayor Chinnici-Zuercher, yes
Vote on the Ordinance: Mrs. Boring, yes; Mayor Chinnici-Zuercher, yes; Mr. Keenan, yes; Mr. Lecklider, yes; Ms. Salay, yes; Mr. McCash, yes; Mr. Reiner, yes.

INTRODUCTION/PUBLIC HEARING – RESOLUTIONS
CONTRACT
Resolution 25-04
Authorizing the City Manager to Enter into a Two-Year Contract with the Law Director.
Ms. Salay introduced the resolution.
Ms. Brautigam stated that the current contract expired on May 1. Some of the changes that staff is recommending are for a two-year contract, retaining the same rate for fees as that of last year. In effect, this would constitute three years of rates not being raised. She apologized for her memo that contained a typo – the Mayor's Court fees are $9,000 per month, and this amount is accurately reflected in the contract itself. One other addition is that the Law Director will be handling the Mayor's Court cases that are sent to the Franklin County Municipal Court. Staff believes that better services will result from this arrangement. Currently, the City is paying $15,000 annually for that representation through Franklin County. Staff will have to work on amending the current contract with the Franklin County Prosecutor to effect this change.
Staff recommends approval of the two-year contract.
Vote on the Resolution: Mr. Keenan, yes; Mr. Reiner, yes; Mayor Chinnici-Zuercher, yes; Mr. McCash, yes; Mrs. Boring, yes, Ms. Salay, yes, Mr. Lecklider, yes

APPOINTMENT
Resolution 26-04
Appointing a Member to the Community Services Advisory Commission.
Mr. McCash introduced the resolution.

CITY OF DUBLIN.

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PLANNING AND ZONING COMMISSION

RECORD OF ACTION

MARCH 18, 2004

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

2. **Rezoning/Revised Preliminary Development Plan 03-045Z - NE Quad PUD Retail, Subareas 5A and 5B – Kroger Center – Sawmill Road**
Location: 40 acres located on the northwest corner of Sawmill and Hard Roads.
Existing Zoning: PUD, Planned Unit Development District (NE Quad plan).
Request: PUD, Planned Unit Development District.
Proposed Use: A 198,000-square foot shopping center anchored by a 99,945-square foot grocery store with a drive-thru pharmacy, a 98-square foot eight pump gas station and two 8,500 square-foot outbuildings, and 10.87 acres of office area.
Applicant: Sawmill Partners Investment Company, 1798 Frebis Avenue, Columbus, Ohio 43206-3729; represented by Ben W. Hale, Jr., Smith and Hale, 37 West Broad Street, Suite 725, Columbus, Ohio 43215.
Staff Contacts: Anne Wanner, Senior Planner.

MOTION: To approve this revised preliminary development plan (rezoning) application because it provides required traffic improvements, necessary commercial and retail uses intended to serve the Northeast Quadrant, quality architecture, a significant four-acre tree stand and generally complies with criteria set forth in Section 153.056 of the Dublin Zoning Code, with 27 conditions:

1) That <u>all</u> site plans be accurately revised to reflect required site plan improvements and text requirements, including traffic elements, prior to scheduling a public hearing at City Council, subject to staff approval;
2) That no open cutting of the existing public roadway be permitted without prior approval by the City Engineer;
3) That cross-access easements be provided prior to issuance of building permits;
4) That the design of the private drive meet the approval of the City Engineer, and that the text be revised to state that the developer will be responsible for the construction and maintenance of this drive;
5) That final site design meet all applicable stormwater regulations, and that all field tiles be connected to the storm water system to maintain positive drainage, to the satisfaction of the City Engineer;

2. Rezoning/Revised Preliminary Development Plan 03-045Z - NE Quad PUD Retail, Subareas 5A and 5B – Kroger Center – Sawmill Road (Continued)

6) That additional rights-of-way be dedicated by General Warranty Deed prior to the issuance of any building permits;
7) That a bike path be provided along the Sawmill Road frontage, as approved by the City of Dublin and City of Columbus, and that an additional sidewalk be constructed from the Hard Road entrance (closest to Sawmill Road) into the site;
8) That the site plan be revised to properly reflect the width of Summer Drive on the west side of Sawmill Road as depicted in the traffic study;
9) That a formal tree waiver request be submitted prior to scheduling a public hearing at City Council;
10) That the text be clarified to state that all building materials and trim colors will be earth tone in color;
11) That all signage be in conformance with the Sign Code unless otherwise indicated in the development text;
12) That all signage be referenced within the body of text with a dimensioned exhibit, prior to scheduling a public hearing at City Council;
13) That a quality entry feature, matching the predominant building materials and colors, be submitted with the final development plans;
14) That the existing obsolete curb cut on Hard Road be removed, and that the plat be reconfigured to adjust the right-of way in this area;
15) That the rear fence screening and landscape treatment along Emerald Parkway be referenced in the text with an exhibit and attached to the development text prior to scheduling a public hearing at City Council;
16) That the final development plans show all adjacent and opposing curb cuts, both existing and proposed;
17) That all landscape plans be in conformance with the Landscape Code, unless otherwise indicated in the development text, and that small, undulating mounds with landscaping be added along the Sawmill Road frontage treatment;
18) That revised tree survey, preservation, and replacement plans be submitted prior to scheduling a public hearing at City Council;
19) That all lighting comply with the City of Dublin Exterior Lighting Guidelines;
20) That a plat for Emerald Parkway right-of-way be dedicated to the City, and that lots be created for this development;
21) That the multi-tenant retail outbuildings be revised to reflect more of a "village" architecture similar to the proposed shopping center;
22) That the paving material at pedestrian crossings and within the shopping center walkways be varied to provide visual interest;
23) That a sidewalk be added along the main east-west entrance of the shopping center to provide a pedestrian connection to the multi-tenant retail outbuildings and the Kroger store;

PLANNING AND ZONING COMMISSION
RECORD OF ACTION
MARCH 18, 2004

2. **Rezoning/Revised Preliminary Development Plan 03-045Z - NE Quad PUD Retail, Subareas 5A and 5B – Kroger Center – Sawmill Road (Continued)**

24) That the text be revised to reflect the hours of operation for the grocery store to be 24 hours per day, seven days a week, restaurants to be 6 a.m. until 2 a.m., and all other businesses to be 6 a.m. until 12 midnight;
25) That stone be added to the façade of the Kroger portion of the shopping center to provide visual relief;
26) That there be an additional architecture, landscaping, and signage review by the Commission prior to the final development plan submittal; and
27) That the text regarding seasonal sales be amended to require permits for all seasonal sales, subject to Code requirements.

