

# RECORD OF PROCEEDINGS

Minutes of

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ago. Ms. Puskarcik and Scott Dring, DCVB have met with area hotels and will provide a report at the November 1 Council meeting about the status of that program.

Vice Mayor Salay asked if there is a possibility that the mosquito program will be handled by the City versus contracting through the Board of Health. Ms. Grigsby responded that staff plans to evaluate the information from the Board of Health about the proposals they have in comparison to what the City could provide. One benefit of the Board of Health handling this service is that they have a much quicker turnaround time for mosquito testing for communities that are part of their program. Staff will evaluate the information when it is available and bring a recommendation to Council.

Vote on the Ordinance: Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mr. Keenan, yes; Mr. Gerber, yes; Mrs. Boring, yes; Vice Mayor Salay, yes; Mayor Lecklider, yes.

## **INTRODUCTION/FIRST READING – ORDINANCES**

### **Ordinance 36-10**

**Rezoning Approximately 28.42 Acres Located on the South Side of Perimeter Drive, West of Avery-Muirfield Drive and Northwest of Hospital Drive from PCD, Planned Commerce District (Riverside PCD, Subareas B and B1) to PUD, Planned Unit Development District (Avery Square PUD – Case 10-115Z/PDP/FDP/CU)**

Ms. Chinnici-Zuercher introduced the ordinance.

Ms. Husak that this rezoning area encompasses the Avery Square Shopping Center, of which Kroger is the major tenant to the south. It also includes the Burger King and Wendy's/Tim Hortons outparcel. This site was originally part of the Riverside PCD, which also included land that is now part of the Hospital PCD and land on the east side of Hospital Drive. The request is for a rezoning to have these 28.42 acres in its own PUD, known as the Avery Square Planned Unit Development District. She noted the following:

- The site currently has four major access points, all of which are full-service. The main access points are the ones off Hospital Drive and off Perimeter Drive near Burger King. The City is planning intersection improvements in this immediate area, at the intersection of Perimeter/ Avery-Muirfield and at Hospital Drive/Perimeter Loop/Avery-Muirfield Drive. The plans currently call for roundabouts and they do have impacts on this site. The access point near Burger King at Perimeter Drive and the one at Hospital Drive by Walgreens will be impacted by the island stub required for the roundabouts. The access in those two areas will be only right in/right out. Planning and Engineering have been working diligently with Casto and Kroger to come up with a different access arrangement in this area, given the stacking needed for Wendy's/Tim Hortons. They have proposed moving the access farther south, out of the splitter island influence area.
- The preliminary development plan was approved by the Planning & Zoning Commission on September 16. She pointed out the areas on the plan that are most impacted by this rezoning. One of the areas includes a fuel station for the Kroger store, to be operated by the Kroger store in the southern portion of the site. It also includes a future location for an outparcel.
- The applicant has provided a new development text, included in the packet that addresses the fuel station as a conditional use.
- Staff has requested that the applicant update the development text to include some more modern standards that are used today.
- The applicant currently does not have a prospective tenant for the outparcel. Staff had originally asked the applicant to include some type of building footprint and parking for that outparcel. However, because there is no user lined up, the Commission asked them to remove those details from the plan and that has been done. They have merely set aside the area for the outparcel on the plan.

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- The density for this development is capped at 10,000 square feet per acre, so there is additional density remaining for development of the outparcel. It would require future approval by the Planning Commission as a final development plan.
- South of the outparcel area is the entry drive relocation and the fuel station. The applicant has made major changes in this area to accommodate the fuel station.
- Planning and Zoning Commission approved simultaneously a final development plan. The only difference between the preliminary and final development plan is the final has no mention of the outparcel, as there are no details available at this point. This would be brought forward at some future point. The final development plan does include the access point changes and the fuel station.
- In regard to the fuel station, it is expected that the major access would be from Hospital Drive to the south or through the shopping center from the north. The station includes five fuel pumps and a 120 square foot kiosk on the roof. It includes an area for the fuel tank to deliver fuel and some landscaped islands that are sized generously to accommodate the plant material. The applicant worked hard with the Commission on this aspect.
- There is a sign proposed for the fuel station as well.
- The other major part of this portion of the application is the entry drive, which is much longer and curves into the shopping center. That has allowed the applicant to set aside an area for parking for the Kroger employees.
- In terms of elevations, the applicant has taken cues from the building materials currently existing at the center, with stone at the bottom and masonry to the top, with shingles of the same pattern.
- Planning Commission requested they mute the colors of the pumps, so they are shown in beige, matching the building.
- The pumps can each accommodate three cars on either side for stacking.
- For the entry drive, Planning has worked with the applicant to have a more high quality entry feature in this area. Planning felt this is an opportunity for significant improvement. There are more curved landscaping areas with some brick paver inlay in the roadway to create a more significant entry feature. A sign is proposed for this entry as well.
- The applicant is also proposing another sign on the Perimeter Drive frontage.

The Planning and Zoning Commission reviewed three items simultaneously: the preliminary development plan and rezoning, which were approved with two conditions that the applicant has addressed; the final development plan, approved with four conditions; and a conditional use for the fuel station without conditions. The final development plan and the conditional use approval will not be effective until the rezoning is approved by City Council.

Staff is recommending approval of the rezoning at the second reading/public hearing on October 25.

She noted that Mr. Smith had discussions today regarding right-of-way and would like to address that.

Mr. Smith stated that, after reading the staff report, Legal staff spoke with the Casto Company and will be bringing forward a change to the text to indicate that the Casto Company will agree to dedicate the right-of-way to the City for the improvements to the entrances to their site. It was always contemplated this way, but was not in the text. Initially, there were some issues with the tenants, but they have been resolved. Casto will agree as a condition of the text that all of the right-of-way will be donated to the City for these improvements. This revised text will be in the packet of October 25.

Mr. Keenan asked how much acreage is involved in this right-of-way dedication. A staff member responded less than .1 acre.

Mrs. Boring asked about the height of the columns and roof of the fuel station. Ms. Husak responded that the height is 22 feet to the top of the roof.

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Mrs. Boring asked what is the minimum distance allowed to the bottom of the roof. Ms. Husak responded 14 feet. Planning Commission asked to have the roof increased by one to 1-1/2 feet to provide more balance to the roof and its materials in comparison to the columns. Vice Mayor Salay noted it would make more sense to increase the size of the square columns. The columns at the Shell station are rectangular and more balanced in appearance. The scale of these is not appropriate, and they are not attractive.

Vice Mayor Salay noted that there are existing problems at the Tim Hortons/Wendy's entrance, and with the future entry drive that barely clears the splitter island and the addition of a fuel station, this will be a very heavily traveled access point. Will the traffic be able to turn left, given the continuous flow with the roundabout and the fact that there will not be a traffic break from a signal change? Will there be traffic back-ups or unsafe left turns?

Mr. Hammersmith responded that this is more of a conceptual drawing and not a final engineering drawing. This item would be pulled back to have sufficient radius on a left turn for egress. Another consideration is, regardless of a roundabout or traffic signal, there is always some platooning of vehicles and speeds will be better controlled with a median. This segment of roadway will allow a greater decision point than exists currently, given the distance between the current access drive and the intersection itself. There will be some delays and patience needed for drivers during peak hours along Hospital Drive. Staff believes this will be a much safer condition than what exists currently at this location.

Vice Mayor Salay asked if volumes will increase on Hospital Drive to the west with more commercial development.

Mr. Hammersmith responded there will be a slight increase of volume, but most of the vacant area to the west of the hospital will have access to Perimeter Drive. There is not a significant volume increase anticipated in this subject area. With the dedicated hospital ingress lane, it has alleviated some of the volume on Hospital Drive.

Vice Mayor Salay asked if staff is confident that this access point, given the proposed activity increase in the center, will be safer and better in the future, once the roundabouts are built.

Mr. Hammersmith confirmed this will be a great improvement over the current situation at this location. In terms of volume, staff does not anticipate a great increase with the fuel station. Many users are already shopping center customers.

Vice Mayor Salay asked about the stacking problem at the Tim Hortons/Wendy's. With this access change, will the stacking occur in the shopping center driveway? Is anything being done to address the stacking problem?

Mr. Hammersmith responded that the stacking will still occur in the shopping center driveway. The intent of the access change is to preserve the integrity of the public right-of-way and to improve safety over what exists today. Staff believes this will be an improvement on site, due to the fact that there will be space available for stacking that will not be in conflict with other users of the site. There is also an option to go north and access parking spaces if there is congestion in the area.

Mr. Keenan agreed that the stacking is a problem in the morning and at noon, and the same problem exists at McDonald's across the street.

Mr. Hammersmith responded that staff does not have a solution for these problems, which are a result of the level of activity at the businesses and operation of the drive-thru windows. These are private site conditions that are not a City focus.

Vice Mayor Salay pointed out that Council is evaluating a rezoning proposal with more activity planned in that corner of the shopping center.

Mr. Keenan added that if there is a potential "fix" for this problem, this would be the appropriate time to have it done.

Mr. Hammersmith responded that staff does not disagree, but the City engineering role is preservation of the public right-of-way and making this condition safe for the public right-of-way. If there is a secondary benefit of improving this stacking problem, that would be good – but staff does not have a good suggestion for the solution to that. The time to address that may be when the outparcel development is proposed.

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Mr. Keenan stated that the tenant and property owner would want to work together to alleviate this issue. This is the ideal time to do so. Perhaps a lane to allow for stacking adjacent to the current roadway would allow traffic to move. On the other side of the center, near Buffalo Wild Wings, at the intersection with Perimeter Drive, there is a left turn lane and a right turn lane, yet he has witnessed cars traveling straight across the street.

Mr. Hammersmith responded that staff plans to review the lane assignments at that location. He added that when the land along Perimeter to the north of this center was brought in for rezoning, there was a future traffic signal planned at this location when the warrant is met. Given these access modifications, it may push this toward meeting the warrant.

Mr. Keenan responded that the access near Burger King was to be closed when the traffic count reached a certain level.

Mr. Hammersmith responded this has not been done because there is no physical way to prevent those left turn movements. The splitter island to be installed with the roundabout will prevent the movements.

Mr. Keenan stated that his concerns have always been with access for ladder trucks to these areas.

Mrs. Boring asked how another outparcel will affect Burger King and Wendy's/Tim Hortons in terms of traffic flow. Can this be projected with some modeling?

Mr. Hammersmith responded that the City's traffic study considered the impact on the public right-of-way and public intersections – not on the site to other tenants. That is why the City worked with the applicant on the entry drive modifications and is working to obtain the necessary right-of-way to construct the roundabout improvements in the future. The applicant can respond to the question about potential impacts of the outparcel development on existing businesses.

Mayor Lecklider noted that at the Planning Commission, there was discussion of pump colors, but that has apparently been resolved.

Ms. Husak confirmed this.

Mayor Lecklider asked about the lighting, and if there is any implication regarding Dublin's night sky ordinance.

Ms. Husak responded that the only lighting contemplated is underneath the canopy and that does meet the ordinance in terms of it being flush within the roof of the canopy and the levels of lighting. There is a lantern proposed on the sign, and the Commission requested this lighting level be as low as possible. The applicant indicated they will accommodate this request.

Mayor Lecklider asked if there are any bicycle-friendly elements for the proposed development. As some of the realignments are done to the entryways, will there be additional sidewalk or bikepath leading off of Avery-Muirfield near Wendy's/Tim Hortons – heading westbound into the center?

Mr. Hammersmith responded that Council reviewed the Avery-Muirfield improvements in March, and they show proposed sidewalk and bikepath along Hospital Drive and existing ones along Avery-Muirfield. There will be new bikepath connections coming out of the roundabout as well. There is new path along Perimeter Loop Road, intended to carry over to the shopping center in the future.

Mayor Lecklider asked about the bikepath to the north of the center.

Mr. Hammersmith stated that connection will be made with a bikepath along the north side of Perimeter to the west side of Avery-Muirfield as it exists today. The same will occur on the south side of Perimeter Drive.

Vice Mayor Salay asked about bikepath internal to the center. Is any connection being added by the owner of the center?

Ms. Husak responded that staff has asked the applicant to accommodate bike racks on the site, but there is no internal bikepath or pedestrian lane proposed.

Mayor Lecklider stated that when the shopping center rezoning across the street was being reviewed, there was discussion about creating a more bike and pedestrian

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friendly environment within the parking lot. However, there has been nothing proposed by the applicant for this shopping center at this point?

Ms. Husak responded there has not.

Mr. Reiner stated that he concurs with Mr. Keenan and Ms. Salay about resolving the stacking issue internal on the site for Wendy's/Tim Hortons. The bike/pedestrian friendly issue internal to the center should also be addressed. The new entry feature will be an enhancement to the center. He noted that the ash trees are already being replaced, and he appreciates the proactive efforts of staff in this.

Mayor Lecklider invited the applicant's representatives to present testimony.

Eric Liebowitz, Casto, 191 W. Nationwide Boulevard, Suite 200, Columbus noted that the application process began a year ago. The discussion with Kroger regarding this development began long before that. The driving force behind this rezoning is Kroger's critical need for a fuel center in this area. They have worked collaboratively with staff and the Planning Commission over the past months. He spoke positively of their experience with all of the City staff and Commission Members.

He noted that the fuel center is of utmost important to Kroger for their long-term viability in Dublin. The team is hopeful of gaining Council's support for this rezoning on October 25<sup>th</sup>. In terms of the needed right-of-way mentioned by Mr. Smith, they will work to provide reasonable and necessary right-of-way, consistent with the plans before Council tonight. In terms of the access and engineering issues related to Wendy's/Tim Hortons, Casto owns and manages the shopping center, and oversees leases of tenants. These are not new issues, but in terms of making improvements to the existing leased premises, the tenants have rights and the owner cannot change their property lines and boundaries at this time. Casto is doing the best they can to address an existing problem by means of this entry change.

Mr. Reiner stated that the concept of removing some green space and stacking the morning traffic in the Wendy's/Tim Hortons area seems viable. Who owns the space directly to the west?

Mr. Liebowitz responded that Wendy's has a ground lease, but for all intents and purposes, their rights during the term of the lease are the same as that of an owner. The property to the west is part of the shopping center. They would have to review what could be done in that location, based on existing utilities. There is significant infrastructure involved and operating issues.

Mr. Reiner noted that this traffic back up at the current entry is a real concern, and a potential new outparcel may compound this. It would be worthwhile for Casto to explore addressing these items.

Mr. Keenan stated that there will be a gain of ground in this area with the change of the ingress to the center. This will create extra space in this location.

Mr. Liebowitz stated they will review this, but there are existing constraints to consider.

Mr. Keenan stated that Council is challenging Casto to look at this and bring something back for Council to review.

Vice Mayor Salay noted that Wendy's/Tim Hortons are certainly frustrated with the existing situation, and perhaps they would be open to exploring some options.

Mr. Reiner stated that he is supportive of the new entryway to the Center. Perhaps the new driveway could be moved somewhat more distant from the intersection with Avery-Muirfield to improve safety.

Lindsey Taylor, Kroger, 4111 Executive Parkway, Westerville noted that in the grocery business, fuel has become a critical key component in order to remain competitive. The goal is to provide customers with a one-stop shop so they can purchase groceries, pick up dry cleaning, do banking, and purchase fuel. By the end of 2010, Kroger will open its 1,000<sup>th</sup> fuel center. In Dublin, there is currently a very successful fuel center at the Marketplace store on Sawmill Parkway. Due to site constraints, there is no fuel station at the Bridge Street Kroger. Fuel at Avery Square will fill a

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significant void for customers in Dublin and will be an asset for the store in terms of remaining competitive with the grocery store across the street. As part of the development of the fuel center, they will construct the eight-shaped landscaped islands as well as installing a new drive in an effort to avoid unnecessary congestion in front of the Kroger store. The remaining modifications will be completed at the time the roundabouts are constructed.

She noted that Kroger has significant ties to the community, operating three stores in Dublin. They plan to continue their longstanding relationship with the City and are pleased to present a fuel center for the expansion of this Kroger store.

