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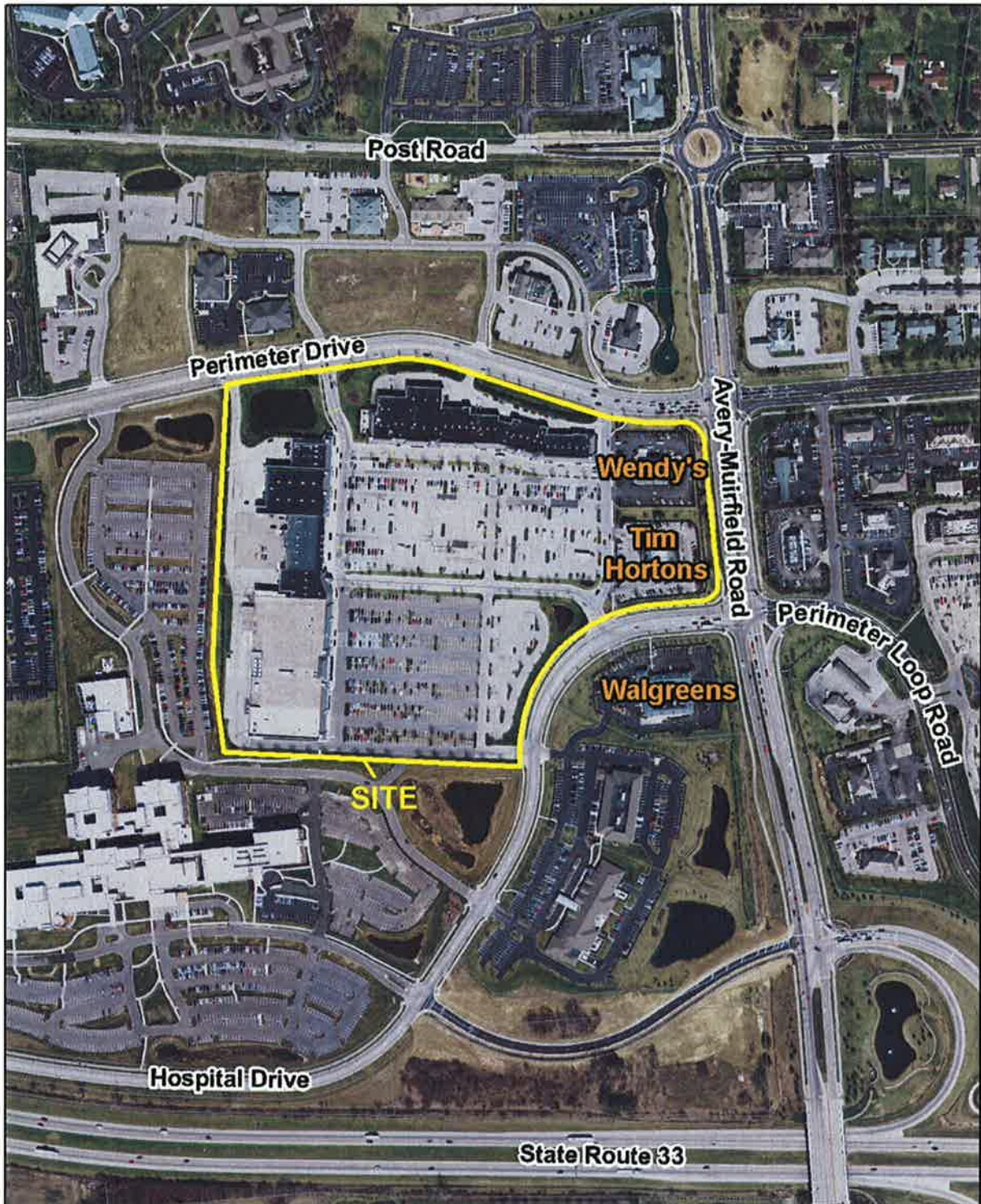
Planning Report



Thursday, July 8, 2010

Riverside PCD, Subareas B and B₁ - Avery Square Shopping Center

Case Summary

Agenda Item	3
Case Number	10-001Z/PDP/FDP/CU
Site Location	6850 – 7100 Hospital Drive 6315 – 6595 Perimeter Drive Located on the south side of Perimeter Drive, west of Avery-Muirfield Drive and northwest of Hospital Drive
Proposal	A new Planned Unit Development District (Avery Square) for 28.42 acres currently located within Subareas B and B ₁ of the Riverside Planned Commerce District. The proposal is for the development of an outparcel, a conditional use for the construction of a fuel station for the grocery store, an increase in the amount of outdoor dining areas in the shopping center, and future driveway and access improvements.
Applicant	Casto and Kroger.
Representative	Charles Fraas, Casto.
Case Manager	Claudia D. Husak, Planner II (614) 410-4675 chusak@dublin.oh.us
Requests	The application consists of three components as detailed below.
Rezoning	Review and recommendation to City Council under the Planned District provisions of Zoning Code Section 153.05 for the rezoning with preliminary development plan.
Final Development Plan	Review and approval under the Planned District provisions of Zoning Code Section 153.050. The final development plan is the last step in the development of a Planned District and requires that all site development details be approved by the Planning and Zoning Commission. The final development plan will not be in effect until the rezoning with preliminary development plan is approved by City Council.
Conditional Use	Review and approval under the provisions of Zoning Code Section 153.236. A fuel station is designated as an auto-oriented commercial facility in the Zoning Code, which requires that the Commission approve a conditional use.
Planning Recommendation	Approval of the rezoning with 1 condition; approval of the FDP with 9 conditions; and approval of the conditional use without condition. In Planning's opinion, this proposal complies with all applicable review criteria and the existing development standards within the area. Approval with conditions as noted is recommended.



