February 2009

CITY OF DUBLIN

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

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

PLANNING AND ZONING COMMISSION APPLICATION

(Code Section 153.232)

I. PLEASE CHECK THE TYPE OF APPLICATION:

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

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

II. PROPERTY INFORMATION: This section must be completed.

Property Address(es): 7100 Hospital Drive, Dublin, OH 43017	
Tax ID/Parcel Number(s): 273-008209-00	Parcel Size(s) (Acres): 10.207 acres
Existing Land Use/Development: Retail	

IF APPLICABLE, PLEASE COMPLETE THE FOLLOWING:

Proposed Land Use/Development:	Outdoor Selling - Retail
Total acres affected by application:	approximately 500 square feet

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

Name (Individual or Organization):	Dublin Oaks Limited, an Oh limited liab. company By: CRI Holdings, Inc., an Ohio corporation, Managing Member
Mailing Address: (Street, City, State, Zip Code)	191 W. Nationwide Blvd., Suite 200 Columbus, OH 43215
Daytime Telephone: 614-228-5331	Fax: 614-744-4224
Email or Alternate Contact Information:	Lswearingen@castoinfo.com

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

Name: The Kroger Co.	Applicant is also property owner: yes ☐ no ☑
Organization (Owner, Developer, Contractor, etc.): Tenant	
Mailing Address: (Street, City, State, Zip Code) 4111 Executive Parkway, Westerville, OH 43081	
Daytime Telephone: (614) 898-3220	Fax: (614) 898-3496
Email or Alternate Contact Information: lindsey.taylor@kroger.com	

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

Name:	
Organization (Owner, Developer, Contractor, etc.):	
Mailing Address: (Street, City, State, Zip Code)	
Daytime Telephone:	Fax:
Email or Alternate Contact Information:	

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

I, Dublin Oaks Limited, an OH Limited liab. company By: CRI Holdings, Inc., an Ohio Corporation, Managing Member the owner, hereby authorize Linda M. Swearingen, Assistant Secretary to act as my applicant or representative(s) in all matters pertaining to the processing and approval of this application, including modifying the project. I agree to be bound by all representations and agreements made by the designated representative.

Signature of Current Property Owner: Linda M. Swearingen Date: 6-22-09

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

Subscribed and sworn before me this 22nd day of June, 20 09

State of Ohio

County of Franklin Notary Public Kelly J. Fenimore

NOTARY PUBLIC STATE OF OHIO

KELLY J. FENIMORE
Notary Public, State of Ohio
My Commission Expires
10-24-2010

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

I, Dublin Oaks Limited, an OH Limited liab. company By: CRI Holdings Inc., an Ohio Corporation, Managing Member the owner or authorized representative, hereby authorize City representatives to visit, photograph and post a notice on the property described in this application.

Signature of applicant or authorized representative: Linda M Swearingen, Assistant Secretary Date: 6-22-09

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

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

Signature of applicant or authorized representative: Linda M. Zgh Date: 6-22-09

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

I The Kroger Co., an Ohio corporation, the owner or authorized representative, have read and understand the contents of this application. The information contained in this application, attached exhibits and other information submitted is complete and in all respects true and correct, to the best of my knowledge and belief.

Signature of applicant or authorized representative: Linda M. Zgh Date: 6-22-09

Subscribed and sworn to before me this 22nd day of June, 20 09

State of Ohio

County of Franklin Notary Public Bonita Frances Fee

NOTARIAL SEAL STATE OF OHIO Stamp or Seal

BONITA FRANCES FEE
Notary Public, State of Ohio
My Commission Expires
October 4, 2009

FOR OFFICE USE ONLY			
Amount Received: $1370	Application No: 09-049 AFDP	P&Z Date(s):	P&Z Action:
Receipt No: 907209	Map Zone: 4	Date Received: 6/22/09	Received By: COH
City Council (First Reading): /		City Council (Second Reading): /	
City Council Action: /		Ordinance Number: /	
Type of Request: Amended Final Development Plan/Conditional Use			
N, S, E, W (Circle) Side of: Hospital Drive			
N, S, E, W (Circle) Side of Nearest Intersection: Hospital Drive & Avery-Muirfield Drive			
Distance from Nearest Intersection: 400 feet			
Existing Zoning District: PCD		Requested Zoning District: /	