Kroger requests approval of this rezoning on October 25<sup>th</sup>. She offered to respond to any questions.

Ms. Chinnici-Zuercher noted Council's interest in the internal bicycle friendly environment of the center – perhaps having designated bicycle lanes for movement through the parking lot of the center. The applicant has agreed to install bike racks as part of this redevelopment, but the need is for a path so that bicyclists can safely access the bike racks. Council is suggesting to the applicant that lanes be identified for bicyclists to travel through the parking lot.

Vice Mayor Salay noted that this may be more of an owner issue for Casto.

Ms. Chinnici-Zuercher stated that both entities should provide some solutions for this issue.

Mrs. Boring noted that she does not have concerns with the fuel station at the center, but she has concerns with the aesthetics of the station design. The scale of the columns is not appropriate.

Ms. Husak responded that staff can look at the possibility of moving the columns farther out to provide more balance, and may look at the size of the columns as well.

Mrs. Boring agreed that pedestrians and cyclists need to have some safe connections within the center.

Mayor Lecklider recalls that the last time a fuel station was installed in a parking lot, the City required a bond to be posted.

Mr. Smith responded that this was required for BJs. He will review what was done for that fuel station, and will review the current law regarding tanks and provide that information to Council.

Ms. Chinnici-Zuercher stated that more recently, Kroger installed a fuel station at the Sawmill Parkway location. Whatever was done for that location should be done for this one.

Ms. Husak noted that the Commission had reviewed this, and required the applicant to include a note in the development text on page 7 regarding removal of underground tanks and restoral of the site to pre-fuel station conditions. There are state requirements that address this as well.

Mayor Lecklider noted that, as Ms. Chinnici-Zuercher has pointed out, whatever was done at Sawmill Parkway would be done in this case as well.

He asked Mr. Leibowitz to come forward to respond to some outstanding issues raised by Council, including the canopy columns.

Mr. Leibowitz responded that Casto and Kroger will work together on the issues raised tonight by Council, including the bicycle access, the stacking, and the columns.

Mr. Gerber stated that there is a substantial effort in the City to improve walkability and bicycle access within shopping centers. He is hopeful that Casto understands what Council is seeking in this regard.

Mr. Leibowitz responded that they do.

Vice Mayor Salay noted that she understands why Kroger wants to have a fuel station at the center. But with respect to the outparcel, the City did not want this at the time the parcel was first zoned. She does not understand the benefit to the community of

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this rezoning, other than the change in the access. There are multiple gas stations in the area, and Giant Eagle deferred their plan for a fuel station. She suggests that the future outparcel be removed from the Kroger plan until such time as details are available. In observing the operation of the Kroger center on Sawmill Road, it is very busy with lots of traffic. The appearance of the center is not improved by having the fuel station out front, and the fuel station adds to the traffic congestion. She is not confident that she can support this rezoning.

Mr. Gerber asked if she is suggesting that the outparcel be submitted as a separate rezoning.

Vice Mayor Salay confirmed that is correct. She does not understand why the City would approve this outparcel without any detail. There is no improvement for the Wendy's/Tim Hortons situation at this point.

Mr. Gerber noted he supports her position. The plan is not well thought out. The outparcel could affect the stacking and flow of traffic at the other existing outparcels. He is not convinced this will work.

Ms. Chinnici-Zuercher stated that last fall, when Kroger began these discussions with the City, Mr. Smith's firm reviewed the tenant issues and the lease terms.

Mr. Smith responded that Mr. Lukeman of Casto and he had numerous discussions and reviewed documents at that time. Part of the discussion related to the right-of-way and the language in the lease documents about any changes. He will check back with the parties on these matters.

Ms. Chinnici-Zuercher noted that from the outset, there were issues with the entry and the roundabout plans. She recalls that there were limited options during the terms of the tenant leases. The attorneys reviewed all of these matters. She believes that the City will have a significant benefit with relocation of the entrance road to the center. There will still be stacking as exists today, but it will not be in the street – it will be in the parking lot. At some point, when the outparcel is developed, the stacking issue will have to be addressed. By that time, perhaps the issue can be addressed in the lease renewals.

Mr. Keenan agreed that the City will gain from the relocation of the entrance. He uses this road on a daily basis. He added that it will be much easier for southbound traffic to use the Kroger fuel station before accessing the freeway entrance versus crossing to Shell or BP on the east side of the roadway. There was similar discussion with the residents in the area of the Sawmill Parkway Kroger fuel station.

Ms. Chinnici-Zuercher agreed, but noted that the majority of those who purchase fuel at the grocery stores are those who shop in the stores and use the rewards system.

Ms. Taylor responded that there is a minimal increase, as existing Kroger customers will likely purchase fuel in conjunction with their grocery shopping trip. This provides a convenience to the existing customers. In terms of the comments about traffic at the Sawmill location, it is the only Kroger fuel station in Dublin and 30 percent of the customers who shop at the Avery Square Kroger are purchasing gas at the Sawmill location. Opening this fuel station will relieve congestion at the Sawmill store.

Mr. Gerber stated he is not disputing the business need for this fuel station and agrees that moving the entry more to the west is a positive. But in looking at the traffic flow within the center, it does not work well. He is hopeful that the owners and Kroger will review the traffic flow – vehicles, pedestrians, bicycles – within the Center during this process. Many shopping centers in Dublin have failed because they are not reaching out to all in the community who want to walk or bike to the center. There is a need to meet the future needs of the community, not only Kroger's need for a fuel station at this time.

Mayor Lecklider noted that he has some concerns with respect to the future development of the outparcel within this center and the conflicts it may create. Are there any proposed solutions to alleviate these concerns on Council's part?

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Mr. Smith responded that this discussion is similar to that with Giant Eagle center. In that case, Council will be the body making the final decision on the conditional use related to the gas station. If Council wants to be the body making the decision on the development of the future outparcel, staff will review what options are available.

Mrs. Boring noted that this is her concern. For example, if another drive-thru were proposed for this outparcel, it would not be acceptable.

Mr. Smith responded that staff will review what was done with the Giant Eagle rezoning. He asked if it is the consensus of Council that they want to be involved in the decision regarding the outparcel on this site. Currently, this outparcel would be reviewed by Planning and Zoning Commission, as it is included in the text.

Vice Mayor Salay stated that she would prefer that this be changed.

Mrs. Boring noted that as Council opts to do this more often, is Council taking on the role of Planning Commission?

Mr. Smith responded that Planning & Zoning Commission will always be a recommending body to Council. This relates to Council making the final decision on this matter, if they so choose.

Mr. Gerber stated that he is not supportive of having the outparcel on the plan, as the applicant has not demonstrated that the internal design of the center can accommodate a safe flow of traffic, bicyclists and pedestrians. Until he is satisfied with this aspect, he cannot support this rezoning.

Ms. Chinnici-Zuercher noted that she can support the project. The issue is with this outparcel and not having information about it. Currently, none of this outparcel area is utilized by other than school bus parking for customers of Wendy's/Tim Hortons. This corner of the center is in need of some interesting dynamics to integrate the current outparcels and this future outparcel into the center. This may require a reconfiguration of all of these outparcels, and may require further review by Council at a future date.

Mr. Smith responded that staff will meet with the applicant's representatives and provide a memo for the next meeting in regard to all of these issues.

Mayor Lecklider stated that at the time of the original rezoning, there was not such an outparcel included. So to have an outparcel included now and yet not come back to Council for the final decision is the issue.

Mrs. Boring suggested it may be simpler to have the outparcel eliminated on this development plan so that it would come back as a future rezoning to be reviewed by Council.

Vice Mayor Salay noted this is what she is suggesting.

Mr. Smith responded that the proposal is not changing the square footage requirement, and so it would have to be achieved in another way. He understands Council's direction and will work with the applicant prior to the next reading.

Mayor Lecklider noted that, as Mr. Leibowitz has stated, there has been a very collaborative effort by all involved to bring this through the process. He noted that all Council Members are users of the center and want it to continue to be successful. All of the suggestions made are in that spirit.

Mr. Leibowitz stated that they appreciate Council's feedback. They will do their best to work with staff on the issues identified.

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and it will bring thousands of visitors to Dublin from around the world. With this event and the Memorial Tournament, the international marketplace will come to Dublin. This is important to both the Tournament and to Jack Nicklaus. However, without the support and long-standing relationship the Tournament enjoys with the City of Dublin, these two events would not be possible. He thanked Council for their support in the past and for the future. This is a great partnership, and they enjoy working with the City staff, the residents and the City Council. He offered to respond to any questions.

Mayor Lecklider noted that the City appreciates the 35-year relationship it has enjoyed with the Tournament. From Council's perspective, it was a great Tournament this year and what the Tournament accomplished in challenging economic times was a credit to the Tournament staff and Mr. Nicklaus. Council is pleased to hear the encouraging news of Nationwide's commitment to a major sponsorship. Dublin looks forward to a continued successful relationship in supporting the Tournament in the future.

Ms. Chinnici-Zuercher noted that in light of Nationwide's local presence in Dublin, she is hopeful that, as events are planned for the future, Dublin could have an opportunity to recognize the role that Nationwide plays in the City of Dublin as well as their support of the Tournament and Central Ohio.

Mr. Sullivan responded that they are beginning to formulate plans, and as common goals are established, the Tournament will bring this suggestion to Nationwide for consideration.

## **CORRESPONDENCE**

There was no correspondence requiring action from Council.

## **CITIZEN COMMENTS**

Wallace Maurer, 7451 Dublin Road asked for an estimate of the money the City has spent on the provision of water over the years, and how much money the City has spent annually on maintenance and/or updates to its water system.

Ms. Grigsby responded that she cannot estimate that amount at this time; however, the City annually invests in maintenance of the water system infrastructure. For example, the Avery Park water tower was repainted this summer at a cost of approximately \$500,000. Each year, funding is allocated for maintenance of the water system.

Mr. Maurer asked if the total cost, over the years, would range in the millions of dollars.

Ms. Grigsby responded affirmatively.

Mr. Maurer asked if the annual maintenance cost would be estimated in the range of \$1 to 2 million.

Ms. Grigsby responded that would be a reasonable estimate.

## **LEGISLATION**

### **SECOND READING/PUBLIC HEARING - ORDINANCES**

#### **Ordinance 36-10**

**Rezoning Approximately 28.42 Acres Located on the South Side of Perimeter Drive, West of Avery-Muirfield Drive and Northwest of Hospital Drive from PCD, Planned Commerce District (Riverside PCD, Subareas B and B1) to PUD, Planned Unit Development District (Avery Square PUD – Case 10-115Z/PDP/FDP/CU).**

Ms. Husak stated this ordinance was introduced at Council's October 11 Council meeting. She highlighted the changes the applicant has made in response to the four main concerns raised by Council members at that meeting:

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(1) Update of the development text. The applicant has worked with Planning and the Law Department to revise the text to require a recommendation from the Planning and Zoning Commission to City Council regarding an application for development of the outparcel. The proposed language gives City Council jurisdiction over the final details of the future outparcel on the site. The text has also been revised to include language regarding the applicant's commitment to dedicate right-of-way to the City for the planned intersection improvements surrounding the site. A redlined version of the proposed text was provided in tonight's meeting materials.

(2) Pedestrian/cyclist connections. Council members expressed concern with the adequacy of pedestrian and cyclist connections to and interior to the site. The applicant has provided an exhibit that indicates all existing paths connecting the site to the public bikepaths and sidewalks, and the locations of proposed crosswalks and proposed bike racks. The applicant is also planning to implement the installation of sharrows from the main intersection into the site.

(3) Vehicle stacking at Wendy's/Tim Hortons. The applicant has revised the plans for the site to include a dedicated eastbound, right-turn lane for Wendy's/Tim Hortons.

(4) Fuel station architecture. The applicant has revised the plans to increase the width of the columns by one foot for the fuel station canopy on both the north and south elevations of the Kroger store.

Ms. Husak displayed images of the site, as it exists today, and with the roundabouts contemplated by Engineering in the two intersections as indicated. She reviewed the proposed elements of the site. In summary, the two areas of changes with this rezoning are the fuel station for the Kroger store and, potentially, the outparcel, which Council would review in the future if/when development is proposed.

Vice Mayor Salay asked for the width of the bike lane with the sharrows. Ms. Husak responded that the lane width has not changed. It is typically 22 feet, which she can check and confirm later for Council.

Mr. Keenan stated that there is no specific lane width for sharrows. The sharrows are simply markings that are applied to the existing lane that indicates the lane is to be shared with bicycles.

Ms. Husak noted that she can check with Engineering on the width of this particular lane.

Vice Mayor Salay asked when the construction is scheduled for the roundabouts at the Avery Road/Perimeter Drive intersection and the Avery Road/Hospital Drive intersection.

Ms. Grigsby responded that they are scheduled for 2013.

Vice Mayor Salay asked if consideration could be given to moving that construction up a year or two.

Ms. Grigsby responded that the construction is scheduled for 2013 to align with the design schedule, which will be completed in 2011. This scheduling also allows the ability to coordinate the funding for the two projects from the revenue generated from the TIF districts identified for the projects. However, if additional dollars are generated within those districts, it would be possible to consider modifying the CIP schedule. The projects were previously accelerated in the CIP from year 2014 to year 2013.

Vice Mayor Salay stated that if this proposed rezoning is approved, there will be more activity in this already congested corridor. A vehicle sometimes waits three to four cycles at the traffic light before being able to make a left turn.

# RECORD OF PROCEEDINGS

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DAYTON LEGAL BLANK, INC. FORM NO. 10148

October 25, 2010

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Held

Ms. Grigsby stated that it is estimated that the design contracts for the projects will be entered into early in 2011. When better design information is available, an estimate of the actual construction costs will be feasible. At this time, only preliminary construction estimates are possible.

Ms. Husak stated in response to the question about lane width, the width of the lanes is 12 feet each, two exiting north and south from the site, and one entering the site.

Mr. Reiner stated that the turning movements into the fast food businesses have now been addressed. Is Engineering satisfied with the number of cars the stacking lane will hold in terms of those turning left into the new driveway? Mr. Hammersmith responded that staff believes there will be sufficient stacking capacity in that location.

Mayor Lecklider noted that it appears that the bicycle sharrows are on the perimeter of the site. In front of the Kroger store and the entire west end, there is a significant lane with sharrows. Is there any intention to install sharrows in other locations, such as the lane on the north side?

Ms. Husak responded that the intention is to facilitate the cyclists' access to the bike racks, and therefore there are sharrows in the three main areas exiting the public road onto the site. The bike racks are located near the stores.

Eric Leibowitz, Casto Properties, 191 West Nationwide Blvd., Suite 200, Columbus thanked Council for their comments at the previous Council meeting and for staff's help in resolving the issues. With the added sharrows, the site now better accommodates the needs of pedestrians and cyclists. The Wendy's/Tim Hortons stacking situation has also been greatly improved, and he thanked Council for making them aware of this. The Kroger elevations have been changed per Council's suggestion. The development text has also been amended to address the outparcel approval process and the dedication of right-of-way. The applicant believes they have addressed all of the concerns raised by Council, and would appreciate Council's support for this rezoning.

Vice Mayor Salay asked for clarification about the future outparcel approval process.

Mr. Smith responded that the application would be reviewed by the Planning Commission; the Commission will then make a recommendation to Council; and Council will either approve or disapprove their recommendation.

Mrs. Boring stated that, as she understands, the Planning Commission will make a recommendation regarding the final plat or amended final development plan.

Mr. Smith noted that they would also make a recommendation regarding the conditional use.

Mrs. Boring asked if what is developed on that outparcel would always be a conditional use -- even if it does not follow the conditional use guidelines.

Mr. Smith responded that it will always be a conditional use, which Council will decide following the Planning Commission's recommendation to Council. As in the recent Giant Eagle rezoning, Council has removed the final decision-making authority from the Planning Commission who will be the recommending body. That applies to the final development plan as well, providing Council additional flexibility.

Mrs. Boring stated that she had not understood earlier that this outparcel would be a conditional use.

