

MEETING AGENDA (AMENDED)



Planning & Zoning Commission

City Hall • 3800 Municipal Way • Hilliard, Ohio 43026
and Live-Streaming on YouTube

Thursday, June 9, 2022 | 7:00 pm

1. **Call to Order**
2. **Pledge of Allegiance to the Flag**
3. **Roll Call**
4. **Approval of the Meeting Minutes – May 12, 2022**
5. **Oath to Tell the Truth**
6. **Changes to the Agenda (requests for postponements, withdrawals, or change in order of cases)**
7. **New Cases:**

CASE 1: PZ-22-26 – AMAZON DATA CENTER – 4600 Cosgray Road

PARCEL NUMBER: 050-011455

APPLICANT: Amazon Data Services, Inc., c/o David Sanford, Central Surveying, 7563 East Main Street, Reynoldsburg, OH 43068.

REQUEST: Review & approval of a lot split under the provisions of Hilliard Code Section 1188.05 to split a 7.491-acre parcel from a 47.05-acre parcel.

CASE 2: PZ-22-27 – CODE AMENDMENT – Backyard Chickens & Rear Yard Beekeeping

APPLICANT: City of Hilliard, 3800 Municipal Way, Hilliard, OH 43026.

REQUEST: Review & approval of an amendment to Hilliard Code Sections 505.14 & 1121.07 to permit non-commercial raising of chickens and honeybees, Section 1121.08 to specify standards for the raising of chickens, and Section 1121.09 to specify standards for the raising of honeybees.

CASE 3: PZ-22-28 – ANA SHAWARMA FOOD TRUCK – HILLIARD PLAZA – 5054-5068 Cemetery Road

PARCEL NUMBER: 050-001323

APPLICANT: CMB Quinlan LLC, c/o Brooke Reynolds, 23020 N. 91st Way, Scottsdale, AZ 85255; and Azeemullah Raghbat, 5169 Wildcat Falls Drive, Dublin, OH 43016.

REQUEST: Review & approval of a Level “B” Site Plan Minor Changes under the provisions of Hilliard Code Chapter 1131 to permit a permanent food truck.

8. **Discussion Items**
9. **Chairman’s Communication**
10. **Committee Communications**
11. **Adjournment**

[END OF AGENDA | JUNE 9, 2022]

MEETING MINUTES



Planning & Zoning Commission

City Hall • 3800 Municipal Way • Hilliard, Ohio 43026
and Live-Streaming on YouTube

Thursday, May 12, 2022 | 7:00 pm

CALL TO ORDER

Chairman Jay Muether called the Regular Meeting of Planning and Zoning Commission to order at 7:00 PM.

PLEDGE OF ALLEGIANCE TO THE FLAG

Chairman Jay Muether led the Commission and attendees in the Pledge of Allegiance.

ROLL CALL

Attendee Name:	Title:	Status:
Chairman Jay Muether	Chair	Present
Vice Chair Bevan Schneck	Vice Chair	Present
Eric Gutknecht	Member	Present
Chris Lewie	Member	Present
Tracy Nixon	Member	Present
Tom Pannett	Member	Present
Bill Uttley	Member	Absent

Staff Members Present: Planning Director John Talentino, Planning Manager Carson Combs, Staff Attorney Kelly Clodfelder, City Engineer Clark Rausch and Council Representative Peggy Hale.

Others Present: Matt LaBuhn (Onda, LaBuhn, Rankin & Boggs Co., LPA) representing Case #PZ-22-14 and Case #PZ-22-15.

APPROVAL OF MEETING MINUTES – APRIL 14, 2022

Chairman Muether asked if there were any changes or corrections to the April 14, 2022, Planning and Zoning Commission minutes. With no comments, the minutes were approved by a voice vote.

Status:	Accepted by voice vote (6-0)
Ayes:	

OATH TO TELL THE TRUTH

Staff Attorney Kelly Clodfelder administered the Oath to Tell the Truth.

