



CITY OF DUBLIN,™

Land Use and
Long Range Planning
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PLANNING REPORT

PLANNING AND ZONING COMMISSION

DECEMBER 10, 2009

SECTION I – CASE INFORMATION

5. NE Quad, Subarea 5A – Kroger Marketplace Centre – Menchie’s Frozen Yogurt
7625 Sawmill Road
09-100AFDP/CU Amended Final Development Plan/ Conditional Use

Proposal: A 170-square-foot outdoor service facility dining area for a restaurant (tenant space 121) in the Kroger Marketplace Centre in Subarea 5A of the NE Quad Planned Unit Development District. The 27-acre Centre is located on the west side of Sawmill Road, approximately 500 feet north of Hard Road.

Request: Review and approval of an amended final development plan under the Planned District provisions of the Zoning Code Section 153.050 and a conditional request under the provisions of Code Section 153.236.

Applicant: Cory Gill, Neptune Design Group.

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

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

Case Summary

This is a proposal for a 170-square-foot patio in front of a frozen yogurt shop tenant space (space 121) within the Kroger Marketplace shopping center in Subarea 5A of the NE Quad Planned Unit Development District. The site is located on the west side of Sawmill Road, approximately 1,000 feet north of the intersection with Hard Road.

Case Background

The final development plan for the Kroger Marketplace shopping center was approved on October 21, 2004 and included a retail center, grocery store, two multi-tenant retail buildings, and a fuel station. Other restaurants in the retail center with approved outdoor dining patios include Hoggy’s (Case 05- 071AFDP/CU), Average Joe’s Pub (Case 06-152AFDP/CU) and Tuula’s European Café (Case 08-036AFDP/CU).

Site Description

Location

The 27-acre Centre has frontage along three public streets: Sawmill Road (1,500 feet), Hard Road (1,200 feet), and Emerald Parkway (1,000 feet). The applicant’s business will occupy an approximately 2,100-square-foot tenant space in the middle of the retail center facing Sawmill Road.

Surrounding Zoning and Uses

This site is within Subarea 5A of the Northeast Quad PUD, Planned Unit Development District (PUD). To the north, across Summer Drive is vacant land in Subarea 5B of this PUD. To the west is the Scioto Crossings residential development, also zoned PUD, part of the Northeast Quad (Subareas 4A-4C and 6A-6B). To the south, across Hard Road is the Lifetime Fitness facility, zoned PUD. Across Sawmill Road are commercial and residential uses in the City of Columbus.

Plan Description

Site Layout

The approved Kroger Marketplace shopping center is a “U” shaped complex consisting of the 74,038-square-foot retail center, the attached Kroger building located to the north, and a future expansion area located to the west. The proposed patio for Menchie’s Frozen Yogurt is located directly in front of the building underneath the existing covered walkway.

Patio Elements

The proposed patio is 170 square feet and maintains a clear path of travel of five feet six inches. No umbrellas are proposed as the patio is located under the covered portion of the sidewalk and no additional lighting or speakers are proposed. No alcohol will be served at the frozen yogurt shop and the applicant is therefore not proposing a fence to enclose the patio area. Planning is concerned that without some delineation the patio may creep beyond the area proposed and recommends landscape planters at each end of the patio to define the space. An existing bike rack on the eastern side of the building will remain.

Patio Furniture

The applicant is proposing the use of white multipurpose stackable chairs and square 30-inch by 30-inch square steel tables for use in the patio. Planning recommends that all outdoor tables and chairs be stored during off-season.

Parking

This shopping center was approved with a total of 1,058 parking spaces to serve the grocery store, the retail portion and the outparcels. There have been no complaints filed in regards to parking on the site, and Planning will continue monitoring the parking availability in the shopping center to assure that adequate parking is available.

SECTION II - REVIEW STANDARDS

Amended Final Development Plan

The purpose of the Planned Unit Development process is to encourage imaginative architectural design and proper site planning in a coordinated and comprehensive manner, consistent with accepted land planning, landscape architecture, and engineering principles. The PUD process consists of up to three stages:

- 1) Concept Plan (Staff, Commission, and/or City Council review and comment);
- 2) Zoning Amendment Request (Preliminary Development Plan; Commission recommends and City Council approves/denies); and
- 3) **(Amended) Final Development Plan (Commission approves/denies).**

The intent of the final development plan is to show conformance with and provide a detailed refinement of the total aspects of the approved preliminary development plan (rezoning). The final development plan includes all of the final details of the proposed development and is the final stage of the PUD process. The Commission may approve as submitted, approve with modifications agreed to by the applicant, or disapprove and terminate the process. If the application is disapproved, the applicant may respond to Planning and Zoning Commission's concerns and resubmit the plan. This action will be considered a new application for review in all respects, including payment of the application fee. Appeal of any action taken by the Commission shall be to the Court of Common Pleas in the appropriate jurisdiction. Following approval by the Commission, the applicant may proceed with the building permit process. In the event that updated citywide standards are applicable, all subsequently approved final development plans shall comply with the updated standards if the Planning and Zoning Commission determines that such updated standards would not cause undue hardship.