Mr. Smith responded that is true only in the case where what is proposed for the outparcel is a conditional use. However, if it is not, it will still come to Council for final development plan approval.

# RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10146

October 25, 2010

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Held \_\_\_\_\_

Mrs. Boring stated that Council could then determine that the proposed use is not appropriate for the site.

Mr. Smith responded that Council would then disapprove the application.

Mrs. Boring pointed out that it is a zoning issue, and so there is nothing Council can do if they do not like the plan.

Mr. Smith responded that Council would still have the ability to disapprove a final development plan if it does not fit the neighborhood, if the traffic does not work, if the lot coverage is too high, and for many other reasons.

Mrs. Boring stated that such a situation would result in more potential for litigation.

Mr. Smith noted that the square footage in the center has not changed from the initial rezoning of the property. However, the language of the original text was written in such a way that it could result in litigation. If Planning Commission disapproved it, the applicant could appeal it within the county court system, and Council would have no input whatsoever. In this revised development text, that has been changed, based on Council's direction.

Mayor Lecklider invited public testimony.

Wallace Maurer, 7451 Dublin Road stated that he has three questions.

(1) What is an "outparcel", and where is it located on this site?

Ms. Husak responded that it is the hatched area in the plan.

Mr. Smith stated that it is similar to the Burger King and Wendy's outparcel sites, which were developed for those tenants.

(2) On page 4 of the proposed development text, item 5A states that, "All bike racks must have two lock-up positions." Does that mean two parts of a bike must be locked up, or are there alternative spots where the bike is locked up?

Mr. Reiner responded that the bike racks are designed to secure two portions of the bike.

(3) Mr. Maurer inquired if the sharrow markings appear at certain intervals along the road to mark the bike lane.

Mr. Reiner responded that the sharrows are different than bike lanes. The sharrows indicate that the road is to be shared by cyclists and motorists.

Mr. Maurer inquired if cars can also use the lane with the sharrow markings.

Mr. Reiner responded affirmatively. The sharrows are designed to alert drivers that there could be potential bicycle use of the roadway, as well.

Mayor Lecklider thanked Mr. Leibowitz and his staff for working collaboratively with City staff to make the requested revisions. The City is looking forward to the future improvements at this center.

Vote on the Ordinance: Vice Mayor Salay, no; Mr. Reiner, yes; Mayor Lecklider, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes; Mrs. Boring, no; Mr. Gerber, yes.

## **Ordinance 37-10**

**Authorizing the City Manager to Execute All Necessary Conveyance Documentation to Convey Franklin County Parcel No. 274-000025 to R. Steven and Dorothy J. Marcus in Furtherance of Litigation Settlement.**

Mr. Hammersmith stated that the previous exhibit showed the entire area as being transferred to Marcus. In reality, what will occur is that the right-of-way will be split both north and south. Upon vacation, the northern half will go to the Lowes, the current property owners on the north side of Dan Sherri Road, and the southern half will go to Marcus. At the time of vacation, a shared use agreement would be entered into, whereby there would be cross access for both adjoining properties.



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*Creating a Legacy*

## PLANNING AND ZONING COMMISSION

### RECORD OF ACTION

**SEPTEMBER 16, 2010**

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

- |  |   |
|--|---|
| <b>2. Riverside PCD, Subareas B and B1<br/>Avery Square Shopping Center<br/>10-001Z/PDP/FDP/CU</b> | <b>6850 – 7100 Hospital Drive<br/>6315 – 6595 Perimeter Drive<br/>Rezoning with Preliminary Development Plan<br/>Final Development Plan/Conditional Use</b> |
|--|---|

**Proposal:** A new Planned Unit Development District (Avery Square) for 28.42 acres currently located within Subareas B and B1 of the Riverside Planned Commerce District. The proposal is intended to indicate the future development of an outparcel, the construction of a fuel station for the grocery store as conditional use, increase the amount of outdoor dining areas in the shopping center and accommodate future intersection and access improvements. The site is located on the north side of Perimeter Drive, west of Avery Muirfield Drive and northwest of Hospital Drive.

**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 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:** Charles Fraas and Eric Leibowitz, Casto.

**Planning Information:** Claudia D. Husak, AICP, Planner II.

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

**Motion #1:** To recommend approval of this Rezoning with Preliminary Development Plan application because it complies with the appropriate review criteria and the existing development standards within the area, with two conditions:

- 1) That the development text be modified to clarify the fuel station ownership by the grocery store as discussed by the Commission;
  - 2) That the development text be modified to encourage articulation along blank facades along the rear.
- Eric Leibowitz, the applicant agreed to the above conditions.

**PLANNING AND ZONING COMMISSION  
RECORD OF ACTION  
SEPTEMBER 16, 2010**

2. **Riverside PCD, Subareas B and B1** 6850 – 7100 Hospital Drive  
**Avery Square Shopping Center** 6315 – 6595 Perimeter Drive  
**10-001Z/PDP/FDP/CU** **Rezoning with Preliminary Development Plan**  
**Final Development Plan/Conditional Use**

**VOTE:** 7 – 0.

**RESULT:** Approval of this Rezoning with Preliminary Development Plan application is recommended to City Council.

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**MOTION #2:** To approve this Final Development Plan application because it complies with the development text, the applicable review criteria and the existing development standards within the area.

- 1) That the lanterns proposed for the center identification signs not exceed a lighting level of 7.5 watts;
- 2) That deciduous trees be setback at least eight feet from the curb along the entry feature;
- 3) That a more diverse plant palette for replacement trees, particularly tulip trees, be selected, and;
- 4) That the applicant work with Planning to mirror the landscape treatment on Hospital Drive for the sign area along Perimeter Drive at an appropriate scale and size.

**VOTE:** 7 – 0.

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

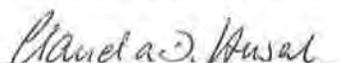
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**MOTION #3:** To approve this Conditional Use application because it complies with the conditional use review criteria. Mr. Zimmerman seconded the motion.

**VOTE:** 7 – 0.

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

STAFF CERTIFICATION

  
Claudia D. Husak, AICP  
Planner II

feel will be harder to do with the high density. He said he does not agree with the need for an urban development in a suburban neighborhood.

Todd Zimmerman said he agrees that it is hard to place an urban setting into a suburban neighborhood. He said it is a very hard and tightly squeezed fit. He said he agrees with the comments in the Planning Report. He said the applicant is missing the mark, and if everyone can come together this could be a better project.

John Hardt said it does not look like a lot has changed since the last submittal a year ago. He said it does not appear that the major concerns have been addressed. He said it looks and feels like an inward focused community, there are a lot of sidewalks and bike paths inside the roadway loop, but the sidewalks do not go anywhere or connect to anything.

Mr. Hardt said Land Use Principals 2, 7, 8 and 10 which refer to pedestrian environments and places with opportunities and connectivity to walk and bike have not been applied. He said he agrees with what the other commissioners have said both tonight and last year.

Chris Amorose Groomes said this plan is better than the last and the materials on buildings have improved but the functionality has fallen short. She said there is not a strong pedestrian environment and she does not understand why there is not connectivity to the high school. She said it would give people to the north connectivity in an efficient manner to get to the high school.

Ms. Amorose Groomes cited Land Use Principal 8, creating better connected places. She said the connections have not been made better. She also cited Land Use Principals 9, creating streets that contribute to the character of the community. She said this project does not contribute to that area.

Ms. Amorose Groomes cited Land Use Principal 10, provide opportunities to walk and bike throughout the community. She was concerned that because there is not any connectivity it is difficult to get to other places within the community. She said the materials are better and enhancements have been made, but it is a very tight feel. She said it seems as though the applicant is squeezing as many building as possible onto this property.

Ms. Amorose Groomes said this record will go forward to City Council to aid in their decision.

**2. Riverside PCD, Subareas B and B1  
Avery Square Shopping Center  
10-001Z/PDP/FDP/CU**

**6850 – 7100 Hospital Drive  
6315 – 6595 Perimeter Drive  
Rezoning with Preliminary Development Plan  
Final Development Plan/Conditional Use**

Chris Amorose Groomes introduced this application for a new Planned Unit Development District on 28.42 acres currently located within Subareas B and B1 of the Riverside Planned Commerce District. She said the proposal is intended to facilitate the future development of an outparcel, the construction of a fuel station for the grocery store as a conditional use, and accommodate future intersection and access improvements. She explained that this application consists of three components, the rezoning with the preliminary development plan, the final development plan, and the conditional use. She said the three motions are required and the rezoning/preliminary development plan will go to City Council for a final decision.

Ms. Amorose Groomes swore in those intending to speak in regards to this case, including the applicant Eric Leibowitz, representing Casto; Andrew Gardner, representing Bird and Bull, Lindsey Taylor, representing Kroger; and City representatives.

Claudia Husak said the applicant has made changes to the development text and clarified the fuel station operations by Kroger, the roof materials being permitted and used in the center, and the requirements for bollards and bike racks. She said the applicant has revised the preliminary development plan to only indicate an area for the outparcel without any design details as requested by the Commissions the last time this application was before them. She explained that a final development would be required to be approved by the Commission in the future should the applicant want to go ahead with the development of the outparcel. Ms. Husak said that Planning encouraged the applicant to show a slightly larger area for the potential outparcel to allow for more creativity in the future in the design and layout.

Ms. Husak said changes have been made around the fuel station area with the elimination of a curb cut along the southern landscape island. She said parking to the north of the fuel station has been changed to make the circulation pattern clearer and the landscape islands have the appropriate dimensions indicated on the plans. She said the fuel station elevation changes include the option with the full masonry columns and the pumps are now beige to match the building.

Ms. Husak said the applicant has also provided details for the under canopy lighting that Planning previously requested. She said most of the changes were made to the entry feature; the applicant has been working with Planning to create a high-quality entry feature with appropriate plant material, a paver treatment for the entry drive that also incorporates the proposed center identification sign.

Ms Husak said that plant material was changed throughout the site per Commission concerns and suggestions. She said there are three signs proposed and some revisions have been made to the fuel station signs. She said that Planning recommends approval of all three portions of the application and without any conditions. Ms. Husak mentioned that Mr. Hardt had voiced some concerns about lighting levels for the center identification signs, which may be best addressed with a condition.

Eric Leibowitz, representing Casto, said the access on the southern drive was a significant issue for Kroger. He said the parking area north of the fuel center has been modified to improve the traffic flow and increased the green space around the entry feature. He said Kroger has eliminated 206 parking spaces from the existing parking field, the north parking field will retain 70 parking spaces and will be employee parking.

Mr. Leibowitz said the outparcel will be completed to the standards of the Commission. He said the center identification signs were changed and the light level will be changed with whatever the Commission desires. He said the Hospital Drive sign is now incorporated into the entry feature. Mr. Leibowitz said there are 17 tenants in the shopping center and there are currently five center names being advertised. He said the tenants on the north end of the center on Perimeter Drive have a Perimeter Drive address but the tenants on the west have a Hospital Drive address.

Andrew Gardner, representing Bird and Bull, said opening the entry enabled them to arch the flowers. He said pear trees were eliminated and crab apples trees will be used as requested, the junipers will be replaced with perennials. He said all the landscape islands are now ten feet wide.

Lindsey Taylor, representing Kroger, said to remain competitive it is necessary to have fuel stations. She said the parking to the north of the fuel center is for the better for circulation. She said 206 parking spacing will be removed; Kroger will retain 70 parking spaces for employee parking.

Mr. Walter read from the proposed development text and was concerned that the conditional use section appears to allow another retailer to move into the current Kroger location and the fuel station to be used as an independent fuel station.

Ms. Kramb said the wording should be changed to “operated” rather than “owned”.

Mr. Leibowitz said the retailer that purchases Kroger will also run the gas station.

Mr. Walter said he is concerned Kroger will assign a gas station company to run the station.

Jennifer Readler asked if all of the fuel stations are owned by Kroger.

Ms. Taylor said there are affiliates which would still operate under the Kroger corporate name. She said the rights need to be preserved for the successors.

Mr. Fishman said it has to be affiliated with the grocery store.

Ms. Taylor asked if they are permitted to keep the successor language and the Commission agreed.

Mr. Walter said with respect to the signs, he was concerned that any sign location along the Perimeter Drive entrance lacked the design and quality of the Hospital Drive sign location. He said he would like to see the incorporation of the monument sign on Perimeter Drive to be in concert with the landscaping. He said it will become the primary access to the center. He asked if the applicant plans to enhance the landscaping around the sign.

Mr. Fishman said the applicant has done a commendable effort and is happy to see the results of the work.

Mr. Hardt said he would like the bulbs in the sign lighting conditioned.

Mr. Taylor said he likes the entry way and the ideas for landscaping.

Ms. Amorose Groomes said she appreciates the change of plant material; however one concern is 40 inches of the 98 caliber of trees that must be replaced. She said there are a lot of Honey Locusts on this property and the trees have struggled, she suggests replacing some of the inches with another variety of tree such as a Tulip tree.

She said there needs to be a condition stating that all tree plantings need to be a minimum of eight feet from the curb. She said there needs to be more diversity in plant material selection.

Mr. Leibowitz said the goal is to incorporate the sign into the landscaping already present.

Mr. Walter said to mirror the landscaping on the east of Hospital Drive on a smaller scale on the north side. He said it may mean refreshing the current material.

**Motion #1 and Vote – Rezoning Preliminary Development Plan**

Mr. Fishman made a motion to recommend approval of this Rezoning with Preliminary Development Plan application because it complies with the appropriate review criteria and the existing development standards within the area, with two conditions:

- 1) That the development text be modified to clarify the fuel station ownership by the grocery store as discussed by the Commission;
- 2) That the development text be modified to encourage articulation along blank facades along the rear.

Eric Leibowitz, the applicant agreed to the above conditions.

Mr. Zimmerman seconded the motion.

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

**Motion #2 and Vote – Final Development Plan**

Mr. Fishman made the motion to approve this Final Development Plan application because it complies with the development text, the applicable review criteria and the existing development standards within the area. Mrs. Kramb seconded the motion.

- 1) That the lanterns proposed for the center identification signs not exceed a lighting level of 7.5 watts;
- 2) That deciduous trees be setback at least eight feet from the curb along the entry feature;
- 3) That a more diverse plant palette for replacement trees, particularly tulip trees, be selected, and;
- 4) That the applicant work with Planning to mirror the landscape treatment on Hospital Drive for the sign area along Perimeter Drive at an appropriate scale and size.

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

**Motion #3 and Vote – Conditional Use**

Ms. Kramb the motion to approve this Conditional Use application because it complies with the conditional use review criteria. Mr. Zimmerman seconded the motion.

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



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**PLANNING AND ZONING COMMISSION**

**RECORD OF ACTION**

**AUGUST 19, 2010**

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

- 3. **Riverside PCD, Subareas B and B1** **6850 – 7100 Hospital Drive**  
**Avery Square Shopping Center** **6315 – 6595 Perimeter Drive**  
**10-001Z/PDP/FDP/CU** **Rezoning with Preliminary Development Plan**  
**Final Development Plan/Conditional Use**

**Proposal:** A new Planned Unit Development District (Avery Square) for 28.42 acres currently located within Subareas B and B1 of the Riverside Planned Commerce District. The proposal is intended to facilitate the future development of an outparcel, the construction of a fuel station for the grocery store as conditional use, increase the amount of outdoor dining areas in the shopping center and accommodate future intersection and access improvements. The site is located on the north side of Perimeter Drive, west of Avery Muirfield Drive and northwest of Hospital Drive.

**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 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:** Charles Fraas, Casto.  
**Planning Information:** Claudia D. Husak, AICP, Planner II.  
**Contact Information:** (614) 410-4675, chusak@dublin.oh.us

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

**VOTE:** 7 – 0.

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

**STAFF CERTIFICATION**

*Claudia D. Husak*  
 Claudia D. Husak, AICP  
 Planner II

- 5) That information regarding the under canopy lighting for the pharmacy drive-thru be resubmitted indicating that it meets the lighting provisions of the Code and that the final development plan be revised to indicate that no lighting in the attic dormers of the shopping center be permitted and that the lighting in the new tower element be restricted to the same appearance of the grocery store entry;
- 6) That if bollards are used around the pharmacy drive-thru, they match the building materials in color, subject to Planning approval, and;
- 7) That any new cart corrals have an eight-foot planting bed on both sides.