 <p>City of Dublin Land Use and Long Range Planning</p>	<p>10-001Z/PDP/FDP/CU Rezoning/Preliminary Development Plan/ Final Development Plan/Conditional Use Riverside PCD, Subareas B & B1, Avery Square Shopping Center 7100 Hospital Drive</p>	 <p>N 0 250 500 Feet</p>
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Facts

Site Area	28.42 acres
Zoning	PCD, Planned Commerce District, Riverside, Subareas B and B1
Surrounding Zoning and Uses	North: PCD, medical offices, daycare, bank and shopping center within the Riverside North plan South: PUD, Dublin Methodist Hospital within the Ohio Health Medical Campus plan East: PCD, Walgreens store within the Riverside plan, Subarea B2 West: PUD, Dublin Methodist Hospital within the Ohio Health Medical Campus plan
Site Features	<ul style="list-style-type: none">• Irregularly shaped• No topographic features• Developed with Avery Square shopping center (206,341 square feet) along the northern and western boundary with the Kroger grocery store as the main tenant, two restaurant outparcels are located along the eastern boundary.• Parking for 1,205 vehicles• Main access is from Hospital Drive in the eastern portion of the site and secondary Hospital Drive access point is in the far southeastern portion of the site• Four additional access points along Perimeter Drive to the north and shared access with the hospital site along the southern property line.• A stormwater pond is located adjacent the main drive entrance• Service drive and additional parking spaces are located behind the buildings.• Includes landscape hedge with intermittent pillars along Avery-Muirfield Drive (required in the development text) and landscape beds on either side of the main entrance as part of the entry feature.
Development Context	<p>Community Plan</p> <p>The Future Land Use classification for this site is designated as <i>General Commercial</i> on Future Land Use Map. The overall density approved with the original Planned District is 10,000 square feet per acre, which is higher than the Community Plan recommended range of 6,500 – 8,700 square feet per acre. The development text permits uses consistent with the Future Land Use designation. It is Planning's opinion the proposed plan and uses fit within the definition of <i>General Commercial</i> as stated in the Community Plan as land use comprising a majority of existing retail and commercial development within the city. The Plan describes this type of development as automobile dependent and classifies the uses as auto-oriented, which is consistent with the existing and proposed development.</p>

Facts

Case Background

City Council

1989

Riverside Hospital Planned Commerce District rezoning and preliminary development plan approved encompassing land between Post Road, Avery-Muirfield Drive and US 33, divided into Subareas A through C. Permitted uses include commercial, medical and office. Subarea B was originally zoned for a mix of retail/commercial uses in an integrated shopping environment.

1996

April 22: Approved Preliminary Plat

1997

- September 15: Voted to reconsider previous sign decision and vacated previous action on retail center sign
- September 3: Approved retail center sign
- August 11: Approved rezoning to change setbacks, allow for shared parking between the outparcels and reduce the parking for Wendy's/Tim Horton's to 63 spaces
- June 23: Final Plat approved

1998

October 19: Approved rezoning to address signs in the development text for Subarea B

1999

December 13: Approved rezoning to modify development text to set parking number to 53 spaces for Burger King.

Planning and Zoning Commission

1988 & 1989

Several reviews of the rezoning to PCD of the Riverside plan, recommended approval to City Council on January 19.

1995

- September 7: Postponed review of Preliminary Plat and development plan due to the late hour
- September 21: Tabled Preliminary Plat and development plan
- November 2: Tabled Preliminary Plat and development plan
- December 7: Tabled Preliminary Plat and development plan

1996

- March 14: Approved development plan for a 225,000-square-foot retail center
- January 18: Approved Preliminary Plat , tabled development plan

1997

May 15: Approved Final Plat

Facts

Planning & Zoning Commission

1998

- August 20: Recommended approval to City Council of a rezoning to revise the development text sign package
- July 9: Tabled rezoning for a development text revision
- May 7: Tabled rezoning for a development text revision

1999

November 4: Recommended approval of rezoning to City Council to change development text to require 53 parking spaces for Burger King outparcel

2004

Approved Amended Final Development Plan and a Conditional Use for a 14,557-square-foot expansion of the shopping center and a 1,155-square-foot patio area

2005

December 8: Approved Amended Final Development Plan for a 17,336-square-foot expansion to the Kroger grocery store

Details

Rezoning with Preliminary Development Plan

Process

Rezoning to a Planned Unit Development requires approval of a development text to serve as the zoning regulation for the development requirements noted; the Zoning Code covers all other requirements. The development text typically addresses permitted and conditional uses, setbacks, parking, landscaping, signs and architecture, among other subjects. This development text establishes a new Planned Unit Development District (Avery Square PUD) with development regulations that are applicable only to these 28.42 acres.

The Walgreens pharmacy and drugstore parcel, east of Hospital Drive, is governed by Subarea B2 of the Riverside PCD development text but is not part of this application. The existing PCD text must remain unchanged in order to continue to provide development standards for Walgreens. Accordingly, this application requests the rezoning of the existing Subareas B and B1 and the creation of a completely new Planned District called Avery Square PUD.

Plan Overview

The rezoning with preliminary development plan includes:

- Rezoning the site from PCD to PUD.
- Establishing a new development text clarifying development standards for 28.42 acres site, including a fuel station as a conditional use, addressing access changes due to planned intersection improvements and providing for outdoor seating areas for the shopping center.
- A preliminary development plan that includes the preliminary layout of the fuel station with a 120-square-foot kiosk and a future outparcel, which is shown with a 3,720-square-foot bank.

Development Text

The proposed development text eliminates all references to land and subareas not included in the 28.42 acres to be rezoned.

Permitted Uses

The proposed development text refers to the Zoning Code's Community Commercial and Suburban Office and Institutional District lists of permitted uses. It permits outdoor dining areas up to 3,000 square feet within the retail center, which can be administratively approved by Planning. The proposed text requires matching patio amenities for all outdoor patios. Outdoor display areas for live plant material are permitted as regulated by the recently amended Zoning Code language.

