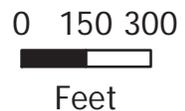


16-058AFDP-CU
 Amended Final Development Plan - Conditional Use
 Kroger Site Improvement
 7625 Sawmill Rd.



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SECOND READING/PUBLIC HEARING - ORDINANCES

Ordinance 09-14

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

Ms. Husak stated that this ordinance was introduced at the January 27th City Council meeting. The applicant's representative has had subsequent conversation with the residents, which addresses a concern Council members expressed at the previous meeting. Mr. Hale will provide an update regarding the discussion with residents.

Ben Hale, Jr., 37 W. Broad Street, Columbus stated that he spoke with Mack Parkhill last week. Mr. Parkhill shops at the Kroger store that is reflected in this rezoning. He indicated that he understood that with the WalMart store opening across the street and Target just to the north, it is very important that Kroger be able to meet that competition. He had sent Mr. Parkhill a copy of the plans and staff reports during the Planning Commission review process to keep him informed. Mr. Parkhill was also aware of Council's previous discussion. He made it clear that he continues to support their application. As indicated at the last meeting, the only new retail that will occur here is 500 square feet. However, that is accommodated by a reduction in square footage from the grocery retail component. The actual retail space is not increased. The center will have 3,000 square feet of warehouse; the second floor will be comprised of offices. The warehouse space is needed because currently, they are shipping merchandise in from other grocery stores via panel trucks, an inefficient method of business. On the ground floor, the increase in space will be approximately 3,500 square feet -- 3,000 square feet for warehouse and 500 square feet for the coffee shop that will be relocated from the middle store to the front. The additional space will not be visible; it is essentially a "bump out" to the rear of the store. Kroger believes this change is absolutely essential to be able to meet the coming competition. They have made themselves aware of their customers' desires and are anxious to proceed with this change before WalMart opens across the street with 190,000 square feet of retail -- 60,000 square feet of which will be grocery. Kroger does not want to lose any of their customers.

Mr. Lecklider stated that his vote for this matter will be affirmative. However, he has found some of the comments confusing, both from the applicant and from other Council members. He has difficulty following the logic. Apparently, there will be no significant increase in retail space to address the competition. There has been a long-standing debate in this community about retail development, particularly in the Sawmill corridor. In this case, what he is hearing is that there is a need to compete in the retail arena with more retail in Dublin. He would like to review the financials on this Kroger and other Dublin-area Kroger stores. He assumes that, in spite of present

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Wallace Maurer, 7451 Dublin Road stated that:

1. One of the "Permitted Uses" is cigar stores and stands. In light of CVS stores' recent ban of selling tobacco materials, could there perhaps be a similar desire of other stores to do the same?

Ms. Chinnici-Zuercher suggested he contact the retail stores directly.

Mr. Maurer responded that they may learn of his comment via the televised Council meeting.

2. Another section in the text refers to three items – agricultural credit institutions, personal credit institutions and business credit institutions. Do these include or refer to credit unions?

Mr. Smith responded that he believes it is an all-encompassing term. For example, there are banks in Kroger and similar stores. He believes there are also credit unions located in grocery stores.

Mr. Maurer inquired if there could be a credit union office located in this store.

Mr. Smith responded that there could be, should Kroger decide to lease the space currently housing a bank to a credit union, provided they were performing a similar function.

Mr. Hale stated that it is important to remember that there are many other businesses in the Kroger Marketplace Center, in addition to the Kroger store.

Mr. Smith clarified that the development text applies not only to the Kroger store, but to the entire Kroger Center complex. If the owner of the center wants to lease a space to a credit union, they can do so.

Mr. Maurer stated that in the section referring to eight requirements, there is a reference to a structural element called "hip." What are hip structures?

Mr. Langworthy responded that the term relates to roof pitches.

Ms. Salay stated that it is an architectural element. It is a unique type of roof, versus a gabled roof. Like a parapet, it is an architectural element, visible from the front of the center.

Ms. Chinnici-Zuercher noted that it is listed in the line with other types of roofs, such as parapets.

Ms. Husak showed a slide with a picture of a hip roof. The roof is sloped and cloved.

Ms. Salay stated that she appreciates Mr. Lecklider's previous comments. She, too, was somewhat confused. However, she is certain that when the remodeling is completed, it will be abundantly clear.