Ben W. Hale, Jr., on behalf of the applicant agreed to the above conditions.

Mr. Fishman seconded the motion.

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

**Motion #2 and Vote – Conditional Use**

Mr. Taylor made the motion to approve this Conditional Use application because it complies with the conditional use review criteria. Mr. Zimmerman seconded the motion.

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

**Administrative Business**

Ms. Amorose Groomes called a short recess at 8 p.m. before reconvening to hear the next case.

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|--|---|
| <b>3. Riverside PCD, Subareas B and B1</b> | <b>6850 – 7100 Hospital Drive</b>                 |
| <b>Avery Square Shopping Center</b>        | <b>6315 – 6595 Perimeter Drive</b>                |
| <b>10-001Z/PDP/FDP/CU</b>                  | <b>Rezoning with Preliminary Development Plan</b> |
|  | <b>Final Development Plan/Conditional Use</b>     |

Chris Amorose Groomes introduced this application for a new Planned Unit Development District on 28.42 acres currently located within Subareas B and B1 of the Riverside Planned Commerce District. She said the proposal is intended to facilitate the future development of an outparcel, the construction of a fuel station for the grocery store as a conditional use, and accommodate future intersection and access improvements. She explained that this application consists of three components, the rezoning with the preliminary development plan, the final development plan, and the conditional use. She said that three motions are required and the rezoning/preliminary development plan will go to City Council for a final decision.

Ms. Amorose Groomes swore in those intending to speak in regards to this case, including the applicant, Charles Fraas, Casto; Andrew Gardner, Bird and Bull; and City representatives.

Claudia Husak presented this application and summarized the Commission's comments made at the July 8<sup>th</sup> meeting. She said the Kroger store was the major tenant of the Avery Square shopping center. She said included in the meeting packet was a revised development text which includes all of the changes except for a few the Commission had requested at that meeting. She

said it also included a preliminary development plan site plan that shows how the access changes are being handled. She said there was the inclusion of a fuel station and an outparcel to the north. She said that the changes made to the development text were operational, as far as the fuel station is concerned being part of the grocery store. She explained that a condition to that affect has been added because in Planning's opinion, the location of that requirement within the development text is not ideal. She said there are requirements for cleanup and restoration of the site if the fuel station were no longer to operate there, a restriction on outside merchandise, and clarified language regarding the access being dependent on the City's final design. Ms. Husak said the applicant is continuing to include center identification signs, but at a lower height than what Code would permit. She said changes were made to the parking required based on the gross floor area, and that the patio amenities are required to match throughout the center, with a requirement for storage.

Ms. Husak said regarding the site plan, there were some minor changes made to the fuel station location and also to the outparcel location. She said areas italicized and in bold on the chart presented indicate some areas that have not been addressed as far as what the Commission had envisioned.

Ms. Husak said regarding the final development plan, the fuel station was moved slightly to the north and it incorporates the area where the fuel truck delivery would be made within a landscaped island. She said that moving the fuel station to the north allowed for a larger landscape island with much more landscaping and separates the fuel truck delivery area somewhat from the main drive into the shopping center.

Ms. Husak said the height and pitch of the roof has been modified for the fuel station elevation. She said the applicant decided to provide an alternative architectural elevation of the fuel station to be reviewed by the Commission. She said that Planning prefers Option 1.

Ms. Husak said revised details for the shopping center identification signs have been submitted and the applicant has included landscaped cart corrals.

Ms. Husak said regarding the entry feature design, the Commission commented that it should be dramatic and provide a sense of arrival. She said that Planning continues to be concerned that the entry feature falls short of that objective.

Ms. Husak said the fuel station is considered a conditional use in the proposed development text, and is the third application component requiring a vote.

Ms. Husak presented the preliminary development plan proposed to the Commission in July. She said the primary changes are in the southern portion where the fuel station is located and in the area where the outparcel is proposed.

Ms. Husak presented the revised preliminary development plan showing the outparcel moved slightly to the west. She said it maintains the north/south drive aisle and also retains some parking spaces in the vicinity of the Wendy's/Tim Horton's which are often used by construction vehicles. She said that Planning and Engineering have concerns about access proposed around the outparcel, and those are details that they could work out during the final development plan stage for development of the outparcel because it is not included as part of this final development

plan. Ms. Husak said the applicant has looked at moving it farther to the west, and is prepared to discuss the traffic implications with the Commission.

Ms. Husak said that for the final development plan, the outparcel is removed, as the applicants are not planning to develop that portion of the site immediately. She pointed out that the landscape island was increased to the south of the fuel station and an access point close to the intersection was eliminated, allowing the fuel tank delivery area to be incorporated into the landscape island, with a striped area where trucks would park to deliver fuel. Ms. Husak said three landscaped cart corral areas are proposed for the Kroger grocery store.

Ms. Husak said in their discussions about looking at eliminating some of the parking south of the main access and moving the fuel station even farther north, or including some of this area as part of the entry feature, it is the Kroger Company's desire to require employees to use this part of the parking lot.

Ms. Husak said the landscape island shown in yellow is the location of the proposed sign for the fuel station. She pointed out that the sign had been modified to relocate the brick band to the base of the sign, which coordinates better with the architecture of the center and it also has a brick band on the bottom of the stone. Ms. Husak said Planning is still concern about the reveal being too narrow on both sides and would prefer that it be increased by a foot on both sides of the sign face.

Ms. Husak said the main difference between the two fuel station options was the treatment of the columns. She said one was proposed to have masonry columns, which is Planning's preferred option because it resembles other fuel stations in Dublin. She said the external merchandise has been removed from the revised elevations. She said Option B shows more of a column treatment with masonry only on the bottom of the columns.

Ms. Husak said regarding the access modifications, an idea discussed at the July meeting was to include a landscape boulevard in the center of the access drive, which the City will build as part of the intersection improvements in this general area. She said design-wise, it is important that it be aligned with the north/south drive aisle. Ms. Husak said there may be room for a narrow, shorter median, but how much landscaping that could incorporate is not her area of expertise. She said if the Commission desires, the subject will be taken back for further discussion with Dana McDaniel and Marsha Grigsby to include that in the design for the entry drive.

Ms. Husak said landscaping-wise, there is a lot of plant material proposed along the south side of the east/west connecting drive throughout the center. She said however, there is nothing proposed to the north of the entry drive and there are still large areas of grass that could incorporate landscaping. She said there are engineering constraints as far as where water flows on the site, and that was explained as the reason for the size and location of the proposed pond.

Ms. Husak said two center identification signs are proposed to be located on Perimeter Drive and Hospital Drive. She said both signs are eight feet tall. She said that although Code permits 15-foot signs, eight feet is more consistent with approved signs in this area.

Ms. Husak said there are three application components. She said the rezoning and preliminary development plan application would be forwarded to City Council for final approval, and there is

a condition about the development text being clarified as far as the operation of the fuel station by a grocery store. She said that Planning wants that to be listed as part of the conditional uses, and not where it is currently located as part of the general development standards.

Ms. Husak said for the final development plan, eight conditions are listed in the Planning Report, and many of them have to do with landscaping that was discussed at the July meeting. She explained that there seems to have been some miscommunication with the applicant and their landscape architect, so there are conditions for those details.

Ms. Husak said for the conditional use, the fuel station is in the development text and would require a separate approval by the Commission.

Ms. Amorose Groomes asked if there was anyone in the audience wishing to speak in regards to this case. [There were none.]

Charles Fraas, Casto, the applicant, referred to a memorandum provided in the packets addressing the items raised by the Commission at the last meeting. He said they were fine with the condition regarding the fuel station operated by the grocery store. He said they understood the requirement of cleanup and restoration of the fuel station. Mr. Fraas said outdoor storage has been eliminated from the text and the elevations. He said the final access design is based on the City's plans. He said they have agreed with the City that the design is what they think is going to happen and they hope that any variation is minor from the final design.

Mr. Fraas said the requirement of stone as a material for the outparcel signs is not a problem. He said they have reduced the center identifications signs and have shown two different sign options. He said one could be at the entrance on Hospital Drive and the other on Perimeter Drive.

Mr. Fraas said that the change requiring parking per gross floor area versus net floor area was no problem. He said they agreed to the language recommended by Planning with regard to the patios.

Mr. Fraas said regarding the site plan, they shifted the outparcel west which was a concern brought up by the Commission at the last meeting. He said both their engineers and the City agree that the north/south drive should stay where it is. He said for them to add the outparcel and move it to the other side of the north-south drive really impacts parking. Mr. Fraas said that they tried to deal with the Commission's comments with regard to the construction and landscape trucks by maintaining some parking there. He reiterated that the site plan was only a concept because staff had asked them to show what could be there instead of leaving it blank. He said they understood that any future development of that outparcel would have to come back for final development plan and possibly conditional use review.

Mr. Fraas pointed out that they modified the turning radius behind Wendy's, and they went ahead and agreed to do that at the time that the construction is done by City.

Mr. Fraas said they have moved the fuel facility north. He said there were concerns with trying moving it even farther north, since staff was concerned with making sure that as much of the traffic that was generated from the fuel station would go south. He said by moving it north, he thought they had made a better project.

Mr. Fraas said external merchandise units have been eliminated from the fuel station. He said they have increased the height and modified the pitch of the roof, and they hoped that addressed the issues of making the roof more visible from the ground elevation.

Mr. Fraas said they have addressed the plan inconsistencies regarding the canopy columns. He said they did not care which of the two columns the Commission chooses. He pointed out that unlike across the street at the gas stations and Giant Eagle, columns are used as an architectural feature in the Avery Square shopping center, but they have no preference. He added that the hidden logos on the backs of the signs on the columns have been deleted.

Mr. Fraas said Kroger is willing to do the landscaped cart corrals, but they have a problem with the trees in the cart corrals because it could become a health issue. He said they would be happy to have hedges and other plants, but preferred not to have plants overhanging the carts.

Mr. Fraas said a big issue was that Kroger had certain parking requirements and minimum standards that need to be met. He said ideally a new Kroger shopping center would need five parking spaces per thousand, but they were willing to go below that in certain circumstances, especially where they have determined they can meet it. Mr. Fraas said here, they can, but they cannot eliminate those parking spaces that will be designated for employees. He asked that it be realized that the main access drive has been moved to the east, so the main parking lot for Kroger is getting smaller by the addition of the fuel station and to eliminate more parking.

Mr. Fraas said another issue was putting a pond at the entry way, which was an engineering issue. He said that with regard to the median, the City is responsible for that improvement.

Mr. Fraas said with regard to the landscaping, they have an issue with the drainage and the way it swales down, but if there is a way to accent and put additional vegetation there, they can work with staff.

Mr. Fraas referred to Rezoning/Preliminary Development Plan Condition 1 and said it was probably in the wrong section of the text and they had no problem with moving it. Regarding the Final Development Plan, he said they agreed to Conditions 1 through 6. He said they were okay with Condition 8 and would work with staff on the landscaping. Mr. Fraas said that they were willing to do Condition 7, without the trees for safety and health issues mentioned previously.

Mr. Fraas said that Kroger was a corporate citizen that has been very good to work with, and Dublin is a community which benefits from retailers like Kroger. He said that Kroger has in the last two quarters given over \$100,000 towards Dublin non-profit organizations and events. He added that schools and non-profit organizations have participated in the Kroger Community Rewards program, where in Central Ohio they have given over \$5 million in funding. Mr. Fraas said by allowing a fuel station which is ultimately going to benefit the customer by saving money on their gas, be able to go to the store and allocate their rewards to help Kroger plans, they think is something that is going to be beneficial. Mr. Fraas requested the Commission's support and approval of this application.

Amy Krumb asked why the outparcel details were included on the preliminary development plan since it was not part of their proposal for the final development plan.

Ms. Husak explained that Code required a preliminary development plan site plan that shows what is proposed on the site in accordance with the development text, and the applicant is proposing an outparcel as part of this preliminary development plan application. She said it was a Commission-driven decision for the other shopping center to eliminate the details for the fuel station, but it is a requirement of Code to have a preliminary development plan that shows where uses are proposed on the site.

Ms. Kramb noted that the development text did not talk about it. Ms. Husak explained that the development text has a certain square footage limitation, and the proposal is for less than the maximum in the text.

Ms. Kramb said she had the same concern as she did with Giant Eagle. She said she did not like putting something on the plans that she might not be completely satisfied with, and then another Commission ten years from now thinks that this Commission approved that location and what it would look like, and they act on the assumption that the plan is complete. She said she understood that it was preliminary and a general idea, but she preferred leaving it blank.

Ms. Amorose Groomes said that portion would be discussed later.

Warren Fishman said regarding the cart corral issue, he would not object to not putting trees around them, but he would insist on having other islands close by with trees in them. He said there seemed like there was tons of parking and he never had a problem parking when shopping there. He said the purpose of the trees was to break up the mass of asphalt.

John Hardt asked if the cart corral islands are necessary to meet interior landscape requirements. Ms. Husak said the interior landscape requirements are met without the cart corral islands.

Kevin Walter requested a review of the revised proposed outparcel plan. He noted that the footprint of the building had been decreased to decrease the surrounding parking requirement and allowed some parking to remain on the east. He also noted that there was extra landscaping on it that was on the west that had been reduced.

Ms. Husak said the landscaping was probably the same size as far as the footprint of the building was concerned.

Mr. Walter said it was probably a decrease of the openspace to require that. He noted that in the Planning Report it said that Engineering felt that the north/south drive aisle needed to remain and asked for further detail. He said he understood the need for it to remain north/south, but why it did not sit farther west as the Commission had discussed before.

Kristin Yorke said it would be more circuitous if it were moved west, and they wanted people to get where they wanted to go instead of having to keep stopping and starting with interfering traffic. She said as shown, it was more straightforward.

Mr. Walter said he understood that was a preference, but he wondered about the traffic flow. He said currently a lot of traffic comes in and heads towards the eastern outparcels and a lot comes into the center and heads to the west. He questioned how much traffic came in and went north.

He said he was uncomfortable that a large enough parking field has been provided for the overflow parking for the outparcels on the east side.

Mr. Hardt asked if the black line shown on the north/south drive separating Wendy's from the shopping center was a property line. He asked if Wendy's owned their site.

Mr. Fraas explained that Tim Horton's is the ground lessee of that property. He said they own their own building, but Casto has ground leased that property to them. He said he did not know if that was the actual property line.

Mr. Walter said he did not think this center needed signs and he was not in favor of adding signs to the center. He said this center did not need that level of identification because he believed it was currently well identified as is.

Mr. Walter said regarding the fuel station access, he liked the way the island has been created, but he was concerned about the first access into the fuel station being a redundant curb cut. He said he was concerned that vehicles will exit from that point as well as the other and no one will know who is going which way. He suggested the first access point be closed.

Mr. Walter said the parking field to the north of the fuel station, even if it remains, is a mess the way it is designed. He said he was concerned with getting good traffic flow through that area.

Mr. Hardt said he thought the movement of the fuel station to the north was good and he thought it was moved far enough. He said the increase in size of the landscape island was a good improvement; however, the two driveways next to each other cause him concern. He said closing them off altogether would be an option, but if the applicant feels the driveway is important, then closing and moving it to the east on the other side of the underground fuel tanks could be an option he would be willing to consider.

Mr. Hardt said regarding the site circulation issues, he had always thought that the north/south driveway that went through the main parking field to the north is fine where it is located. He said having cars come in, stop at a stop sign, turn left, and then immediately turn right to get to any of the stores on the north half of the center would be a circulation disaster.

Mr. Hardt said he realized that this was just one possible site layout and they were not discussing the details of the outparcel, but the one thing he did not like about the preliminary development plan was the way it was configured in tonight's submission where vehicles have to go through this small field of parking to get to the outparcel. He said it was a step down from where it was previously.

