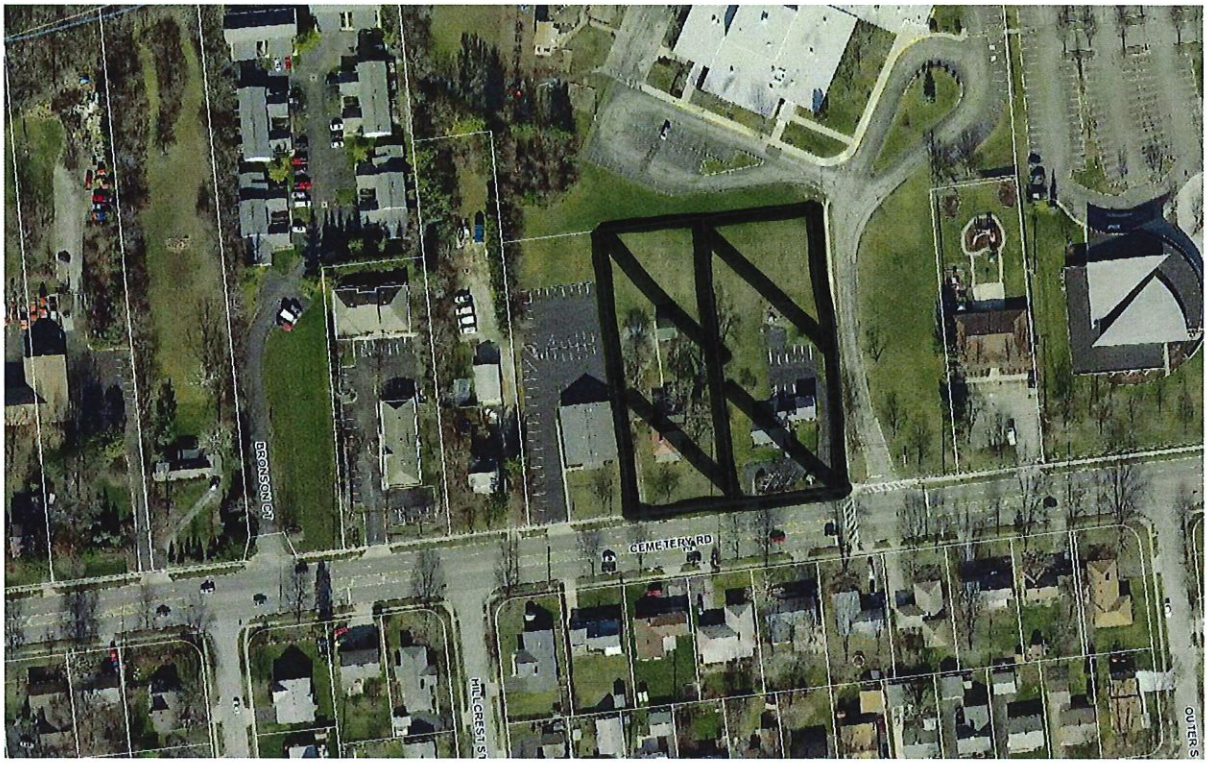
CASE 9: 18-0382LC – Swensons Drive-In – 4810 Cemetery Road



CASE 3: #02-0027LC – World Gym – 3440 Heritage Club Drive
Parcel Number: 050-002081
APPLICANT: Zaring Campbell Company, Ltd. c/o Daniel M. O'Brien, 1173 McCleary Court, Columbus, Ohio 43235; Robert Lorimer, World Gym 1215 Worthington Woods Boulevard, Worthington, Ohio 43081.
REQUEST: Review and approval of a PND final development plan under the provisions of Chapter 1157 and the Heritage Lakes PUD Development plan text, and a deed transfer under the provisions of Sections 1173.05 and 1177.04 for a new 24,000-square-foot commercial building on 3.05 acres.