Ms. Chinnici-Zuercher stated that she is pleased that Kroger is focusing on the consumer needs and desires and is responding to address them.

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

Ordinance 10-14

Authorizing the Provision of Certain Incentives to Everhart Financial Group, Inc., dba Everhart Advisors to Induce it to Retain a Main Office and Associated Operations and Workforce within the City, and Authorizing the Execution of a Development and Land Exchange Agreement.

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Ordinance 06-14

Authorizing the Appropriation of a 0.34 Acres, More or Less, Fee Simple Interest of which 0.116 Acres, More or Less, Is Present Road Occupied from Jen-Josh LLC, Located at 6694 Riverside Drive, City of Dublin, County of Franklin, State of Ohio.

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

Ordinance 07-14

Authorizing the City Manager to Dedicate 0.571 Acres, More or Less, of Permanent Right-of-Way, and 0.128 Acres, More or Less, of Temporary Easement to the Ohio Department of Transportation in Conjunction with the I-270/US 33 Interchange Project.

Ms. Grigsby stated that this project continues to move forward. ODOT and the City are currently working on the design as well as the right-of-way acquisition. The City owns several parcels in the area in which improvements will be made. This request is for the dedication of those rights-of-way and easements to ODOT at no cost.

Mr. Keenan noted that the drilling rigs currently located in this area are conducting geological core samples.

Wallace Maurer, 7451 Dublin Road, inquired if ODOT had ruled, accepted, rejected or modified the City's proposed aesthetics design for this project.

Ms. Grigsby responded that ODOT has accepted the City's preferred design.

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

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 08-14

Amending the Annual Appropriations Ordinance for the Fiscal Year Ending December 31, 2014.

Vice Mayor Gerber introduced the ordinance.

Ms. Mumma stated that this is routine legislation brought forward at the beginning of each calendar year. This legislation appropriates the unencumbered funds remaining within the Tree Preservation account and appropriates to the Tax Increment Financing (TIF) Fund the debt service payments that relate to those TIFs.

Ms. Chinnici-Zuercher moved to dispense with the second reading/public hearing. Vice Mayor Gerber seconded the motion.

Vote on the motion: Ms. Chinnici-Zuercher, yes; Ms. Salay, yes; Mr. Peterson, yes; Mr. Lecklider, yes; Mayor Keenan, yes; Vice Mayor Gerber, yes.

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

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Ms. Rauch stated that this subarea was rezoned in a final development plan in 2004. This a request to make modifications to the development text and preliminary development plan for the addition to the existing grocery store, which is at the northwest corner of the intersection of Sawmill and Hard roads. This site contains the Kroger Shopping Center and outbuildings. The proposal contains two parts of the applicant's request.

- Proposed modifications to the permitted square footages of the Kroger building and uses for the entire shopping center. The existing development text permits a total of 173,976 square footage for the first phase of the shopping center, of which 99,945 square feet was permitted for the grocery and 74,031 square feet for retail. The applicant desires to provide two additional areas to the Kroger building – a just over 5,000 square foot addition to the rear of the building for office and storage, and a 500 square foot addition to the front. To accommodate this, the applicant is requesting a modification to increase the Kroger building area to 105,067 square feet. The Planning Commission review included discussion about the original intent that this remain a neighborhood center. In order to address the Commission's concern, the applicant has identified within the text that the retail portion would be limited to a maximum of 98,500 square feet. The remaining area could be used for office and storage.
- A 24,000-square-foot addition to the rear along Emerald Parkway. The Planning Commission decreased the square footage of that to 23,500 square feet to offset the 500 square feet addition to the front. There were also minor modifications to the uses outlined in the text, which are comparable to other retail centers. Health and Allied Services was added as a Permitted Use with a cap on class size. Conditional Uses were added for tutoring services and real estate offices, and the Outdoor Service was expanded to clarify that it included outdoor dining patios. The last three were designated as Conditional Uses so that the Planning Commission would have purview over their approval.

The Commission recommends approval of their requests with the additional condition, as noted, to reduce the square footage.