Mr. Hardt said he wondered whether accommodating the overflow parking for the restaurant outparcels is really this applicant's problem. He said he did not know if there were cross-parking agreements in place, or how that worked because the information was not provided. He said typically, the City does not make one property owner redesign their site to accommodate an overflow parking problem on their neighbor's site.

Mr. Walter said all the uses in the center are tied together and whether there is a property line drawn or not is immaterial to how it operates. He said maybe the answer was to reconfigure the

entire parking lot and driveway in that corner of the site rather than trying to preserve the drive just west of Wendy's. He said if the Commission had an opportunity now to change the way that the center traffic flows, they need to do it because this is the only time in the next 30 years that they will have the opportunity.

Steve Langworthy pointed out that it was not highlighted in the Planning presentation that the future roundabout at Perimeter Drive and Avery-Muirfield Drive also extends back so the drive to the north will also become a right-in/right-out. He said that just as this splitter island affects the south drive, the splitter island to the north will eventually affect that drive also.

Mr. Hardt reiterated that the small field of parking and having vehicles travel through it to get to an outparcel of some description and some design to be determined later is problematic to him.

Todd Zimmerman said he agreed with Mr. Hardt and Mr. Walter on eliminating one access point for the fuel station.

Mr. Zimmerman said Wendy's and Tim Horton's do extremely good business and this is probably the reason for the parking issues. He said their parking overflow is primarily from construction vehicles and school buses. He agreed that the issue was whether their access went into the other lot. Mr. Zimmerman said he had no problem putting an outparcel where it is proposed, but he asked if they had to go to the level of detail of how the parking would be laid out tonight. He said this could be a ten year program. Mr. Zimmerman said as long as he knew approximately where it is going to be located, proximity to the size of the building, the detail of the parking is not necessary because years from now the restaurants may not be there.

Ms. Husak said originally, the proposal from the applicant had shaded out the entire area between the two north/south access points, and Planning requested more detail as to how it could be arranged or what could happen there.

Mr. Hardt said he understood the request, but given the fact that what the Commission is seeing is fictional, he would feel more comfortable if the preliminary development plan that they actually approve as part of the record is just shown as a shaded area. Ms. Kramb and Mr. Zimmerman agreed.

Mr. Zimmerman said he believed that in the future, the entrance to the north on Perimeter Drive is going to be a bigger entrance in the future than it is now. He expected that in the future, they may want a sign there.

Mr. Fishman said he agreed with Mr. Walter that no further identification signs are needed for this center. He reiterated that he would like to see islands with trees added at Kroger. He agreed that the second entrance to the fuel station should be closed because it was not needed and would cause more congestion. He agreed with Ms. Kramb that the outparcel should be left blank now to avoid confusion with future Commissions.

Richard Taylor noted that the plans indicated asphalt shingles, and he thought they were all slate or composite. Mr. Fraas agreed to change that as they agreed previously to do.

Mr. Taylor said last time, when he talked about the entry he suggested they should have something more substantial and more dramatic. He said during that discussion many things

about the entry were thrown out by the Commissioners including a pond, a median, and things like that. He said he did not think anyone said they needed to see a pond and a median – those were just thoughts. However, he said the Commission would like to see another idea of the applicant's to make that entrance great. He apologized to Mr. Fraas for having spent effort having to explain those two issues, thinking that they were things that the Commission specifically asked for.

Mr. Taylor said he disagreed with Mr. Walter, and thought the proper size of signs was somewhere between what they had reviewed last time and the ones proposed this time. He said last time, the main entry sign was probably too big, but it was a nice sign. He said the signs proposed tonight were weak and not very interesting. He said if they are going to have signs, they should make a statement. He said last time, he commented that a significant sign can be done as long as it is worked into some landscaping and an entry feature. Mr. Taylor said there was still an opportunity to have a more dramatic sign that is part of a more substantial overall entry to this center which he would like to see in addition to just landscaping.

Mr. Taylor asked to see the final development plan with the outparcel included. He said the existing parking seemed logical and straightforward and the ratio of parking spaces to drive aisles seemed to be tipped in favor of parking. He said when looking at new materials he sees so many drive aisles and there is less parking with many paths and ways to get around it in both of the areas that are redone, and he thought that may be what bothered all the Commissioners. He said it was a lot of paths and ways for vehicles to move around and that it was so different from what exists now. He recalled the discussion about removing the parking spaces next to the drive and said he did not know whether the goal was to remove parking, but maybe to reconfigure that in conjunction with reconfiguring the entryway. He realized that they were trying to maintain a parking count for the employees, but that parking to the east of the relocated drive aisle on the south half of the site is all new parking from what is there now, and there are other ways that it can be configured. Mr. Taylor said perhaps there is a way to clean it up and make the parking a little more straightforward and logical and while achieving a more dramatic entry.

Ms. Amorose Groomes said she was in agreement with showing the outparcel as just a shaded area. She agreed that the entrance to the fuel station should be eliminated. She said regarding the cart corrals, since no islands in the parking surface are being removed, she thought it would be acceptable not to require trees in their car corral islands. However, she said the Broadmoor Juniper proposed for groundcover is completely inappropriate for that kind of application. She suggested instead a juniper like a Sea Green juniper or something that would be upright or perhaps a single row of them versus the staggered row would be acceptable that would grow larger and provide some height.

Ms. Amorose Groomes said there are many honey locusts on this site and she thought it was completely appropriate to change some of the tree varieties, particularly along Hospital Drive, numbers 19 through 29 to another variety of tree to try to get some diversity on the property. She said the plant material diversity is really lacking on this site. She said a couple of islands will be reconfigured and some of them are too narrow and will not support the plant life that is scheduled to go in them. She said immediately to the north of the fuel station, there is a long, narrow island that she would like to see increased in width by four to five feet in order to support the plant life projected to go there.

Mr. Walter said it may be possible that the grocery store could close operations, but continue the fuel operation. He thought it should say *if the grocery store ceases operation and/or the fuel station...*

Mr. Zimmerman pointed out that Planning asked regarding the fuel station plan if the Commission preferred the canopy columns Option A or B.

Ms. Kramb asked that the color of the bollards be specified. She noted they were shown in gray on the plan, but nowhere was it written that they would stay gray and not be painted. She asked that the text say that they have to match the color of the columns.

Mr. Fishman said he disagreed with Ms. Amorose Groomes and Mr. Taylor about the water feature. He said it was kind of a theme in this part of Dublin with the exit ramp water features. He said he would not want a pond there with weeds growing around it. He said it needed to be integrated into a dramatic entry feature.

Mr. Walter said the applicant discussed where the parking field sits north of the fuel station and how it is configured with the drive aisle relocated. He said the contention was that employees will be parking there. He asked where employees park today.

Mr. Fraas said employees are supposed to park in the back, but there is a very large field and it will not be as big so they can spread out. He said that Kroger has 2,500 stores and they have learned exactly how many parking spaces they need and they have a minimum standard.

Mr. Walter said he did not see the employees parking there, and so he thought there was an opportunity to reconfigure that north area with more insight into how traffic should flow through there. He said it was very awkward and he encouraged the applicants to continue to look at that.

Mr. Fraas said the location of the entry drive was a hard line and the City has told them how it has to be done. He said the intent was just to have circulation and they did not want to have a lot of dead end traffic aisles. He said they have tried to maximize the number of parking spaces that allows circulation.

Mr. Walter said he did not think that they achieved that. He asked that they think about how drivers will leave the fuel station and work their way back through, because he thought that was the concern. He said they will head east and head out that way.

Ms. Amorose Groomes asked that when this is discussed next time, that there be a site specific parking study, not just Kroger in general. She said she visits Kroger three times a week and she has never had to park more than five spaces back from the front.

Mr. Walter said he did not think the Commission had given the applicant clear direction at all on the signs. He said he changed his thinking about this. He said he did not think it was realistic that someone would identify themselves as part of the Avery Square shopping center if they are a small boutique shop – they will identify their store as being in the Kroger plaza. He said with staff's comments about the change with the roundabout, he disagreed with Ms. Amorose Groomes. He said they need a sign on Perimeter Drive because it is going to become a more significant entry. He said new residents traveling along Perimeter Drive may not figure out that

Ms. Amorose Groomes said any new parking lot island that is going to go in has to be a minimum width of nine feet with an eight-foot plant bed. She said the skinny islands will not work.

Ms. Amorose Groomes noted that in the pictures of the fuel station in the bottom portion, the fuel pumps are blue, which she considers to be a sign. She requested that the pumps match a color used on the building.

Ms. Amorose Groomes agreed with Mr. Taylor's comments regarding the entryway. She said the Commission probably gave more direct suggestions than they should have. She said they were really looking for something that would be aesthetically pleasing. She asked that the applicant's architects use their imaginations to come up with something wonderful.

Ms. Amorose Groomes said regarding the signs, she did not feel there should be a sign at Perimeter Drive because that entryway is already established. She said it might however be appropriate to incorporate something in the Hospital Drive entrance that might even add an architectural element to that entry feature. She said she did not dislike the proposed sign with wings submitted, but she deferred to the architects on the Commission to say what would be a more appropriate scale. She reiterated that some sort of sign was appropriate on Hospital Drive, but she was not in favor of something on Perimeter Drive because that entryway is not significantly changing.

Ms. Kramb said that she was in favor of the signs and she would rather put it in the text that they are going to have eight-foot signs than what the Code permits. She said the Perimeter Loop sign will be a more significant entrance because of the impacts of the roundabout. She said her issue with the outparcel would be resolved if it was just shown as a shaded area.

Ms. Kramb confirmed that the Commissioners understood that if they want the fuel station to be run by Kroger, they could sublease it so someone else could run it. She said the text said if the fuel station is closed for longer than 180 days, it must be taken down. She said that implies that if Kroger goes out, they can sublease this parcel, BP can come in, run it, and keep it going. She did not think that got to the intent of what the Commission asked for last time.

Ms. Husak said that was the condition in the preliminary development plan because Planning also did not agree with the wording. She said the text read, *That in the event a fuel station was constructed in front of the existing Kroger grocery store, it shall be operated by the grocery store and its subleases, successors or assigns or an affiliate of the grocery store. That the development text be revised to clarify that a fuel station be operated by the grocery store.* She said Planning's condition was saying to delete all of that in the text and on page 4, where there is a list of conditional uses, under (C), it would not say *fuel station*, but *fuel station operated by the grocery store*.

Ms. Kramb said deleting number 3 solves the problem because that gets rid of the subleasing issue, but on page 7, General Conditions, number 7, *That in the event the fuel station is closed for more than 180 days, it must be removed.* She asked if it was saying that if the grocery store closes, the fuel station can continue operating.

it is there. Mr. Walter said putting it into the entrance at the Hospital Drive entrance would not make a difference because it is going to be grand as the Commission would like it to be and the sign will probably blend in and will not be noticed.

Mr. Walter said the Commission needed to think more about the northern entrance and maybe do more with it than they are today. He said the Commission can determine what signs they have. He said there is a proposed text that says signs, but that can be changed or eliminated, made larger or made smaller. He said this was not a Code issue and they really needed to think about the purpose of signs.

Mr. Taylor referred to the development text on page 9 at the top, *Mansard roofs are not permitted*. He asked if most of the existing building had Mansard roofs. Ms. Husak agreed to strike that from the text.

Ms. Amorose Groomes reviewed the issues that had been resolved tonight. She confirmed that they resolved the issues about the fuel station and its operation and cleanup, no fuel sales merchandise, that the look of access point is dependent upon the City, the center identification signs, and parking by gross floor area. She said the Commission decided at the last meeting that the patio amenities would meet a community standard set by the Commission that would carry throughout the center. Ms. Amorose Groomes said regarding the site plan and its access, they were okay with the outparcel shaded in rather than addressing its circulation. She confirmed that although the movement of the fuel station to the north was minimal, it was acceptable to the Commission.

Ms. Husak pointed out that the Commissioners agreed that the access point immediately to the east of the drive aisle, west of the fuel tanks, should be cut off, making that island wider.

Ms. Amorose Groomes said there was no further discussion in regards to the access or the fuel station with eliminating the one entrance. She said however, they had a long way to go on the parking immediately to the north of the fuel station, but the access to the fuel station itself was okay. She said the delivery area was adequate.

Ms. Amorose Groomes confirmed with the Commissioners that that the height and pitch of the roof of the fuel station had been modified to an acceptable standard and that there was no need for an alternate elevation. Mr. Taylor said he thought that was in reference to the architectural changes.

Ms. Amorose Groomes confirmed that Ms. Husak had noted the condition regarding the blue color on the bottom of the fuel pumps.

Ms. Husak pointed out that the masonry option and the EIFS stucco column option needed to be discussed.

Mr. Hardt referred to Option B and noted that the columns were sitting on the stone bases which he presumed were three feet or so. He asked for the diameter of the columns. Mr. Fraas said the architect thought they were about 24 inches in diameter.

Mr. Hardt noted that they were substantially larger than the ones on the center. He said he did not necessarily subscribe to the notion that all of Dublin's fuel stations had to look the same and he thought there was the opportunity here to have one that was unique and special. He thought it would fit in well with the shopping center which has some unique attributes to it, including the columns. Mr. Hardt said he favored Option B.

Mr. Taylor preferred Option A because the toothpicks on this fuel station were a little bigger than most, and he thought that was good, and that the color of the roof and brick go together much better as an overall composition than the lighter color below.

Mr. Fishman said he had looked at other fuel stations in Dublin, and the stucco ones get damaged and are not as well maintained as the brick ones. He preferred the brick columns, because as they age, they will look better than stucco which gets chipped.

Mr. Zimmerman, Mr. Walter, and Ms. Kramb preferred Option A.

Ms. Amorose Groomes said the shopping center signs had been discussed and the direction regarding the cart corrals was that it was okay that they did not have trees in them as long as they were not removing existing islands. She reiterated that she would like to see an upright Juniper rather than a ground cover Juniper.

Mr. Taylor said regarding the shopping center signs, he would accept one sign as opposed to two signs and he could accept the sign at the north as opposed to the south. He reiterated that the big sign proposed last month was well designed overall, but these signs were a stone wall with a sign stuck to it. He said his bigger concern was that whatever size or how it is incorporated into the landscape, he would like to see an imaginative sign and entry feature.

Ms. Amorose Groomes confirmed that the Commissioners had all agreed that it was appropriate for a fuel station to be there.

Andrew Gardner, the project engineer, provided an idea to close the southern entry into the fuel station. He explained that one of their primary concerns was getting people in and out of the center, while still keeping the fuel station separated. He said if the Commission supported moving the drive to the other side of the tanks, they could look at that.

Ms. Kramb said she thought the right-in would solve a lot of the Commission's issues which were that they were thinking two people who want to exit will want to go different directions and there will be no sign to tell them who goes first. She said the right-in only would solve that problem with a 'Do Not Enter' sign so people could not exit there.

Mr. Langworthy said realistically, in a setting such as this, trying to design a right-in and make it stay a right-in is difficult due to the geometry.

Mr. Walter suggested a solution might be to orient the station east/west as opposed to north/south. He said it might fix the exit headed towards the east. He said it did not work the way it was oriented.

Ms. Husak explained that the proposal Planning originally reviewed internally had the fuel station turned east/west, and one of the biggest issues was stacking.

Ms. Amorose Groomes said she did not see closing off the first curb cut as being that problematic. She said the Commission's time should be spent on resolving the area to the north.

Mr. Gardner said his concern was still whether drivers can easily get in and out of the fuel center.

Mr. Walter said he thought it was very clear that the Commission was telling them that they want to close off the drive and that they need to resolve the circulation issue with the parking in the north. He said it may be as simple as cutting that island a little and working a more natural circulation plan. He said it would make more sense to push the island against the eastern edge and allow a more natural flow.

Ms. Amorose Groomes requested that the Commission not design the site for them. She said she thought the Commission had given very good direction, and they would look for some creative ideas to resolve the problems given their feedback.

