

§ 153.161 SIGNS WITH SPECIAL CONDITIONS.

(D) *Joint Identification Signs.* One ground sign identifying only the name of a shopping center or other building complex shall be permitted, if there is a minimum of three uses sharing the same site. Such signs shall be permitted in addition to the permitted signs of individual occupants, but shall not list the names of these occupants. A joint identification sign shall not exceed the maximum permitted height of any ground sign identifying the individual occupants and the area of a joint identification sign shall not exceed 80 square feet. A second joint identification sign of the same size is permitted if the site has frontage on two streets, provided that the total lot frontage (on two streets) is 1000 feet or greater. The two signs shall be no closer than 75 feet. For all buildings or complexes designed and/or intended for multi-tenant usage, a total sign plan conforming to all the requirements of this Code must be submitted to the Zoning Administrator or designee before any sign permit for the complex or an individual tenant will be issued.



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Creating a Legacy

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

JUNE 10, 2010

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

2. **Perimeter Center PCD, Subarea F – Giant Eagle 6015-6804 Perimeter Loop Road
09-115Z/PDP/FDP/CU Rezoning with Preliminary Development Plan
Final Development Plan/Conditional Use**

Proposal: A new Planned Unit Development District (Perimeter Center, Subarea F4) for 15.19 acres currently located within Subarea F of the Perimeter Center Planned Commerce District. The proposal is intended to facilitate the expansion of the existing Giant Eagle grocery store, the inclusion of a gas station and pharmacy drive-thru for the grocery store as conditional uses and increase the amount of outdoor dining areas in the shopping center. The site is located on the north side of Perimeter Loop Road, approximately 430 feet east of the intersection with Avery-Muirfield Drive.

Request: Review and recommendation of approval to City Council of a rezoning with preliminary development plan, review and approval of a final development plan under the Planned District provisions of Zoning Code Section 153.050 and review and approval of a conditional use under the provisions of Zoning Code Section 153.236.

Applicant: Developers Diversified Realty and Giant Eagle, Inc.; represented by Ben Hale and Jack Reynolds, Smith & Hale, LLC.

Planning Contact: Claudia D. Husak, AICP, Planner II.

Contact Information: (614) 410-4675, chusak@dublin.oh.us

MOTION: To table this Rezoning/Preliminary Development Plan/Final Development Plan/Conditional Use application at the request of the applicant.

VOTE: 6 - 0.

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

STAFF CERTIFICATION


Claudia D. Husak, AICP
Planner II

**2. Perimeter Center PCD, Subarea F – Giant Eagle 6015-6804 Perimeter Loop Rd
09-115Z/PDP/FDP/CU Rezoning with Preliminary Development Plan
Final Development**

Plan/Conditional Use

Chris Amorose Groomes introduced this application regarding a rezoning for a new Planned Unit Development District (PUD) to establish Subarea F-4, for 15.9 acres, currently in Subarea F of the Perimeter Center Planned Commerce District (PCD). She said the rezoning is intended to facilitate the expansion of the existing Giant Eagle grocery store, the addition of a gas station and pharmacy drive-thru for the grocery store and increase the amount of outdoor dining areas in the shopping center. She said this application consists of three components, a rezoning with a preliminary development plan, the final development plan (FDP), and the conditional use (CU). She explained that the Commission will need to make three motions and the rezoning will go to City Council for a final decision. She said the Commission is the final authority on the FDP and the conditional use. Ms. Amorose Groomes swore in those intending to address the Commission on this case, including Ben W. Hale, Jr., Smith & Hale, LLC, representing the applicants, Developers Diversified Realty and Pat Avolio, Director of Development for Giant Eagle, and City representatives.

Ms. Amorose Groomes asked for clarification regarding the gas station portion of this application. Ms. Husak explained that the gas station was part of the preliminary development plan. She said this was a complicated application which she would guide the Commission through with a table in her presentation which would explain each of the components in detail.

Ms. Amorose Groomes pointed out that the Commissioners had received additional literature on this application received after packets were distributed.

Ms. Husak presented the proposed site plan and said it includes the Giant Eagle grocery store in the Perimeter Center shopping center. She said Subarea F was a portion of the Perimeter Center PCD, in which the shopping center is currently located. She said the applicant is proposing to rezone it into a new subarea, keeping it within Perimeter Center PCD, but create Subarea F-4.

Ms. Husak said the first formal step in establishing a PUD is the rezoning/preliminary development plan. She said an optional concept plan stage is prior to the preliminary development plan, and it is not required in this instance. She said the rezoning/preliminary development plan is essentially the law that will guide this development, if approved from now on, and it requires approval by City Council to make it an actual ordinance. She explained that the Commission would be making its recommendation to City Council for either approval or disapproval. Ms. Husak said the preliminary development plan consists of a development text which addresses, among other things, a square footage expansion of a single tenant within the center, which is the grocery store, and a fuel station and a pharmacy drive-thru as a conditional use. She said in April, they were proposed to be a permitted use, but it has been changed to a conditional use. She said the development text also addresses parking requirements, sign

requirements, landscaping, and architecture which would typically be reviewed as part of the applications. She said the preliminary development plan also includes a site plan which includes the expanded grocery store, the preliminary location, architectural design, the sign for the fuel station, and the preliminary layout for the pharmacy drive-thru.

Ms. Husak explained that the last step the applicant is requesting approval on is the final development plan. She said if the Commission were to approve the final development plan, the applicant can go forward with those plans to the Building Department and seek approval of Building Permits. She said the final development plan includes the store expansion, details for the pharmacy drive-thru, 'H'-shaped cart corals with landscaping, landscaping in the pharmacy drive-thru area, sign details, patio locations and furniture details, and any other site improvements necessary to meet the preliminary development plan. She said one of the requirements of the final development plan is that it needs to meet the development text, unless the Commission chooses to alter it. She said it also needs to meet the preliminary development plan.