CHANGES TO THE AGENDA (requests for postponements, withdrawals, or change in order of cases)

Chairman Muether moved Case #1 without objection to the end of the agenda.

NEW CASES:

CASE 2: PZ-22-14 – Anderson Meadows Final Plat Amendment – 6248 Roberts Road

PARCEL NUMBERS: 050-011019 & 050-011018

APPLICANT: City of Hilliard, 3800 Municipal Way, Hilliard, OH 43026; and Matthew LaBuhn, 35 N. Fourth Street, Suite 100, Columbus, OH 43215.

REQUEST: Review & approval of an amended Final Plat under the provisions of Hilliard Code Section 1188.05 and the Anderson Meadows PUD Concept Plan for Reserves “B” and “C.”

[Mr. Combs gave the staff report]

BACKGROUND:

On July 12, 2010, City Council passed Ordinance 10-24 to rezone 50.074 acres on the north side of Roberts Road to the east of Alton Darby Road from R, Rural District to PUD, Planned Unit Development District for the construction of 76 single-family lots and 208 multi-family units and 7.4 acres of parkland known as the Anderson Meadows PUD. As part of that zoning, 22.8 acres of land on the south side of Roberts Road was dedicated to the City of Columbus as off-site open space consistent with the Big Darby Accord Master Plan.

The Final Plat for Anderson Meadows Section 1 was approved by the Planning and Zoning Commission on June 9, 2011, and City Council accepted the public improvements through Resolution 11-R-41 on June 27, 2011. As part of the platting process, general warranty deeds for Reserves B and C were accepted by City Council with the adoption of Resolution 12-R-27 on June 25, 2012. The recorded plat for Section 1 specifically denotes that Reserves B and C are to be used for the purposes of “open space, pathways and storm water runoff facilities.” Reserve C, however, was designated in the approved Anderson Meadows PUD Text to include an existing home to be used as an arts and cultural center.

COMMISSION ROLE:

This is a proposed amendment to Anderson Meadows Section 1 to replat Reserves B and C. The Commission is to review the amended plat for conformance to the provisions of the Anderson Meadows PUD Concept Plan and Hilliard Code Section 1188.05.

STAFF RECOMMENDATION:

Staff finds that the proposed final plat amendment is generally consistent with the intent of the original Anderson Farms PUD Concept Plan and Code Section 1188.05 and would allow viable options for the existing structure in Subarea C. Based on these findings, staff recommends approval of the proposed plat amendment with the following two conditions:

- 1) That necessary access easements be provided and recorded in conjunction with the plat modification, subject to review and approval by the City Engineer; and
- 2) That the plat modifications meet the requirements of the City Engineer for format and content prior to being scheduled on a City Council agenda.

CONSIDERATIONS:

- During the zoning process, the existing residence located on Reserve C was dedicated to the City as part of the parkland requirement for Anderson Meadows. The adopted PUD text specifically denotes the existing structure or a replacement building would serve as an *Arts Center*.
- Note C on the current Section 1 plat indicates that Reserves “B” and “C” are to be used for the purpose of “open space, pathways and storm water runoff facilities.” The plat note does not account for the use of the existing structure on Reserve C.
- The modified plat includes a new Note C [*New Reserve “B” as designated and delineated hereon shall be owned and maintained by the City of Hilliard, Ohio for storm water runoff, pathways and open space. New Reserve “C” as designated and delineated hereon, may be used as permitted by applicable zoning.*] Applicable zoning is addressed with text modifications proposed for Case #PZ-22-15.
- The plat modification includes a sanitary sewer easement from Glade Run Road to the back of the property. The purchaser of Reserve C shall be responsible for installing an approved sanitary line and discontinuing use of the on-site septic system.
- Access easements are being created to address the off-site vehicular access for Reserve C, portions of the public path system that cut across the corner of Reserve C and portions of the accessible walkway

at the rear of Reserve C that access the public path. A water tap has also been approved and the purchaser of Reserve C will be responsible for connecting to municipal service.