CASE 4: #02-0031LC – Wolpert property – Preliminary Plat for Trueman Boulevard – North Side of Davidson Road approximately 1,000 feet east of I-270.
Parcel Number: 050-006545
APPLICANT: Wolpert Enterprises Limited c/o Michael Shannon, 4786 Davidson Road, Ohio 43026.
REQUEST: Review and approval of a preliminary plat under the provisions of Hilliard Code Chapter 1177 for Trueman Boulevard. Located on the north side of Davidson Road approximately 1,000 feet east of I-270.

NEW CASES:
CASE 5: #02-0034LC – M & K Investments – 4810 Cemetery Road
PARCEL NUMBER: 050-002401
APPLICANT: M & K Investments, c/o Mel Sims and Kim Toth, 4810 Cemetery Road, Hilliard, Ohio 43026.
REQUEST: Review and approval of an application to amend a limited overlay to permit only office and restaurant uses on a property within a B-3 zoning district under the provisions of Hilliard Code Section 1113.04.

Mr. Talentino presented a staff report. Tonight the applicant would like to get comments regarding a restaurant at this site. This is located within the Cemetery Road Overlay District with the goal of retaining the residential character of the road. Staff finds the existing zoning which permits only professional services is appropriate given the provisions of the Overlay District. Staff has concerned about potential impacts this may have in such close proximity to an elementary school and to residential homes.

Mr. Lewie asked if the school has been contact or if they have any comments. There are children walking to this school every day. Mr. Talentino stated he is not aware if the school has responded. A Planning and Zoning agenda is faxed to the school administration as well as the 200 feet notification. City code requires screening of a minimum side yard of 25 feet for parking areas abutting a residential district. The applicant would like feedback tonight, as the application doesn't meet the city code at this time.

Chairman Floss commented that the Economic Development Master Plan committee considers Cemetery Road as a key gateway into Hilliard and as such it is their strategy to make that road pedestrian friendly. The Cemetery Road Corridor Overlay is working properly in keeping the standards high and there is no reason to change it. Another

possibility being discussed is combining the three sites of the daycare center, the library, and the elementary school into one big educational campus for easy pedestrian access.

Mr. Lewie stated this location is not appropriate for a diner. He suggested Mr. Sims talk to the new Economic Development Director, Mr. Meeks to find a more suitable location.

Ms. Botsko agreed with Mr. Lewie, further noting the area is already heavily congested with morning traffic and to add cars for breakfast traffic would be harmful to everyone.

Mr. Bryner stated that he has a problem putting a diner there, with a diner and an office on the same site. Also the fact that the diner would be sitting out in front would be the focal point instead of the house. The site as it is now is attractive for a business operation.

Mr. Mel Sims, the applicant stated that he has spent a lot of time thinking about the diner. His ideal would be to create a 1954 historic diner, which he has been researching. His thoughts are that Cemetery Road should be a commercial road.

Chairman Floss stated that the lots on the south side of Cemetery Road are not big enough for commercial lots. It is the strategy of the Planning and Zoning Commission to keep the area residential. They read his letter and it is part of the record.

Ms. Lengel stated many people on the commission participated in the original process to get the Cemetery Road Overlay District into place. There is a consensus tonight that this site is not good due to the school. She could never support a diner at this location.

Ms. Botsko invited Mr. Sims to attend an Economic Development Master Plan meeting. That committee plans to make positive things happen to create a new image for Hilliard, just as the Cemetery Road Overlay has improved the city. The Planning Commission plans to stand their ground in the future for the betterment of the community.

Chairman Floss invited public comment.

David Williams, Prudential Residential One representing his uncle who lives at 4821 Cemetery Road, directly across the road. At this time his uncle is opposed to this proposal due to the extra traffic and it would force his uncle to have to sell his home because of a commercial development over there. However, his uncle agrees with Mr. Sims that it looks like Cemetery Road is changing over to commercial and his uncle would like to sell his property as commercial property instead of residential property.