Ms. Husak said because in April, the Commission requested that the applicant make drive-thrus and auto-oriented uses a conditional use, the applicant has amended the application and included a request for a conditional use for the pharmacy drive-thru. She said it is part of the final development plan, but it requires a separate motion for the use of the pharmacy drive-thru, and it includes stacking and screening.

Ms. Husak pointed out a typographical error in the Planning Report, and said the fuel station is not in front of the Commission for final approval. She said it was there as part of the preliminary development plan, for preliminary approval.

Ms. Husak said that the applicant requested that all of these application components be reviewed at this time. She said there is nothing in the Zoning Code that requires splitting off any part of this application or separating any portion out. She explained that the applicant has chosen to wait on pursuing final approval for the fuel station to first see how parking and the moving of tenants influences their operations.

Amy Kramb asked Ms. Husak to expand upon the legal implications of approving the preliminary development plan with the location of the gas station and the layout as it shows. She asked if that was binding the City to having a gas station in that location if the applicant chooses. She asked if they could go elsewhere on the site or expand the footprint. Ms. Husak said one of the approval criteria for the final development plan is to determine whether or not it meets the preliminary development plan. Ms. Kramb asked what would be the implication if the Commission was not comfortable with the exact footprint and location of the gas station as shown on the preliminary development plan. Ms. Husak said the exact footprint was not an issue because it was a preliminary development plan only, and things can and will likely change at the final development plan stage.

Kevin Walter said that there is no reason the fuel station could not be removed from the preliminary development plan and become an amended final development plan or a conditional use later.

Ms. Husak said if the Commission completely deleted it from the plans and text, the applicant would have to rezone again in order to get a fuel station approved.

John Hardt said the applicant could not come back for the conditional use later if it does not appear in the preliminary development plan at all.

Ben W. Hale, Jr., Smith & Hale, LLC, representing the applicants, Developers Diversified Realty and Giant Eagle, Inc., said they had no objection. He said one of the reasons they were doing it this way was the Commission asks questions, and the only way they can answer them is speculative. He said the preference is to see how it works and be able to come to the Commission with real statistics about what the usage is. He said if the fuel station is a conditional use as part of the preliminary development plan, when the applicants come back to request the fuel station in three or four years, they will file an amended final development plan, and a conditional use. He said from the applicants' point of view as long as it is a conditionally permitted use, they will file it as an amended final development plan.

Ms. Krumb said there was not enough presented with this application for her to approve it.

Ms. Husak said she understood. She said Planning's concern is that they are in a situation similar to what happened with the Chase Bank site where there was no pattern for development laid out at all at the preliminary development plan. She explained that the preliminary development plan requires to determine the general layout and specific zoning standards. She said it does talk about layout to some extent, and it leaves Planning uncomfortable taking forward a fuel station as a conditional use mentioned in the development text without having an idea of whether it fits on the site, how it would lay out on the site, and how it would possibly function. She said that was why a drawing was presented.

Ms. Krumb said she did not want to be tied to that, if the applicant does not come back for ten years, the present Commissioners are not there any more, and a future Commission sees what it looked like when this Commission approved the plan, and they believe that must be exactly what was wanted, so they approve it.

Ms. Husak said she understood Ms. Krumb's concern.

Ms. Amorose Groomes said this was fundamentally different than the Commission just saw with Chase Bank, because it was on a completely undeveloped site. She said this site is already primarily developed and it would be more of a redevelopment issue to put a fuel station on it, ten years from now. She asked how that portion can be removed. She noted that it was not objectionable to the applicant in terms of any site plan issues. Ms.

Amorose Groomes said even if the applicants got a conditional use and it does not fit in the future, then there can be a conditional use that does not work. She said she did not see the negative draw on that.

Ms. Kramb said now, the proposed development text, under permitted use, says 3) *Drive-thrus, if approved as part of the preliminary development plan...* She said the Commission had already said to delete that language. Ms. Husak thanked her calling attention to it. She said in order to address the Commission's concerns there needed to be a condition as part of the rezoning/preliminary development plan that the preliminary development plan itself be revised to delete the fuel station footprint, architecture, and sign.

Mr. Hale said that would be okay. He said they knew they could come back with a final, a conditional use, and traffic and parking. He said that Giant Eagle is getting ready to spend \$15M on this store. He said they wanted to make sure that they had plenty of parking and they are as interested as anybody in making sure what the parking counts are and that they have plenty for their customers because primarily, they are in the grocery business. He said although the fuel station is important to them, they are not going to underpark their grocery store. He said they are going to wait three or four years to see what is really going to happen. Mr. Hale said they had no problem coming back to the Commission with the FDP and the conditional use, showing exactly what it does to their parking and so forth.

Ms. Amorose Groomes apologized that Ms. Husak's presentation had been interrupted, and asked that it continue.

Ms. Husak confirmed that the preliminary development plan and final development plan was presented with the fuel station being the only difference. She said what essentially, the Commission could do was approve the FDP as a preliminary development plan, as well so it can serve two functions at once without the fuel station being on that plan.

Ms. Husak said at the April 8 meeting, there was a lot of discussion about 'vener-shops' which are stores in front of the grocery store that would hide what is the big box-like nature of a store as big as Giant Eagle in this instance. She said the southern portion of the building is currently consisting of those types of smaller tenant spaces, two or three window panels at one time. She said it was the intention for Giant Eagle to move into those areas, expanding south and west to take over those tenant spaces. Ms. Husak said the Commission discussed concerns about what that would look like, particularly taking areas that are now more active and see more people walking in and out of to now having them all fronted by grocery store. She said the applicant was requested to address that architecturally. She said there have not been changes to the architecture, other than there being wood trim along the former sign band to provide architectural relief to that area. Ms. Husak said the applicant proposes in the most-southern three window areas to have clear glass on the top and spandrel on the bottom portion of the windows. She said Planning has not seen a sample of that and therefore cannot comment on what that looks like. Ms. Husak explained that a condition in the final development plan

recommendation requests that the applicant continue working with Planning in addressing the Commission's comments more, because they feel that they are falling short on addressing those Commission comments adequately.