Conditional Uses

The proposed development text requires conditional use approval for drive-in facilities developed in association with a permitted use, theaters, fuel stations and any outdoor dining areas that do not meet the requirements of the permitted use section.

Density

The proposed development text specifies a maximum building square footage of 10,000 square feet per acre. The 25.26 acre retail center site could yield a maximum building area of 250,000 square feet. The existing center contains 206,341 square feet.

Details

Rezoning with Preliminary Development Plan

Parking

Code requires 5.5 parking spaces per 1,000 square feet of gross floor area or 1,135 parking spaces. The proposed text requires parking at 4 spaces per 1,000 square feet of net floor area, which would require 841 spaces. The preliminary development plan, which includes the fuel station kiosk and potential bank outparcel, has 866 spaces. The ratio of four spaces per 1,000 square feet is widely accepted as an adequate requirement for parking for shopping center developments.

Stacking

Code requires five stacking spaces per pump for a fuel station and the proposed text requires three. Planning supports this reduced number as five stacking spaces require a significant amount of extra pavement and observations have shown that customers are unlikely to wait in a single line for very long. Observations at the Kroger Marketplace fuel station have shown that once more than 1-2 cars are lined up, vehicles usually wait outside a line to see which one moves first.

In addition, the Kroger Company has provided a letter explaining why three spaces per pump is the company's standard requirement. As proposed, the layout of the fuel station allows additional cars to wait for a pump to free up along the boundaries of the fuel station (as noted above in observations of other sites). The proposed text requires eight spaces per fast food drive-thru exchange window, which has been carried over from the existing text.

Architecture

The proposed development text contains detailed material requirements including warm-toned brick, stone veneer with limestone trim, cedar shake shingles. Harmonized color selection is emphasized as are scale and building mass through articulated fenestration, patterns or structural expressions.

Landscaping

The proposed text requires a three-foot to four-foot tall landscape mound along Perimeter Drive and Hospital Drive with street trees planted 50 feet on center. No changes are proposed to the landscaping requirements.

Signs

The proposed text has different sign requirements for the shopping center, fuel station and outparcels, with a provision for a center identification sign. Exhibit A of the approved development text includes graphics and specific sign specifications, which were approved in 1998 as part of a text modification.

Center Identification Signs. The text permits two main identification signs for the shopping center, one along Perimeter Drive and one along Hospital Drive. The text stipulates that these signs may be 66 square feet in area and 19 feet wide. The Hospital Drive sign may be up to 15 feet tall and the Perimeter Drive sign may be up to 10 feet tall. Both signs are to be externally illuminated with materials and colors matching the building and the individual tenant wall signs.

Details

Rezoning with Preliminary Development Plan

Signs Continued

Tenant Signs. The development text has been revised to permit two signs per tenant; a wall sign and a projecting sign. The text includes specific design requirement for these signs, including a specific color palette. In addition to the sign for the grocery store, four other locations are permitted wall signs at a height that exceeds Code. All of these signs exist and there are no changes proposed as part of this new development text. The provision for an awning sign has been eliminated.

Fuel Station

The development text requires a conditional use for a fuel station and the applicant has included a layout in the preliminary development plan, to be located in the southeast portion of the shopping center parking lot. The details for the proposed fuel station will be further described in the final development plan portion of this application.

The proposed development text permits vending machines for the fuel station as long as they are not internally illuminated and not visible from the right-of-way. Automotive product display not to exceed 36 inches in height is also proposed. Planning finds the sale and display of either inappropriate in this location and requests that the development text be revised to eliminate this section. The proposed development text prohibits exterior TV screens for the fuel station.

Outparcel

The proposed preliminary development plan includes an outparcel in the east-central portion of the parking lot, adjacent to the internal north-south access drive. The development text permits up to 10,000 square feet of building per acre and given the size of the existing center, additional building square footage is permitted. The proposal shows a drive-thru bank with associated parking.

In general, Planning desired a more active, integrated use for the outparcel; one that would fit more easily into the context of the entire center, and appear less as an "outparcel" and more as part of the center. This might include additional small retail spaces consistent with the center architecture. The applicants have chosen to show a drive-thru bank.

While a bank is not a high volume traffic generator, Planning is concerned that the drive-thru may complicate vehicular circulation in this area. Site design, architecture, signs and landscaping for this outparcel must be approved by the Commission as a final development plan and conditional use (for the drive-thru). If the Commission approves the outparcel in the preliminary development plan, Planning will work with the applicant on appropriate site design, so any direction the Commission may wish to give during the discussion would be helpful.

Traffic Study

Based on the traffic study, the additional traffic generated by the proposed fuel center and bank outparcel can be accommodated on the existing roadway network. The City will be making long term improvements to the Avery-Muirfield Drive corridor. The City plans to fund the improvements through a TIF District and will request the donation of the land for the necessary right-of-way to construct the improvements.

Analysis

Rezoning with Preliminary Development Plan

Process

Section 153.050 of the Zoning Code identifies criteria for the review and approval for a rezoning/preliminary development plan (full text of criteria attached). Following is an analysis by Planning based on those criteria.

1. Consistency with Dublin Zoning Code

Criterion met: This proposal is consistent with the requirements of the Zoning Code, except as appropriately altered in the proposed development text.

2. Conformance with adopted Plans

Criterion met: The 2007 Community Plan identifies the land use for this site as General Commercial. In Planning's opinion, this proposal expands upon uses permitted for this site that are consistent with the Future Land Use designation.

3. Advancement of general welfare and orderly development

Criterion met: This proposal conforms to the Community Plan and will enhance the area by facilitating the expansion of a successful business within the city and by providing additional services that will serve a growing need in the community.

4. Effects on adjacent uses

Criterion met: The proposed is appropriately located in the city and will safeguard the value of property within and adjacent to the area.

5. Adequacy of open space for residential

Criterion met: This criterion is not applicable to this proposal.