Ms. Amorose Groomes asked that the islands not be thinner, but wider. She suggested that by having one larger island in the center and eliminating the two islands they might gain a couple of parking spaces. She said she would not design it, but was saying that the drive aisle may or may not, if the quantity of parking spaces is the issue, then the trees can be made up elsewhere on the site by expanding the width of this and those trees can be transplanted. She said there is a host of solutions and the Commission is asking that they be creative.

Mr. Langworthy said that Planning can work with the applicant to look at that area.

Ms. Amorose Groomes asked Mr. Fraas what they would like the Commission to do with this application in light of what he had heard tonight.

Mr. Fraas said they would like a vote, but he understood there was more that the Commissioners wanted to see. He said they would meet with staff and work through what they perceived to be the remaining issues.

Ms. Amorose Groomes said the signs were the biggest outstanding issue.

Mr. Fraas said he knew there were different opinions about the signs. He explained that graphics were important and if they decide that these signs would go in, he noted that not everyone desires that the centers be known as the 'Kroger center' or the 'Giant Eagle center.' He said there is a reason why it is called Tuttle Mall and not Macy's mall. He said those are important identifiers and when dealing with small tenants that have limited signage due to Dublin's Code on their façade, the complaint they get when they bring retailers is graphics. He said that is because it is visibility identification. He said this center is doing fairly well, but they work extremely hard for their tenants.

Ms. Amorose Groomes said if they came up with some really outstanding signs and incorporated them into the landscaping in an appropriate way, she thought they could get four votes.

Mr. Fraas requested a tabling.

### **Motion and Vote**

Mr. Taylor made the motion to table this Rezoning with 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. Fishman, yes; Ms. Krumb, yes; Mr. Hardt, yes; Mr. Walter, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Tabled 7 – 0.)

### **4. Parking Code 10-023ADM**

### **Code Amendment**

Due to the late hour, a brief overview of the Planning Report was presented by Justin Goodwin. Mr. Goodwin said the Commission had last discussed the Parking Code in June and there were many concerns with the originally proposed Code amendment. He said that Planning identified three main themes in the Commission's issues: concern about development density impacts, concern about the adequacy of certain parking ratios, and concerns about how changing one part of the Code may be impacted by not changing other parts of the Code, or vice versa.

Mr. Goodwin said Planning understands that lowering the parking ratios for a number of uses could result in additional development density. He said there may be places where that is actually appropriate in the city, but Planning also recognizes that it may not be appropriate everywhere. He said for some uses or intensities of uses, lowering the parking ratios may be fine, but it may not work in all cases. Mr. Goodwin said Planning considered larger strategies for tackling changes to the parking code and drafted options to address each of these issues. He said they were not the only options, and there may be some hybrid solutions. He said parking ratios and development density issues are so closely intertwined that most options address multiple concerns identified by the Commission. He said the Planning Report was organized to allow the Commission to think about these issues in a broader context. Mr. Goodwin recognized that there would not be time for discussion tonight but hopefully there would be time at the next meeting.

Mr. Goodwin said that to address the concerns about development densities, one option would be to consider a more robust parking modifications process. He said in the originally proposed Code, there was a parking adjustment process, which is something that the current Code does not have. He said it was fairly limited in that it would allow a user to request an adjustment to the number of spaces required by Code. He said as proposed, it would primarily be an administrative approval process. Mr. Goodwin said another option would be to expand that concept so that in addition to dealing with changes to the actual number of spaces, they could also address the conversion of existing parking areas to new building area. He said for cases of significant size, they would come to the Commission and be treated as a conditional use.

Mr. Goodwin said in cases where the impact is not as great, they could be treated as a minor modifications going through an administrative process. He said that perhaps there would still be a level of parking adjustment; a relatively minor change that would be treated by-right and written directly into the Code so that there would be some immediate flexibility.

Mr. Goodwin said another option would be to take a step back and think about changing the parking code in only very minor ways. He said Option A assumes that there are still relatively



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## PLANNING AND ZONING COMMISSION

### RECORD OF ACTION

**JULY 8, 2010**

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

- 3. Riverside PCD, Subareas B and B1** **6850 – 7100 Hospital Drive**  
**Avery Square Shopping Center** **6315 – 6595 Perimeter Drive**  
**10-001Z/PDP/FDP/CU** **Rezoning with Preliminary Development Plan**  
**Final Development Plan/Conditional Use**

**Proposal:** A new Planned Unit Development District (Avery Square) for 28.42 acres currently located within Subareas B and B1 of the Riverside Planned Commerce District. The proposal is intended to facilitate the future development of an outparcel, the construction of a fuel station for the grocery store as conditional use, increase the amount of outdoor dining areas in the shopping center and accommodate future intersection and access improvements. The site is located on the north side of Perimeter Drive, west of Avery Muirfield Drive and northwest of Hospital Drive.

**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 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:** Charles Fraas, Casto.  
**Planning Information:** 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, and Conditional Use application at the request of the applicant.

**VOTE:** 7 - 0.

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

#### STAFF CERTIFICATION

  
 Claudia D. Husak, AICP  
 Planner II

agreed with Planning to bring the amenities up to match what was seen elsewhere, and that was fine as to tables and chairs. He said he would not like to see additional overhead lighting, but perhaps a low light on tables would be appropriate. He noted that the applicant has agreed to eliminate completely the amplification of music.

Mr. Taylor said the proposed operational hours seemed to be consistent with everything that the Commission has approved recently in these areas. Mr. Taylor commented to City Council directly that he was in favor of this patio being restricted to the current business exclusively and that it not go with the center. He said he would like the City to somehow make a part of this solution a permanent solution to the existing open area between the buildings, and not leave it in limbo as it is now.

Ms. Amorose Groomes thanked everyone for their comments. She said it was always good when she felt there was a lot of unity. She said she had not heard anyone contradict what someone else had said. She said it seemed that there was general consensus that it is appropriate that there be a patio here. She said that she thought Mr. Walter's comments were worth some weight of eliminating the western portion and maybe doing something with the eastern portion that would possibly provide service doors through the restaurant, and exploring those kinds of options. Ms. Amorose Groomes said she visited Mary Kelley's many times before she was on the Commission, and had always looked at the area next to it and wondered why there was not a patio there because she would have liked to sit outside. She said this certainly is a compromise.

Ms. Amorose Groomes said she would like to see this use tied with the current occupant or business, Mary Kelley's, to help protect the neighbors from things that could happen that may or may not benefit them. She said she believed it was important to help Dublin's corporate citizens and residential citizens in any way possible. Ms. Amorose Groomes agreed that all amplification issues should go along with the standard that the Commission has done, particularly in sensitive areas much like that of Montgomery Inn. She said she also was in favor of requiring a gate to be installed to do all that can be done to help the residents with the regulation of that. She said she was very much in support of the presence of a patio at this restaurant.

Ms. Amorose Groomes concluded and said these were the thoughts that the Commission would like to pass forward to City Council. She requested that the audio tape of this case be sent forward to City Council and not just the minutes because she believed much gets lost when they communicate via minutes. [Verbatim transcript is available.] Ms. Amorose Groomes thanked the residents and audience for attending and speaking at this meeting.

Ms. Amorose Groomes called a short break before continuing the meeting.

**3. Riverside PCD, Subareas B and B1  
Avery Square Shopping Center  
10-001Z/PDP/FDP/CU**

**6850 – 7100 Hospital Drive  
6315 – 6595 Perimeter Drive  
Rezoning with Preliminary Development Plan  
Final Development Plan/Conditional Use**

Chris Amorose Groomes introduced this application regarding a new Planned Unit Development District for 28.42 acres currently located in Subareas B and B1 of the Riverside Planned Commerce District. She said the proposal was intended to facilitate the future development of an outparcel, the construction of a fuel station for the grocery store as a conditional use, and accommodate future intersection and access improvements. She said the application consists of

three components, the rezoning with the preliminary development plan, the final development plan, and the conditional use. Ms. Amorose Groomes said the Commission would need to make three motions, and the rezoning with the preliminary development plan will go to City Council for final decision.

Ms. Amorose Groomes said the Commission is the final authority on the final development plan and conditional use, and speakers will need to be sworn in for that part of this application. She swore in those intending to address the Commission on this case including the applicant, Charles Fraas, Casto, Andrew Gardner, Bird and Bull Civil Engineering and City representatives.

Claudia Husak presented this case and slides of the site consisting of several parcels that make up the Avery Square shopping center. She said the site includes the Kroger grocery store and the shopping center, and the Burger King outparcel, and the Wendy's and Tim Horton's outparcel. She said that the development text also currently includes the Walgreens site which is not part of this application, so the existing development text distributed in the will continue to exist, although it will only regulate development for Walgreens. Ms. Husak said the applicant is proposing a new development text, taking a lot of the existing language and cleaning it up and making sure that it specifically only applies to this area and including a fuel station as a conditional use.

Ms. Husak said previously Dublin's traffic engineering staff presented to the Commission an overview of planned intersection improvements for the Avery-Muirfield Drive North Corridor, north of US 33. She said what is planned in the area are roundabouts at the intersection of Hospital Drive and at the intersection with Perimeter Drive. She said both affect the access management for the Avery Square site. She said the northern full access entry drive along Perimeter Drive would be restricted to a right-in/right-out. She pointed out that the splitter island of the roundabout goes past that entry point and restricts it. She said the other southern portion of the Hospital Drive roundabout has a similar affect with a splitter island that would restrict the existing access point to right-in/right-out.

Ms. Husak said Planning and Engineering have been working with the applicant for a long time to figure out the best way to ensure that there is a full access point from Hospital Drive providing access to the shopping center and the restaurant outparcels. She said that was part of this application. Ms. Husak said another access drive is located farther south on Hospital Drive. She said traffic patterns within the shopping center are likely going to be impacted.

Ms. Husak explained that the rezoning with the preliminary development plan portion of this application is the first formal step in the establishment of the Planned Unit Development District, and will require a recommendation from the Commission to City Council who will then approve or disapprove the ordinance providing the new development standards. She said development standards proposed are included in the packets. She said topics that have been addressed or changed are the fuel station, the parking requirements, and the signs. She said the preliminary development plan or site plan, serves to illustrate preliminarily the access, the fuel station and the outparcel that the applicant is contemplating for the site.

Ms. Husak explained that the last step, the final development plan, requires approval by the Commission and would be followed by building permitting which includes all final site details, in this case limited to access improvements, the fuel station including the sign, architecture, landscaping, lighting, and shopping center signs.

Ms. Husak said a fuel station is included in the proposed development text as a conditional use, which also requires review and approval by the Commission. She said as part of the application, the applicant is seeking approval of the conditional use as well.

Ms. Husak pointed out the proposed locations on the preliminary development plan, the general access off Hospital Drive in the center of the site, the fuel station intended to be operated by the Kroger store in the southeastern portion of the site, and an outparcel that the property owner is contemplating in the area just west of Wendy's. She pointed out that the outparcel is not included as part of the final development plan because the applicant has not secured a tenant yet and many of the details are not known that would be required at the final development plan level. She explained that the applicant is prepared to come back to the Commission for a final development plan approval for the outparcel in the future. She clarified that the Commission is reviewing a proposed final development plan tonight that includes the fuel station, the access changes, one sign location for the fuel station and two for the shopping center.

Ms. Husak said the current access arrangement is confusing with drivers exiting and entering the site, trying to get into the Wendy's/Tim Horton's site and using the north/south Perimeter Drive access point to get to Kroger or the shops in the western portion of the site. She said that the applicant has been working with Planning and Engineering to move that access point to the south, just outside the splitter island. She said the proposed access drive that has a much longer approach should help with stacking and the queuing of vehicles entering and exiting the site. Ms. Husak said it would result in changes in the parking area that is not currently heavily used, but the impact should be minor on the Kroger site.

Ms. Husak explained that part of the fuel station proposal is a north/south access drive within the center of the parking lot that provides access to the Kroger parking lot for shoppers and also a more direct access to the fuel station if people are using the full service access point.

Ms. Husak said that Planning and Engineering have proposed a condition in the final development plan that the applicant work on the turning radius, northeast of the pond where the drive dips to make it straighter because it is confusing and can get congested with the Wendy's/Tim Horton's access point.

Ms. Husak said they and the applicant have been working on the entry feature. She pointed out where a grade change existed and where the applicant has shown some replacement trees within the proposed access area. She said it was Planning's opinion that an opportunity might be missed to create an entry feature that is more indicative of Dublin entry features to a center of this size. Ms. Husak said as part of the final development plan, Planning is proposing a condition regarding this.

Ms. Husak said because the intersection improvements are not slated until 2013, there is some lag time as to when this will happen and Planning and Engineering is collaborating with the applicant in that endeavor. She said that Planning believes that there is much more that could be done in this area concerning landscaping and is requesting that the applicant continue to work with them and come back when the improvements are made to get a landscape plan approved for an entry feature that really speaks to Dublin as a high quality community.

Ms. Husak said the proposed fuel station to be operated by Kroger is shown to have five pumping stations and a 120-square-foot kiosk. She said the applicant proposes three spaces for stacking in the development text, and has shown that on the final development plan. She said there are waiting areas shown around the fuel station. Ms. Husak said as part of this approval, Planning proposes a condition that there not be any external merchandise allowed. She said the text proposes external merchandise of beverages and automotive products and they are included on the plans. Ms. Husak said Planning respectfully recommends that those would not be permitted.

Ms. Husak said the striping shown south of the fuel truck delivery area includes an area that has a lot of pavement for the ingress/egress area and because there is a three-lane exit point onto Hospital Drive, the lane narrows down to a two-way. She said Planning requested that there be some vertical indication in the traffic pattern to help distinguish where the lanes are in and out of the fuel station. She said although the applicant has striped the area, both Planning and Engineering feel that some vertical element, whether it is a raised curb with brick or something much better suited in this area to help with distinguishing the traffic pattern. She said there appears to be issues with the delivery of fuel, which the applicant will discuss.

Ms. Husak said the fuel station elevations include brick pillars with a stone course similar to the building materials currently on the shopping center and the same roofing materials and design. She said a beverage merchandise center underneath the canopy and the automotive product display is shown. She said there is a discrepancy existing between the size of the columns on the elevations and the plan, so the applicant has been asked to correct that. Ms. Husak said Planning is also requesting that the columns be moved out to hide the pumps on the north and south elevations, which would also give a better balance to how the roof is sitting on top of the columns. Ms. Husak explained that another proposed condition is regarding the logo shown behind the small signs located on the columns indicating the number of the pump at which you are dispensing fuel, which would not be permitted. She said that Planning is requesting that those details be revised. Ms. Husak said the landscaping is shown within the proposed islands with trees to screen the fuel station.

Ms Husak said the proposed fuel station sign includes the Kroger name and a dollar amount required by law to be included on it.

Ms. Husak said the applicant is proposing a bank in the outparcel area, but a tenant has not been secured at this time. She said that Planning is not certain that a bank is the best use. She said the area is not heavily used for parking, however there may be some Wendy's overflow parking located in the outparcel area. She said the applicant has in the existing development text and in the proposed development text, an additional square footage density that could be built onto this site. Ms. Husak said if the Commission were favorably looking upon an outparcel in this particular area, Planning would certainly work with the applicant at the final development plan stage which would come back to the Commission on an appropriate layout, parking, and landscaping to review and approve.

Ms. Husak said that a motion is required for this rezoning with preliminary development plan for a recommendation to City Council of approval or disapproval. She said that Planning is recommending approval of the rezoning with preliminary development plan with one condition:

- 1) That the development text be revised to eliminate the provisions for the external merchandise and display for the fuel kiosk.