Ms. Husak said a Commission issue in April with this proposal is the signs. She said one issue was that the development text talks about center identification signs or main identification signs for the overall shopping center. Ms. Husak said those were approved in the 90s for the shopping center, but there are great concerns about those because they are at a height exceeding the Zoning Code, they are located off site, and would not be within the zoning district, if this was approved. She said that Planning has requested then and now, that the language about main identification signs be deleted from the development text. She said that Planning understands that the applicant has no intention of putting these signs up, but are not willing to delete the language from the development text.

Ms. Husak said the other issue is with grocery store signs, and it is particularly of concern to Planning that a bank, who may operate within Giant Eagle is intended in the development text and the final development plan to have its own sign. She said this bank is not accessible from anywhere outside of the grocery store, it does not work independently from the grocery store, and is not open when the store is closed. Ms. Husak said that Planning believes that the bank is not eligible to have that sign, per the Zoning Code.

Mr. Hardt asked about Planning's distinction between what Ms. Husak said about the bank and the viewpoint about the café.

Ms. Husak said that the café had a separate entrance that went into the space to which the sign is attached. She said Giant Eagle currently also has three signs permitted in this general vicinity. Ms. Husak said one sign is currently underneath the 'Giant Eagle' sign and another sign would be permitted in this general area. She said the pharmacy and café essentially are using signs that are already permitted there, and they do have entrances that go into that space.

Mr. Hale suggested that it would be more productive to give his applicants' view on the signs. He said for the entry into the bank, that there is a separate door that opens into the lobby of the bank. He said there was not a wall around the bank, so you can also walk over to the lobby out of the grocery store. He said it was a very technical thing and they thought it was an entry into the bank and they thought it good to have signs up there.

Jennifer Readler reported that that the Legal Department was involved in a case with the shopping center across the street with another bank sign that is currently on a 2506 Appeal regarding this very same issue.

Ms. Husak said that the café and pharmacy were extensions of Giant Eagle, operated by them and are part of the store function, and the bank was not Giant Eagle's. She said it

could be any bank. She said and one major concern was that all the uses within the grocery store would want to have signs within the exterior of the store.

Mr. Walter asked that the presentation continue again.

Ms. Husak said the last part of the presentation was the pharmacy drive-thru located on the southern elevation of the building where the Rusty Bucket is currently located and includes a teller lane, a prescription drop-off lane, and a turnaround exit lane. She said the applicant has increased landscaping in the island and in the general area. However, she said Planning is suggesting as a condition that the proposed 15-foot wide drive-thru exit lane be reduced to 12 feet, which is adequate for fire access and which would increase the area for landscaping by three feet.

Ms. Husak said the Commission and Planning had concerns about the proximity of adjacent residents. She said the applicant's representatives have gone door-to-door to speak to the occupants of the residential building, and it seems overwhelmingly that the residents had no issues with the proximity of the drive-thru pharmacy and with the functionality of the grocery store, it seemed to be the logical place for it to be located.

Ms. Husak said that there are many minor issues that the applicant has addressed and they are included in more detail in the Planning Report.

Ms. Husak said that Planning recommends approval of this rezoning/ preliminary development plan, approval of the final development with the five conditions listed in the Planning Report, and approval of the conditional use with one condition listed in the Planning Report.

Ms. Kramb asked to see an elevation of what the pharmacy drive-thru area would look like.

Ms. Husak said the applicant has taken the design of what currently is the walk-thru next to Rusty Bucket, and is allowing cars to drive-thru what typically would be in the center, and entry door.

Ms. Kramb asked if the Rusty Bucket roofline would be the same. Mr. Hardt explained that the existing roofline, one tenant space over was being copied.

Mr. Walter asked about the depth.

Matt Majeed, MCG Architects., Inc, explained that the intent was to tear down the space, and build the swooping entrance to keep the same architecture to hide the stacking and everything else. He said the depth was approximately 25 to 30 feet, with three swooping arches. He said they are keeping the monumental side arch and that is going to be the main entrance for vehicles.

Ms. Amorose Groomes confirmed that Ms. Husak's presentation was finished. She asked if there were any public comments with respect to this application. [There was none.] She mentioned that the Commission had received communications from residents which were provided by Giant Eagle.

Rezoning/Preliminary Development Plan

Ms. Kramb said she wanted clarification in the proposed text on Page 2, Number 7 about the outdoor dining areas. She asked whether who gets how much space was administratively approved by Planning or exactly where the patios are and what they look like.

Ms. Husak said that the applicant has included patio furniture in the final development plan and the idea behind that is that it is the patio furniture that would be approved for the entire center. She said there are a couple of options, but it still keeps it close to the design and type of patio furniture. She explained that in the final development plan, about 1,500 feet of patio area is included that the applicant is seeking approval for tonight, and those are areas already made up of paved areas (sidewalks) and anything else would then be administratively approved by Planning in the future.

Ms. Kramb confirmed that Rusty Bucket did not have an approved patio, and that Planning can decide where and what the look was of all the patios. She noted that was very different than any other shopping center, and that did not make her comfortable.

Ms. Amorose Groomes said that was a valid concern. She noted that Mr. Walter had mentioned a concern about motor vehicle rental included as a conditional use.

Mr. Hardt said by making motor vehicle rental a conditional use, he understood that the applicant intends to move the existing Enterprise location to another location. He asked if by placing it in the text and with those plans forthcoming, Enterprise would then have to go through a conditional use process in order to move their store. Ms. Husak said she understood they would not because they are already there.

Mr. Zimmerman asked if someone else came in besides Enterprise, they would need to go through the conditional use process. Ms. Husak said she understood that was the intention behind moving it to the conditional uses.

Mr. Hardt said he agreed with Planning's recommendation that the main center identification signs should be deleted. He said the center has been there for over a decade, and no one has shown any interest in needing or wanting them. He said it was known locally as the Giant Eagle Center or the Perimeter Center, and no one has trouble finding it. Mr. Zimmerman agreed.