Ben Hale, Jr., 37 West Broad Street, Columbus, stated that the Kroger building on Sawmill was one of the first large grocery centers that they built. It has existed in this location for several years, and the applicant has learned much about the preferences of their customers. In addition, two strong grocery/retail competitors will be opening across the street and just to the north -- a Super WalMart and Super Target. Kroger needs to remodel the existing store interior to be able to compete. The remodel will include moving the coffee shop to the front with an outdoor seating area for the coffee shop. The addition to the building will be seamless in terms of architecture and will be used for office and storage. Because of insufficient storage today, it is necessary for Kroger to run panel trucks to another store to keep this store supplied. With additional storage, those goods could be brought in with the regular truck deliveries. This remodel will enable them to expand the outer ring of their store. They have contacted and sent a copy of their plans to the East Dublin Civic Association. He

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Ms. Rauch responded that it was staff's recommendation not to reduce the future 24,000 square feet further.

Mr. Lecklider stated that he appreciates Kroger is expert at knowing what is necessary for them to succeed in a competitive marketplace. He also appreciates that Mr. Hale has spoken with Mr. Parkhill. However, he would like the survey to be a little more comprehensive. He can contact Mr. Parkhill and other leaders in that area. There is already a lot of retail development in that area, which concerns him.

Mr. Hale responded that Kroger leases this building. They do not control the rest of the center. When the center was constructed, the extension was intended to create a courtyard behind the building in view of Emerald Parkway. With the planned extension of Emerald Parkway, the construction of that retail becomes more likely and it also provides a way to create that courtyard. If 6,000 square feet were to be removed, it would only open up the courtyard area more. They have already placed a limit on the retail portion of the building, so the addition is limited to office and storage. The square footage for retail has not been increased. Because of insufficient storage, it is necessary for Kroger to run panel trucks bringing in the needed goods.

Ms. Chinnici-Zuercher noted that Kroger was originally located on the east side of Sawmill Road, and several years ago, elected to move to the Dublin side. Council has witnessed what has happened with Dublin Village Center when all the businesses moved across the street. For 10 years or more now, the Center has been an empty area in Dublin. Although there certainly were issues with this 15 years ago, much has changed in the way grocery stores do business. An enormous amount has changed along Sawmill Road, and there will be more big box retail in this area, which Dublin does not want. The City needs to be cautious and smart about the expansion permitted. It is important not to lose businesses because of past requirements that aren't consistent with the industries at this point in time.

Mayor Keenan stated that it is noteworthy that Mack Parkhill and the East Dublin Civic Association have indicated that they have no objection to the proposed storage and office space.

There will be a second reading/public hearing at the February 10 Council meeting.

Ordinance 10-14

Authorizing the Provision of Certain Incentives to Everhart Financial Group, Inc., dba Everhart Advisors to Induce it to Retain a Main Office and Associated Operations and Workforce within the City, and Authorizing the Execution of a Development and Land Exchange Agreement.

Vice Mayor Gerber introduced the ordinance.

Mr. Gracia stated that staff has been in discussions with Dublin-based Everhart Financial Group regarding their interest in building a new corporate headquarters of approximately 8,000-10,000 square feet in Dublin. They have identified four parcels at the intersection of Perimeter and Post Road for their construction. Two parcels are owned by the City and comprise just under one acre. They are also in contract for the

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

NOVEMBER 7, 2013

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

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

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

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

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

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

VOTE: 5 – 2.

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

RECORDED VOTES:

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

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

NOVEMBER 7, 2013

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

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

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

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

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

VOTE: 5 – 2.

RESULT: This Final Development Plan was approved.

RECORDED VOTES:

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



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PLANNING AND ZONING COMMISSION

RECORD OF ACTION

NOVEMBER 7, 2013

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

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

MOTION #3: Amy Kramb moved, Victoria Newell seconded, to approve this Conditional Use application because it complies with the applicable review criteria, with one condition:

- 1) The proposed patio amenities be stored in a location that is not visible to the public when not in regular use unless the patio furniture is all-weather material, set up for use and not covered in any way, and weather conditions make the use of furniture possible.

*Ben Hale Jr., agreed the above conditions.

VOTE: 7 – 0.

RESULT: This Conditional Use application was approved.

RECORDED VOTES:

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

STAFF CERTIFICATION

Jennifer M. Rauch, AICP
 Planner II

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Motion #1 and Vote – Rezoning/Preliminary Development Plan

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

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

Mr. Hale agreed to the condition.

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

Motion #2 and Vote – Final Development Plan

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

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

Mr. Hale agreed to the condition.