[END OF REPORT | PZ-22-14]

Chairman Muether asked if the site had a septic system; Mr. Combs affirmed that there is an on-site system and that anyone who purchased the property would be required to tap into municipal services through the proposed easement.

Mr. Lewie asked about the age of the house and if it was a model home; Mr. Combs confirmed that the home was from 1900 and was transferred to the City as part of the open space requirements. He noted that the City completed renovations to the farmhouse during 2016 with the intent to lease the property. The case is intended to correct paperwork

Ms. Nixon asked about the current zoning; Mr. Combs noted that it is zoned only for “Arts Center,” and the cases this evening are to implement necessary uses and standards to make the property marketable.

Mr. LaBuhn, representing the City of Hilliard, noted that he had no additional information.

With no public comment, Mr. Gutknecht (seconded by Mr. Pannett) made a motion to approve an amended Final Plat under the provisions of Hilliard Code Section 1188.05 and the Anderson Meadows PUD Concept Plan for Reserves “B” and “C” with the following two conditions:

- 1) That necessary access easements be provided and recorded in conjunction with the plat modification, subject to review and approval by the City Engineer; and
- 2) That the plat modifications meet the requirements of the City Engineer for format and content prior to being scheduled on a City Council agenda.

Status:	Approved with two conditions (6-0).
Mover:	Eric Gutknecht
Seconded:	Tom Pannett
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon, Tom Pannett.

CASE 3: PZ-22-15 – Anderson Meadows PUD Modification – 6248 Roberts Road

PARCEL NUMBERS: 050-011019 & 050-011018

APPLICANT: City of Hilliard, 3800 Municipal Way, Hilliard, OH 43026; and Matthew LaBuhn, 35 N. Fourth Street, Suite 100, Columbus, OH 43215.

REQUEST: Review & approval of a modification of the Anderson Meadows PUD Concept Plan and Text under the provisions of Hilliard Code Section 1117.08 to specify uses and development standards for Subareas C1 (Reserve B) and C2 (Reserve C).

[Mr. Combs gave the staff report]

BACKGROUND:

On July 12, 2010, City Council passed Ordinance 10-24 to rezone 50.074 acres on the north side of Roberts Road to the east of Alton Darby Road from R, Rural District to PUD, Planned Unit Development District for the construction of 76 single-family lots and 208 multi-family units and 7.4 acres of parkland known as the Anderson Meadows PUD. As part of that zoning, 22.8 acres of land on the south side of Roberts Road was dedicated to the City of Columbus as off-site open space consistent with the Big Darby Accord Master Plan.

The Final Plat for Anderson Meadows Section 1 was approved by the Planning and Zoning Commission on June 9, 2011, and City Council accepted the public improvements through Resolution 11-R-41 on June 27, 2011. As part of the platting process Reserves B and C were formally accepted by City Council with the adoption of Resolution 12-R-27 on June 25, 2012. The Final Plat for Section 1 specifically denotes that Reserves B and C are to be used for the purposes of “open space, pathways and storm water runoff facilities.” Reserve C, however, was designated in the PUD development text to include an existing home (or new building) to be used as an Arts Center with ancillary structures for maintenance and storage. Proposed text modifications are intended to make the existing building on Reserve C a more viable use that has minimum development standards within the PUD.

COMMISSION ROLE:

The Commission is to make a recommendation in accordance with Hilliard Code Section 1117.08 on the proposed text modifications, which will be forwarded to City Council for final disposition.

STAFF RECOMMENDATION:

Reserve C and the building thereon was dedicated to the City of Hilliard as part of the original rezoning with the intent to establish an Arts Center. Because the text-specific use is not viable, the proposed amendments will provide for marketable uses while establishing basic development standards that are not currently included in the zoning text. Staff believes that the proposed amendments are consistent with the general intent of the Anderson Farms PUD Concept Plan and the provisions of Hilliard Code Section 1117.08. Based on these findings, staff recommends approval of the proposed text amendments.