Analysis and Recommendation based on Amended Final Development Plan Criteria

Section 153.055(B) of the Code identifies criteria for the review and approval for an amended final development plan. The criteria are arranged in the following categories and may be in a different order than listed in the Code:

Adopted Policies and Plans (Criteria 1, 3, 9, & 10). The proposed modifications conform to the approved preliminary development plan, have adequate public facilities and open spaces, are carried out in progressive stages, and conform to all other applicable zoning text and Code requirements.

Criteria met. The proposed patio enhances the pedestrian orientation of the streetscape within this shopping center and provides additional outdoor gathering space. The proposal is compatible with adjacent uses and development in the area.

Site Safety and Circulation (Criteria 2 & 5). The proposed modifications provide for safe and efficient pedestrian and vehicular circulation and provide adequate lighting for such uses.

Criteria met with condition. As proposed, the patio does not affect the pedestrian or vehicular circulation of this site. However, Planning is concerned that without any delineation, the patio may grow onto areas that should be free of obstructions for safe pedestrian movements. Planning recommends that planters be placed at the ends of the patio area for delineation (Condition).

Development Details (Criteria 4, 6, 7, & 8). The details of the development are sensitive to the natural characteristics of the site, include appropriate landscaping and signs, and provide adequate storm drainage.

Criteria met. The proposed patio location, layout and furniture are appropriate to the site.

Conditional Use

Conditional uses, while often desirable, may more intensely affect the surrounding area in which they are located than permitted uses. The intent of the conditional use process is to set forth development standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area, conditions of the development, and with regard to appropriate plans.

The conditional use request includes all of the details of the proposed use, and the Commission may approve, disapprove, or approve with modifications. Upon a favorable finding, the Commission shall approve a conditional use application within 30 days following the public hearing. Appeal of any action taken by the Commission shall be to the Court of Common Pleas in the appropriate jurisdiction. Following approval by the Commission, the applicant may proceed with the building permit process. A Certificate of Zoning Plan Approval for a conditional use must be issued within one year of Planning and Zoning Commission approval, or the approval expires.

Analysis and Recommendation Based on Conditional Use Criteria

Section 153.236(C) sets out criteria of approval for a conditional use. Following is an evaluation by Planning based on those criteria. The criteria are arranged in the following categories and may be in a different order than listed in the Code:

Policies of the Community (Criteria 1 & 2). The proposed use will be harmonious with and in accordance with the specific objectives of the Zoning Code and/or Community Plan and comply with all applicable development standards.

Criteria met. The approved development text allows outdoor seating areas for restaurants as a conditional use. The proposed patio is appropriate and compatible with the adjacent uses and will comply with all applicable development standards contained in the Zoning Code.

Impact to the Surrounding Community (Criteria 3, 4, 6, 9, & 10). The proposed use will be harmonious with the existing or intended character of the general vicinity, will not be hazardous to or have a negative impact on surrounding uses, will not be a detriment to the economic welfare of the community or property values in the immediate vicinity, and will not impede the orderly development of the surrounding properties.

Criteria may be met through conditions. The proposed patio will not change the essential character of the area and is located appropriately under the existing overhang, directly adjacent to the front of the tenant space. Any patio amenities should be removed when the current tenant vacates the space, unless the space is occupied by a compatible use that would utilize the proposed patio area (Condition 1). Additionally, the proposed furniture will need to be stored during the off-season (Condition 2).

Necessary Infrastructure (Criteria 5, 7 & 8). The area and proposed use(s) will be adequately served by essential public facilities and services and will have vehicular approaches that are appropriately designed to not create interference with traffic on surrounding public or private road systems.

Criteria met. The proposed patio should not adversely affect the approved parking requirement and is located appropriately. As stated above in the amended final development plan analysis, planters located at the ends of the patio area should aid in maintaining safe and efficient pedestrian and vehicular traffic.