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

VOTE: 7-0.

RESULT: This rezoning application was approved. It will be forwarded to City Council with a positive recommendation.

STAFF CERTIFICATION

Frank A. Ciarochi
Acting Planning Director

rezoning will provide a quality development with necessary support services within the employment core of Dublin, with five conditions:

1) That the timing for proposed off-site traffic improvements be coordinated with and completed to the satisfaction of the City Engineer;
2) That cross-access agreements be provided within all portions of the proposed development, to the satisfaction of staff;
3) That the same level of finishing be required on the east roof of the retail center that provides an appearance with residential character;
4) That concerns of pedestrian connectivity within this retail center and to the south be properly provided for residents to the north of Post Road; and these connections shall include an connection from the senior housing to Post Road; and
5) That all monument signs will be uniform in the material, base, casing, and setback.

Mr. Hale agreed to the conditions as listed above. Mr. Zimmerman seconded the motion.

Mr. Harvey requested that the amendment to Condition 5 be repeated. Ms. Boring repeated the condition: That all monument signs will be uniform in the material, base, casing, and setback.

The vote was as follows: Mr. Messineo, yes; Mr. Saneholtz, yes; Mr. Sprague, yes; Ms. Boring, yes; Ms. Reiss, yes; Mr. Zimmerman, yes; and Mr. Gerber, yes. (Approved 7-0.)

Mr. Gerber thanked Mr. Hale and Mr. Ghidotti for their indulgence.

Ms. Boring said she found that not having exactly what was passed last time to be confusing. She likes to go to the text and make sure everything is there. It was difficult for her on this case that all the conditions were not listed. Mr. Harvey indicated that it was staff was working to address these kinds of issues in the initial sections of the report.

Mr. Combs clarified that page three of the report included a section that explained how each of the conditions from the March 4, 2004, meeting were addressed with this submittal. Versions of the text have also utilized bolding and strikethroughs to indicate changes.

Administrative Business

Mr. Gerber called a short break at 8:15 p.m.

2. Rezoning/Revised Preliminary Development Plan 03-045Z – NE Quad PUD Retail, Subareas 5A and 5B – Kroger Center – Sawmill Road

Mr. Gerber said this is a preliminary development plan/rezoning application, which is binding and second of the three PUD stages, and it is binding. It establishes the permissible uses, density, and development standards, and serves as the preliminary plat. The Commission is to make a recommendation on this rezoning and forward it to City Council for a public hearing and final vote.

Anne Wanner said this is a request for review and approval of a revised preliminary development plan for Subareas 5A and 5B of the Northeast Quadrant Plan to permit one, 198,000 square foot shopping center, two restaurant/retail outbuildings, and one eight-pump gas station.

She showed slides of the site. The site has significant frontage along Sawmill Road and Hard Road. It has river frontage along the proposed Emerald Parkway, which has been approved by the Planning and Zoning Commission. The site is currently zoned PUD. The current zoning permits a 100,000-square foot Schottenstein department store, 38,000 square feet for a Value City Furniture Store and one restaurant parcel. Subarea 5B is currently permitted to have 148,000 square feet of office uses and two retail/restaurant outparcels.

Ms. Wanner stated that this site is adjacent to Dublin's eastern boundary along Sawmill Road. The surrounding uses in Columbus include several commercial and multi-family uses. Scioto Crossings has been approved and is a multi-family development. Ms. Wanner showed a slide showing the proposed Wyandotte Woods Boulevard and Emerald Parkway extensions.

Ms. Wanner stated that the subareas have been revised since the Northeast Quadrant plan because of the realignment of Emerald Parkway. She said Emerald Parkway has been shifted slightly to the east to accommodate some of the engineering requirements for driving speed. Two access points proposed along Sawmill Road, two along Hard Road, one along Emerald Parkway, and three along proposed Summer Drive. She said Summer Drive bisected the two subareas.

Ms. Wanner said a traffic study was submitted and she showed several offsite improvements needed in Columbus. The developer has agreed to participate in all on site and off site improvements.

Ms. Wanner showed a slide of the proposed Kroger area site plan. The center faces Sawmill Road and includes a 99,975-square foot grocery store, two 8,500-square foot restaurant/retail multi-tenant outbuildings which are located closer to Sawmill Road and an eight-pump gas station located along the northeast portion of subarea 5A. The loading zone for this area is in the rear. Smaller retail spaces are proposed within this portion of the shopping center.

Ms. Wanner stated that access to this site includes a bikepath along Sawmill Road, which will echo some of the bikepath and landscaping to the north of the site, which is located in the Scioto Crossings development. A sidewalk is proposed on the east side of Emerald Parkway. Sidewalks are proposed on the south side of Summer Drive and a small sidewalk along the Hard Road entry.

Ms. Wanner noted that staff recommends adding a pedestrian path along the main entry drive to allow pedestrians walking along Hard Road to enter the shopping center.

Ms. Wanner stated that the proposal includes the preservation of a significant 4.4-acre wooded area, unique to the site. The applicant is proposing to preserve this tree stand and staff is excited about this concept. A mound with a fence is proposed to screen the rear portion of the shopping

center. This mound and landscaping will be removed when the shopping center expansion is built.

Ms. Wanner said staff recommends adjusting the landscaping along Emerald Parkway to coordinate with the approved Emerald Parkway plan. This would include some perennial beds and other types of shrubs/plantings.

Ms. Wanner stated that there are two Kroger signs proposed for this site. One will be in the rear and the other will face Sawmill Road. The signs are shown at 160 square feet. The text states that they will be 110 square feet in area. Staff would like the applicant to make the signage smaller to be consistent with the text.

Ms. Wanner indicated that the two center identification signs proposed on Hard Road and Sawmill Road will comply with the text measurements, but need to comply with Code regarding the number of colors. She made some staff suggestions as to how the sign could come into compliance using a brick sign background.