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

Motion #3 and Vote – Conditional Use

Amy Kramb moved, Victoria Newell seconded, to approve this Conditional Use application because it complies with the applicable review criteria, with one condition:

- 1) The proposed patio amenities be stored in a location that is not visible to the public when not in regular use unless the patio furniture is all-weather material, set up for use and not covered in any way, and weather conditions make the use of furniture possible.

Mr. Hale agreed the condition.

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

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

13-105CU

**7581 Sawmill Road
Conditional Use**

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

Ms. Amorose Groomes swore in those who intended to address the Commission in regards to the case including Jackson Reynolds, Smith and Hale, [37 West Broad Street, Columbus, Ohio], representing the applicant, Plaza Properties, and City representatives.

Richard Taylor said a staff presentation was not necessary. He asked why this particular use was a conditional use.

Claudia Husak explained when the development text was approved in 2004, Health and Allied Services was placed in the category.

Mr. Taylor asked if Health and Allied Services was typically considered a Conditional Use, or was it just specific to this use. Ms. Husak said the Code was changed to add Fitness as a Permitted Use because it had not been included at all. She said in this particular development, staff is considering fitness types of uses to fit into the Health and Allied Service category. She said the Code allows fitness uses fewer than 15,000 square feet in area to be permitted in the Community Commercial District, which this district would probably fit the shopping center the closest. She explained there is a size limitation to the Permitted and Conditional Uses.

Ms. Amorose Groomes said moving forward it might be appropriate to limit the 15,000 square feet to have this sort of use so applicants such as this do not have to return so frequently and try to get a Conditional Use on this store thing.

Ms. Amorose Groomes invited public comments in regards to this application. [There were none.]

Motion and Vote

Richard Taylor moved, Warren Fishman seconded, to approve the Conditional Use application because it complies with the applicable review criteria.

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

3. Perimeter Center Planned Commerce District, Subarea I – Crown Kia – Sign 13-106AFDP 6400 Perimeter Loop Road Amended Final Development Plan

Chair Chris Amorose Groomes introduced this Amended Final Development Plan application requesting to replace a 15-foot tall, 50 square-foot ground sign with a new 15-foot, 2-inch tall, 50-square-foot ground sign for an existing car dealership in Subarea I of the Perimeter Center PCD, located on the north side of Perimeter Loop Drive, approximately 370 feet west of the intersection with Mercedes Drive.

Ms. Amorose Groomes swore in those who intended to address the Commission in regards to the case, including Tom Hart, [2 Miranova Place, Columbus, Ohio] representing The Crown Automotive Group and City representatives.

Rachel Ray presented an overview of the Crown KIA Dealership centrally located between the Crown Mercedes Benz dealership to the west and Crown Chrysler/Dodge/Jeep to the east, just south of the Market District shopping center. She presented a photograph of the existing ground sign which was 15 feet tall with a 50 square-foot internally illuminated sign cabinet. She described the existing sign cabinet's blue background and white lettering with a red circle circumscribing the KIA logo. She reported the Commission added a condition to a previous Final Development Plan to require a subdued shade of red.

2. That landscape easements for subdivision entry features are added and stormwater maintenance responsibilities are clarified prior to City Council submittal.

Mr. Hale agreed to the conditions.

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

Motion #3 and Vote – Text Modification

Ms. Kramb moved, seconded by Mr. Fishman, to modify the development text to remove vinyl and aluminum as a permitted trim material, with the exception of shutters.

Mr. Hale agreed to the conditions.

The vote was as follows: Mr. Budde, yes; Mr. Taylor, yes; Mr. Hardt, yes; Ms. Newell, yes; Mr. Fishman, yes; Ms. Kramb, yes. (Approved 6 – 0.)

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

Mr. Taylor introduced this request to add additional area to the existing grocery store, and modify the permitted uses within the existing development text, and for an outdoor dining area for a shopping center within the NE Quad Planned Unit Development, located on the west side of Sawmill Road approximately 750-feet north of the intersection of Hard and Sawmill Roads. He said the application requires three motions and three votes. He swore in anyone who wished to speak.

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

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

pedestrian interaction as part of the shopping center, Planning supports the proposed modification.

