



CITY OF DUBLIN.

Land Use and
Long Range Planning
5800 Sniar-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:

<input type="checkbox"/> Informal Review	<input type="checkbox"/> Final Plat (Section 152.085)
<input type="checkbox"/> Concept Plan (Section 153.056(A)(1))	<input checked="" type="checkbox"/> Conditional Use (Section 153.236)
<input type="checkbox"/> Preliminary Development Plan / Rezoning (Section 153.053)	<input type="checkbox"/> Corridor Development District (CDD) (Section 153.115)
<input type="checkbox"/> Final Development Plan (Section 153.053(E))	<input type="checkbox"/> Corridor Development District (CDD) Sign (Section 153.115)
<input type="checkbox"/> Amended Final Development Plan (Section 153.053(E))	<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Standard District Rezoning (Section 153.018)	<input type="checkbox"/> Right-of-Way Encroachment
<input type="checkbox"/> Preliminary Plat (Section 152.015)	<input type="checkbox"/> 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): 299 West Bridge St., Dublin, OH 43017	
Tax ID/Parcel Number(s): 273-000270-00 273-000274-00 273-001348-00	Parcel Size(s) (Acres): .190 acres 12.496 total .813 acres .07 acres
Existing Land Use/Development: Retail	

IF APPLICABLE, PLEASE COMPLETE THE FOLLOWING:

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

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

Name (Individual or Organization): Dublin Plaza L.P. an Ohio limited partnership	
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: <u>The Kroger Co.</u>	Applicant is also property owner: yes <input type="checkbox"/> no <input checked="" type="checkbox"/>
Organization (Owner, Developer, Contractor, etc.): <u>Tenant</u>	
Mailing Address: (Street, City, State, Zip Code) <u>4111 Executive Parkway, Westerville, OH 43081</u>	
Daytime Telephone: <u>(614) 898-3220</u>	Fax: <u>(614) 898-3496</u>
Email or Alternate Contact Information: <u>lindsey.taylor@kroger.com</u>	

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.

Dublin Plaza, L.P., an Ohio limited partnership by CRI Holdings, Inc., an Ohio Corporation, General Partner
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: [Signature] 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, 2009

State of Ohio

County of Franklin

Notary Public Kelly J Fenimore



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.

Dublin Plaza L.P., an Ohio limited partnership by CRI Holdings, Inc., an Ohio Corporation, General Partner
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: [Signature] 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, <u>The Kroger Co., an Ohio corporation</u> , 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: <u>Rundz m zep</u>	Date: <u>6-22-09</u>

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

I, <u>The Kroger Co., an Ohio corporation</u> , 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: <u>Rundz m zep</u>	Date: <u>6-22-09</u>

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

State of Ohio

County of Franklin

Notary Public: Bonita Frances Fee



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

FOR OFFICE USE ONLY			
Amount Received: <u>\$1370</u>	Application No: <u>09-0500</u>	P&Z Date(s):	P&Z Action:
Receipt No: <u>907211</u>	Map Zone: <u>3</u>	Date Received: <u>6/22/09</u>	Received By: <u>CDH</u>
City Council (First Reading): <u>/</u>		City Council (Second Reading): <u>/</u>	
City Council Action: <u>/</u>		Ordinance Number: <u>/</u>	
Type of Request: <u>Conditional Use</u>			
N, S, E, W (Circle) Side of: <u>West Bridge Street</u>			
N, S, E, W (Circle) Side of Nearest Intersection: <u>West Bridge Street & Corbins Mill Drive</u>			
Distance from Nearest Intersection: <u>0 - at intersection</u>			
Existing Zoning District: <u>CC</u>		Requested Zoning District: <u>/</u>	

PLANNING AND ZONING COMMISSION APPLICATION STATEMENT

The Kroger Co. ("Kroger") respectfully requests approval of the enclosed Planning and Zoning Commission Application for Conditional Use. Kroger intends to sell outdoor merchandise and floral varieties on the sidewalk in front of the Kroger store located at 299 West Bridge Street, 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.

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 with 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 application.