Ms. Wanner stated that the gasoline station sign proposed complies with Code except for the four colors that it is using, and that projecting tenant signs are proposed along the storefronts. Signage is also proposed along the front of the center itself for individual tenants. Staff would like to see more clarification as to how the individual tenant signs are administered. They are shown as 80 percent of the tenant façade.

Ms. Wanner showed a slide of the center's elevations. The Sawmill Road front elevation has a lot of architectural interest within the façade. The materials to be used are brick, stone, cast stone, and an arrangement of awnings along the front. The glass will not be tinted and will have a bronze colored framing.

Ms. Wanner showed a slide of the future shopping center expansion along the rear (Emerald Parkway). Similar architectural details will be on this addition. The rear loading zone will mostly be screened with vegetation. The applicant has indicated to staff that they would like to use a wall to screen its loading zone. Ms. Wanner said to date, elevations of this wall have not been received.

Ms. Wanner showed a slide of the elevations for the multi-tenant building. Building materials will match the main shopping center. The awnings, hip and gabled roofs, and articulation are all part of the architecture.

Ms. Wanner stated that a total of eight gasoline pumps (two per unit) are shown at the gas station and one 98-square foot kiosk will be used for customer payments. All the materials will match the center with brick and EIFS.

Other site slides were shown.

Ms. Wanner stated the proposed revised preliminary development plan is characterized by quality architecture, and the necessary commercial and retail uses intended to serve the Northeast

Quad. This development will provide essential traffic improvements and will preserve a significant stand of mature trees. She said staff recommends approval with 20 conditions:

1) That all site plans be accurately revised to reflect required site plan improvements and text requirements, including traffic elements, prior to scheduling a public hearing at City Council, subject to staff approval;
2) That no open cutting of the existing public roadway be permitted without prior approval by the City Engineer;
3) That cross-access easements be provided prior to issuance of building permits;
4) That the design of the private drive meet the approval of the City Engineer, and that the text be revised to state that the developer will be responsible for the construction and maintenance of this drive;
5) That final site design meet all applicable stormwater regulations, and that all field tiles be connected to the storm water system to maintain positive drainage, to the satisfaction of the City Engineer;
6) That additional rights-of-way be dedicated by General Warranty Deed prior to the issuance of any building permits;
7) That a bike path be provided along the Sawmill Road frontage, as approved by the City of Dublin and City of Columbus, and that an additional sidewalk be constructed from the Hard Road entrance (closest to Sawmill Road) into the site;
8) That the site plan be revised to properly reflect the width of Summer Drive on the west side of Sawmill Road as depicted in the traffic study;
9) That a formal tree waiver request be submitted prior to scheduling a public hearing at City Council;
10) That the text be clarified to state that all building materials and trim colors will be earth tone in color;
11) That all signage be in conformance with the Sign Code unless otherwise indicated in the development text;
12) That all signage be referenced within the body of text with a dimensioned exhibit, prior to scheduling a public hearing at City Council;
13) That an illustrative exhibit be attached and referenced in the text to show the general character of the entry feature, subject to staff approval;
14) That the existing obsolete curb cut on Hard Road be removed, and that the plat be reconfigured to adjust the right-of way in this area;
15) That the rear fence screening and landscape treatment along Emerald Parkway be referenced in the text with an exhibit and attached to the development text prior to scheduling a public hearing at City Council;
16) That the final development plans show all adjacent and opposing curb cuts, both existing and proposed;
17) That all landscape plans be in conformance with the Landscape Code, unless otherwise indicated in the development text;
18) That revised tree survey, preservation, and replacement plans be submitted prior to scheduling a public hearing at City Council;
19) That all lighting comply with the City of Dublin Exterior Lighting Guidelines; and
20) That a plat for Emerald Parkway right-of-way be dedicated to the City, and that lots be created for this development.

Mr. Gerber said there are proposed uses in this rezoning that are conditional uses: a gas station and possibly the drive thru pharmacy. Mr. Gerber understood those conditional uses would come back at a separate time. Ms. Wanner agreed. Mr. Gerber said its use and landscaping could be discussed then. Also with respect to the conditional use, the structure, color, palettes, signage, etc.

Ben W. Hale, Jr., Smith/Hale, representing the applicant, clarified the existing zoning. He explained that the existing text allows a 100,000 square foot Schottenstein store, but that general retail is also permitted. The text does not limit the use to a shopping center. In the current zoning, the store is proposed to be located on the north end where the Kroger store used to be. The outparcel is proposed where the treed area is currently.

Ben Hale gave a short history of the Northeast Quad plan and said that they had been working with Kroger for about five years for a neighborhood shopping center.

Mr. Hale stated that the proposal preserves the entire woods. He said they are preserving the entire woods. Mr. Hale said they would agree to designate this area as a no-build/no-disturb area.

Mr. Hale stated that he had worked with staff on the development and design of Emerald Parkway. He said staff wanted a higher design speed on the road, which resulted in a gentle curve in the road. This redesign shifted the road to the east and reduced the overall site acreage. The preservation of the woods also reduced the buildable area of the site, so the subareas have been changed. He said they have an agreement on the construction of Emerald Parkway that is almost ready for City Council approval. The road has basically been designed and they are in agreement with the City to make a financial contribution towards Emerald Parkway. They were originally required to build a three-lane road because this was seen as an extension of Saltergate. When this was zoned, Emerald Parkway had never been dreamed of. He said for Emerald Parkway, they are writing a check and the City is going to build it, the same as the rest of the road.

Mr. Hale committed to build a wing wall behind the center similar to what was done at Toys-R-Us to screen the rear elevation.

Mr. Hale said they had worked hard with staff and the City of Columbus to get good agreements on how the curb cuts work, etc. He said Sawmill Road was in Columbus and it controls where the curbcuts are and control the road improvements. He said they have been submitting traffic information to Dublin and Columbus. Gary Wilcox is their traffic engineer.

Mark Ford, Ford and Associates Architects, said they had worked on this project for about eight months in terms of the design of the facades and the site planning. He said they were given instruction to design a building that has four-sided architecture. He showed renderings of the center and described the architecture. Dimensional shingles, large hip roof elements and cupolas will be used to give a presence from the road, but also brings down the scale to a pedestrian nature. Building materials used are stone and brick. There is a large plaza area in front of the retail shops. Parts of the building have architecture where you walk under the canopy. A variety

of textures along the fronts of the stores is provided. Mr. Ford said the architectural theme is traditional. Rustification and relief in the brick have been added to provide another level of texture and shadows.