SECTION III – RECOMMENDATION

Amended Final Development Plan: Approval with Condition

In Planning's opinion, this proposal complies with the amended final development criteria and coordinates with the design intent of the overall shopping center. Planning recommends approval of this request with one condition.

Condition

- 1) That the proposed patio area be delineated by planters, subject to approval by Planning.

Conditional Use: Approval with Conditions

In Planning's opinion, the proposed patio meets the review criteria for a conditional use and Planning recommends approval of 170 square feet of an outdoor service facility dining area for tenant space 121 with two conditions.

Conditions

- 1) That all patio amenities be removed by the tenant or shopping center owner if the tenant vacates this space and is not replaced with another use that would utilize the patio; and
- 2) That all patio furniture be stored during off-season.

Amended Final Development Plan

Review Criteria

In accordance with Section 153.055(B) *Plan Approval Criteria*, the Code sets out the following criteria of approval for a final development plan:

- 1) The plan conforms in all pertinent respects to the approved preliminary development plan provided, however, that the Planning and Zoning Commission may authorize plans as specified in §153.053(E)(4);
- 2) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- 3) The development has adequate public services and open spaces;
- 4) The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Code;
- 5) The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity;
- 6) The proposed signs, as indicated on the submitted sign plan, will be coordinated within the Planned Unit Development and with adjacent development; are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and are located so as to maintain safe and orderly pedestrian and vehicular circulation;
- 7) The landscape plan will adequately enhance the principal building and site; maintain existing trees to the extent possible; buffer adjacent incompatible uses; break up large expanses of pavement with natural material; and provide appropriate plant materials for the buildings, site, and climate;
- 8) Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this Code and any other design criteria established by the City or any other governmental entity which may have jurisdiction over such matters;
- 9) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage; and
- 10) The Commission believes the project to be in compliance with all other local, state, and federal laws and regulations.