CONSIDERATIONS:

- During the rezoning process, the former residence located on Reserve C was dedicated to the City as part of the parkland dedication requirements. Paved vehicular areas already existed at the time of conveyance to the City. The PUD development text specifically denotes the 3,752-square foot structure as a future Arts Center, which is not a viable use.
- The building was renovated by the City in 2016 to serve as a meeting space for a potential user that did not come to fruition. The proposed text modifications are intended to establish base development standards that will allow the property to be marketed and effectively used.
- The following outlines modifications that have been proposed to the PUD text:
 - 1) General Commitments (A)(6). Language referencing the Arts Center has been removed (Page 2).
 - 2) Subarea C1 and C2. Subarea C2 has been separated out and address uses within Reserve B, which include open space, paths and stormwater retention (Page 11).
 - 3) Subarea C2. New uses are delineated for the house that include a single-family dwelling and neighborhood office uses. Typical accessory structures and accessory uses are also included.
 - 4) Setbacks. Setbacks for pavement and building have been created based on the existing conditions.
 - 5) Architecture. Any modifications will match the existing building in material and design quality.
 - 6) Parking. The existing lot is generally built-out; however, any addition would require supplemental parking based on the use and size of the addition.
 - 7) Lighting. Any parking and security lighting must be cut-off fixtures and meet light trespass requirements. Residential style lighting is also permitted for entrances, etc.
 - 8) Landscaping. Required landscape screening is based on the existing condition as of the time of this text modification.
 - 9) Graphics. The text has been updated to provide a subarea map for Anderson Meadows and a detail of Reserve C.

[END OF REPORT | PZ-22-15]

Ms. Nixon asked about accessory structures given the setbacks that are proposed; Mr. Combs clarified that the building setbacks would apply to the primary structure. Accessory buildings would be required to meet general code standards of 3 feet from side property lines and 6 feet from the rear property line. The site is limited and would not permit significant changes.

Ms. Nixon, seconded by Mr. Gutknecht, made a motion to approve a modification of the Anderson Meadows PUD Concept Plan and Text under the provisions of Hilliard Code Section 1117.08 to specify uses and development standards for Subareas C1 (Reserve B) and C2 (Reserve C) with no conditions.

Status:	Approved as proposed (6-0).
Mover:	Tracey Nixon
Secunder:	Eric Gutknecht
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon, Tom Pannett

CASE 4: PZ-22-20 – Altus Direct Health – 3681 Fishinger Boulevard
PARCEL NUMBER: 050-007274
APPLICANT: DC MRH Medical LLC/Alkire Offices LLC, 4653 Trueman Boulevard, Suite 100, Hilliard, OH 43026; c/o Abdirahim Rashid, 3681 Fishinger Boulevard, Hilliard, OH 43026.
REQUEST: Review & approval of a sign variance under the provisions of Hilliard Code Section 1129.08 to permit a temporary sign for a period of 6 months.

[Mr. Combs gave the staff report]

BACKGROUND:

The site consists of an existing tenant space on 5.709 acres located on the east side of Park Mill Run Drive approximately 750 feet west of Fishinger Boulevard and 600 feet south of Park Mill Run Drive. Located within the Mill Run PUD, the tenant space is located on the end of the strip plaza between Floor & Décor and Lowe’s Home Improvement. On February 25, 2022, a sign permit was approved for a temporary banner that was valid for 14 days and renewable for up to 12 weeks in a calendar year. The applicant is requesting approval of a sign variance to permit the use of the temporary banner for a period of 6 months while a permanent sign is fabricated and installed.

COMMISSION ROLE:

The Commission is to review the proposal for conformance to the provisions of Hilliard Code Section 1129.08.