Mr. Ford provided samples of the building materials proposed to the Commission. He said the rear of the building would be all brick with a cut stone element weaving through it and around openings. Field stone will be used in the upper bands. He said there is one Kroger sign facing Emerald Parkway.

Mr. Hale said that the outbuildings are not traditional outparcels where they will sell them to someone else to build their building. He said they have the same architecture as this shopping center to provide a consistent look along Sawmill Road. Mr. Ford showed a rendering of one of the two outparcel buildings. He said they will have the exact same material, roofing, proportions, and detailing.

Mr. Hale said the Kroger sign on the front of the building, including the extenders and decenders is actually 110 square feet, not 160 square feet. He said the Kroger sign on the rear is approximately 50 square feet. He said they needed to clarify the text regarding the measurement of the Kroger sign.

Mr. Hale said they tried to keep the landscaping consistent with the design to the north (Scioto Crossings) to provide consistent frontage treatment. He said they are in compliance with the Code in terms of landscaping. By preserving the large woods, they are in excess of Code. The lot coverage for this site is approximately 62 percent. He said they would comply on the rest of the site to make sure that there is a landscaping plan that is in keeping with what everybody expects out of them on Emerald Parkway.

Mr. Gerber reiterated that the City is landscaping Emerald Parkway, not this developer.

Kerry Reeds, Myers-Schmalenberger, said the landscaping is divided into three different areas: the existing woods, the interior parking lot landscaping, and the landscaping that occurs at the storefront itself.

Mr. Reeds said in terms of perimeter treatments, Sawmill Road would consist of street trees. Deciduous trees will be planted behind a continuous curvilinear evergreen hedge running the extent of Sawmill Road. There will also be a cluster of lower deciduous plantings, which will occur immediately in front of the bikepath. Staff indicated that a more natural curvilinear bikepath was preferred to be more in keeping with the bikepath that occurred further to the north.

At the primary entrances to the shopping center there will be flowering trees and perennial plantings. There will be flowering trees at the corner of Summer Drive in conjunction with the gas station signage. Summer Drive will have a continuous evergreen hedge and a double staggered row of street trees to screen the parking lot.

Mr. Reeds said along Emerald Parkway there will be pockets of mixed ornamental grasses and perennials. Behind the Kroger Center there will be a landscape mound with an evergreen

continuous hedge and evergreen trees. He said evergreens will screen the service area. A continuous opaque wood fence will be on top of the landscape mound to temporarily screen the service area until the balance of the retail develops along the frontage of Emerald Parkway.

Mr. Hale said Emerald Parkway will be constructed and have traffic before the rear portion is built. He said the developer would extend the building around to Emerald Parkway to have a three-sided building with an equal finish.

Mr. Reeds said there would also be low stone walls with evergreen plantings occurring at the intersection of Emerald Parkway and Hard Road and at the intersection of Hard and Sawmill Roads. Per staff's comments, they have provided a sidewalk connection along the north side of the entrance drive to the asphalt sidewalk existing along the north side of Hard Road. Another sidewalk has been added to get to the corner of the center. A sidewalk connection also has been added from Emerald Parkway to the proposed sidewalk in the rear of the center that will lead to the center stores.

Mr. Reeds said in terms of the internal landscaping within the parking areas, there are large deciduous trees, which are planned in the Islands. A continuous hedge in conjunction with deciduous trees occurs along the entrance drive. Flowering trees, shrubs, and ground cover, are proposed at the cross accesses near the storefront(s).

Mr. Reeds stated that the storefront landscaping treatments will exceed the landscape requirement area they are required to provide. He thought it was very nice the way the center architecture steps back. This creates an opportunity to create fairly substantial landscape beds to separate pedestrian(s) from the parking lot. These areas include low evergreen shrubs and deciduous and flowering trees.

Ms. Wanner clarified that the pillar-fencing treatment was not used in this project.

Mr. Hale stated that the earlier site plans had a fence similar to the fence treatment south of the I-270, but that they were asked to remove the fence and revise this treatment to be similar to that at Scioto Crossings.

Mr. Reeds said mounding is not proposed along Sawmill Road. He said they are required to screen the parking lot in terms of headlights, which the continuous evergreen hedge will do. He said then they have a combination of deciduous plantings on the Sawmill Road side (east) of the bikepath and a continuous evergreen hedge with clusters of deciduous trees behind it.

Ms. Boring asked why the mounding was eliminated along Sawmill Road.

Mr. Reeds said they were very concerned about visibility. The evergreen hedge screened headlights but did not conceal their center.

Ms. Boring said that there were some things that the Commission did not want compromised on this project because of the size of the retail center. She said one of the things in the road plan of

the development text indicated a landscaped mound along Sawmill Road setback. She agreed with this look. She did not care if the mounds were big, but they should be undulating.

Mr. Gerber said the mound would look better if it were tiered in some way. However, he was not suggesting a 12-foot mounding treatment.

Mr. Hale said they would agree to the mounding requirements in the old zoning. He said they were trying to replicate what was done to the north. He said if it were the desire of the Commission to comply exactly what is in the old text, that could be accommodated. He thought the idea was to not have the wrought iron fence. If the wrought iron fence was wanted, they would do it.

Ms. Boring said she preferred the mounding over the fencing because this site contains significant portions of blacktop.

Mr. Gerber asked if to the north, Scioto Crossings had mounding.

Ms. Wanner said mounding was proposed.

Mr. Gerber said when the Commission discussed this the landscaping along Sawmill Road a few months ago, the mounding was intended to go as far down as Sawmill Road.

Ms. Wanner agreed. She said staff has indicated this suggestion to the applicant. She said staff would like to see a variation on a theme regarding the mounding. If the treatments were not identical, then staff would like to see something that captured a feeling of undulation and she thought that was what the applicant had tried to do with the meandering bikepath. It would be a good compromise, still including the elements from what is to the north into these two subareas.

Mr. Reeds said they were willing to work with staff to include mounding.