Ms. Husak said for the final development plan, Planning is recommending approval with nine conditions:

- 1) That the proposed fuel station elevations be revised to eliminate the sale and display of merchandise outside the kiosk;
- 2) That the plans be revised to address inconsistencies regarding the size of the fuel station columns and that the column distance and location be revised so as to avoid a visual imbalance for the north and south elevations and to conceal the view of the pumps from the right-of-way;
- 3) That the turn radius at the intersection of the main east-west drive aisle and the north-south drive aisle adjacent to the Wendy's/Tim Horton's site be revised when the main access point modifications are constructed, subject to approval by Planning and Engineering;
- 4) That the plans include a vertical barrier element immediately south of the fuel station in order to clarify the traffic pattern to drivers, subject to approval by Planning and Engineering;
- 5) That flat, flush mounted lenses be used instead of the focus lenses for the fuel station canopy-lighting to meet the Zoning Code requirement;
- 6) That the brick course on the fuel station sign be relocated toward the bottom of to be consistent with the building architecture and that the reveal on either side of the sign be increased to one-foot to give the sign a more balanced appearance;
- 7) That the fuel station logo be removed from the background of the fuel pump numbers;
- 8) That all signs be setback eight feet from the right-of-way, sign height not be artificially increased by locating the signs on a mound and an encroachment approval is obtained if needed; and
- 9) That the applicant work with Planning on a revised entry feature design to be approved administratively and installed once the City has completed the access modifications.

Ms. Husak said that Planning is recommending approval of the conditional use without any conditions because many of the design details of that are taken care of at the final development plan stage already. She explained that it was just the *use* of the fuel station that approval for is being requested.

Ms. Husak said Planning is recommending approval of all three components of this application with the conditions previously mentioned.

Charles Fraas, the applicant, representing Casto, the property owner thanked the Commission for letting him speak and staff who had worked with them for six to nine months working out changes and what they thought was a good plan for the shopping center.

Mr. Fraas said they had issues regarding Conditions 2, 3, and 4, but agreed with the remaining conditions. He said they agreed to the first part of Condition 2. He said the second part of Condition 2 was with the columns. He said when they first submitted the plan, they had a canopy similar to what was seen across the street, which was more linear single pumps farther west. He said they saw that it took up more room and impacting parking in a way that would not

work right, so they redesigned the canopy with two pumps on each island. He said the main issues were operational, circulation, and aesthetics. He said from the aesthetic standpoint, moving those columns all the way out to the edge makes it feel like it is a table, and they do not think that is the best thing. He said operationally, they cannot move the pumps any closer. He said they are screening the fuel center so if there is a concern about visibility, it will allow the users of the Kroger gas to see the pumps and be able to get to them. He reiterated that they cannot move those pumps any closer together.

Mr. Fraas said they were okay with Condition 3 regarding the outparcel turning radius, but they would like to work with staff on it because he was not sure a 65-foot radius was possible. He said he would like to do that at the time of the final development plan for the outparcel because there may be other improvements.

Mr. Fraas said regarding Condition 4, they were concerned about the vertical element. He said it was where the truck actually went to dispense the fuel. He said there are various operational, safety and other issues that they face in circulation.

Andrew Gardner, Bird and Bull Engineering, said he had looked extensively on how to put a vertical element in there to separate the drive from the fuel center. He explained the issue was the 68-foot long tanker truck that need to get in to service those tanks. He said the truck has to be within 20 feet of those tanks. He said the trucks' turning radius is quite tight, and they do not want it to have to make a lot of reversing maneuvers, especially in a fuel center situation where cars are circulating. He said moving it north with a landscape island would create a problem with the truck circulation. He said he had looked for other locations for the tanks around the center, and he ran into the same issue and the truck would have to route through the parking lot in some cases. He said ideally what they wanted to do was pull in, fuel the tanks, and then have the truck leave behind the Kroger store, as other delivery trucks do. He said going through the parking lot was not a safe condition and it creates other issues with turning radii. Mr. Gardner added that the area over the fuel tanks was concrete and the rest of the site is asphalt, so there is a visual differential between pavements.

Mr. Fraas said they agreed to all of the other conditions. He asked if there were any open issues the Commission had.

Ms. Amorose Groomes asked if there were any public comments regarding this application. [There was none.]

Kevin Walter said that he did not care for these complicated cases. He said he would have a very hard time putting this through tonight as it is presented. He encouraged Planning to talk to applicants about splitting the application component up. Mr. Walter said he appreciated that the applicant said they had been working with staff for months but was concerned that the application is very complicated and mistakes happen when all components are reviewed together. Mr. Walter said he was not in favor of the combined applications.

Ms. Husak explained that there was nothing in the Code that prevents someone from filing them together. She said it often makes sense to file them together because the applicant is quite far on the final development plan stage and the development text changes are the only reason a rezoning is required. She said the Commission is not tied to having to treat them together and

they could focus on the preliminary development plan and review the final development plan component, they are free to do so.

Mr. Walter said he wanted to ensure that Planning needs to convey to applicants that this is not a preferred method to bring cases before the Commission and not likely to get through on the first time it is presented.

Amy Kramb asked if the City was only doing the Hospital Drive access point, and the developer was responsible for the other access.

Ms. Husak said that there were two plan components in the packet, on the Zoning Documents, Sheet 1.7, shows the construction responsibility that the City has worked out with the applicants. She said the City is building everything that is indicated in the dot pattern.

Ms. Kramb asked if the City was building the parking spaces, water feature, and the future entry drive.

Ms. Husak said the City was doing the construction, the pavement, but nothing as far as the landscaping is concerned with the entry feature. She said the reason why the dot pattern went across the water feature and that landscape area is because the City is closing the existing access point that is next to Wendy's. She said that the City is taking out the existing entry drive and doing the grading.

Ms. Kramb asked if the north/south future drive, the revised parking, and the upgraded southern Hospital Drive entrance were the developer's responsibility.

Ms. Husak said it was the developer's responsibility and it was part of the final development plan for the fuel station. She said with the fuel station being under construction, that part would also be constructed at that time. She said the two angled parking areas would not be part of that.

Ms. Kramb asked when the required landscaping would be done. Ms. Husak said that would have to be required when the City completes the construction of the revised entry in the area, which would be at a later point. She said the landscape mound on Hospital Drive would remain the same.

### **Rezoning/Preliminary Development Plan Discussion**

Ms. Amorose Groomes reiterated that this was a request for a change in the development text with the site plan adjustments that are part of the preliminary development plan. She asked that the Commission start their discussion with the text.

Ms. Kramb referred to the Development Text, page 1, General #2 where it talks about the required access plan being shown on the preliminary, but that it is not actually for certain. She asked if that should be modified to say it was pending the final design by the City. She requested a modification to the last sentence, *It is not however intended to be precise, and while the functional system will be preserved, its precise location may vary.*

Ms. Kramb said she was concerned that there was nothing in the proposed development text that said the six-foot high sign was not in addition to the existing mound, and asked if Condition 8 was clear enough.

Ms. Husak explained that the Zoning Code talks about sign heights to some extent, and it includes language about not artificially increasing height, but Planning felt that Condition 8 would get to that point as well. She said that similar language could be in the text also.

Ms. Kramb pointed out that on Page 3 of the proposed Development Text, it said that Planning gets to decide who uses the patios in this shopping center. She said she was uncomfortable with patios being administratively approved.

Ms. Kramb referred to Page 5 where it mentioned that curb cuts should be permitted as shown on the preliminary development plan. She was concerned that this overlaps with the City's final design for the intersection improvement in the area. Ms. Kramb referred to Page 9 where it said there would be no project identification sign and said she did not know what that was. Ms. Husak explained that it meant it would not allow a sign that said Avery Square on Avery-Muirfield Drive because the parcel that the Avery Square shopping center sits on does not have any frontage on Avery-Muirfield Drive. Ms. Kramb referred to Page 10 where it mentions that there is no signage at all at the gas station, and said that is not true. She noted that they have their pump number identification signs.

Mr. Walter said with respect to the development text, Page 2 – Signage and Graphics (D) – it stated that all uses along Avery-Muirfield Drive shall be allowed two ground signs, one oriented toward Avery-Muirfield, and one oriented on a second public street or internal access road on the west side. He asked what that meant. Ms. Husak explained that it permits two signs each for the restaurant outparcels, one is oriented toward Avery-Muirfield Drive and one oriented toward the internal access road behind the restaurants.

Mr. Walter said it was a concern to him and he thought it should be deleted because that is similar to the Chase Bank issue. Mr. Hardt pointed out that here, the text allows it and there it did not. He said he read it as saying that they are allowed to have a sign on Avery-Muirfield Drive and they can have a second sign on either of the other public streets, which Code would allow, or at their option, they could put it on the internal drive.

Mr. Walter said he thought *or internal access* should be stricken and in case it changes ownership, he would like to continue it as is and not allow them signage on the internal private street.

Todd Zimmerman said that currently, the signs are just being used as identification markers. He said by taking the road out, it would change the whole criteria how they sit in the shopping center. He asked if it was an option in the past.

Ms. Husak said it was done as Mr. Hardt explained, they allowed in this text to move the sign that they are permitted to have on Hospital Drive to the internal access road.

Mr. Hardt said he had no heartburn over it because these are parcels fronting on two public streets that would be allowed two signs anyway.

Ms. Amorose Groomes said as it is written, it is less problematic to have it on the private drive than it is on Hospital Drive.

Mr. Walter said he had trouble with (F) which was permitting them two center identification signs. He asked why we needed center identification signs. He said it was just visual clutter because everybody knows that is Avery Center and that there are businesses there. He said it is huge and there is no reason to give them a monument sign.

Ms. Husak explained that Code permits those two signs, and this language is more restrictive than the Code is as far as the height is concerned. She said that Planning had a similar discussion with the applicants why they needed to have it in the text, Code allows them to have it, and they have not been put up for ten years. She said the intention is to preserve the right to these signs as part of the final development plan application.

Mr. Walter asked how the other Commissioners felt about it.

Mr. Fishman said it did not help at all and there was no hardship by not marking Avery Square. He said they want to mark the retail center twice. He asked why two signs were needed.

Ms. Husak said they were on two different roadways and they would not be seen at the same time.

Mr. Walter, Mr. Fishman, and Ms. Amorose Groomes were in favor of striking (F). Ms. Husak pointed out that striking (F) does not eliminate them from having the signs.

Mr. Walter suggested it be reversed to say that they are not allowed to have monument signs. Ms. Krumb agreed it should be written that way.

Mr. Zimmerman said that there were many small independent shops in the center that go by the center's name. He said someone visiting Dublin does not have the same sense of direction as those who reside here.

Mr. Walter asked Ms. Husak to craft a condition not allowing center identification signs.

Mr. Walter referred to (H) *No signs shall be applied to windows for the purpose of outdoor or exterior advertising*, and said that led him to believe that there was another purpose for applying them. He suggested no signs shall be applied to windows.

Richard Taylor said that Code already specifically identifies what kind of signs can be applied to windows.

Mr. Fraas said he worked on this center when it was first developed. He said he realized that people do not like graphics, but it was one of the reasons for success and failure of retail. He said they had a concern for retailers, especially when they put in the Yellow Pages, *Located in Avery Square*. He said they are not talking about a sign with tenant names, only something that identifies the center. He said they are not asking for the things being stricken. He said the rights were given to them as part of the long zoning negotiations 13 years ago and they are just taking them from the record. He said they are only asking for the same rights everybody else has and it seemed like they were having rights taken away that they would even have under the Code. He said it seemed unfair.

Mr. Walter responded that the applicant has chosen to completely revise the development text.

Mr. Fraas said that was not their choice. He said they only made small changes, and staff recommended additional updates.

Mr. Walter said the Commission had revised Code in front of them and it was incumbent upon them to make sure that they are comfortable with the Code. He said this is one of the reasons why he did not like a co-joined application because they are going to get through all of these things, line by line. He said he understood the comment about retail and signage, but that was not something he espoused. He said he did not believe that.

Mr. Fraas explained that when the shopping center was originally developed, there was a zoning text for many subareas, including where the hospital was, the office buildings, and Walgreens and they were all different subareas. He said everything has been developed since then, so they still have these old Subareas B and B-1. He said as a way of cleaning up what has happened since then they agreed with staff it was a good idea to go ahead and clean it. Mr. Fraas said they did not submit that as their original changes, however they agreed with staff on all the text. He said it will make it easier from this point forward. He said any substantive text change was requested by staff.

Mr. Walter referred to Page 3 at the top, *No billboards or electrical or advertising signs shall be allowed other than a sign carrying the name of the business occupying the site.* He said there is already text that says what the signage for the tenant should be and that implied to him that a billboard electrical or advertising sign that carries the name of the tenant is allowed. Mr. Walter suggested that it be stricken from the text. He agreed with Ms. Kramb that (C) regarding being administratively approved should be stricken. He referred to 4 (C) Conditional Use, where he recommended that *gas station* be amended to *fuel station*. Mr. Walter referred to Page 5, Parking, number 2, *Parking shall be provided at four spaces per 1,000 square feet NFA*, and asked if NFA had been defined. He also was not comfortable putting a number in there.

Mr. Langworthy said the definition of *NFA, net floor area*, would be defined in the Code changes. He said they would be discussing that also.

Mr. Walter referred to Page 3, and said he was not sure that *Drive-thru stacking with eight spaces per exchange window* should be included since the number requirement has not yet been determined.

Ms. Amorose Groomes asked if it was a deviation from the original text. Ms. Husak said it did not. Mr. Walter said okay.

Mr. Walter referred to Page 5, *Fuel station stacking shall accommodate a minimum...* and asked if *shall* and *must* were the same word. Ms. Kramb confirmed that it was the same word.

Mr. Walter referred to Page 7, number 1, *Any portion of a lot which a building or parking area is not constructed shall be landscaped.* He asked for the definition of *landscaped*. Ms. Husak said it would probably mean *seeded*. Mr. Walter suggested that it should be clearer.

Mr. Walter referred to Page 6, A and B, and said to strike those given the conditions discussed.

Mr. Hardt referred to Page 2 Signage, Item C where it talked about sign bases on the outparcels being wood, brick, stone or stucco. He said they have been built and they were stone, so it would be simpler to make stone the requirement going forward.

Mr. Hardt referred to Page 3, Dining Areas (C), and said he agreed with Ms. Kramb. He was not comfortable yet with administrative approval of patios.

Mr. Hardt referred to Page 5, Parking, Item 2, and said he agreed with Mr. Walter, and said that changing the parking ratio to refer to net floor area is a substantial change over what had been done in the past. He said the Code has always referred to gross floor area. He said whether this case or the next, he was not comfortable with that because net floor area is something that is so remarkably arguable that we will never come to a consensus. He suggested it be put back to gross floor area because it is the area inside the walls and is indisputable.

Mr. Hardt referred to Page 7, Item 6, and said it was the same comment, and that he thought they could get rid of that because of the conditions discussed tonight.

Mr. Hardt referred to Page 8, Materials, Item C where it talks about cedar shakes and shingles. He said the center has not been built with cedar shakes and shingles, so it seemed that should be modified to reflect what is actually built there.

Mr. Hardt referred to Page 12, Parking and Loading regarding the outparcels, and said Items 2 and 3 stipulate that the Wendy's parcel shall have 62 spaces and the Burger King parcel shall have 53 spaces. He said he understood that those are the parking spaces approved to date for those two facilities, however if the parcels were ever redeveloped, he was not comfortable with an emphatic statement that 62 spaces is always the right number of parking spaces. He suggested 'Parking space requirement for the southern outparcel shall be 62 spaces, unless it is redeveloped'.

Mr. Zimmerman referred to Page 3, Retail Center (C) and requested that off-site storage of patio amenities from November 1 until April 1 be added. Mr. Walter agreed.

Mr. Zimmerman said regarding administrative approval, three patios have currently been established in the center, and a pattern of what the Commission is looking for has been established, fences, tables, chairs, flower boxes and things like that. He said they already know it is up to 3,000 square feet, so any new patio space would be deducted from that. He said they were not looking at Kroger as a multi-million dollar budget, he was looking for the little guy with a diner who comes in for a patio and pays a large fee. He said basically, it will be approved if it meets Code and what the Commission has done in the past. Mr. Zimmerman said that was a hardship on a small proprietor because \$1,800 was a lot of money that they could use for the patio. He said in these economic times he thought an administrative approval would fit just for this center.

Ms. Kramb said she agreed with Mr. Zimmerman, but her concern was that if the patio was administratively approved, there is no public comment or awareness. She said the neighboring business that might have a problem if it does not get to be heard.