STAFF RECOMMENDATION:

Staff finds that the proposed sign variance is not substantial and will further the objectives of the Sign Code to encourage readable signs, and control the size, location, and design of signs so that the appearance of such signs will be aesthetically harmonious and appropriate to the zoning district in which they are located. The temporary banner has been installed and maintained in an aesthetically pleasing condition that does not impact the essential character of the area and is not detrimental to surrounding property owners. Based on these findings, staff is recommending approval of the proposed sign variance for the time extension of a temporary banner with the following two conditions:

- 1) That a sign permit be granted for the temporary banner not to exceed August 25, 2022 (six months from initial issuance); and
- 2) That the temporary banner be removed immediately upon its expiration or that Code Enforcement action be taken.

CONSIDERATIONS:

- The applicant was granted a sign permit (S-22-12) for a 28-square foot temporary banner on February 25, 2022. Temporary banners are approved for 14 days and can be renewed for up to a maximum of 12 weeks in a calendar year according to the Zoning Code.
- The applicant was sent a notice of violation on March 17 (CE-22-51) and a final notice on March 25. Application for the variance was submitted on March 31.
- The applicant is requesting a time extension for the temporary banner for a period of six months while a new sign contractor designs and installs a permanent sign.
- The tenant space linear frontage is 15 feet in width and is located on the corner of the shopping plaza. Building face for the placement of a sign for this tenant space is split by a brick pillar. Due to the nature of the tenant space and the visibility issues of its angular sign panel, the Planning and Zoning Commission approved variances for a 45-square foot wall, non-illuminated sign on September 9, 2021 for a former tenant.
- The Commission is to take the following criteria listed in Section 1129.08(d) of the Code into account:
 - 1) Whether the property will yield a reasonable return or whether there can be any beneficial use of the property without a variance;
 - 2) Whether the variance sought is substantial;
 - 3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining property owners would suffer substantial detriment as a result of granting the variance;
 - 4) Whether the variance would adversely affect the delivery of governmental services;
 - 5) Whether the property owner purchased property with knowledge of zoning restrictions;
 - 6) Whether the property owner's predicament feasibly can be obviated through some method other than variance; and
 - 7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the requested variance.

[END OF REPORT | PZ-22-20]

Mr. Combs noted that the date on Condition #1 in the staff report should be corrected to state “August 25, **2022,**” not 2002.

Mr. Lewie noted that the nature of the business is testing for Covid and that the business will eventually go away. Chairman noted that he is also skeptical and pointed out that no applicant is present.

Mr. Combs noted that the applicant was working with a second sign company, but that staff also has the same concerns.

Ms. Nixon noted that installing a permanent sign does not meet a public purpose if they immediately go out of business after it is installed.

Chairman Muether noted that the applicant should be aware of the Commission’s hesitancy.

Ms. Hale asked if the business was walk-in for the public or if it was a private testing location; multiple Commission members noted that it was available to the public.

Mr. Lewie, seconded by Chairman Muether, made a motion to approve a sign variance under the provisions of Hilliard Code Section 1129.08 to permit a temporary sign extension with the following two conditions:

- 1) That a sign permit be granted for the temporary banner not to exceed November 25, 2022; and
- 2) That the temporary banner be removed immediately upon its expiration or that Code Enforcement action be taken.

Status:	Approved with two conditions (6-0).
Mover:	Chris Lewie
Seconders:	Chairman Jay Muether
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon, Tom Pannett

CASE 6: PZ-22-18 – Zoning Code Amendment

APPLICANT: City of Hilliard, c/o Michelle Crandall, City Manager. 3800 Municipal Way, Hilliard, OH 43026.

REQUEST: Review & approval of a zoning code amendment to Code Section 1105.08 to add a definition for “Short-term Rental” to Code Section 1115.02 to add “Short-term Rental” and “Bed and Breakfast Inns” as permitted uses in the OH-MD, Old Hilliard Mixed Use District, and OH-RD, Old Hilliard Residential District, zoning districts and Code Chapter 1121 to add associated development standards.

[Mr. Talentino noted that no change was made to the staff report and that the supplemental memo was provided to give examples of other codes from around the country for review/discussion]

BACKGROUND:

On October 27, 2014, Council adopted an ordinance (14-29) enacting a new Planning and Zoning Code and adopting a new Zoning Map. The applicant is requesting approval of a Zoning Code amendment concerning “Bed and Breakfast” and “Short-term Rental” uses.