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS

LEGAL DESCRIPTION

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EXHIBIT A – LEGAL DESCRIPTION

Situated in the State of Ohio, County of Franklin, Village of Dublin, and being all of the lands described in Military Survey No. 2542, and being all of the lands deeded to Robert T. Southwick as described in Deed Book 3308, Page 252, and also being the same lands described in Deed Book 3618, Page 820, granting an undivided one half interest in said lands to Richard J. Solove and John J. Chester, all references made now and hereafter are of record in the Franklin County Recorder's Office, Franklin County, Ohio, said lands being more particularly bounded and described as follows:

Beginning at a point in the centerline of Frantz Road, said point being located S 05° 01' 29" W a distance of 260.63 feet from the centerline intersection of Frantz Road and U.S. Route 33, as same is shown on Ohio Department of Transportation Centerline Survey Plat FRA-270-7.47N, said point being also the southwesterly corner of a 0.913 acre tract of land deeded to Ohio Federal Savings and Loan Association of Columbus, Deed Book 2938, Page 312, thence N 89° 03' 45" E a distance of 251.56 feet to a found iron pin;

Thence N 05° 00' 55" E a distance of 183.19 feet to a found iron pin at the northeasterly corner of said 0.913 acre tract, said point being also in the southerly limited access line of said U.S. Route 33;

Thence along the southerly limited access line of U. S. Route 33 the following four courses, N 89° 04' 04" E a distance of 4.85 feet to an iron pin, S 86° 21' 30" E a distance of 250.80 feet to an iron pin, N 84° 46' 43" E a distance of 200.56 feet to an iron pin, N 89° 04' 04" E a distance of 319.07 feet to an iron pin at the northeasterly corner of said property;

Thence S 04° 09' 37" W a distance of 550.73 feet to an iron pin found;

Thence S 88° 51' 53" E a distance of 46.46 feet to an iron pin found;

Thence S 02° 40' 06" W a distance of 80.00 feet to an iron pin found at the southeasterly corner of said property;

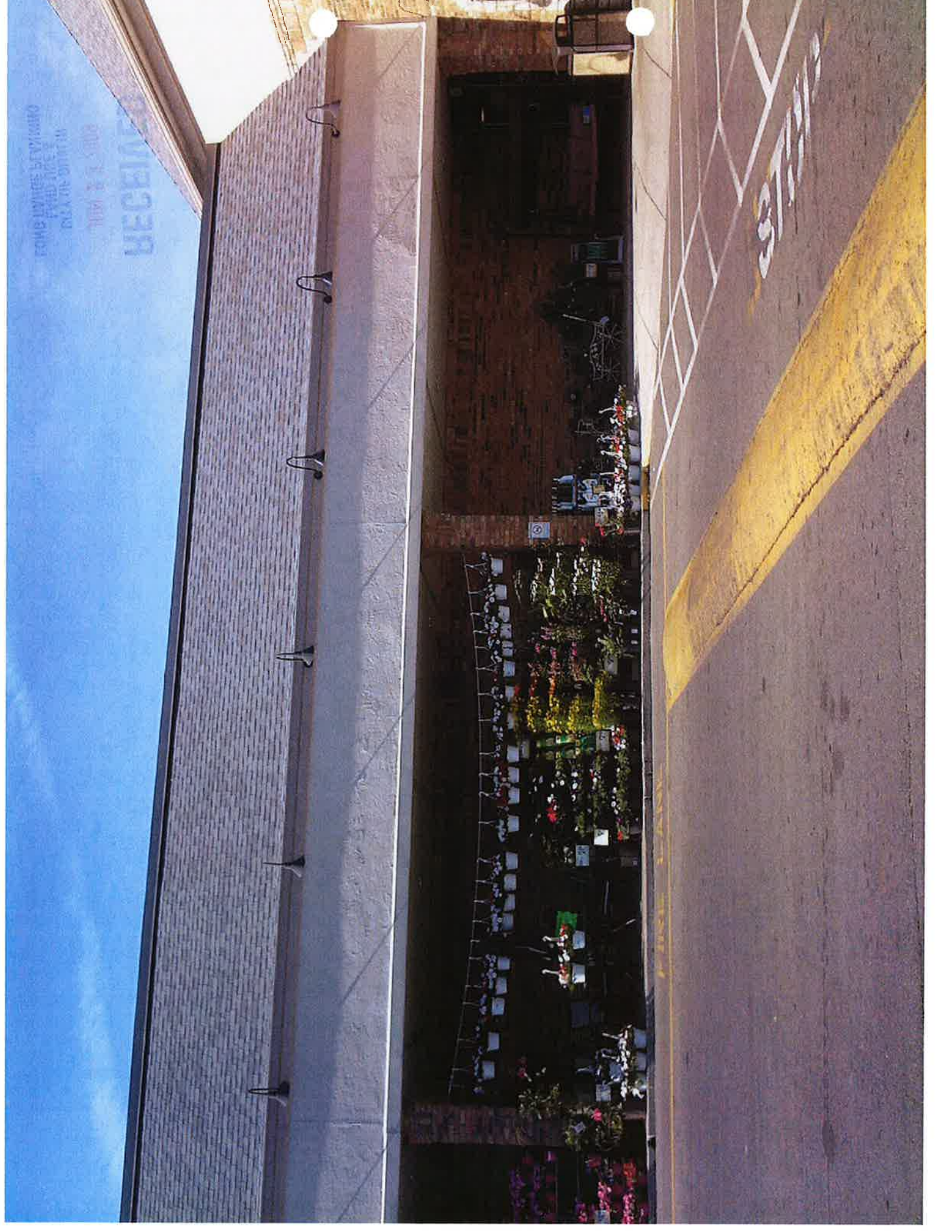
Thence N 84° 41' 48" W a distance of 878.38 feet to an iron pin found;