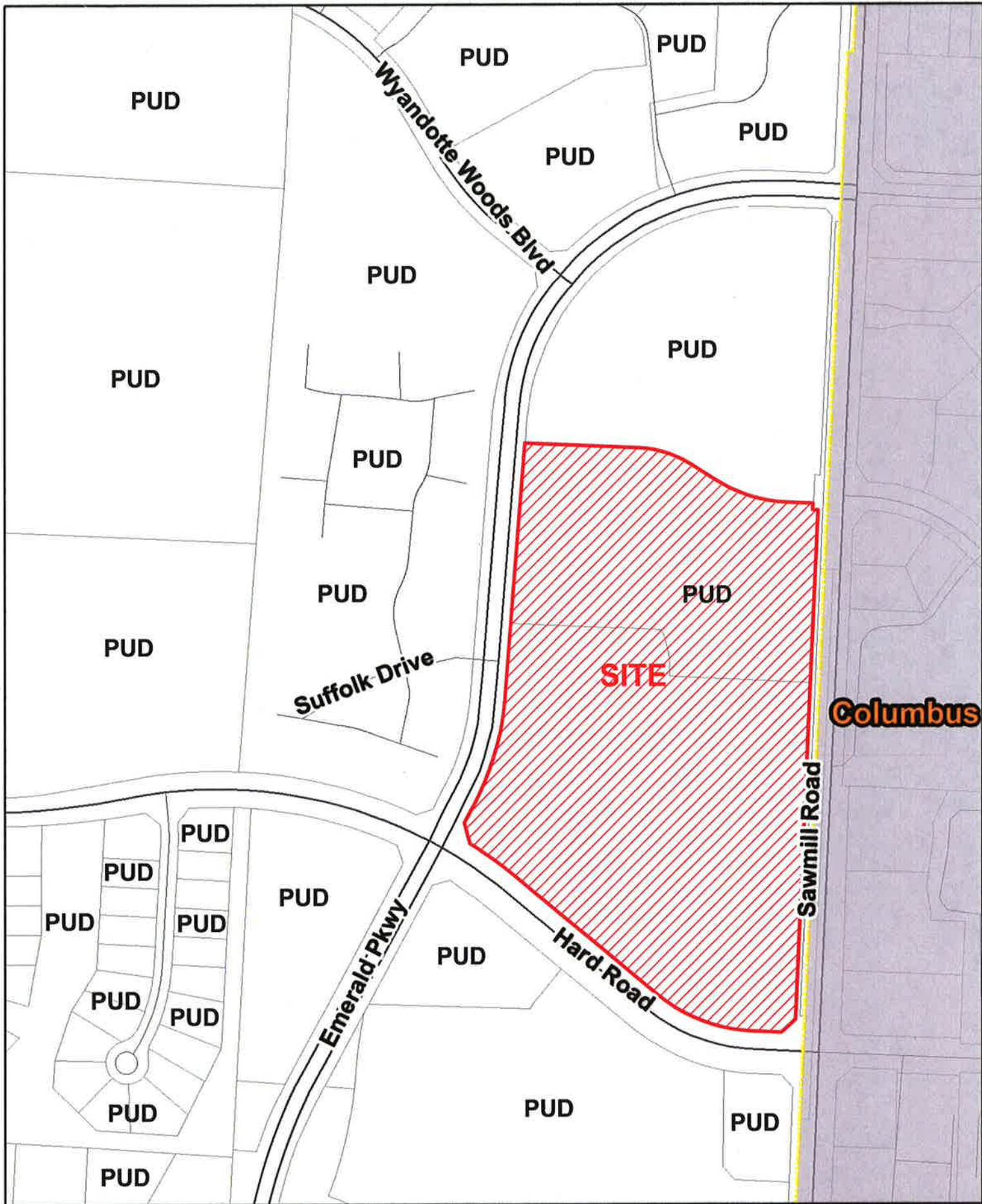
Conditional Use

Review Criteria

Section 153.236(C) sets out criteria for the review and approval of a conditional use.

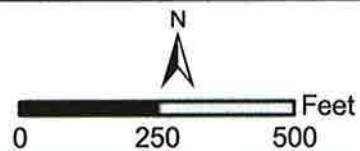
(C) *Action by the Planning Commission.* The Planning and Zoning Commission shall hold a public hearing and shall not approve a conditional use unless it finds that such use at the proposed location meets all of the following requirements:

- 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.
- 2) The proposed use will comply with all applicable development standards, except as specifically altered in the approved conditional use.
- 3) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- 4) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
- 5) The area and proposed use(s) 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.
- 6) The proposed use will not be detrimental to the economic welfare of the community.
- 7) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited 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.
- 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.
- 9) The proposed use will not be detrimental to property values in the immediate vicinity.
- 10) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.



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09-100AFDP/CU
Amended Final Development Plan/ Conditional Use
NE Quad, Subarea 5A - Kroger Marketplace
Menchie's Frozen Yogurt
7545 Sawmill Road