Ms. Boring asked for plant material on the mounding. Ms. Wanner agreed that is should be included.

Ms. Boring asked where the dry laid stonewalls would be located.

Mr. Reeds indicated stone walls would be located at Hard Road and Sawmill Road and at the corner of Emerald Parkway and Hard Road.

Ms. Boring asked what kind of special treatment was planned for the entry feature at the gas station.

Mr. Reeds said there will be low plantings around the sign and flowering trees on the forward side of the hedge. Seasonal plantings could be planted around the sign base. Ms. Boring said that was not much of an entryway. She said the Commission was hoping for more of an entry feature look.

Mr. Hale committed to do an entry feature in keeping with the quality of their other features.

Mr. Zimmerman asked what was proposed for the Hard Road entryways.

Mr. Reeds said the only thing will be low evergreens around the base of the sign. Anything else would be pale in comparison to the impact of 4 ½ acres of woods.

Mr. Gerber agreed that the corner by the gas station needed to be more of a gateway feature. He was not sure a stone wall was enough.

Ms. Reiss said further north there was a mound feature with a shamrock.

Mr. Hale committed to repeat the shamrock feature on the north side of proposed Emerald Parkway along the south side of Emerald Parkway on Subarea 5A.

Mr. Hale said it could be made a condition that they do a quality entry feature near the gas station sign and entry. If they are doing dry laid stone walls at the other major intersections, he thought the theme should be continued. He said they will do something equal to what they are doing at the corner of Hard Road and Emerald Parkway.

Ms. Wanner said Condition 13 could read: "That a quality entry feature be included in the final development plan" instead of attaching an illustrative exhibit. Ms. Boring agreed.

Mr. Sprague said he realized they were not going to review the architecture of the gas station tonight. He wanted the gateway feature and the gas station to harmonize architecturally and visually to the thematic concept of the gateway on that corner. He wanted them to be sensitive so the difference of gateway and station would not be magnified.

Mr. Gerber said the gateway features should be esthetically pleasing and compliment the structures. Mr. Sprague agreed.

Ms. Boring asked about the interior landscaping and creating a plaza feel for the shopping center.

Mr. Reeds said there are a series of planters along the storefronts. Grass, deciduous and evergreen hedges, and landscape beds create smaller more pedestrian areas at the southeast corner.

Mr. Gerber asked if the interior landscaping creates safe passage for cars. Ms. Wanner said staff saw no problem with it being too dense or high.

Mr. Gerber asked if there were any speed bumps.

Mr. Ford said they had not been discussed yet. He said they have swept the entrance drive east to west and created terminus to provide focal elements. He said they have discussed raised crosswalks that act as traffic calming devices.

Mr. Hale said the continuous tree lines also served as a traffic calming device by making drivers feel enclosed.

Mr. Reeds said there would be an amenity package including the trash urns, benches, and bike racks included.

Ms. Boring asked if there was a change of material on the sidewalks. Mr. Ford said that detail has not been determined. Ms. Boring noted that at Carriage Place and Perimeter Center shopping centers, the drive aisle material changed in front of the entrance, which tends to slow traffic down.

Mr. Ford said at a center they were doing in Cincinnati they used a stamped concrete, which looked like pavers.

Mr. Hale said Kroger had no problem with using a different material in appropriate areas, which would create an audible rumble when driving over it.

Mr. Reeds said they would have treed and landscaped "H" type cart corrals in the parking lot.

Mr. Saneholtz said this was a pedestrian-friendly shopping center with many nearby residents. He asked if you could get to the center from the north without traveling in the driveway.

Mr. Ford said sidewalks along Summer Drive, Emerald Parkway and Hard Road will connect to the center.

Mr. Saneholtz was concerned about the hedgerow on the center drive preventing a pedestrian from getting to the center. Mr. Ford said the hedge will run continuously behind the parking lot. He asked if there was a sidewalk on the back side of the hedge. Mr. Ford said there are no sidewalks currently planned along the entrance drive. Mr. Saneholtz said he would appreciate the pedestrians being able to enter from this drive as well. He said the access points for bicyclists on the path are limited to the side entrances.

Ms. Boring said the whole idea was to encourage foot traffic. She said there was a lot of stores on the other side of Sawmill Road.

Mr. Saneholtz said he envisioned the hedgerows, then a sidewalk, then the driveway. He did not know if it was possible. He said they have a very nice front entry feature and a very pretty plaza. Mr. Saneholtz said the center had beautiful architecture and he was curious if a sidewalk on either side could be constructed.

Mr. Hale stated one would probably be added. Ms. Wanner stated it would remove greenspace.

Mr. Ford said originally, they did not envision many people using the bikepath wanting to stop to shop.

The discussion regarding bikepaths and access continued.

Ms. Reiss asked about the rear of the two retail outparcels. Mr. Reeds said they proposed columnar type evergreen trees against the building near the sidewalk space to provide screening. He said conceptually they were committing to extend the sidewalk out and then get plant material in front of the utilities.

Mr. Gerber said he was not sold on the outparcels. He wished they would go away.

Ms. Boring said the Kroger center was to be a pedestrian, Saturday afternoon shopping area, and felt the outbuildings were not pedestria-friendly.

Mr. Hale said the "A" spot in real estate is the most valuable. He said the "A" spot on this site was right there of Hard and Sawmill Road. He said the current text allows a 10,000 square foot outparcel at that location. The gas station is now a requirement of Kroger. It makes the rest of the shopping center successful. He said the gas station is not an outparcel for this development.

Mr. Gerber said he was not talking about the gas station. He was talking about the two out buildings.

Mr. Hale said they were removing their outparcel property right that existed at the corner of Hard and Sawmill Road, with the new text.

Ms. Boring said they were to be one restaurant and one financial institution, not accessory uses to it. Ms. Boring said the civic association objected mostly to the intensity of the outparcels.

Mr. Hale said they would primarily be restaurants. He said at the last meeting he had with the civic association, they did not object to the outparcels. They objected to the possibility of drive-thrus on those sites.

Mr. Hale reiterated that the civic association told him they did not want drive-thrus on those parcels. He said the association was very happy with that what they were doing was the same thing constructed at Meijer on Sawmill Road. He said these outbuildings were going to be architecturally coordinated with the building and that they were going to be smaller, restaurant-type uses.