Mr. Beagle commented that if there is a future widening of Cemetery Road, the City could potentially do a take of land that would come right through the middle of this diner. Since this is an application to amend the Overlay District, the commission should vote on it tonight, or Mr. Sims could ask that this be tabled or postponed to a time uncertain.

Mr. Sims requested his application be postponed to a time uncertain because of the $200 application fee he paid.

MOTION
Ms. Lengel moved to postpone case 5: 02-0034LC – M & K Investments – 4810 Cemetery Road to a time uncertain. Ms. Botsko seconded the motion.

Those who voted in the affirmative were:
Ms. Botsko Ms. Lengel
Mr. Lewie Mr. Bryner Chairman Floss
The motion passed 5-0 with Ms. McEvers abstaining.

CASE 6: #02-0035LC – Scherman property - 5289 Franklin Street
PARCEL NUMBER: 050-000210
APPLICANT: Robert and Teresa Scherman, 6776 Woodsend Court, Galloway, Ohio 43119.
REQUEST: Review and approval of a conditional use transfer from the B-6 zoning district to the M-2 zoning district to permit office uses within an existing residence.

Mr. Talentino presented a staff report. This site is the northwest corner of the M-2 zoned property at the end of Franklin Street. This property has no frontage on a public street. Staff has a concern that they would like to see the recorded documents giving this applicant giving them legal access. In his discussion with the applicant, he was thinking about if he wanted to go forward with this. He is not present tonight, but he was encouraged to come tonight and hear the discussion. Staff recommends that the Commission provide feedback to give the applicant an idea of whether or not the proposal conforms to the city's goals for development in this area.

Chairman Floss summarized that the current zoning on this now is M-2, and this applicant is trying to get a conditional use transferred from the B-6 district into the M-2. It would be helpful if he were here tonight. Ms. Botsko agreed that the applicant should be present.

Mr. Talentino stated that the Commission has the authority to do something different than the 50 percent that staff is suggesting.

Chairman Floss invited public testimony.

Mr. Donnie Tucker, 5293 Franklin Street stated he lives next door, and there is no room for parking nor any parking lot, which is the reason he is here tonight. He asked what the zoning is on his property. Mr. Talentino answered that Mr. Tucker's property is zoned R-3, which is single family residential.

There was consensus that the applicant should be present and staff should encourage him to come to hear the discussion if he wants to pursue the application.

Ordinance No. 04-79
Passed: 3-14-05
Effective: 4-14-05

REZONING THE 0.90+/- ACRE OF LAND LOCATED NORTH OF CEMETERY ROAD AND APPROXIMATELY 200 FEET EAST OF HILLCREST STREET WEST FROM "R-3" MEDIUM DENSITY RESIDENTIAL TO "B-3" INSTITUTIONS AND OFFICES WITH A LIMITED OVERLAY TO PERMIT OFFICE USES ONLY.

WHEREAS, Betty Lisk (hereinafter referred to as "Applicant") owns approximately 0.90+/- acre of land located north of Cemetery Road and approximately 200 feet east of Hillcrest Street West, the tax parcel identification number is as follows: 050-002428 as more particularly shown on Exhibit "A"; and

WHEREAS, the City of Hilliard Master Plan recommends the site for "Office" land uses; and

WHEREAS, Applicant filed application number 04-0039LC with the Planning and Zoning Commission to rezone the 0.90+/- acre from "R-3" Medium Density Residential to "B-3" Institutions and Offices with a limited overlay to permit office uses only; and

WHEREAS, on November 10, 2004, following a public hearing, the Planning and Zoning Commission voted to recommend to City Council that the land be rezoned from "R-3" Medium Density Residential to "B-3" Institutions and Offices with a limited overlay to permit office uses only with the following five conditions:

1) That the use is limited to office use only;
2) That access to Cemetery Road is limited to the existing curb cut and that this restriction applies in instances of conflict with any other access provisions listed in the Zoning Code or any development plan or overlay district text now in effect;
3) That parking is required to be located to the north of the existing residence;
4) That landscaping and screening, consistent with the provisions of the Cemetery Road Corridor Overlay District, are provided at the time nonresidential use is commenced on the site;
5) That the limited overlay text is provided to and approved by staff prior the case being scheduled on the City Council agenda, and that such text is consistent with these conditions.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The 0.90+/- acre of land located north of Cemetery Road and approximately 200 feet east of Hillcrest Street West (tax parcel identification number

050-002428), as more particularly shown on Exhibit "A," attached hereto and made a part hereof, is hereby rezoned from "R-3" Medium Density Residential to "B-3" Institutions and Offices with a limited overlay to permit office uses only.

SECTION 2. The limited overlay text, a copy of which has been presented to City Council and which is incorporated by reference herein, is, pursuant to Section 1113.04 of the Codified Ordinances of the City of Hilliard, hereby approved. A copy of the limited overlay text shall be maintained in the office of the City Engineer.

SECTION 3. This Ordinance shall be in full force and effect from and after the earliest period provided for by law.

ATTEST:

Heather L. LaMarre
Clerk of Council

SIGNED:

J. William Uttley
President of Council

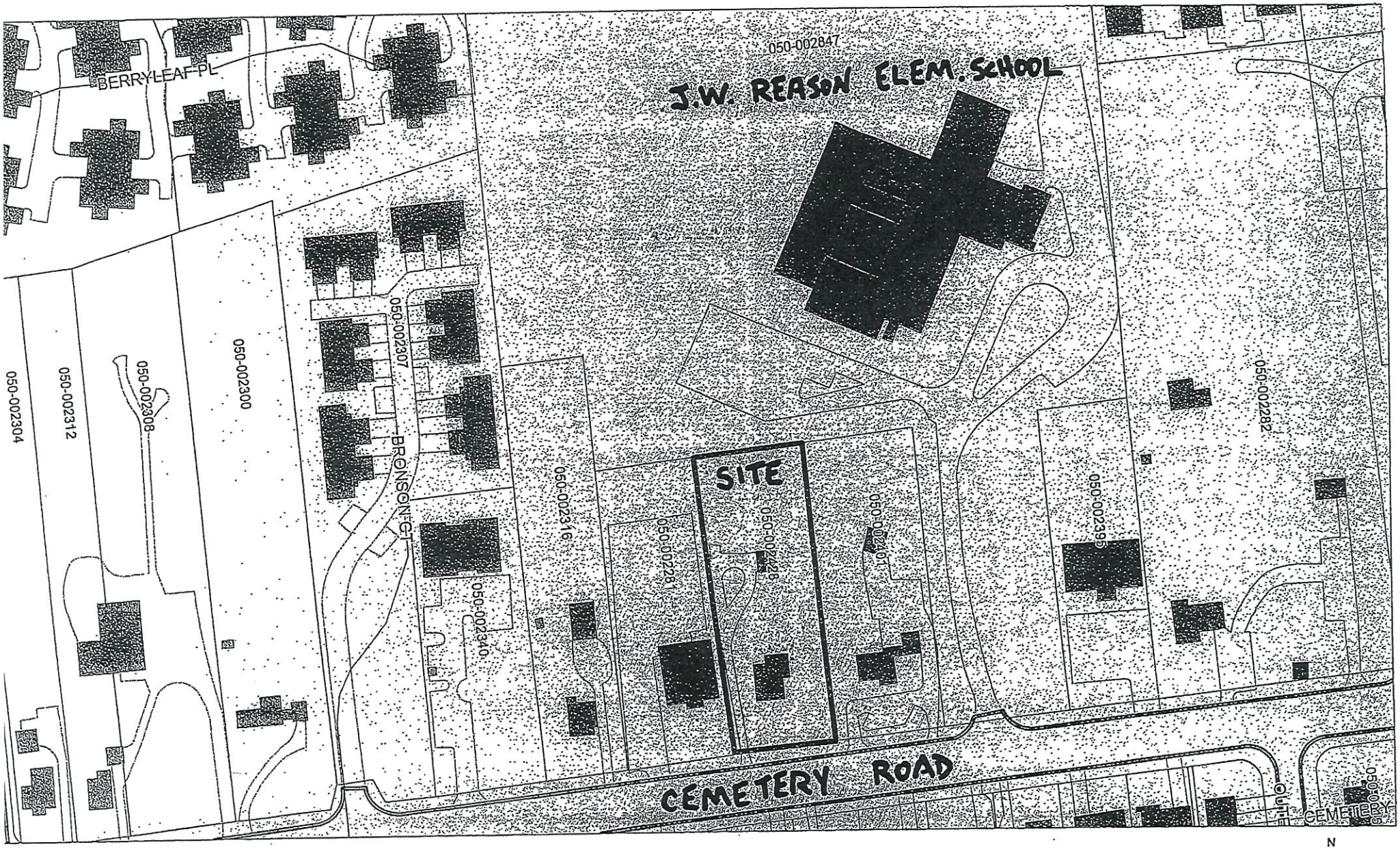
APPROVED AS TO FORM:

Pamela A. DeDent
Director of Law
04-79

APPROVED:

Donald J. Schonhardt
Mayor

Lisk Property ~~Re~~zoning 04-79 EXHIBIT "A" "A"



SCALE 1 : 1,741

100 0 100 200 300

FEET

http://209.115.17.13/maps/hilliard/hilliardmap.mwf

Wednesday, December 01, 2004 10:01 AM

04-79 **EXHIBIT "B"**

LIMITED OVERLAY TEXT
FOR THE
LISK PROPERTY B-3, INSTITUTIONS AND OFFICES, DISTRICT
PARCEL #050-002428
(4832 CEMETERY ROAD)

The 0.90+/- acre owned by Betty Lisk, located at 4832 Cemetery Road (Parcel #050-002428), shall be subject to the following additional limitations and shall also meet the standards of the underlying zoning district and any other applicable development plan or overlay district text now in effect. In instances where standards conflict, the more restrictive standard shall apply.

Permitted Uses:
The site is limited to administrative, business, medical or professional office uses only.

Access:
Vehicular access to Cemetery Road is limited to the existing curb cut as shown on Exhibit "A" and this restriction applies in instances of conflict with any other access provisions listed in the Zoning Code or any development plan or overlay district text now in effect.

Parking:
Parking and pavement areas other than the access drive from Cemetery Road are required to be located to the north of the existing residence which is the main structure as shown on Exhibit "A".

Landscaping and screening:
Landscaping and screening, consistent with the provisions of the Cemetery Road Corridor Overlay District, shall be provided at the time any nonresidential use is commenced on the site.

ORDINANCE
of the
CITY of HILLIARD, OHIO

Ordinance No.: 94-82
Page 1 of 2 pages
Passed: October 24, 1994
Effective: October 25, 1994

AN ORDINANCE TO REZONE 4810 CEMETERY ROAD FROM R-3 (MEDIUM-DENSITY RESIDENTIAL) TO B-3 (INSTITUTIONS AND OFFICES) WITH A LIMITED OVERLAY AND DECLARING AN EMERGENCY

WHEREAS: The applicant requested approval to rezone 4810 Cemetery Road from R-3 (Medium-Density Residential) to B-3 (Institutions and Offices) with a limited overlay; and

WHEREAS: The Planning Commission at a duly advertised public hearing on September 8, 1994 recommended approval of the same, subject to a limited overlay. and

WHEREAS: At the request of the applicant this ordinance shall be considered as an emergency measure to meet his development deadlines.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard that:

SECTION 1. The property known as 4810 Cemetery Road as described in the attached legal description (Exhibit A) be and the same is hereby rezoned from R-3 (Medium-Density Residential) to B-3.