Mr. Hale said that they understand that two signs are an issue, so as long as Giant Eagle was there, they did not need another sign, but Code would allow one sign. He said if Giant Eagle is not there, they would like to have that sign because it changes the nature of this center and they think it would terrifically limit the impact the viability of some of

their tenants. Mr. Hale reiterated that if it was not the Giant Eagle Center, they needed a sign that said what the center is.

Ms. Husak said it was Planning's opinion that if that language was deleted from the text as it is now, the applicant would be permitted to have a sign; the details of which need to be approved by the Commission. She said they are allowed to have a center identification sign, but they are not allowed to have a sign at either one of the two locations outlined in this development text.

Mr. Hale said they would comply with the Zoning Code.

Mr. Hardt said if the signs were compliant with the Zoning Code, he had no problem.

Mr. Walter referred to the third page of the proposed development text 4) *Fuel stations shall provide a minimum of three stacking spaces per pump*; and 5) *Spaces counted as stacking spaces shall include those located at the point of transaction*, and said those were two areas he had concern with and he would be uncomfortable with pinning down what the size, look, and footprint of this fuel station would look like, and to be sensitive to the applicants' ability to put a fuel station there, but he did not want to begin to shape it in some way. He said they would have to eliminate that. Mr. Walter said he would then like conversation about all of the sudden, they were eliminating a stacking space in number 5, because it said *...stacking spaces shall include those located at the point of transaction*. He said that stacking space is behind the transaction space.

Ms. Amorose Groomes confirmed that Mr. Walter was in favor of eliminating 4) and 5) from the proposed development text.

Mr. Hardt said his only concern about that would be relative to 4) if they strike that from the text, it is going to default to Code, and as it stands now, Code requires five stacking spaces, which he thought was a lot.

Mr. Walter said that he thought three stacking spaces was too few, but he did not know what it would look like.

Ms. Kramb said when the applicants come in with their traffic study, the Commission can always allow them to have less than Code. She said that the Commission could change their mind later by striking 4), but if they leave it in the text, they cannot change their mind later.

Ms. Readler agreed that the stacking spaces could be set through the conditional use process later.

Ms. Husak said she was more concerned about striking 5), which was the definition of the 'stacking space' which there is none anywhere else in the Code that can legally be used.

Ms. Amorose Groomes pointed out that if it defaulted to Code, it would be five, one being at the point of transaction, which would still give a stack of four vehicles.

Mr. Hardt suggested that if they were leaving it up to a future Commission to look at the specific layout of the fuel station and determine whether it is appropriate or not and whether there is adequate stacking space, then whether the space at the pump counts or not is irrelevant.

Mr. Walter said to him, this was a fundamental definitional thing that should be handled up at the head of Code as they define what a 'stacking space' is, and it should not be buried in the middle of this. He said he thought there were unintended consequences by all of the sudden randomly defining a stacking space. He suggested it be taken out and that it has worked fine without it.

Ms. Amorose Groomes confirmed that 4) and 5) should be removed from Parking and Loading portion of the proposed development text.

Architecture

Mr. Taylor said he had the same issues that Mr. Hardt ended the April meeting with which was the issue of taking the texture of the south end of the center from a number of small shops that basically created what he termed a 'veneer' of shops there and eliminating a lot of the visual appeal of the center in that regard. He said that at that meeting he mentioned that the individual signs and sign panels for each one of those shops was a large part of the texture and appeal that broke up the building into smaller pieces visually. Mr. Taylor said he was not comfortable with eliminating the signs and anything they do to the sign panel to dress it up, add trim, and paint it out, it still looks like a blank sign panel. He said he understood the little faux building at the south end of the drive thru, but he had concerns about that. He said his first impression when he saw it was that he felt like the appearance would be tunnel-like when driving beneath the canopy. He noted that there was a chunk of that under roof that is not paved for driving and asked what would happen there.

Mr. Majeed said the roofed area, with southern exposure, will have low shrubbery and landscaping built into it. Mr. Taylor expressed concern that that landscaping will not get any sun in the summer and it will never get rain. Ms. Amorose Groomes pointed out that the irrigation cannot be operated in the winter months.

Mr. Majeed said they could open the area up, if that is the intent, but they are trying to create more of an architectural appeal on the south elevation so when you are driving through that area, it is not just a two-dimensional plan where it just has one opening and an open canopy.

Mr. Taylor said that made sense to him. He said there is also the situation of evening hours when the driving lane is open until 9 p.m., when in December it will be dark. He asked there would be light there. Mr. Majeed said there would be under canopy lighting underneath all these areas.

Ms. Amorose Groomes asked what the backside would look like. Mr. Majeed said it would be much the same as is seen on the front side. He said it would be stone on all three sides.

Mr. Taylor said he appreciated the concept of it being more of a building element and that it was an imitation of what was there before, but he was not sure it had to do that in order to terminate the end of the building properly. He said carrying it as far as it is and making it into a covered space will not support landscaping. Mr. Taylor said his concerns were that it was going to be dirty and dark.

Mr. Taylor said he had visited the center many times to look things over, and he said shifting all of the restaurants to one side of the center concerned him. He said at 9 a.m. today, there were many vehicles at the north end when only one of the restaurants was open and a couple of shops were empty. He said he had concerns about shifting all of the parking to the north end. Mr. Taylor said it does make the north end of the center lively, interesting, pedestrian, and somewhat urban in the suburban strip center way of thinking, but it does just the opposite for the south end and takes all the life away from it.

Mr. Majeed said he could not speak for the overall development. He said that was something the developers will have to explain. He said from the architectural standpoint, what Giant Eagle is proposing as part of the development is in this area that they are calling the pharmacy and health and beauty area, the intent is there will be a lot of activity and to create more activity on the south end of this development. He said it may not be the restaurants, but it will be active from morning to closing time. He said the entire layout of the store will be shifted so that there will not be one central main entrance to the store, so the parking field will be spread.