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

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

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

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

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

Ms. Cathy Boring (5213 Reserve, Dublin, OH) said this proposal is a very delicate situation and she asked the Commissioners to view her as a concerned resident. She said she was a founding member of the East Side Civic Association and they worked for many years on this project and they were thrilled when Kroger announced they were coming. She said their proposal defined neighborhood shopping and as part of the development process the size of the store was

defined so that would not be large. Ms. Boring said her main concern was the additional square footage, because it seems like an innocent proposal, but she is concerned the store will continue to get bigger. She asked the Commissioners to consider the future and the precedent set by allowing the proposed increase given the history and desires of the neighborhood for this site. She asked the Commission to consider the original desire for neighborhood draw, small shops and grocery store and consider the limitation on the store size.

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

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

Ms. Kramb said her initial thought was to allow the storage, but asked if the applicant would be allowed to use it for additional retail area in the future. Ms. Rauch responded the text specifies an increase in the square footage, although the applicant intends it to be used for storage.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Taylor agreed with Mr. Hardt's comments. He said he is sensitive to the work that was done many years ago by people who were far more involved and sensitive to the local area than he is and he was pleased that two of those people have spoken tonight. He said he has great

concerns regarding expanding the size of the store and that the numbers provided do not match. He said he was also concerned that a significant addition is being added to the rear of the building along a highly traveled road and facing residences. He is reluctant to approve the proposal until the discrepancies were worked out. He asked for clarification from Planning in the development text where we have written total building square footage for the first phase and the subsequent phase.

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

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

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

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

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

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

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

Mr. Hale said the applicant will table the application tonight and take all of this into consideration. He said the applicant needs to add the storage area and they would limit it to storage. He said the applicant needs the ability to store items on-site and eliminate the

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

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

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

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

Ms. Boring thanked everyone for being so careful.

Motion and Vote

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

3. Millennium Office Complex – Aloha Learning Center 13-091CU

6063 Frantz Road Conditional Use

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

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

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

Motion and Vote

Ms. Newell moved to approve, Mr. Hardt seconded the motion, because it complies with the conditional use criteria with no conditions. The vote was as follows: Mr. Fishman, yes; Mr.

Budde, yes; Ms. Kramb, yes; Mr. Taylor, yes; Mr. Hardt, yes; and Ms. Newell, yes. (Approved 6 – 0.)

Communications

Ms. Amorose Groomes asked for an update regarding the email issues. Ms. Rauch stated the City has officially migrated from Groupwise to Outlook, which happened at the end of day on Friday. She said the instruction of how to switch from Groupwise to Outlook are located in Dropbox for your reference. She said if anyone has problem with this change to let her know and we will help to get it setup.

Ms. Rauch indicated the Commissioners received an invitation on the dais tonight regarding a City Council work session scheduled for Monday, September 16th. She said Council will be discussing with staff and the consultants the framework for the Scioto River Corridor and all the Board and Commission members are invited to attend and listen to the discussion.

Ms. Rauch indicated the PZC regular meeting scheduled for September 19th has a light agenda and if the Commission desired, the end portion of the meeting could be used to continue the review of the Bridge Street District.

Ms. Readler said there was an inquiry regarding how to ensure the Commission is kept update on Council action that the Commission reviewed and recommended. She stated one method to address this would be to include the actions listed on the Clerk of Council website and include this information in the Commission's packet.

Mr. Taylor asked if a case was considered pending if the Commission voted on a case, but it was not approved by Council. Ms. Readler indicated they would still consider that as a pending case.

Ms. Amorose Groomes asked if Action Items emails were generated for City Council meeting. Ms. Rauch said no, but Planning could provide information via email regarding Council actions on Commission related cases.

Mr. Taylor indicated an email would be helpful as it comes out in real time after Council has acted. Ms. Rauch said Planning will send this information by email.

Commission Roundtable Bridge Street District Review

Ms. Amorose Groomes said she wanted to start the Bridge Street District discussion tonight on 153.066, as the Commissioners had identified this section at the August 22 meeting. She said the goal tonight would be to identify issues and information they would like Planning to gather and discuss at a future meeting. She said her understanding was Council wanted to review the sections as they were completed by the Commission, rather than waiting until the entire Code was reviewed and sending it all. Mr. Taylor agreed.

Mr. Hardt said he went back and reviewed his notes and previous minutes from the initial Code adoption process and identified the key things in the existing Code Section he had concerns about two years and continues to have concerns about today. He said the most significant topic is the review and approval process, which allows significant projects with the potential to create