6. Protection of natural features and resources

Criterion met: There are no natural features or resources on this site.

7. Adequate infrastructure

Criterion met: The site will have access to adequate utilities and access to this site is available from three points along public roads.

8. Traffic and pedestrian safety

Criterion met: The applicant has provided a traffic analysis, which accounts for the square footage of existing building and proposed future development. The new entry will greatly increase safety and traffic efficiency both within the site and from Hospital Drive.

9. Coordination & integration of building & site relationships

Criterion met: The proposal maintains the existing development patterns of the original development text.

10. Development layout and intensity

Criterion met: The proposed plans appear to contribute to the orderly development of this site, including proposed uses, setbacks, and density. Planning is concerned that the proposed outparcel may not function efficiently as proposed and will work with the applicant at the final development plan stage to further define the site design.

11. Stormwater management

Criterion met: Adequate provision is made for stormwater management.

Analysis	Rezoning with Preliminary Development Plan
12. Community benefit	<u>Criterion met:</u> The development text outlines all applicable development standards for this project.
13. Design and appearance	<u>Criterion met with condition:</u> The proposal complies with the text requirements for high-quality building materials. Planning recommends that the development text be revised to eliminate provisions for the outdoor display of vending machines and automotive products for the fuel station.
Condition 1	
14. Development phasing	<u>Criterion met:</u> While there is no phasing proposed with this proposal, the plans indicate that the construction of fuel station and associated improvements will take place first and that the major access modifications will be part of the City's intersection improvements.
15. Adequacy of public services	<u>Criterion met:</u> There are adequate services in place for the proposed development.
16. Public infrastructure contributions.	<u>Criterion met:</u> No public infrastructure contributions are required of this applicant.

Recommendation	Rezoning/Preliminary Development Plan
Evaluation	In Planning's opinion, this proposal complies with the rezoning/preliminary development plan criteria and the existing development standards within the area. Approval with one condition is recommended.
Condition	1) That the development text be revised to eliminate provisions for external merchandise and display for the fuel kiosk.

Details

Final Development Plan

Process

The final development plan is the last step in the Planned District process and requires review and approval by the Planning and Zoning Commission of all development details including layout, architecture, signs, landscaping, lighting and any other site improvements. An applicant may apply for building permits once a final development plan has been approved by the Commission. In this case, the final development plan, if approved, will not be in effect until the rezoning/preliminary development plan has been approved by City Council.

Plan Overview

The final development plan for this application includes:

- A fuel station with a 120-square-foot service kiosk in the southeast portion of the site
- Improvements to the shopping center main access point along Hospital Drive
- Locations and details for the fuel station and shopping center identification signs
- Architecture for the fuel station
- Landscaping

Density

As shown on the final development plan, the density proposed for the site is 7,862 square feet per acre with a total building area of 206,457 square feet, not including the outdoor dining areas.

Access

The site has six access points to public streets. The main access is from Hospital Drive and includes a small landscape bed on either side of the drive and a stormwater management pond to the southwest. There is a secondary access point from Hospital Drive in the southeastern corner of the site providing access to the proposed fuel station. A shared access point with the hospital property is located along the southern boundary of the site. There are four access points along Perimeter Drive, two of which function primarily as service access to the rear of the buildings.

The City is planning long-term improvements to the Avery-Muirfield Drive corridor that will affect Hospital Drive. The planned changes will improve access management and traffic flow through not only the Avery-Muirfield Drive/Hospital Drive intersection, but along Hospital Drive adjacent to the Avery Square shopping center. Currently the improvements are programmed for construction in 2013.

As part of the planned intersection improvements, the City is requiring that the main entrance to this site along Hospital Drive be relocated. The applicant has been working with the City to accommodate the proposed site modifications and the planned road improvements. Both the preliminary and the final development plan depict the main access point shifted to the

Details

Final Development Plan

Access Continued

south beyond the existing stormwater management pond and the permanent elimination of the existing access point. The new access point consists of a three-lane drive that moves traffic farther into the site and may eliminate a lot of the current congestion and driver confusion in the area of the Wendy's/Tim Horton's restaurant and the existing access point.

The final development plan includes a construction exhibit that shows which portions of the access management improvements for Avery Square will be made by the City at the time of the overall intersection improvements.

The proposed access improvements will include changes to the northeastern portion of the Kroger parking lot. A north-south drive is proposed for the Kroger parking lot that will eliminate drivers from having to travel along the front of the grocery store to find a parking space thus eliminating vehicular and pedestrian conflicts. This drive will also allow access to the fuel station through the shopping center and will be constructed concurrently.

Planning and Engineering previously requested that the applicant improve the turn radius at the intersection of the main east-west drive aisle and the north-south drive aisle adjacent to the Wendy's/Tim Horton's site. The plans do not address this concern. Planning and Engineering recommend the curve be improved using a 65-foot radius tangent to both east-west and north-south drive aisles. This curve improvement will be required at the time of main access re-construction.

Fuel Station

The fuel station will have five, dual-sided pumps, accommodating ten vehicles. The fuel station is oriented north-south with a 120-square-foot kiosk in the center. Two pumps are north of the kiosk and two to the south; the fifth is east of the kiosk. The applicant has created large landscape islands that define the fuel station area, while allowing adequate circulation around the station.

The secondary Hospital Drive access point serves primarily the Kroger grocery store. The access point throat is wider than the drive aisle in order to accommodate turning movements. Planning and Engineering have requested that the applicant include a vertical barrier element immediately south of the fuel station in order to clarify the traffic pattern to drivers. The applicant has maintained that a raised median with brick inlay will not function in this area as the fuel delivery truck will have to park here and deliver fuel. The applicant is proposing pavement striping to indicate the traffic pattern. Planning and Engineering find this solution inadequate.