Ms. Amorose Groomes said an application was necessary, even if it was administratively approved, so it would not change the out-of-pocket expense.

Ms. Husak explained that it would be an application for Certificate of Zoning Plan Approval which has a \$130 fee for a commercial establishment versus the Conditional Use/Amended Final Development Plan which is around \$1,000.

Mr. Zimmerman said the tenant would not be encroaching on any other space.

Mr. Walter said the concern he had was the two outparcels which were more than likely to have a restaurant coming in that has a significant patio with it that we've had issue on Avery-Muirfield that they have talked about. He asked how that would be handled.

Mr. Hardt said this text falls under the Retail Center section of the text.

Ms. Husak clarified that it did not include the existing outparcels.

Mr. Walter said he agreed with Mr. Zimmerman's point.

Mr. Taylor agreed that the fee was certainly a consideration, but they were discussing an existing center. He recalled when the Commission approved the Sunnyside Street Café they discussed the planters, door, and fence locations in great detail. He said if this was a brand new center with adequate space allowed for patios that may become enclosed in the future, there is no problem. He said in a center where there are predetermined sidewalks, columns, and all those things that exist that will impact that. He said he thought they should look at how that is going to impact the pedestrian traffic along the sidewalk.

Ms. Amorose Groomes asked the Commissioners to remember where they are in the discussion. She asked that Ms. Husak list all the Commissioners suggestions tonight so that they could come to an agreement on what stays and goes in the development text, and then ask the applicant to speak.

Mr. Zimmerman asked what would happen to the fuel station if Kroger left.

Ms. Husak said the text maybe is not as clear as it could be on a fuel station to be operated by the grocery store and that was certainly something they could address.

Mr. Zimmerman suggested similar to what the Commission did to BJ's, if Kroger does not exist, the fuel station is eliminated, the tanks are dug up, and it can be returned to a grass area, asphalt, or a retail store. He said the fuel station was an amenity to Kroger, it was not because another fuel station was needed in Dublin. Mr. Fishman said that could easily be put in the development text and it would eliminate all the problems.

Mr. Langworthy said they were getting to the point where there are too many issues to get to a motion tonight. He said Planning would take notes and bring it back to the Commission. He said they understood what the Commission wanted, but it would take some language manipulating.

Mr. Fishman said he thought everyone had done a good job of reviewing this development text and had covered everything for which he had issues.

Mr. Taylor said he preferred that outdoor dining be made a conditional use. He said regarding the two monument signs, he was in favor of the sign on the south side entry feature, but said it was too big for the Perimeter Drive area. He said he did not have a problem with a center identification sign there because from a driver's standpoint, all the driveways look the same, and having one that identifies that as the entry he was in favor, but it needs to be much smaller.

Ms. Husak asked if that sign should be smaller than 10, 8 or 6 feet. Mr. Taylor said smaller than the one shown.

Ms. Husak explained that 15 feet are allowed on Hospital Drive and 10 feet on Perimeter Drive.

Ms. Amorose Groomes said that a 15-foot sign on Hospital Drive was problematic.

Mr. Taylor said he was in favor of a decent sized sign on Hospital Drive and a much smaller sign on Perimeter.

Mr. Walter asked why the sign was needed on Hospital Drive. He said they are talking about creating an entry feature that will be dramatic.

Mr. Taylor said the large entry feature sign was okay, but it needed to be integrated into a very heavy landscape and entry package of which this is just a part, as opposed to the central monument sign. He said he did not want the Las Vegas sign there with everything else desert around there. He said it needs to be lost in lots of other stuff going on there.

Mr. Taylor said he wished the Commissioners would stop belying stucco, because it was a great material.

Ms. Amorose Groomes said she agreed with much that had been said, but she was going to hold her opinion on the signage because she would like to see it put into practice before she would be willing to include it in the text. She said she would like to see what the text is going to permit and what the intention is to put out there before she votes. She said a 15-foot sign is not going to be appropriate, but something lower that would not be a billboard was preferred.

Ms. Amorose Groomes said she was okay with administrative approval of the outdoor dining as long as it is consistent with what is there. Ms. Kramb said she was willing to change her mind about administrative approval, but she did not want to set a precedent that the Commission is doing it with every shopping center. She wanted it to be clear why they would do it with this one. She said it was because it would look like the others and follow the same dimensions. She said she could be persuaded by how the text is written.

Mr. Walter said he changed his mind and supported Mr. Zimmerman's amendment.

Ms. Amorose Groomes confirmed that Mr. Taylor and she were okay with administrative approval of patios. Mr. Fishman said he halfway agreed and would like to see it written. Ms. Amorose Groomes confirmed that Mr. Zimmerman and Mr. Hardt were in favor of it.

#### **Preliminary Development Site Plan Discussion**

Ms. Amorose Groomes said the access points were relatively determined by the roadway improvements.

Mr. Taylor asked if they were talking about the new entry feature.

Ms. Husak reiterated that reviewing two applications at the same time was somewhat awkward. She said the details for those kinds of things would be discussed at the final development plan, so the layout of the fuel station and where it is located on the site can be saved for the final development plan. She said the access, landscaping can also be saved.

Ms. Amorose Groomes said she wanted to talk about that now because she did not want to waste the applicant's time.

Ms. Husak explained that the only thing that the preliminary addresses is the outparcel. She said all the other things listed as part of the preliminary development plan are also part of the discussion of the final development which is also on the agenda tonight.

Ms. Amorose Groomes suggested the Commission discuss the fuel station site layout and those things.

Mr. Taylor wanted to talk about the entry feature first. He agreed that it needed to be pretty dramatic, but the problem that he saw with that was the lack of hierarchy. He did not see this correcting that problem. He said when he drove into the center now, all the roads are the same size and width and he did not get the feeling that he had entered the site. He said the way this comes to a 'T' intersection with a road similar in width, maybe even slightly wider, he did not get the sense that he came into a grand entryway. He suggested that in the redesign of the entry feature along with a wonderful sign, intense landscaping and lots of stuff that is going on, that the road declare itself as an entryway. He said it could be a divided road with a landscape median down the center, something that said this is, without question, the entryway. Mr. Taylor said when that joins the east/west connector road which really gets you into the entire balance of the site, he thought there should be something other than a simple left and right turn lane there. He said something more substantial was needed that brings you to that intersection that says you have arrived at this point and now you have choices to make.

Ms. Amorose Groomes said she had strong opinions about the area of parking to the north of the fuel station. She said she thought this area of parking really was unnecessary. She said there is so much parking on this site, it is hard to figure where to park with so many options. She said she would like to see this parking go away.

Ms. Amorose Groomes said she agreed with Mr. Taylor and said that this entrance would become a much nicer entrance probably with water on either side of it. She said she would like to see the outparcel put west and that the north-south drive through the parking lot not continue this direction because she thought this was a dangerous route with a lot of cars coming up and down, parking in these aisles, and you do not know you are in a drive aisle until you get there and it is almost too late. She said that Wendy's/Tim Horton's have much overflow parking that is used for trucks and buses. She reiterated that she would like to see the outparcel move to the west, the roadway cut off and this circulation come around of the perimeter with the removal of the parking south of the entry drive and reverted to greenspace.

Mr. Walter said he agreed completely. He said he thought the one thing they did not want to replicate and they were in danger of doing it there, is the DSW parking lot entrance where the

McDonald's is on Sawmill and SR 161 when you come in and the incoming traffic does not stop. He said he thought the site plan needed to be reworked. He said he thought the fuel station needed to be moved to the north a little. He said he was uncomfortable with cars coming in and turning into the fuel station. It would recreate what is in the center now.

Ms. Kramb said she was okay with the location of the fuel station, but it would be nice to push it north farther.

Mr. Fishman said he agreed that the entrance needed a water feature on either side and landscaping, so when the fuel station is moved up, it softens the whole thing and makes the entrance dramatic.

Mr. Zimmerman said by changing the proposed bank outparcel to the north it would make you drive from one end to the other to get out of the center. He said the shortest point would be used.

Ms. Husak said one positive aspect of having the north and south drive was that you are able to avoid having to go where a lot more pedestrian traffic is going back and forth between the parking spaces and the tenants that it does not force all the vehicles to go in front to find a place to park.

Mr. Walter suggested that if the drive aisles were aligned and the building was shifted west, it would allow you to come in, make the turn, make that a four-way stop, and it would probably accomplish what everyone wants. He agreed with Mr. Zimmerman that a good access across the facility was good too.

Mr. Taylor said he did not like the alignment of that with the main entry. Mr. Walter agreed.

Mr. Langworthy said that Planning would like to discuss that with Engineering because it puts a lot of turn movements in close proximity to one another.

Ms. Amorose Groomes said she would not be in favor of an outparcel where it is located on the drawing because it would be very problematic for the center and cause a lot of hardship. Mr. Walter agreed.

Mr. Walter asked to see the close up of the fuel station. He said he thought the island should be removed. He said it did not make sense because it messed up the east/west connector.

Mr. Taylor referred to the earlier discussion about moving the pillars and said he understood that there was some math that determines where the pumps are located. He said it seemed that the piers on the Sawmill fuel station were on the outside of the pumps.

Mr. Fraas said the pumps were in line and there was not a double pump. He said there was only one pump per island, and it was between the two columns. He said they agreed to take it out, but the issue was that they tried to make this a little more compact, whereas it was much larger before. He said the canopy went from being relative long with one pump in each island to being shrunken into now having only three islands and having two pumps on two of those islands.

Mr. Taylor said he was fine with the pump locations as shown, as long as the landscaping doing its job of screening from the road.

Mr. Hardt said he understood staff's notion of putting the pumps inboard of the columns to try to shield them from view. He said we live in a three-dimensional world and in reality; those pumps are never really shielded by the pillars. He gave the Shell station across the street as an example where it did not work. He said he was okay with the pumps being outside of the pillars, although the canopy does still look lopsided to him. He suggested the pillars and pumps be spread apart a little so that there is more of a sense of proportion there.

Mr. Hardt said he had a problem with the roof. He said he understood that dimensionally they did not want to take it up to a peak and that there needs to be a flat spot on top of that canopy, but he thought the surface area of the roof seen is too small for the size of the structure. He said given the pitch, standing anywhere near the fuel station, you would not even see the roof surface. He said he would like to see that adjusted a little.

Ms. Amorose Groomes commented about the selected plant materials. She noted the 2-inch caliper at installation single-stem serviceberry proposed and said that they do not do well and are intended to a multi-stemmed tree and when they are made into a single-stem form, they do not perform well. She would like to see that changed to a Madonna crabapple or another similar ornamental tree with natural single-stem condition.

Ms. Amorose Groomes noted that there was a lot of Juniper groundcover on the island beds surrounding the fuel station and all of the Juniper groundcover at the entryway to the grocery store has failed. She said she would like to see more of a perennial planting or something that would provide color in those areas that would not be destroyed by snow removal operations and things of that nature underneath the tree canopies.

Mr. Walter said the center landscaping is poor. He asked if there was a standard that should be applied to widen those beds or make them more lush in this and the outparcel.

Ms. Amorose Groomes said trees are being asked to grow in an impossible condition. She said the poorly constructed islands are too narrow to support a tree of any maturity, and filled with soil that really is not capable of providing nutrients.

Ms. Amorose Groomes said as a community we need to change our thinking on parking lot islands and the width needed as much greater than they are at this center. When looking at large centers in the future we need not try to grow trees in them or we need to make them appropriate where a tree can actually grow in them. She said she is hoping the fuel station layout will be changing significantly and they will have the opportunity to create those when moving its location. She indicated the island to the north end is much more substantial. She said there is one island that is creating problems immediately to the west of the fuel station and there are two trees slated to grow there which will not work. She asked that the island be beefed up to the other islands' size. She suggested that shifting the fuel station to the north can create more room on the east-west island, get more substantial southwest corner and with perennial plantings in the base of them they would not look at dead junipers all year long.

Mr. Fishman said they are looking to eliminate some parking so that there can be lush islands. Ms. Amorose Groomes agreed and said that would make room for a lot of water features and make more turf area and to make it look nice.

Mr. Hardt said he would like to disagree about eliminating the island that would open the throat up and traffic movements would become a free for all. He agreed it should be modified so that landscaping could survive in it, but it should remain.

Mr. Hardt would like the cart corrals be installed at the preferred option. Mr. Fishman and Mr. Zimmerman agreed.

Mr. Walter said he read in the staff report that there is no longer a requirement for awnings. Ms. Husak explained the language in the text was exactly the same as it was for the Perimeter Center shopping center where there were three signs allowed per tenant, a sign on the wall, a projecting blade sign and a sign on the awning, and they asked the applicant to delete the awning sign option because no tenant has used it. Mr. Walter said they are still going to have awnings. Ms. Husak agreed.

Ms. Krumb asked if the outparcel on the preliminary plan had been approved on previous concept versions. Ms. Husak said it is a brand new contemplation to have an additional building on that site, they are not asking for additional square footage that they do not have a right to now, but there has not been a building shown on the site as it is now. Ms. Krumb said it is totally fresh and up in the air at this point. Ms. Husak agreed.

Ms. Amorose Groomes said that everyone is in agreement that a fuel station should be a conditional use on this property.

Mr. Fraas said there have been a lot of good comments that they can make better, and there are things they can not do because the economics including the location of the gas station and the drive to the north and south drive aisle. He said that the parking field is critical to the operations of the tenants and they are at the end of the operating parking for Kroger and they can not loose spaces. He said they are going to work with staff and try and get it cleaned up and brought back in a way that will really work, but there are going to be some things that will be difficult to do.

Ms. Krumb said if the location of the outparcel does not change she would not be in favor of the outparcel, the location is not a good spot to put another building on the property, but the fuel station she is willing to work with.

Mr. Fraas said originally they met with staff to get more density on this site maybe with a multi-tenant building, but they do not work financially, that is why they are coming in with a more realistic proposal. He said that if they shift the outparcel down they are dealing with a right-in right-out and the roundabouts so the circulation is a consideration.

Mr. Walter said the center is fine as it is. He said he felt that if the fuel station and outparcel do not move and the entry feature is not there, they will not get his vote.

Mr. Fraas said this is a huge investment in the community and he thinks they need to think of the customers, that this is going to be good for the City of Dublin.

#### **Motion and Vote**

Mr. Taylor made a motion to table this application. Mr. Zimmerman seconded the motion. The applicant agreed. The vote was as follows: Mr. Hardt, yes; Ms. Krumb, yes; Mr. Walter, yes;

Mr. Fishman, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Tabled 7 – 0.)

**4. The Spa at River Ridge  
10-029CDD/CDDS**

**6570 Riverside Drive  
Corridor Development District Minor/Sign**

Chris Amorose Groomes introduced this application involving architectural modifications for an existing brick building that includes the removal of four garage doors. She said it was also a request to reface two existing ground signs. She swore in those intending to address the Commission on this case including the applicant, Edward Pollina, Professional Designs Inc. and City representatives.

Ms. Amorose Groomes confirmed Richard Taylor's question regarding this consent case did not require a presentation.

Mr. Taylor suggested the existing openings be articulated; instead finishing the openings flush with the existing building façade. He expressed concern about matching the existing brick and mortar as proposed. Edward Pollina said they had a solid match on the brick and the mortar to make it appear as the garage doors were never there.

Mr. Taylor said if it matched, that was fine.

Amy Kramb asked when the temporary sign would be replaced with a permanent sign, because she was concerned how long the temporary sign could remain.

Jennifer Rauch said there were time limits associated with temporary signs, which ensure the permanent sign is constructed in a timely manner.

Mr. Pollina said once approved they would install a permanent sign.

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

**Motion and Vote**

Mr. Taylor made the motion to approve this Corridor Development District application because the proposed signs and architectural modifications are consistent with the Zoning Code and with existing development in the area. Mr. Zimmerman seconded the motion.

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

Ms. Amorose Groomes adjourned the meeting at 11:11p.m.

As approved by the Planning and Zoning Commission on August 19, 2010.