Mr. Saneholtz asked what was the size of these buildings. Ms. Wanner said 8,500 square feet each.

Mr. Messineo inquired what other uses the Commission might prefer to see.

Ms. Boring stated uses that would be drivable.

Mr. Hale said that by having multi-tenants, a higher quality building could be constructed. This is a much better use aesthetically.

Mr. Gerber said he was still trying to get comfortable with the aesthetics, but he was also concerned about usage as it relates to traffic flow and interference with what he called the main center.

Mr. Saneholtz said that if the applicant could put an east-west sidewalk on this site to the perimeter of the property, and perhaps a safe pedestrian crossing can be added to connect the internal and external retail.

Mr. Hale said they could do that on this site.

Mr. Gerber said he was more concerned about the number of cars.

Mr. Sprague asked if there was anything in Dublin, Columbus, or Hilliard with a similarly sized outparcel.

Mr. Ford said they had worked with the developer of Ted's Montana Grill restaurant and those were within 8,000-12,000 square feet, and that restaurant on Morse Road was 10,000 square feet and the Kohl's at the far end of Morse Road on Hamilton Road.

Mr. Zimmerman asked about the outparcel building near the Meijer on Sawmill Road. Mr. Sprague said that was Ted's Montana Grill and he thought it was about 5,500 square feet.

Ms. Boring said there is a big difference: Meijer is one big store and the smaller outbuilding contrasts in size.

More discussion took place regarding the outparcel size.

Ms. Boring thought the outparcels should look more residential in scale. Mr. Ford reiterated that the sign band area and hip roofs add residential scale to the building. The applicant wo8uld like to create a presence on the street by pushing the outbuildings toward the street.

Ms. Boring thought the mass and scale of the outbuildings were out of scale. The outbuildings are too tall for this center.

Ms. Wanner showed an aerial slide of Meijers outlot at Martin Road and Sawmill Road. She said based on preliminary measurements, it was 12,750 square feet in area (larger than the proposed 8,500 square foot). Ms. Boring asked how tall was it. Ms. Wanner said it was residential in scale, about 35 feet to the middle of the gabled roof.

Mr. Sprague stated that a Starbucks drive-thru and an Indian restaurant exist at the Crosswoods center, north of I-270, as part of an outparcel.

Mr. Ford stated these outbuildings at Crosswoods are 7,500 square feet apiece. He said the proposed Kroger Center outbuildings are 500 square feet less than these buildings.

Mr. Gerber said perhaps it was not the size because actually, it is not much bigger than a residential use. Maybe it just looks too boxy.

Mr. Messineo asked where was the front and back of these buildings.

Mr. Ford said there was no front or back of the buildings. He said many Planning Commissions have told them to add mass to buildings so that they have more presence on the street.

Ms. Boring noted that the delivery areas and mechanicals were not hidden.

Mr. Ford showed where those elements would be located on the renderings. He said it was not illustrated, but they would create more of a sidewalk directly behind the building where the plant material and sidewalk can buffer the backside of the necessary pieces to the building. Typically, in these types of buildings there will not be large trailers delivering. There are no large service areas behind each tenant for deliveries. He expected many deliveries will be through the front door (mailman or UPS).

Ms. Boring said a restaurant that had outdoor patio along Sawmill Road with views into the woods would be dynamite. She said the Commission did not like the massive buildings in front. She said that the developer did not want a mound because visibility is necessary, yet he wants to put these massive buildings there that do not give visibility. Ms. Boring said something has to be changed.

Mr. Ford said to hide rooftop units a roof must be about 24 feet.

Mr. Sprague said the Commissioners were looking at a black and white rendering, and he felt if it were in color and there was a little adjustment, it might not look quite so massive.

Mr. Gerber agreed that if the renderings were in color, it would be better for the Commissioners.

Ms. Boring wanted something that reflected a more "village look."

Mr. Hale agreed with Ms. Boring that a "village look" was needed.

Mr. Gerber asked if more of a "village look" was used on the outbuildings, would the Commissioners agree with it.

Mr. Hale said Mr. Ford should be challenged. He thought he had done a great job on this shopping center. He thought a lot could be done to make the buildings interesting and feel like they are something that has been there for a long time.

Mr. Ford said along the east face of the building, there are five storefronts. He said they tried to borrow from the Meijer outlot building by looking at the scale and the way the building was structured. He said he just noticed that the glass on the south side was all along the entire façade. He understood what the Commissioners wanted.

Ms. Boring stated that she understood the location of the outbuildings is a concern because the Commission is trying to create a neighborhood feel. Ms. Boring mentioned that she is also concerned with the variety of colors on the proposed signs. She commented that different colors for each sign would not work on this site.

Mr. Hale said it is similar to Perimeter Center's sign package. They picked up the scale of Perimeter Center. He said they would take that on as a challenge and will bring the Commission back something that is absolutely appropriate.

Ms. Boring said the text also needs to reflect the square feet of all buildings. She felt it should be limited per building. She asked if the outparcels totaled 17,000 square feet. Ms. Wanner agreed. Ms. Boring understood they could divide it the way they wanted, but they cannot exceed 17,000 square feet. She said it did not make sense to divide it in case the design lends to it.

Ms. Boring encouraged them to take advantage of the wooded area for the view and orient the building towards it.

Mr. Gerber asked if a condition was needed for the outbuildings.

Ms. Wanner suggested a condition: That the total outbuilding square footage be restricted to 17,000 square feet. Ms. Boring thought that was already in the text. Ms. Wanner agreed it was in the text.

Mr. Gerber said to make this more of a "village appearance" with the outbuildings.

Ms. Wanner suggested a condition to read: "That the outparcels be revised to reflect more of a "village architecture" similar to that of the proposed shopping center. " She said the idea was to take elements of the shopping center and put them in the outbuildings.

Ms. Wanner counted 23 conditions. She read the following conditions:
"That the material changes along the pedestrian and street frontage (paver suggestion)."
"That there is a sidewalk along the middle entry road…"

Ms. Boring asked if the mounding along Sawmill Road was a necessary condition. Mr. Gerber suggested adding it to Condition 17. Ms. Boring agreed.