Dublin Scioto High School

Residence at Scioto Crossing

Suffolk Drive

Wyandotte Woods Blvd

Emerald Pkwy

Hard Road

Sawmill Road

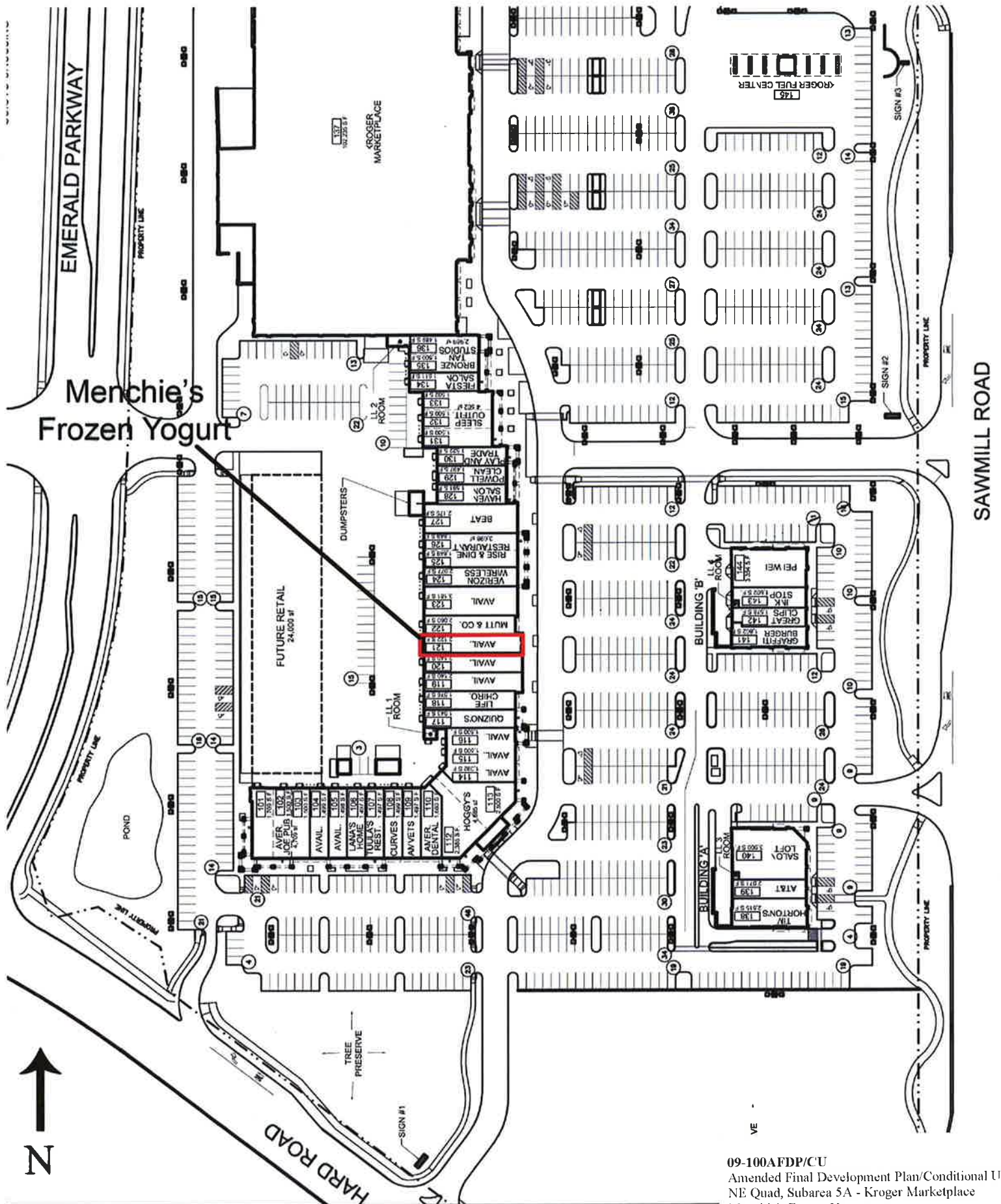
Columbus

SITE



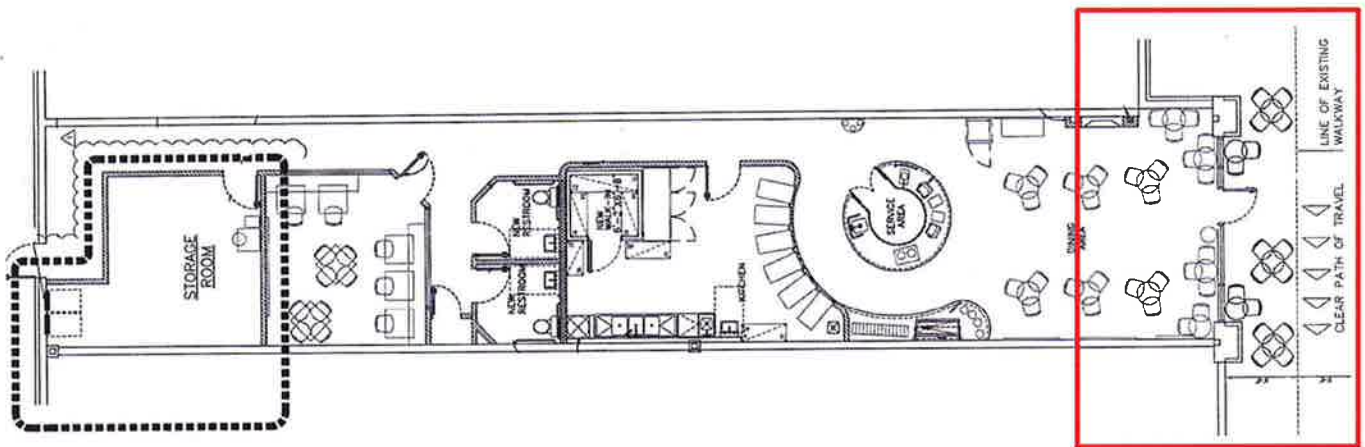
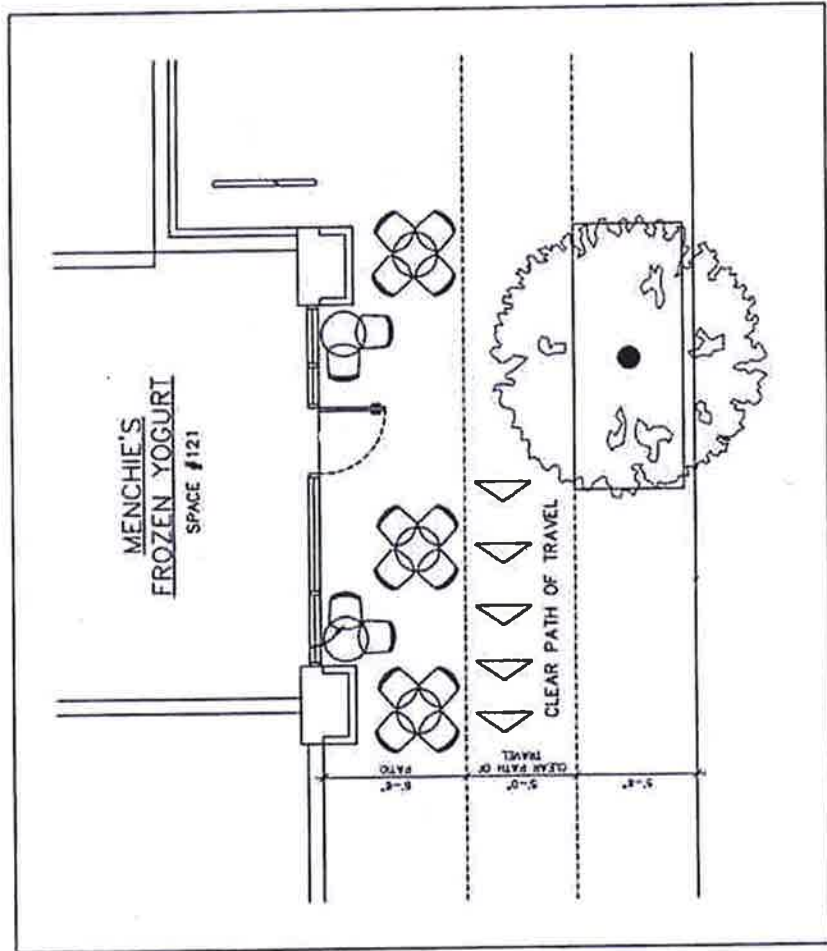
 <p>City of Dublin Land Use and Long Range Planning</p>	<p>09-100AFDP/CU Amended Final Development Plan/ Conditional Use NE Quad, Subarea 5A - Kroger Marketplace Menchie's Frozen Yogurt 7545 Sawmill Road</p>	 <p>N</p>  <p>0 250 500 Feet</p>