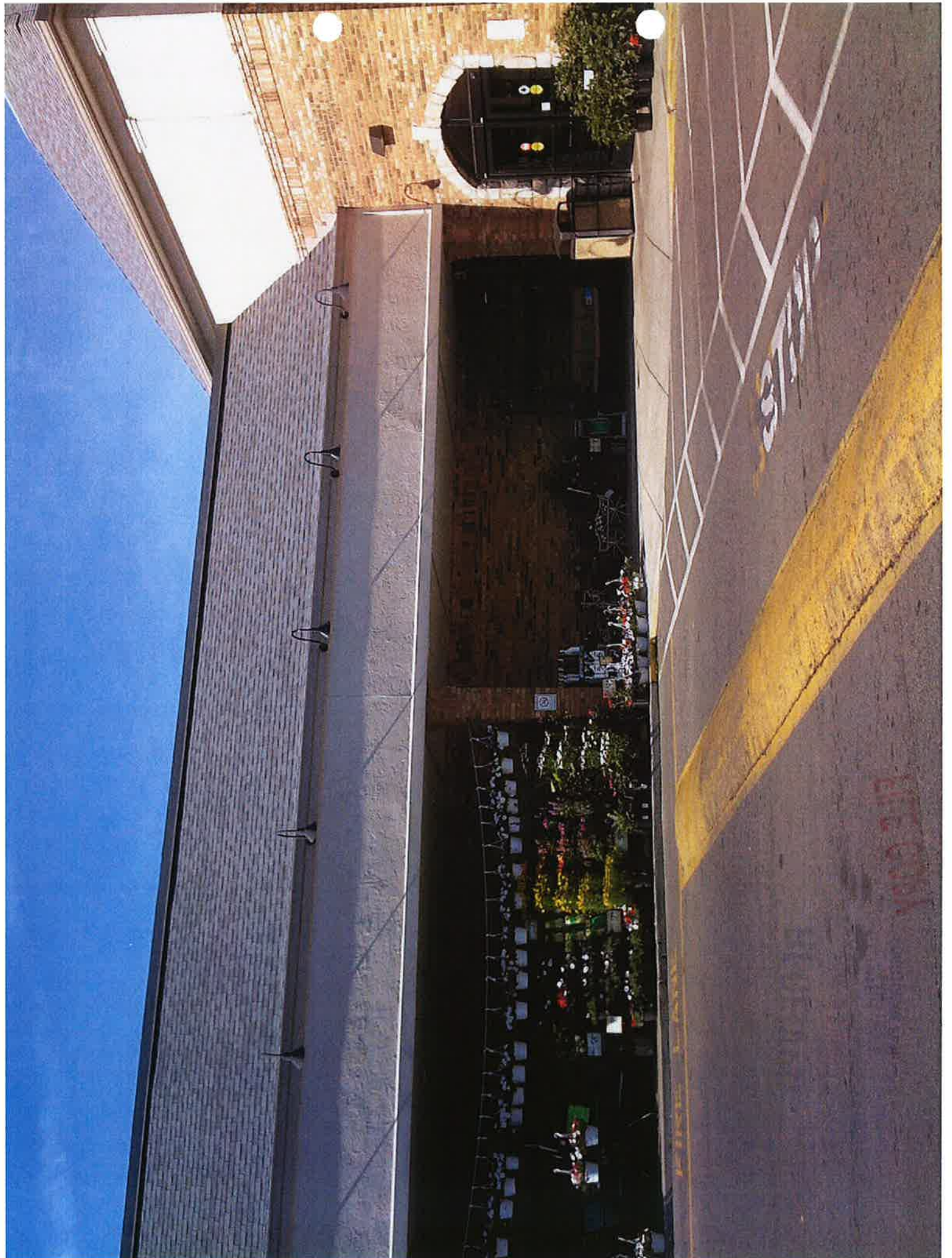
Thence N 89° 58' 31" W a distance of 200.76 feet to a railroad spike found in the centerline of Frantz Road, said spike being the southwesterly corner of said property;