Mr. Messineo said the extra entryway could be amended in Condition 13.
Ms. Boring asked if the Large Retail Guidelines were satisfied. Ms. Wanner said they satisfied the guidelines in terms of architecture, but Large Retail Format Retail Guidelines require 10 percent interior landscaping.

Mr. Hale said if they could count the woods they are preserving, they would meet the 10 percent requirements. He said they have 6½ percent on the rest, which exceeds Code.

Mr. Ford thought they cannot exceed 1,500 square feet within the confines of a single island. He said 7.5 percent went to the limit. Counting all the islands, they are almost at nine percent.

Ms. Boring asked if that was a problem. Ms. Wanner said no. Mr. Hale said the text needed to make it clear. Ms. Wanner agreed.

Ms. Boring asked if the total lot coverage was 63 percent. Ms. Wanner agreed.

Ms. Boring said in this case we were trading the large woods and if they get those outbuildings to take advantage of the woods, then it could be considered interior.

Mr. Hale said they were almost there anyway.

Ms. Boring asked to see a picture of the gas station. Mr. Gerber said was there was a conditional use application that would come back to the Commission for review. Ms. Boring asked if they would get to look at the architecture at that time. Mr. Gerber said yes, along with the landscaping, etc.

Linda Patterson, real estate manager for Kroger, said that signage had been green for a long time, but she did not know its history. She said it was pretty irregular.

Ms. Boring asked if Kroger would consider a green sign here. Ms. Patterson thought they would want a more traditional Kroger sign for this center.

Ms. Boring said it would be nice if there was something that indicated this is Dublin.

Ms. Boring asked about the operating hours. Mr. Gerber read from the text that they would be 24 hours a day for the grocery and 6 a.m. to 2 a.m., seven days a week for everything else.

Ms. Boring struggled with the hours of operation since the commission who presided over the original rezoning did not want retail to open that late. On the other hand, she knew what a valued service it could be for a grocery store to be open 24 hours a day. She said the retail open until 2 a.m. was a concern.

Mr. Gerber noted restaurant uses were included.

Ms. Boring said they did not want stores to have special all night sales. She asked if there was a way to let the restaurants stay open until 2 a.m. and otherwise the other uses would have to close earlier. She suggested the proposed text state that the retail could be open 6 a.m. until 12 a.m. Mr. Hale agreed to amend the text. Mr. Gerber said that would be Condition 24.

Mr. Hale clarified the new hours as 6 a.m. to midnight for everything except the restaurants which are 6 a.m. to 2 a.m., and the grocery store which was 24 hours a day. Ms. Boring agreed.

Mr. Messineo said the front of Kroger's seemed sort of massive and fortress-like to him. He did not think it looked very pedestrian-like.

Mr. Ford said he could create more variation in the brick and stone to create more stone detailing on it, perhaps in the upper areas.

Mr. Gerber suggested breaking it up with some windows. Mr. Sprague suggested another band on either side of the Kroger sign.

Mr. Ford suggested window panels. He said because of there being two entrances, they do not have a large sidewalk area in front of them. However, he thought they could look at the materials on the front and maybe use less brick and more stone to balance it.

Mr. Gerber thought that was a good idea and suggested it would be Condition 25. Mr. Hale agreed.

Ms. Boring said she would like for this come back so the Commission could review it again.

Ms. Wanner said the Commission could add a condition now then at the final development plan, is where the final architecture will be shown, and if it still looks like a fortress, then the Commission would have grounds then to disapprove it.

Mr. Hale agreed to come back before the final development plan stage.

Mr. Gerber said Ms. Wanner was correct that when it came back at the final development plan stage it had to fulfill each condition and satisfy the Commission.

Mr. Hale said the items mentioned tonight will be back to the Commission for review before final drawings.

Mr. Gerber asked if the Commission would be taking a vote that night.

Ms. Readler said it would be an informal review.

Ms. Wanner clarified that the Commission would vote on the rezoning tonight, and the applicant will come back with an informal on architecture and landscaping before the final development plan. Mr. Hale agreed. Ms. Wanner said that would be Condition 26.

Mr. Gerber asked Mr. Hale to agree that if at that informal there are things that the Commission missed tonight. Mr. Hale agreed.

Ms. Boring asked that the second point on page 6: "Seasonal Sales" of the proposed text be addressed. She asked if there was a limit to the "seasonal outdoor sales" at the grocery store location.

Ms. Wanner said yes, Code requires seasonal sales to obtain a forty-day seasonal permit.

Ms. Boring stated that she was concerned about the wording in the text "...other outdoor seasonal sales should be permitted subject to the issuance of a season outdoor sales permit." She stated that in other texts they are permitted, but it said nothing about obtaining a permit.

Mr. Hale said there could be a condition. Mr. Gerber said that would be Condition 27. Ms. Wanner suggested Condition 27 be: That the text regarding seasonal sales be amended to comply with Code.

Mr. Hale agreed with the 27 conditions listed below. Mr. Gerber made the motion to approve this revised preliminary development plan (rezoning) application because it provides required traffic improvements, necessary commercial and retail uses intended to serve the Northeast Quadrant, quality architecture, a significant four-acre tree stand and generally complies with criteria set forth in Section 153.056 of the Dublin Zoning Code, with 27 conditions:

1) That all site plans be accurately revised to reflect required site plan improvements and text requirements, including traffic elements, prior to scheduling a public hearing at City Council, subject to staff approval;
2) That no open cutting of the existing public roadway be permitted without prior approval by the City Engineer;
3) That cross-access easements be provided prior to issuance of building permits;
4) That the design of the private drive meet the approval of the City Engineer, and that the text be revised to state that the developer will be responsible for the construction and maintenance of this drive;
5) That final site design meet all applicable stormwater regulations, and that all field tiles be connected to the storm water system to maintain positive drainage, to the satisfaction of the City Engineer;
6) That additional rights-of-way be dedicated by General Warranty Deed prior to the issuance of any building permits;
7) That a bike path be provided along the Sawmill Road frontage, as approved by the City of Dublin and City of Columbus, and that an additional sidewalk be constructed from the Hard Road entrance (closest to Sawmill Road) into the site;
8) That the site plan be revised to properly reflect the width of Summer Drive on the west side of Sawmill Road as depicted in the traffic study;
9) That a formal tree waiver request be submitted prior to scheduling a public hearing at City Council;
10) That the text be clarified to state that all building materials and trim colors will be earth tone in color;
11) That all signage be in conformance with the Sign Code unless otherwise indicated in the development text;
12) That all signage be referenced within the body of text with a dimensioned exhibit, prior to scheduling a public hearing at City Council;
13) That a quality entry feature, matching the predominant building materials and colors, be submitted with the final development plans;
14) That the existing obsolete curb cut on Hard Road be removed, and that the plat be reconfigured to adjust the right-of way in this area;
15) That the rear fence screening and landscape treatment along Emerald Parkway be referenced in the text with an exhibit and attached to the development text prior to scheduling a public hearing at City Council;
16) That the final development plans show all adjacent and opposing curb cuts, both existing and proposed;