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KROGER MARKETPLACE WITH TENANT SPACES

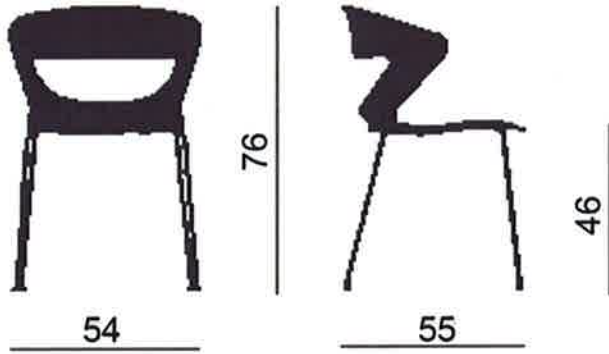


09-100AFDP/CU
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 NE Quad, Subarea 5A - Kroger Marketplace
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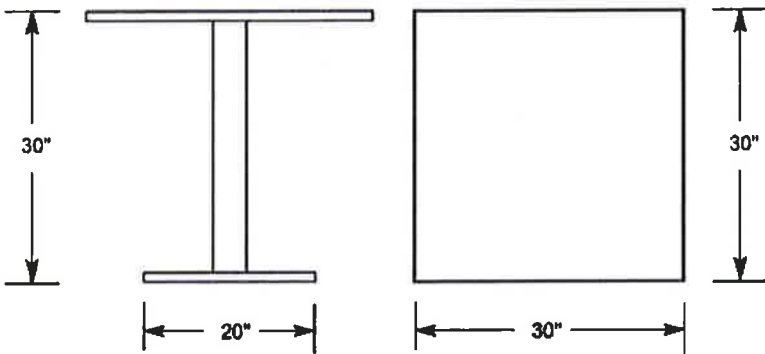
PROPOSED PATIO SPACE



PROPOSED PATIO FURNITURE



Proposed Chair



Bistro #901

Proposed Table