Mr. Taylor asked if research indicated that given there is an entrance defined as Giant Eagle, and another entrance where the pharmacy is located, will there be a significant number of customers using that as an entrance to the entire interior.

Pat Avolio, Director of Development for Giant Eagle, said in the community he lived in, a new Giant Eagle store had a separate pharmacy entrance where they had to add cart storage because of the customers using the rest of the store. He said they had in-store services such as an in-store dietician, which is part of the concept of the Health Beauty Wellness concept which was almost like a store within a store idea.

Mr. Majeed said although it is considered the 'main entrance' on the plan, the main checkout area is located to the south. He said he could not predict that the entrances will be used equally, but there will be a significant amount of traffic there, just because of the interior layout of the store and the location of the cash registers.

Mr. Zimmerman pointed out regarding the conditional use for the pharmacy drive-thru, if the Commission supports it, then discussing the architecture is great, however if the pharmacy drive-thru is not approved, then the architecture will totally change. He

suggested discussing the pharmacy drive-thru first. He said he did not know of anywhere in Dublin where a drive-thru was located 60-foot from the closest residential area.

Ms. Kramb asked if the Commission would be approving the location of the drive-thru with the conditional use. Ms. Husak explained that the design details of the drive-thru would be approved as part of the final development plan, and the conditional use is for the actual use of the drive-thru. Ms. Kramb asked if with the conditional use decision, the Commission was deciding if the applicant can *have* a pharmacy drive-thru. Ms. Husak explained that the conditional use decision would be if they could *use* a drive-thru.

Ms. Kramb asked if approving the conditional use did not necessarily say where it went. Ms. Husak cautioned that without knowing where the drive-thru will be located and how it functions, the Commission will be unable to determine whether or not it meets the conditional use criteria. She said even though they were not approving the location, it cannot be said that it is meeting the ten criteria, without knowing where the location is going to be. She said it had to be approved with the final development plan.

Mr. Zimmerman reiterated that if the Commission decides not to approve the conditional use, it may change the architecture and everything the applicants want to do or at least the southern aspect of the building. He asked how the other Commissioners stood on the pharmacy drive-thru next to a three-story condominium.

Ms. Kramb confirmed that the exit lane would be south of the three existing arches.

Mr. Hale pointed out that the condominium garage and parking spaces shown are located on the commercial property and are not part of the condominiums. He said the back of this building that faces it is basically an auto court. He said there are garages in the first floor of the condominium building, and there is a walkway on the third floor that is an entry into units and the view is down onto the applicants' roof and service area to the rear. Mr. Hale said with what they are doing to the building and finishing the side, it probably will improve the residents' view.

Ms. Kramb said she thought the location of the drive-thru was okay, but she was not set on approving the final development plan today, because it seemed like a tight turn exiting. She said she thought drivers would want to go straight instead of the quick turn. She said she wondered if closing that off would work. Ms. Kramb said she had too many questions to approve this from a final standpoint, but she was okay with the location.

Mr. Walter confirmed that the addresses of the condominiums, not the owners were notified of this application. He said he agreed strongly with Mr. Zimmerman, and in that this is so close to a residential area, he did not think that adequate notice has been provided to the people that really are impacted. He said he did not know if the people that were talked to were owners or renters. Mr. Walter encouraged City Council to continue to review the notification methodology and whether they make a policy change around that, he would encourage them, for this very kind of case, to really look at who the City notifies, how it notifies, and the distance. He said he had concerns about the

architecture and where the drive-thru is located. He said one of the development criteria is that they are sensitive to the surrounding development.

Mr. Zimmerman said regarding the review criteria for the drive-thru, he did not think it met 3, 4, 7, or 9. He said sometimes, it was the Commission's job to go the extra mile to protect present and future residents and developments, and he thought this may be a case. He reiterated that 60 feet was too close to the condominiums.

Mr. Walter said with respect to the drive-thru there are so many things from a maintenance perspective, speakers, landscaping, and the exit and turn, and it does not feel like what he wants to support it.

Mr. Hardt said he agreed with the other Commissioners in that he could not imagine anywhere else in Dublin where they would allow a drive-thru this close to residences. He said he used the conditional use criteria and looked at this pragmatically. Mr. Hardt said he agreed with Mr. Zimmerman that Criteria 3, 4, 7, and 9 have not been met.

Ms. Kramb added Criteria 8 with the turn and people exiting straight rather than trying to make that turn and being stuck behind the building.

Ms. Amorose Groomes said she was not as completely opposed to the use of the drive-thru as she was about the architecture of the building. She said she had real problems with the architecture. She said there are parking issues which will ultimately fall upon the property owner to resolve. She said regarding the architecture, in April the Commission provided a lot of direction about what it should look like, and this time it is not significantly different. She said although she was not opposed to the drive-thru location, and although she would not mind it on the end of the building, she saw no definitive answers how it is going to operate and the number of vehicles coming through and things like that. Ms. Amorose Groomes said this came to a screeching halt with the architecture.

Ms. Amorose Groomes asked if the square footage of this development qualified with Dublin's Big Box ordinance. Ms. Husak said that the ordinance does not have any architectural requirements that would make a difference to this proposal. She said anything over 20,000 square feet would have to be reviewed under that ordinance, but this does not because it is a permitted use up to that amount of square footage in the development text.

Mr. Walter asked if the second floor had been eliminated as part of the square footage calculation. Ms. Husak said that was done for parking only.

Mr. Hardt asked if the applicants had considered locating the drive-thru point of service in a kiosk or island in the parking lot and serving it with pneumatic tubes underground.

Mr. Avolio said they have spent the last six years removing existing remote kiosks because there are constant maintenance issues and customers want face-to-face interaction.