17) That all landscape plans be in conformance with the Landscape Code, unless otherwise indicated in the development text, and that small, undulating mounds with landscaping be added along the Sawmill Road frontage treatment;
18) That revised tree survey, preservation, and replacement plans be submitted prior to scheduling a public hearing at City Council;
19) That all lighting comply with the City of Dublin Exterior Lighting Guidelines;
20) That a plat for Emerald Parkway right-of-way be dedicated to the City, and that lots be created for this development;
21) That the multi-tenant retail outbuildings be revised to reflect more of a "village" architecture similar to the proposed shopping center;
22) That the paving material at pedestrian crossings and within the shopping center walkways be varied to provide visual interest;
23) That a sidewalk be added along the main east-west entrance of the shopping center to provide a pedestrian connection to the multi-tenant retail outbuildings and the Kroger store;
24) That the text be revised to reflect the hours of operation for the grocery store to be 24 hours per day, seven days a week, restaurants to be 6 a.m. until 2 a.m., and all other businesses to be 6 a.m. until 12 midnight;
25) That stone be added to the façade of the Kroger portion of the shopping center to provide visual relief;
26) That there be an additional architecture, landscaping, and signage review by the Commission prior to the final development plan submittal; and
27) That the text regarding seasonal sales be amended to require permits for <u>all</u> seasonal sales, subject to Code requirements.

Ms. Warner noted that the Staff Report Conditions 13 and 17 had been amended as well.

Ms. Reiss seconded the motion, and the vote was as follows: Ms. Boring, yes; Mr. Zimmerman, yes; Mr. Sprague, yes; Mr. Saneholtz, yes; Mr. Messineo, yes; Ms. Reiss, yes; and Mr. Gerber, yes. (Approved 7-0.)

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Libby Farley

Libby Farley
Administrative Assistant
Planning Division

Ms. Brautigam stated that there is nothing in the agreement indicating that the City will approve the rezoning.
Mr. Clarochi stated that the rezoning would undergo the normal process of referral to P&Z, recommendation to Council, and public hearing and vote at City Council.
Mr. Smith added that if the land for any reason is not rezoned, there will be no swap and the previous plan will be developed instead. Staff hopes to have more detail based on the legal surveys for the P&Z meeting. He estimates it will be back to Council at the June 23 meeting.

Mayor McCash noted that in deference to some members who would like more information, he would postpone this item until later in the meeting.

Ordinance 51-03
Accepting The Lowest/Best Bid for the Dublin Service Department Site Improvements, Appropriating Funds Therefor, and Declaring An Emergency.
Mr. Lecklider introduced the ordinance.
Ms. Brautigam stated that this project was bid earlier in the winter, but favorable bids were not received at that time. At this point, more favorable bids have been received. Staff is recommending approval of the base bid and alternate #1 from C&N Construction in the amount of $550,600.
Ms. Chinnici-Zuercher asked about the total amount budgeted in 2002 and 2003 for this project.
Mr. McDaniel stated that there was $480,000 in the 2003 CIP. There was additional funding programmed in 2002 that was carried over to repair the existing salt shed and to build the new one.
Ms. Chinnici-Zuercher asked if the project is within budget.
Mr. McDaniel responded affirmatively.
Mayor McCash asked for clarification about the $80,000 from the CIP Tax Fund listed in Section 3.
Mr. McDaniel stated that these are unencumbered dollars from last year that are being reappropriated for this project.
Mr. Kranstuber moved to dispense with the public hearing and treat this as emergency legislation.
Ms. Chinnici-Zuercher seconded the motion.
Vote on the motion: Ms. Salay, yes; Mr. Lecklider, yes; Mr. Reiner, yes; Mr. Kranstuber, yes; Ms. Chinnici-Zuercher, yes; Mayor McCash, yes; Mrs. Boring, yes.
Vote on the Ordinance: Mr. Lecklider, yes; Mr. Reiner, yes; Mr. Kranstuber, yes; Ms. Chinnici-Zuercher, yes; Mayor McCash, yes; Mrs. Boring, yes; Ms. Salay, yes.

Ms. Salay asked about bid alternate #8 relating to storm sewer on the north and south side of the storage yard. How is this stormwater being handled at the present time?
Mr. McDaniel responded that the CIP is being realigned to accommodate these site improvements next year in the five-year CIP.
Ms. Salay stated that she was contacted by a resident regarding the activity in the Service yard. Has there been resolution of his issues?
Mr. McDaniel stated that he has responded to this resident, but no resolution of the issues has been obtained. The long-term plan includes items that will address several of his concerns.
Ms. Salay asked for an updated site plan of the Service Center so that she can understand its relation to the adjoining neighborhoods.

Ordinance 52-03
Providing for a Change in Zoning for 40 Acres Located on the Northwest Corner of Sawmill and Hard Roads, from: PUD, Planned Unit Development District, to: PUD, Planned Unit Development District. (Case No. 03-045Z - NE Quad PUD, Subareas 5A, and 5B - Kroger Center - Sawmill Road)
Ms. Salay introduced the ordinance and moved referral to Planning & Zoning Commission.
Mr. Reiner seconded the motion.
Vote on the motion: Mrs. Boring, yes; Mr. Kranstuber, yes; Mr. Reiner, yes; Ms. Salay, yes; Ms. Chinnici-Zuercher, yes; Mr. Lecklider, yes; Mayor McCash, yes.

Mayor McCash asked the Clerk to read the titles of Ordinances 53-03 through 57-03.