Owner Name	Address	City	State	Zip	Parcel
DUBLIN OAKS LIMITED	7100 HOSPITAL DR	Dublin	Oh	43017	273-008209
DUBLIN OAKS LIMITED	7000 -090 HOSPITAL DR	Dublin	Oh	43017	273-008208
DUBLIN OAKS LIMITED	6850 HOSPITAL DR	Dublin	Oh	43017	273-008207
DUBLIN OAKS LIMITED	7000 -090 HOSPITAL DR	Dublin	Oh	43017	273-008208
DUBLIN OAKS LIMITED	7100 HOSPITAL DR	Dublin	Oh	43017	273-008209
OHIOHEALTH CORP	HOSPITAL DR	Dublin	Oh	43017	273-011780
OHIOHEALTH CORP	6905 HOSPITAL DR	Dublin	Oh	43017	273-010471
WALGREEN CO	6805 HOSPITAL DR	Dublin	Oh	43017	273-010472
6600 PERIMETER DRIVE LLC	6600 PERIMETER DR	Dublin	Oh	43017	273-011547
AVERY PERIMETER LLC	POST RD	Dublin	Oh	43017	273-011308
AVERY PERIMETER LLC	PERIMETER DR	Dublin	Oh	43017	273-011309
AVERY PERIMETER LLC	POST RD	Dublin	Oh	43017	273-011308
CHAMPAIGN NATIONAL BANK	6400 PERIMETER DR	Dublin	Oh	43017	273-011305
DUBLIN OAKS LIMITED	7100 HOSPITAL DR	Dublin	Oh	43017	273-008209
DUBLIN OAKS LIMITED	7000 -090 HOSPITAL DR	Dublin	Oh	43017	273-008208
DUBLIN OAKS LIMITED	6850 HOSPITAL DR	Dublin	Oh	43017	273-008207
DUBLIN OAKS LIMITED	7000 -090 HOSPITAL DR	Dublin	Oh	43017	273-008208
DUBLIN OAKS LIMITED	7100 HOSPITAL DR	Dublin	Oh	43017	273-008209
HUNTINGTON NATIONAL BANK	6705 AVERY MUIRFIELD DR	Dublin	Oh	43017	273-011304
OHIOHEALTH CORP	HOSPITAL DR	Dublin	Oh	43017	273-011780
WALGREEN CO	6805 HOSPITAL DR	Dublin	Oh	43017	273-010472

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N-817

REV: April 18, 2006
January 09, 2006

DESCRIPTION OF A 10.236 ACRE LEASE TRACT
AT 7100 LOOP ROAD,
CITY OF DUBLIN, FRANKLIN CO., OHIO

Situated in the State of Ohio, County of Franklin, City of Dublin, in Virginia Military Survey No. 2999 and Virginia Military Survey No. 3452 and being all of Lot Number Three (3) and part of Lot Number Two (2), as shown upon the plat of Avery Road Retail Center Section 1, of record in Plat Book 86, Pages 86 and 87, all records referenced to the Recorder's Office, Franklin County, Ohio, said lease tract bounded and described as follows:

Beginning at a point at a northwest corner of said Lot 3 and at the southwest corner of said Lot 2;

thence S 87° 14' 54" E along a portion of a north line of said Lot 3 and along a portion of a south line of said Lot 2 a distance of 108.00 feet to a point;

thence N 02° 45' 06" E crossing a portion of said Lot 2 a distance of 21.75 feet to a point;

thence S 87° 14' 54" E crossing a portion of said Lot 2 a distance of 79.67 feet to a point;

thence S 02° 45' 06" W crossing a portion of said Lot 2 a distance of 6.92 feet to a point;

thence S 87° 14' 54" E crossing a portion of said Lot 2 a distance of 20.92 feet to a point;

thence S 02° 45' 06" W crossing a portion of said Lot 2 a distance of 14.83 feet to a point in a south line of said Lot 2 and in a north line of said Lot 3;

thence S 87° 14' 54" E along a portion of a north line of said Lot 3 and along a portion of a south line of said Lot 2 a distance of 143.50 feet to a point at a corner of said Lot 3 and a southeast corner of said Lot 2;

thence N 02° 45' 06" E along a west line of said Lot 3 and along an east line of said Lot 2 a distance of 23.69 feet to a point;

thence N 19° 29' 51" W along a west line of said Lot 3 and along an east line of said Lot 2 a distance of 35.45 feet to a point;

thence S 87° 14' 54" E along a north line of said Lot 3 and along a south line of said Lot 2 a distance of 640.33 feet to a point of curvature;

thence southeasterly along the curved northeasterly line of said Lot 3, along the curved southwesterly line of said Lot 2 and with a curve to the right, data of which is: radius = 100.00 feet, and delta = 60° 37' 16", arc length = 105.80 feet, a chord distance of 100.94 feet bearing S 56° 56' 16" E to a point of tangency;

thence S 26° 37' 38" E along the easterly line of said Lot 3 and along a westerly line of said Lot 2 a distance of 31.14 feet to a point of curvature in a curved northerly right-of-way line of Perimeter loop Road (variable width), as shown upon said plat of Avery Road Retail Center Section 1, at a corner of said Lot 3 and at a southwesterly corner of said Lot 2;

thence southwesterly along a portion of a curved northerly right-of-way line of Perimeter Loop Road, along the curved southerly line of said Lot 3 and with a non-tangent curve to the left, data of which is: radius = 420.00 feet, and delta = 06° 57' 51", arc length = 51.05 feet, a chord distance of 51.02 feet bearing S 59° 53' 27" W to a point of compound curvature;

thence southerly along a curved westerly right-of-way line of Perimeter Loop Road, along the curved easterly line of said Lot 3 and with a curve to the left, data of which is: radius = 397.85 feet, and delta = 56° 43' 39", arc length = 393.90 feet, a chord distance of 378.01 feet bearing S 28° 02' 41" W to the point tangency;