Details

Final Development Plan

Architecture

The final development plan includes a fuel canopy resting on six, square brick columns with a 3'8" stone accent course. The plans do not match the elevations as to the size of the columns and should be clarified. Planning is concerned that the proposed distance between the columns creates a visual imbalance particularly for the north and south elevations. In addition, Planning prefers that the columns be arranged so to conceal the view of the pumps from the right-of-way as is typical with other fuel stations in the area. The height of the canopy is 21 feet to the top of the roof and is similar to the roof of the shopping center with shingles to match the center.

The kiosk underneath the center of the canopy on the east side of the fuel station is a brick structure with a stone course and an EIFS band along the top.

External Merchandise

The architectural elevations show a beverage vending machine and automotive products on display beneath the fuel station canopy. The plans should be revised to eliminate the display of external merchandise.

Sign

The proposed development text permits a monument sign for the fuel station not exceeding six feet in height, nine feet in width. The final development plan includes a sign made of stone that matches the building. The proposed brick course should be relocated toward the bottom of the sign to be consistent with the building architecture. Additionally, the reveal on either side of the sign should be increased to one-foot to give the sign a more balanced appearance.

The sign colors must meet the development text.

The sign location is shown along Hospital Drive, just north of the southernmost access point. The plans do not clearly indicate that the sign is setback eight feet from the right-of-way as required by Code and should be revised. In addition, there is a 25-foot easement along Hospital Drive. If the sign is to be located in the easement, an easement encroachment form will need to be signed by the applicant. The sign height may not be artificially increased by locating the sign on a mound.

The applicant has provided a detail of the fuel pump numbering signs to be placed on the column near each pump. The logo shown in the background of these signs must be eliminated.

Details	Final Development Plan
<i>Stacking</i>	The development text requires and the final development plan shows, three stacking spaces per fuel pump.
<i>Lighting</i>	The applicants are proposing focus lenses for the fuel station canopy lighting and Planning is recommending that flat, flush mounted lenses are used to be consistent with other fuel stations in the area.
Retail Center	
<i>Parking</i>	The development text requires 4 parking spaces per 1,000 square feet of net floor area or 825 spaces. Incorporating the access improvement, the site has 1,039 parking spaces. The final development plan does not accurately reflect the parking requirements and should be revised.
<i>Landscaping</i>	<p>The applicant has provided additional landscaping around the fuel station to help provide a cohesive tie into the development. The redesign of the entry drive, the parking lot and the inclusion of the fuel station impacts fifty existing trees, six of which are considered protected trees. The applicant is replacing all fifty trees in addition to the 36 caliper inches of protected trees.</p> <p>The existing access drive is lacking an entry feature. With the redesign of the access drive, the applicant is missing an opportunity to highlight the entrance into the development. Planning will continue to work with the applicant on the development of the entry feature to meet the high quality of design which is indicative of entry features in the area and throughout Dublin.</p>
<i>Cart Corrals</i>	The Commission has in recently expressed a desire for cart corrals with an H-shape design with landscaping along the borders. Planning has conveyed this information to the applicants, who are not prepared to make this type of investment at this point, particularly in light of no modifications proposed to the grocery store.
<i>Signs</i>	The text permits two main identification signs for the shopping center, one along Perimeter Drive and one along Hospital Drive. The final development includes locations for each sign and a design detail that meets the development text. While the applicants are not installing either one of these signs, they would like to preserve the right to install them in the future and therefore are including them as part of the final development plan.

Details	Final Development Plan
<i>Stormwater Management</i>	The applicant's proposal removes impervious surface from the site and therefore does not require any additional Stormwater Management facilities, however, they will still need to comply with the City's erosion and sedimentation control requirements.
<i>Utilities and Right-of-Way</i>	Existing water and sanitary sewer services are used for the expansion. The fuel center will be served by existing services and a new tap will be installed to connect to the sanitary sewer system for the drainage around the fuel pumps. The City will be making long term improvements to the Avery-Muirfield Drive corridor. The City plans to fund the improvements through a TIF District and will request the donation of the land for the necessary right-of-way to construct the improvements.
<i>Site Amenities</i>	The proposal retains the bike rack for the Kroger store and adds two racks for the retail buildings. There are no designs proposed and the new bike racks should include two lock-up positions.

Analysis	Final Development Plan
Process	Section 153.050 of the Zoning Code identifies criteria for the review and approval for a final development plan (full text of criteria attached). Following is an analysis by Planning based on those criteria.
<i>1. Consistency with the approved preliminary development plan.</i>	<u>Criterion met with conditions:</u> This proposal is consistent with the requirements of the development text proposed as part of the preliminary development plan. The proposed fuel station elevations must be revised to eliminate the sale and display of merchandise outside the kiosk.
Conditions 1 & 2	The plans do not match the elevations as to the size of the columns and Planning recommends that they clarified. The column distance and location should be revised so as to avoid a visual imbalance for the north and south elevations and to conceal the view of the pumps from the right-of-way.
<i>2. Traffic and pedestrian safety</i>	<u>Criterion met with condition:</u> The plans include major modifications to the site's main access and Planning and Engineering have been working with the applicants to determine and design the best solution in addressing the planned intersection improvements.
Condition 3	The applicants should improve the turn radius at the intersection of the main east-west drive and the north-south drive adjacent to the Wendy's/Tim Horton's site when the access point modifications are constructed, subject to approval by Planning and Engineering.

Analysis

Final Development Plan

2. Traffic and pedestrian safety continued

Condition 4

Planning and Engineering further recommend that the applicant include a vertical barrier element immediately south of the fuel station in order to clarify the traffic pattern to drivers. Without this feature, the appearance of this area will be of an extremely wide driveway. The applicant's suggestion to change the pavement materials, while helpful, will not provide the necessary appearance of separation between the drives on either side of the fuel station.

3. Adequate public services and open space

Criterion met: The site will have adequate public services and open space dedication is not required as part of this application.