Ms. Amorose Groomes said the Commission needed to make some decisions. She said the rezoning/preliminary development plan would have to go forward to City Council for their approval and the final development plan and the conditional use would be subsequent to that. She said that the Commission had been discussing outstanding issues that she thought were leading them to an unfavorable vote on this. She suggested it might be in everyone's best interest to look solely at the rezoning/preliminary development plan this evening that could possibly be sent onto City Council if it were to pass, for them to look at those issues and then with the final development plan and the conditional use giving the Commission more time to take another look at those and what might serve everyone best.

Mr. Taylor asked if the preliminary development plan could be separated from the architecture.

Ms. Readler explained that architecture is usually reviewed in the final development plan, but to the extent that the text references architecture that the Commission wants to change, they could do that. She reiterated that the architectural review is in the final development plan.

Mr. Taylor said he did not mean details. He pointed out that there was disagreement on the overall concept.

Mr. Hardt said he was not comfortable enough to vote for this tonight. He said they had changed the interior layout of the store drastically. He said last month, he was concerned about the south end of the shopping center going dark and being loaded full of spandrel glass, blacked out windows, and no pedestrian activity. He said they had made strides in that department in the sense that most of those windows do not have things behind them any longer, so they will be illuminated at night and there will be people behind them and things going on, so he thought it was better than it was, but he was not convinced more that the entire south end of the shopping center needs to be blown up in order for Giant Eagle to be there. He said there is more work to do.

Ms. Amorose Groomes agreed, and said she was referring to things like the sign band.

Mr. Hardt said the checkout area where the pharmacy, and health and beauty area are is a primary entry and exit point, which is great from an activity standpoint, and that, is a big help, but he did not see it in the elevation yet. He said there is no sign there and the doors are hidden. Mr. Hardt said he was a little more comfortable on the architecture, but he was not there yet.

Mr. Walter suggested the Giant Eagle large entrance shown on the left of the drawing be mirrored on the right where there is the exit might make it look as though more activity

was happening. He said he was concerned because there were six vacant storefronts seen.

Mr. Taylor said his concept of what may be a very active part of the center was changed when he learned where the checkouts were located. He said he had no problem with the pieces of storefronts for individual stores, but the sign band bothered him. He said he brought it up in April that the brick piece with arches on it was an entrance which clearly reads as a significant piece of the building, yet a sign is not allowed to go there. He said anytime a building has entrances, they need to be identified as many ways as possible and certainly signs are an appropriate way to do that. Mr. Taylor said one of the enhancements needed was to figure out how to make the parts of this building that are obviously architecturally separate pieces have signage that goes along with what is behind them. He said if that is the pharmacy, maybe it ought to have a nice big sign saying so there. Mr. Taylor said he knew there were other issues when that came up, but from a pure architectural standpoint, the small sign off to the side is pointless because it is one sign on a sign band that is supposed to have six and five are missing. He said that becomes less of an issue if that sign is located on the part where the entrance truly is at the center.

Ms. Husak reiterated that Planning's issue is not so much with the pharmacy sign, but with the bank which is a completely separate entity.

Mr. Walter asked what 'spandrel glass' is. Mr. Hardt said the spandrel glass at Walgreens is frosted, and that is being proposed on the last three storefronts and he was not comfortable with it. He said he would like those storefronts lighted.

Mr. Zimmerman noted that on the transom above that, clear glass is proposed.

Mr. Majeed said regarding the architecture, there were limitations that they had to work with. He said the function itself had to meet some of the form outside. He said they could not make a building this large disappear or shrink it in size, but they could try to break it down architecturally into small pieces. He said since the April meeting, they went through an extensive research and layout specific on this location on how to open up a whole supermarket and create more glazing up front which is a challenge to create on a store this size. He said they have opened it up as much as possible. He assured the Commission that it would not look like a vacant, dead center.

Mr. Walter asked what 'glazing' was specifically. Mr. Majeed said it was see-through glass.

Mr. Hardt said it was not often that a large retailer came in and redesigned their interior store layout, so he appreciated it. He reiterated that the sign band was still a problem for him. He asked why the pharmacy sign could not be on the brick part. He said that was the main exit.

Mr. Hardt asked if they would agree to a condition that the glazing is going to remain clear and not have merchandising in front of it.

Steve Langworthy clarified that it was that they would not put up anything to block the interior view.

Mr. Hardt said what was seen on the plan was okay, but was concerned that those kind of windows tend to have stacks of pop, folding chairs, or barbeque grills displayed which are not shown on the plan. He said he would be more comfortable with this plan if he knew it was going to stay that way.

Mr. Avolio said the intent was to have the glass itself clear and they would put that restriction out there. He said one of the key things that happens with this plan, there are some areas with masonry, so they may have certain things there, but they do need to put the restrictions in and have that in place.

Mr. Walter said he was okay with some lower level displays.

Ms. Amorose Groomes suggested that the condition be that the windows would not be obstructed by merchandise.

Mr. Hardt noted that the window sill was approximately 30 inches high.

Mr. Majeed said for clearance reasons when you come out of the cash registers, they need to allow for two carts to go through, so realistically, this area is not going to be an open display just because they will be getting a lot of traffic there from the customers. He said he would not speak for Giant Eagle and the final decision will have to come from them. However, he said realistically, if anything were to occur it would be low profile. He said he would like to go to their merchandising people to confirm and identify that there is a restriction there, or if they can get it up to sill heights or something they can agree to do and add it in there. He said they would come back to the Commission to verify what they would propose, if anything there with the intent of not having anything in that area, or with a sill height restriction to it.

Mr. Avolio said overall the intent is to provide the visibility throughout that area that is as great as is there today. He said they would propose carts inside the vestibule and it would be clearly defined. Mr. Avolio said more detail would be provided and they would clarify that item so that it is clearly identified and they do not run into compliance problems later with Giant Eagle or the Commission.

Mr. Hardt said that the intent was to keep the visibility in the clear glass and the light coming through those things. He said if they could work through that, it would go a long way for him. \

Mr. Langworthy said that was a detail that could be taken care of at the final development plan stage.