SECTION 2. The approved rezoning is subject to a Limited Overlay incorporating all of the limitations and restrictions recommended by the Planning and Zoning Commission during its meeting of September 8, 1994 which includes prohibiting all uses except professional services and subject to the Cemetery Road study known as the Cemetery Road Corridor Overlay District dated October 29, 1992, Revised May 1993.

SECTION 3. In addition to the foregoing the Planning Commission reviewed and approved the applicants development proposal except for the front yard parking area. The development proposal is part of the limited overlay and all development of the property is subject to the same. The front yard parking area is to be reviewed by the Service Director to see if the same complies with the aforementioned study and to make recommendations to City Council prior to final approval.

SECTION 4. For the reasons stated above this Ordinance is considered an emergency measure and shall be in full force and effect from and after the earliest period provided for by law.

ATTEST:

Deborah L. Wells
City Clerk

SIGNED:

Deverre B. Knickel
Council President

APPROVED AS TO FORM:

Charles A. Schneider
Law Director

APPROVED:

Roger A. Reynolds
Mayor

Planning and Zoning Commission
November 10, 2004

CASE 4: #04-0039LC – Lisk Property Rezone – 4832 Cemetery Road
PARCEL NUMBER: 050-002428
APPLICANT: Betty Lisk, 4832 Cemetery Road, Hilliard, Ohio 43026; Larry Bryant, 3844 Leap Road, Hilliard, Ohio 43026.
REQUEST: Application to rezone approximately 0.90 acre from R-3, medium density residential, to B-3, institutions and offices, with a limited overlay under the provisions of Hilliard Code Section 1113.04.

Mr. Talentino presented background on the case. The site is located on the north side of Cemetery Road approximately 200 feet east of Hillcrest Street West. The applicant is now requesting a rezoning of the property from R-3, Medium Density Residential, to B-3, Institutions and Offices with a limited overlay for office uses only. The Master Plan recommends the site for Office uses. Staff finds that the proposal will further the goals of the Hilliard Master Plan to maintain a fiscally balanced land use pattern, to incorporate revenue producing land uses, to preserve and enhance the quality of life, and to maintain a high quality built environment throughout the community. Based on these findings, staff recommends that the Commission forward a recommendation to City Council to rezone the site to B-3, Institutions and Offices with a limited overlay the following five conditions.

Mr. Bryner commented that is an old house and asked if it was on the National Register of Historic Places. Mr. Talentino agreed that it is a quality home and would encourage the owners to register the house. He would hope that look would remain the same from the outside.

Mr. Larry Bryant was present and stated that the house is owned by his mother-in-law. He agreed with all staff conditions.

Chairman Floss invited public testimony.
Mr. Mel Sims, 4354 Heather Ridge Drive stated he knows the applicant. The B-3 use fits well in this area and he strongly supports this application.

MOTION
Mr. Lyden moved to approve case 4: 0039LC – Rezoning application – Lisk Property – 4832 Cemetery Road with the following five conditions:

1) That the use is limited to office use only;
2) That access to Cemetery Road is limited to the existing curb cut and that this restriction applies in instances of conflict with any other access provisions listed in the Zoning Code or any development plan or overlay district text now in effect;
3) That parking is required to be located to the north of the existing residence;
4) That landscaping and screening, consistent with the provisions of the Cemetery Road Corridor Overlay District, are provided at the time nonresidential use is commenced on the site;

5) That the limited overlay text is provided to and approved by staff prior to the case being scheduled on the City Council agenda, and that such text is consistent with these conditions.

Mr. Lewie seconded the motion.

Those who voted in the affirmative were:

Mr. Vertal	Chairman Floss	Mr. Lyden
Mr. Bryner	Mayor Schonhardt	Mr. Lewie

The motion passed 6-0.