4. Protection of natural features and resources

Criterion met: The proposed plans meet the preliminary plan with regard to landscaping and are sensitive to the natural characteristics of the site. While it is necessary to remove existing trees, the applicant has found replacement locations on or near the development site.

5. Adequacy of lighting

Condition 5

Criterion met with condition: Lighting proposed as part of this application is adequate and the proposed light levels meet Code. However, Planning recommends that flat, flush mounted lenses be used instead of the focus lenses for the fuel station canopy lighting to meet the Zoning Code requirement.

6. Proposed signs are consistent with approved preliminary development plan

Conditions 6 & 7

Criterion met with conditions: The proposed signs a meet the development text and the preliminary development plan except as noted below. Planning recommends that the brick course be relocated toward the bottom of the fuel station sign to be consistent with the building architecture and that the reveal on either side of the sign be increased to one-foot to give the sign a more balanced appearance. The fuel station logo must be removed from the background of the fuel pump numbers.

Condition 8

In addition, all signs must be setback eight feet from the right-of-way and sign height may not be artificially increased by locating the sign on a mound. Sign located within an easement require encroachment approval from Engineering.

7. Appropriate landscaping to enhance, buffer, and soften the building and site

Condition 9

Criterion met with condition: The proposed plans meet the preliminary plan with regard to landscaping. The entry feature is lacking in plan material, design and the high quality expected in Dublin. The applicant should work with Planning on a revised entry feature design to be approved administratively and installed once the City has completed the access modifications.

Analysis	Final Development Plan
8. Stormwater management that is compliant with the Zoning Code	Criterion met: The site will comply with all applicable stormwater management regulations and final calculations will be reviewed at the building permit stage
9. All phases (if applicable) comply with the previous criteria.	Criterion met: Not applicable
10. Compliance with all other local, state, and federal laws and regulations	Criterion met: The proposal complies with all other known applicable local, state, and federal laws and regulations.

Recommendation	Final Development Plan
Evaluation	In Planning's opinion, this proposal complies with the development text, the final development plan criteria and the existing development standards within the area. Approval is recommended with nine conditions.
Conditions	<ol style="list-style-type: none"> 1) That the proposed fuel station elevations be revised to eliminate the sale and display of merchandise outside the kiosk; 2) That the plans be revised to address inconsistencies regarding the size of the fuel station columns and that the column distance and location be revised so as to avoid a visual imbalance for the north and south elevations and to conceal the view of the pumps from the right-of-way; 3) That the turn radius at the intersection of the main east-west drive aisle and the north-south drive aisle adjacent to the Wendy's/Tim Horton's site be revised when the main access point modifications are constructed, subject to approval by Planning and Engineering; 4) That the plans include a vertical barrier element immediately south of the fuel station in order to clarify the traffic pattern to drivers, subject to approval by Planning and Engineering; 5) That flat, flush mounted lenses be used instead of the focus lenses for the fuel station canopy lighting to meet the Zoning Code requirement;

Recommendation

Final Development Plan

*Conditions
continued*

- 6) That the brick course on the fuel station sign be relocated toward the bottom of to be consistent with the building architecture and that the reveal on either side of the sign be increased to one-foot to give the sign a more balanced appearance;
 - 7) That the fuel station logo be removed from the background of the fuel pump numbers;
 - 8) That all signs be setback eight feet from the right-of-way, sign height not be artificially increased by locating the signs on a mound and an encroachment approval is obtained if needed; and
 - 9) That the applicant work with Planning on a revised entry feature design to be approved administratively and installed once the City has completed the access modifications.
-

Details		Conditional Use Fuel Station
Process	A fuel station is classified as an auto-oriented commercial facility in the Zoning Code, which requires that the Commission approve a conditional use.	
Fuel Station	The plan shows the fuel station in the southeastern portion of the site. The fuel station includes adequately sized landscape islands, circulation areas and stacking.	

Analysis		Conditional Use Fuel Station
Evaluation	Section 153.236 of the Zoning Code identifies criteria for the review and approval of a conditional use (full text of criteria attached). Following is an analysis by Planning based on those criteria.	
1. Will be harmonious with the Zoning Code and/or Community Plan.	<u>Criterion met:</u> This proposal is consistent with the requirements of the Zoning Code and/or the Community Plan.	
2. Complies with all applicable development standards.	<u>Criterion met:</u> This proposal is consistent with the requirements of the Zoning Code.	
3. Will be harmonious with the existing or intended character in the general vicinity.	<u>Criterion met:</u> The proposed fuel station will not alter the essential character of the area.	
4. Will not have a hazardous or negative impact on surrounding uses.	<u>Criterion met:</u> The proposed fuel station is located on the site so as to not have a negative impact on surrounding uses.	
5. Will provide adequate services and facilities.	<u>Criterion met:</u> This proposal will have sufficient services and facilities available for the intensity of the desired use.	
Will not harm the economic welfare.	<u>Criterion met:</u> This use contributes positively to the economic climate of the city.	

Analysis	Conditional Use Fuel Station
6. Will not create any use or characteristic that is detrimental to the surrounding uses.	<u>Criterion met:</u> The proposed fuel station will not be detrimental to the existing or future surrounding uses.
7. Vehicular circulation will not create interference with existing circulation.	<u>Criterion met:</u> This proposal will not interfere with vehicular circulation.
8. Will not be detrimental to property values in the immediate vicinity.	<u>Criterion met:</u> This proposal will not be detrimental to property values.
9. Will not impede the development or improvement of surrounding properties.	<u>Criterion met:</u> This proposal will not interfere with surrounding improvements or developments.

Recommendation	Conditional Use Fuel Station
Evaluation	This proposal complies with the conditional use review criteria and approval is recommended.

REZONING/PRELIMINARY DEVELOPMENT PLAN

The purpose of the PUD 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 can consist of up to three basic 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) Final Development Plan (Commission approves/denies).