Mr. Taylor said this was a substantial improvement of what was previously shown. He said he could not see the difference from a sign perspective between the café and bank entrances because both have doors to the outside and are open to the store on the inside.

Mr. Hardt noted that based upon this plan, the bank has a wall around it on the interior of the store and the café does not.

Ms. Kramb said that the sign did not have the bank name on it. Ms. Husak clarified that the name of the bank was on the sign.

Mr. Walter said that the café should have its name on the sign as well.

Mr. Taylor asked why Planning thought it was okay to have a café sign and not a bank sign.

Mr. Langworthy explained that the Code talks about storefronts, and the storefronts, Planning has defined as having a separate entrance that enters directly into the facility, and that is how they have defined whether or not there can be a wall sign.

Mr. Taylor said he saw a bank entrance that walked right into the bank and a café entrance that walked right into the café.

Mr. Langworthy said it was an issue of semantics, but in Planning's view, when you walk in, you actually are walking into the Giant Eagle store at which off to one side, happens to be the bank. He said for example, they could theoretically put a Starbucks on the other side of the door and then ask for a Starbucks sign.

Mr. Walter said that you could not transact bank business by being inside where the tellers are, you have to transact business outside, so consequently, that queuing area indicated on the plan is part of the activity of the bank.

Mr. Langworthy agreed, but said there will also be people walking through that space to get into the store.

Mr. Walter said that was similar to the café.

Mr. Langworthy agreed, in theory, you could enter the café and just keep walking through the store. He said it was part of Giant Eagle and the bank was a separate, independent operator.

Ms. Kramb asked if it would solve the problem if the sign just said 'bank'. Ms. Husak said the content of the sign cannot be regulated.

Mr. Walter said he did not think they wanted to regulate it if they were trying to get activity to the center. He said there was no precedent because you walk directly into the business.

Mr. Taylor asked if the bank were owned by Giant Eagle, and it was the Giant Eagle Bank, with the floor plan the same way, could they put up a sign that said 'Bank' and if it was the ownership/tenant/subtenant issue.

Mr. Langworthy said that was half of it. He said the other half was having the door dedicated to it. He said in Planning's view, this door is not dedicated to the bank. He said it allows access to the bank, but it also allows access to the store and people will use it primarily for the store.

Mr. Taylor asked if both of those criteria have to be satisfied from the Code perspective in order for there to be a sign.

Mr. Langworthy explained that was the issue they decided in the Board of Zoning Appeals interpretation for the Kroger across the street when they interpreted how that term was supposed to be applied. He said that was why the City was litigating it.

Mr. Taylor asked if the floor plan was reconfigured so that Planning was more comfortable that it was an entrance to the bank, would it still not be possible because it was essentially a subtenant.

Mr. Langworthy said no, because then it would meet both criteria. He said that was what Planning talked to them about.

Mr. Taylor said he would like to see a sign that said 'Pharmacy' over the brick part of the pharmacy, a sign that said 'Bank' over the bank part of the building, and a sign that said 'Café' where it was located. He said if that meant to achieve that with the bank that Planning has to get together and figure out what is considered an entrance strictly into the bank, or only into the bank, or whatever that definition is, he thought they should work that out. He said that he thought having a bank with an outside door without a sign would be strange.

Mr. Taylor said the more small shops there and the more signs there are to identify them, the more this looks like a center with a lot of little shops which was what it was originally. He said he was fine with that if it meets the criteria.

Mr. Walter asked what would happen to the windows south of the bank entrance door where the small cutout is shown. Mr. Majeed said it was a bay window.

Ms. Amorose Groomes said the Commission had discussed the drive-thru at length and she did not think it had the Commissioners' support. She asked if the drive-thru section of the application could be pulled or was it a packaged deal.

Ms. Readler said if the Commission took action on just the rezoning, all it said was that a drive-thru was a conditional use, so the Commission would not be addressing drive-thru if they just considered the rezoning tonight and tabled the rest.

Mr. Hale explained that this drive-thru was critical to what they were doing. He said they are willing to talk about anything in terms of how to get it to work, how to make it work architecturally, how to landscape it, or whatever. He said if the Commission's choice was not to give them the drive-thru, they would rather they vote the zoning down and let them go to City Council to see if they agree with the Commission. He said from Developers Diversified Realty's point of view, without this grocery, the center will be dead. He said they are happy to talk with the Commission on how they can make it work.

Mr. Avolio said the whole premise of this project is basically to rebuilt/reconstruct the store. He said it is going to be a new store and the critical element is the pharmacy, the health beauty wellness concept, and what is integral to that is the pharmacy drive-thru. He said the amount and level of investment in this store which is basically an old Big Bear that has been cleaned up and painted to dress it up, is really conditional on trying to get all the elements in that they currently do. He said they have deleted the fuel station because they realized there were traffic concerns and parking and it will be re-evaluated in the future. He reiterated that the pharmacy was a very critical component of the store and the investment they are putting there. He said they have modified and refined the plan and gotten support from the condominium association, but without the drive-thru, they would have to re-evaluate their future investment into the store.

Ms. Amorose Groomes asked if there was any level of communication that the Commission could get from the neighbors that would lead them to acceptability of the drive-thru and the location proposed.

Mr. Walter said they were talking about an impact to these condominium owners and he did not feel that they have been adequately notified. He said there are three options: 1) elimination of the drive-thru aisle; 2) leaving it as is; or 3) extending the drive-thru down and then a southern turn down to Mercedes Drive. He asked if the neighbors, not the owners, had been asked if they wanted the cut through or would they rather have a turn.

Ms. Amorose Groomes confirmed that Mr. Walter could possibly be comfortable with the drive-thru being on that end of the building if he were confident that the owners of that property were fully aware of what was happening. Ms. Amorose asked if there was any level of communication with the neighbors that would get Ms. Kramb comfortable.