Thence N 05° 01' 29" E along the centerline of Frantz Road a distance of 356.01 feet to the place of beginning.

Containing 12.496 acres of land, more or less, and being subject, however, to all legal highways, easements, and restrictions of record.

TOGETHER WITH the non-exclusive, beneficial easements for ingress and egress as described in that certain Cross Easement Agreement of record in Official Record 20376C19, Office of the Recorder, Franklin County, Ohio.





AMIN HOTELS LTD	6364 FRANTZ RD	Dublin	OH	43017	273-001410
BAY WILIAM H TR	71 - 83 CORBINS MILL DR	Dublin	OH	43017	273-001421
DUBLIN PLAZA LP	225 -373W BRIDGE ST	Dublin	OH	43017	273-000270
DUBLIN PLAZA LP	225 W BRIDGE ST	Dublin	OH	43017	273-001348
DUBLIN PLAZA LP	FRANTZ RD	Dublin	OH	43017	273-000274
DUBLIN PLAZA LP	221 W BRIDGE ST	Dublin	OH	43017	273-001349
DUBLIN PLAZA LP	337 W BRIDGE ST	Dublin	OH	43017	273-001350
DUBLIN PLAZA LP	225 -373W BRIDGE ST	Dublin	OH	43017	273-000270
DUBLIN PLAZA LP	221 W BRIDGE ST	Dublin	OH	43017	273-001349
DUBLIN PLAZA LP	225 -373W BRIDGE ST	Dublin	OH	43017	273-000270
HEARTLAND BANK	6500 FRANTZ RD	Dublin	OH	43017	273-000329
KRISJAL LLC	UPPER METRO PL	Dublin	OH	43017	273-009975
LISA GONE SHOPPING LLC	63 CORBINS MILL DR	Dublin	OH	43017	273-001912
MOON MERLIN D & CYNTHIA K	64 CORBINS MILL DR	Dublin	OH	43017	273-000258
NASH CAROLYN R TR	220 BRIDGE ST	Dublin	OH	43017	273-000786
OCONNOR KEVIN OCONNOR KAREN	48 CORBINS MILL DR	Dublin	OH	43017	273-000257
ROBSON WILLIAM G	215 W BRIDGE ST	Dublin	OH	43017	273-000989
STONEY RIVER MANAGEMENT CO INC	5000 UPPER METRO PL	Dublin	OH	43017	273-009971
VILLAGE OF DUBLIN OHIO	MONTEREY DR	Dublin	OH	43017	273-000986
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