The general intent of the preliminary development plan (rezoning) stage is to determine the general layout and specific zoning standards that will guide development. The Planning and Zoning Commission must review and make a recommendation on this preliminary development plan (rezoning) request. The application will then be forwarded to City Council for a first reading/introduction and a second reading/public hearing for a final vote. A two-thirds vote of City Council is required to override a negative recommendation by the Commission. If approved, the rezoning will become effective 30 days following the Council vote. Additionally, all portions of the development will require final development plan approval by the Commission prior to construction. In the case of a combined rezoning/preliminary development plan and final development plan, the final development plan is not valid unless the rezoning/preliminary development plan is approved by Council.

Review Criteria

Section 153.050 of the Zoning Code identifies criteria for the review and approval for a Rezoning/Preliminary Development Plan. In accordance with Section 153.055(A) *Plan Approval Criteria*, Code sets out the following criteria of approval for a preliminary development plan (rezoning):

- 1) The proposed development is consistent with the purpose, intent and applicable standards of the Dublin Zoning Code;
- 2) The proposed development is in conformity with the Community Plan, Thoroughfare Plan, Bikeway Plan and other adopted plans or portions thereof as they may apply and will not unreasonably burden the existing street network;
- 3) The proposed development advances the general welfare of the City and immediate vicinity and will not impede the normal and orderly development and improvement of the surrounding areas;
- 4) The proposed uses are appropriately located in the City so that the use and value of property within and adjacent to the area will be safeguarded;
- 5) Proposed residential development will have sufficient open space areas that meet the objectives of the Community Plan;
- 6) The proposed development respects the unique characteristic of the natural features and protects the natural resources of the site;
- 7) Adequate utilities, access roads, drainage, retention and/or necessary facilities have been or are being provided;
- 8) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public safety and to accommodate adequate pedestrian and bike circulation systems so that the proposed development provides for a safe,

- convenient and non-conflicting circulation system for motorists, bicyclists and pedestrians;
- 9) The relationship of buildings and structures to each other and to such other facilities provides for the coordination and integration of this development within the PD and the larger community and maintains the image of Dublin as a quality community;
 - 10) The density, building gross floor area, building heights, setbacks, distances between buildings and structures, yard space, design and layout of open space systems and parking areas, traffic accessibility and other elements having a bearing on the overall acceptability of the development plan's contribution to the orderly development of land within the City;
 - 11) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas;
 - 12) The design, site arrangement, and anticipated benefits of the proposed development justify any deviation from the standard development regulations included in the Dublin Zoning Code or Subdivision Regulation, and that any such deviations are consistent with the intent of the Planned Development District regulations;
 - 13) The proposed building design meets or exceeds the quality of the building designs in the surrounding area and all applicable appearance standards of the City;
 - 14) The proposed phasing of development is appropriate for the existing and proposed infrastructure and is sufficiently coordinated among the various phases to ultimately yield the intended overall development;
 - 15) The proposed development can be adequately serviced by existing or planned public improvements and not impair the existing public service system for the area; and
 - 16) The applicant's contributions to the public infrastructure are consistent with the Thoroughfare Plan and are sufficient to service the new development.

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) **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 the updated standards would not cause undue hardship.

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.