Ms. Kramb said her concern was not as much with the neighbors, but just with the configuration of the drive-thru. She said it was too sharp of a turn and there was not enough space there. She said if some modeling and/or dimensions were provided showing the navigation, it might help.

Jason Hockstok, EMH&T, the consulting engineer for the site, referred to page 5 of the plans, which was an AutoTurn exhibit providing the turning movements of vehicles through the pharmacy drive-thru.

Ms. Amorose Groomes said she wanted to make sure that the Commissioners' communicated very clearly what it would take on a convincing level next time this application was seen.

Ms. Kramb pointed out there was only one lane to turn the corner from two lanes. She asked what would prevent them from going straight continuing east without curving all the way around.

Mr. Hockstok said 'Do Not Enter' signs have been indicated on the plans.

Ms. Kramb did not think the signs would prevent anyone from going that way because it was wide open and the quickest way to exit.

Mr. Hockstok said EMH&T interviewed the neighbors, and some of the Commission's concerns specifically to accessing Mercedes Drive through the south access point. He said the neighbor on the corner was very appreciative that the gate was there, noting the fact that it would allow some extra protection for her grandchildren. He said that in general those people are extremely happy with what they see and beyond that were very appreciative of the fact that Giant Eagle reached out.

Mr. Walter said the Commission understood, but did not know if the people were residents or owners, and that was the concern. He said the Commission would like validation with proper notification.

Mr. Hale agreed that they would go to the Courthouse County Recorder's Office to get not just addresses, but names of the owners, and send the notices.

Mr. Hardt said he understood that the cut through was there today and it was the thing that the residents were complaining about. He said he was fine with the geometry of the drive-thru. He also wanted to know that the owners of the units were notified.

Mr. Zimmerman said he also wanted to know how the owners of the units feel about the drive-thru pharmacy.

Ms. Amorose Groomes said she had no particular issue with the pharmacy drive-thru. She said more of her concerns were the delineation of the architecture of the front. She said she understood that the inside has changed significantly. She said she would like to make it look alive on that end from the outside, and clear glass does not necessarily do that for her. She said she would like to see this center come alive on the south end, more than through the glass. She said perhaps if the doors could open to the front on the smaller section rather than the sides that might liven it up a little bit from the curb. She said the

doors on the sides become invisible and she would not know that was where she was supposed to enter.

Mr. Majeed said what the Commissioners felt was needed to make it look more lively was exactly what they needed. He said he understood and said they were willing to work with Planning to figure out what would be beneficial in terms of the design itself on how to break it down, whether it be moving some of the entrances to the front, or creating some elements on the sign bands instead of creating the blank fascia board.

Ms. Amorose Groomes said she was not suggesting any particular materials, but perhaps some material break could be done so it does not look like such a sign band. She said putting brick or stone on some of it to pickup from the elements might work.

Mr. Majeed asked if the Commission was comfortable with the fact that they tried to break it down into smaller components.

Mr. Taylor asked if the building would be re-roofed in this process. Mr. Majeed said most likely, they will try to patch and repair the roof. Mr. Taylor said perhaps if it were re-roofed it would be easier, but if the pitch of the roof was continued out a little further and let the roof come out with a smaller fascia with a frieze board below it, it would eliminate the sign panel visually.

Mr. Taylor said they were down to sign panel heights, sign locations, opaque or not opaque details, and that was fine. He said he thought they had made huge progress. Mr. Taylor said if he knew that the condominium owners are okay with the location of the drive-thru, that would help him feel better about it, but he would rather see the money being spent to screen or a wall to make it really separate it from the residents somehow, but he did not know what it was. He said the money would be better spent on something that makes a more opaque barrier between the drive-thru lanes and the condos. He said it was nice visually and architecturally to have the canopy as the entry and he was not sure it was necessary to think of other ways to do that.

Mr. Hardt suggested the canopy could be longer so the transactions from vehicles at the drive-thru window were taking place completely enclosed underneath it.

Mr. Langworthy said he pictured the arches up towards the front with a gap, and then you go underneath another canopy that covers the windows. He asked if Mr. Hardt was suggesting extending that all the way down. Mr. Hardt said maybe.

Ms. Amorose Groomes asked if ample direction had been provided by the Commission. Mr. Hale indicated they had received enough direction.

Mr. Avolio said that the end cap was added to be consistent with the rest of the center. He asked if that element was important to the Commission.

Mr. Taylor said it was important that the center have a nice terminus at the end. He said whether you drive through it or not was not important to him at that point. He said what

was more important to him, if money is being spent on stone, roofing, and everything else, was that he would rather see it on the other side of the exit lane in some fashion so that the opaqueness is increased between both drive thru lanes and the buffer is closer towards the residences.

Mr. Majeed confirmed that Mr. Taylor was comfortable with the end piece being eliminated, and some kind of architectural feature being created on the south elevation.

Ms. Amorose Groomes added that maybe the arched wall could go farther down, with glass inside those arches, but maybe not necessarily a roof.

Mr. Walter summarized that the Commission's suggestion was to take the roof off and make that a disconnected out-building that buffered it. He said it needed a terminus, and it does not have to look like this, and does not have to be attached to the building. He said he liked that what was on the plan provided symmetry to that side.

Mr. Majeed said they were following the original direction that the Commission wanted to keep the overall design of the existing center. He said if they can depart from it, so be it.

Ms. Kramb said whatever was designed should not have things that drivers will run into and e yellow pylons as are showing up all over Dublin.

Ms. Amorose Groomes asked how the applicants would like the Commission to handle the application.

Mr. Hale said they would like to do more work in compliance with what they heard tonight and return with something the Commission will approve.

Vote and Motion:

Mr. Taylor made the motion to table this Rezoning/Preliminary Development Plan/Final Development Plan/Conditional Use application at the request of the applicant.

Mr. Zimmerman seconded the motion.

The vote was as follows: Mr. Hardt, yes; Ms. Kramb, yes; Mr. Walter, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Tabled 6 – 0.)

Ms. Amorose Groomes called a recess at 9:30 p.m.