thence S 00° 19' 08" E along a west line of Perimeter Loop Road and along the east line of said Lot 3 a distance of 49.15 feet to a point at the southeast corner of said Lot 3;

thence N 87° 14' 12" W along the south line of said Lot 3 a distance of 835.68 feet to a point at the southwest corner of said lot 3;

thence N 07° 27' 09" W along a west line of said Lot 3 a distance of 248.37 feet to a point at a corner of said Lot 3;

thence N 02° 45' 06" E along a west line of said Lot 3 a distance of 195.50 feet to the place of beginning;

containing 10.254 acres of land more or less. Of said 10.236 acre tract, 5.912 acres are within Virginia Military Survey No. 2999 and 4.342 acres are within Virginia Military Survey No. 3452.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from best available Court House records in December, 2005. Basis of bearings is the south line of said Lot 3, being N 87° 14' 12" W, as shown upon the plat of Avery Road Retail Center Section 1, of record in Plat Book 86, Pages 86 & 87, Recorder's Office, Franklin County, Ohio

Kevin L. Baxter

Kevin L. Baxter
Ohio Surveyor #7697

STATE OF OHIO
KEVIN L. BAXTER
S-7697
REGISTERED
SURVEYOR

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Exhibit C page 1 of 2

PLANNING AND ZONING COMMISSION APPLICATION STATEMENT

The Kroger Co. ("Kroger") respectfully requests approval of the enclosed Planning and Zoning Commission Application for Conditional Use and Amended Final Development Plan. Kroger intends to sell outdoor merchandise and floral varieties on the sidewalk in front of the Kroger store located at 7100 Hospital Drive, Dublin, Ohio 43017 ("Store"). A breakdown of items to be sold (collectively "Merchandise"), by each respective season, are as follows:

1. Fall: pumpkins and seasonal floral (i.e. mums);
2. Winter: seasonal floral (i.e. fresh pine varieties: wreath, garland, trees) and firewood;
3. Spring: floral including, but not limited to: annuals, perennials, hanging baskets, show plants, planters; and
4. Summer: floral including, but not limited to: annuals, perennials, hanging baskets, show plants, planters.

§ 153.236 Conditional Use Review Criteria

1) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Code and/or Community Plan.

The proposed Merchandise to be sold will be harmonious and compliment the products that are sold inside of the Store. By showcasing the Merchandise outside of the Store, Kroger intends to create a more pleasing and welcoming approach to the Store, as well as to our customers with an expanded offering of the Merchandise.

2) The proposed use will comply with all applicable development standards, except as specifically altered in the approved conditional use.

The proposed use will comply with all applicable development standards.

3) The proposed use will be harmonious with the existing or intended character of the general vicinity that such use will not change the essential character of the same area.

The Store is the anchor tenant in the Shopping Center. The Shopping Center is made up of numerous retail shops. As a result, the proposed outdoor selling component will be harmonious with the existing character of the Shopping Center and will compliment the same.

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4) **The use will not be hazardous to or have a negative impact on existing or future surrounding uses.**

The Merchandise will not be hazardous or have a negative impact on future or surrounding uses as it is typical of retail developments. The proposed outdoor selling will be an inviting display that welcomes our customers into the Store. It will provide our customers will an expanded offering of Merchandise and will be consistent with the offerings of the neighboring retail community.

5) **The area and proposed use will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.**

The Merchandise is intended to serve existing Kroger customers; thus, the use will not increase traffic. As a result, the existing highways and streets will adequately serve the proposed use. Kroger will provide adequately for all other essential services.

6) **The proposed use will not be detrimental to the economic welfare of the community.**

The proposed Merchandise to be sold will be harmonious with the type of products that are sold inside of the Store and will be consistent with the offerings of the neighboring retail community.

7) **The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limit to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.**

The Merchandise will not require electricity, nor shall it require additional exterior lighting, as the sidewalk already provides for adequate lighting. The hours of operation will mirror the store hours; thus, no disruption to the community will occur. Furthermore, the use will not increase traffic because sales will be generated from existing Kroger customers. Minimal, small signage, depicting pricing of the Merchandise will be displayed. The Merchandise to be sold will require the customer to pay for said Merchandise inside of the Store.

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

The Merchandise will be contained to the sidewalk; thus, the internal circulation of the Shopping Center will be maintained.

9) **The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

The Merchandise will be contained to the sidewalk area in close proximity to the Store entrance. It will encompass approximately five hundred (500) square feet and will maintain the required four (4) foot walkway. Because the Merchandise will be located on the sidewalk of the Store, Kroger will ensure that pedestrian ingress and egress to the Store is maintained. Furthermore, this outdoor selling will not interfere with the traffic circulation of the Shopping Center.

The Kroger Co. respectfully requests approval of this Conditional Use and Amended Final Development Plan Application.

Owner Name	Address	City	State	Zip	Parcel
DUBLIN OAKS LIMITED	7100 HOSPITAL DR	Dublin	Oh	43017	273-008209
DUBLIN OAKS LIMITED	7000 -090 HOSPITAL DR	Dublin	Oh	43017	273-008208
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