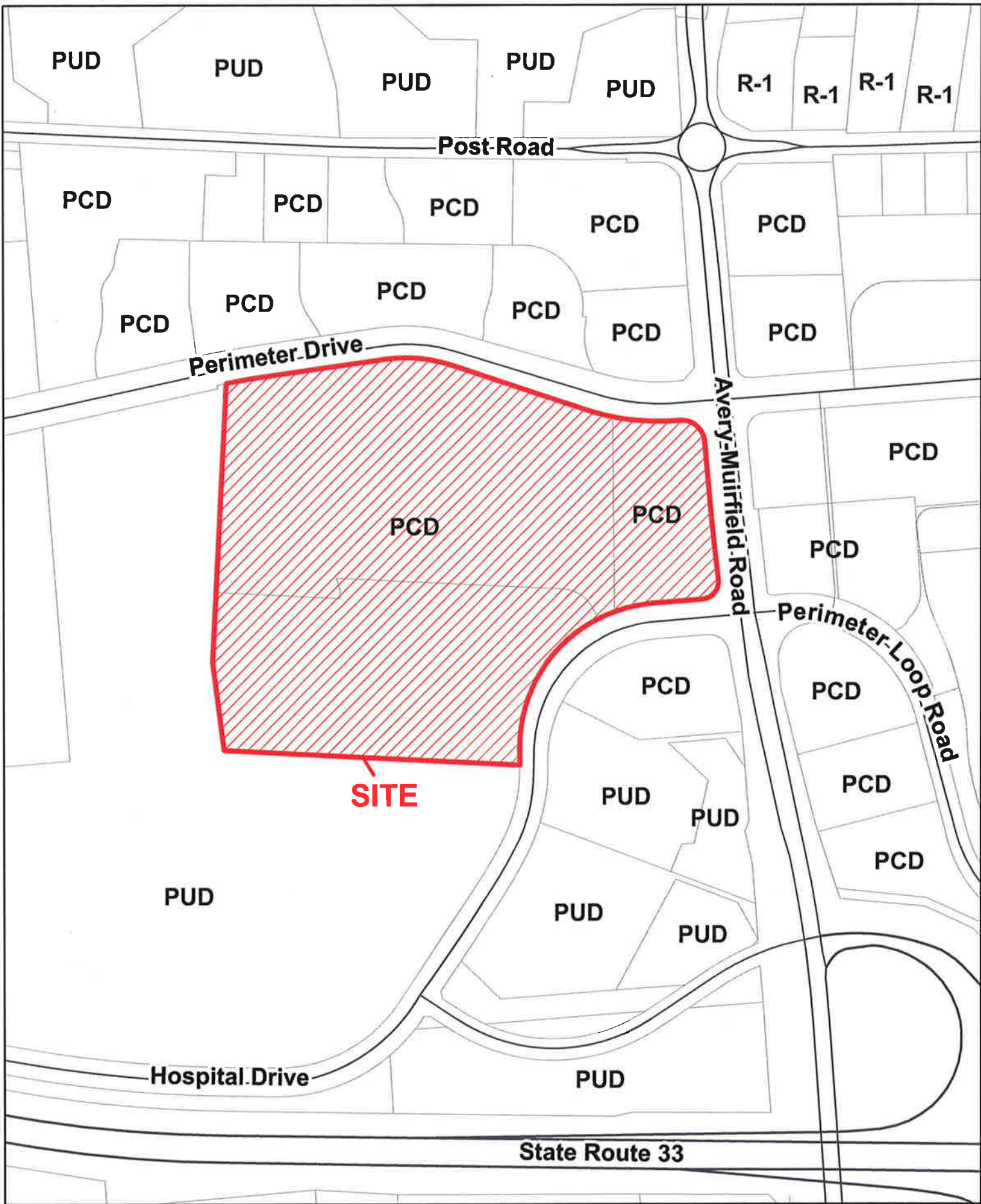
CONDITIONAL USE

Review Criteria

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

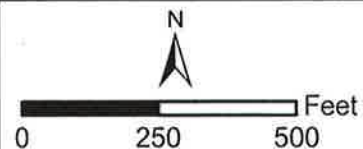
(C) *Action by the Planning Commission.* The Planning and Zoning Commission shall hold a public hearing and shall not approve a conditional use unless it finds that such use at the proposed location meets all of the following requirements:

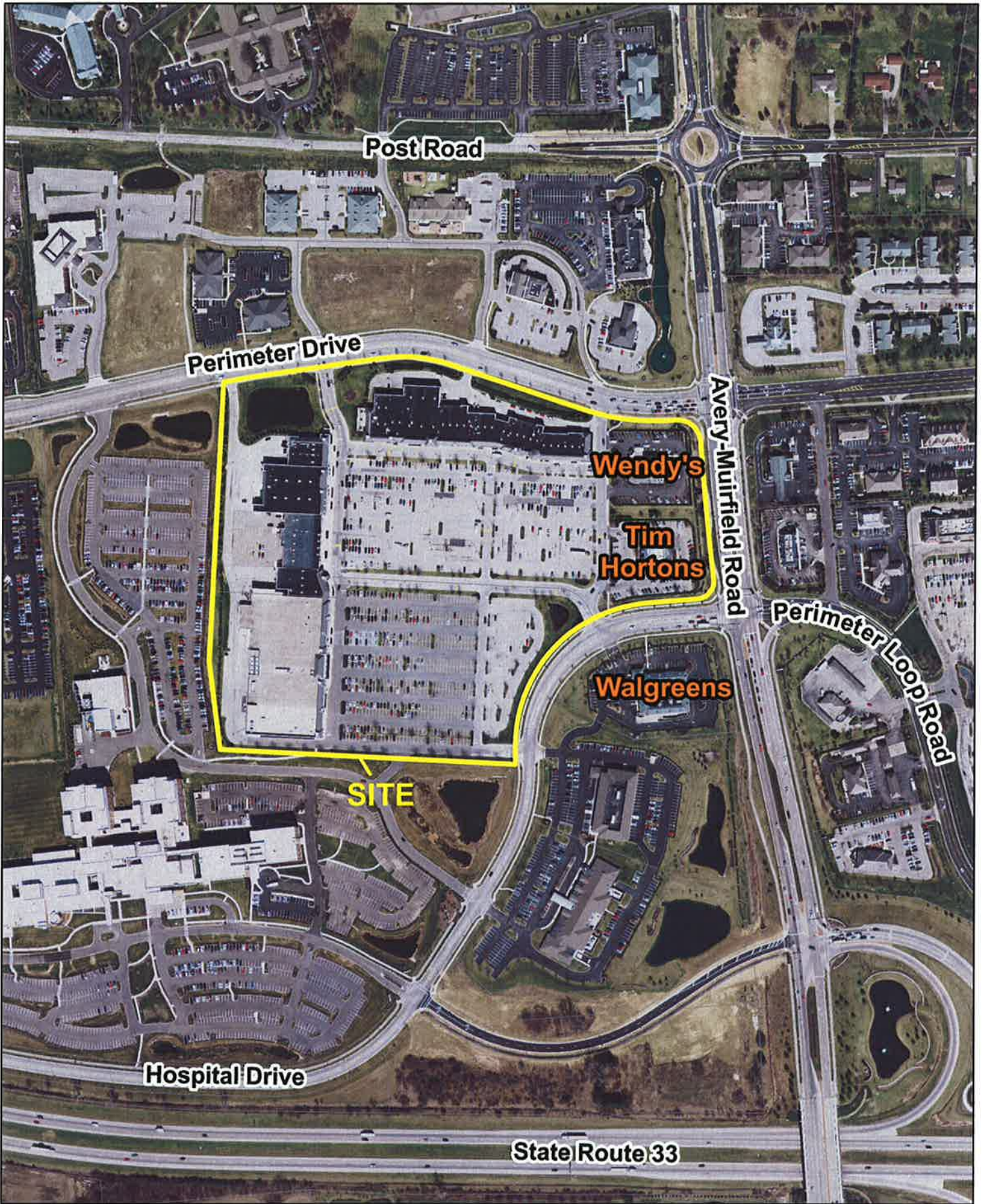
- 1) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Code and/or Community Plan.
- 2) The proposed use will comply with all applicable development standards, except as specifically altered in the approved 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.



City of Dublin
Land Use and
Long Range Planning

10-001Z/PDP/FDP/CU
Rezoning/Preliminary Development Plan/
Final Development Plan/Conditional Use
Riverside PCD, Subareas B & B1, Avery Square Shopping Center
7100 Hospital Drive





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