COMMISSION ROLE:

The Commission is to review the proposal and forward a recommendation to Council.

STAFF RECOMMENDATION:

Staff finds that the proposal is consistent with the purpose of the Zoning Code to promote the public health, safety, morals, comfort, and general welfare of the City and its residents. Based on this finding, staff recommends that the Commission forward a positive recommendation to Council concerning the proposed Zoning Code amendment.

CONSIDERATIONS:

Definitions

- Section 1105.08 - The proposal will add the following definition:
Short-term Rental. Any room or dwelling that is rented wholly or partly for a fee for less than thirty (30) consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation, whether such compensation is paid directly by the short-term rental guest or is collected and remitted to the permanent occupant or owner by a hosting platform.

Schedule of Uses

- Section 1115.02 – The proposal will add “Bed and Breakfast Inn” as a permitted use in the OH-MD and OH-RD zoning districts.
- Section 1115.02 – The proposal will add “Short-term Rental” as a permitted use in the OH-MD and OH-RD zoning districts.
- Section 1115.02 – Identifies Code Section 1123.13(a) for specific conditions for “Bed and breakfast inns” uses in the OH-MD or OH-RD zoning districts.
- Section 1115.02 – Identifies Code Section 1121.06(i) for specific conditions for “Short-term rental” uses in the OH-MD or OH-RD zoning districts.
- Section 1121.06(i) – The proposal adds the following conditions for “Short-term rental” uses:

- (1) A short-term rental shall not provide more than six guest rooms plus a common area for use by all guests.
- (2) A short-term rental shall be located only in a detached single-family dwelling, designed and constructed for single family use, which shall contain at least 1,500 square feet of useable floor area. For each guest room in excess of two, an additional 100 square feet of floor area shall be required.
- (3) Cooking facilities shall not be permitted in short-term rental guest rooms.

[end of report]

Mr. Talentino pointed out that the code change is proposed for only Old Hilliard. He noted that the District is being used as a test case because it is most likely to see short-term and bed-n-breakfast uses. He clarified that a bed-n-breakfast use is already permitted in the Rural Residential District.

Mr. Gutknecht said he understood the test case idea but has concerns about the exclusionary nature of the square footage; Mr. Gutknecht said he is not comfortable moving forward with the current version.

Vice Chair Schneck noted his concerns and said that the size should not be limited; Ms. Nixon gave an example and noted that you don't care about the size because you're travelling.

Mr. Talentino confirmed that short-term rentals are currently not permitted in the city. He said the major focus is to avoid such uses from becoming a nuisance. He said there are only a few examples online currently. Mostly the hotels and apartments are posting vacancies. Mr. Talentino emphasized that additional staffing and more complication for staff or residents are not desired. He noted that the City does not wish to have administrative processes, pointing out that Dublin's ordinance is quite different because of the Memorial Tournament. He noted that to date there have been no calls or complaints to the City for such uses. The Code will allow for obvious places to have short-term as a permitted use.

Chairman Muether noted that the Commission can always revisit the ordinance; Mr. Talentino also pointed out that the Commission can make changes now to the ordinance language.

Mr. Gutknecht indicated that there is no administration to this ordinance; Mr. Talentino noted that there is not until such time as a complaint is made.

Mr. Lewie noted that he would prefer to see the ordinance city-wide, but also understood that it is not desired to need additional staff to administer the requirements.

Ms. Clodfelder clarified that Council can make any changes to the ordinance. She also noted that increasing the square footage would make the ordinance more restrictive.

Mr. Gutknecht asked about including the Avery Estates area into the ordinance; Mr. Combs provided a map of the DORA onscreen and also uploaded a zoning map for the Commission to compare the area of the DORA in comparison to the OH-MD and OH-RD Districts. Mr. Combs noted that purple is the mixed use district; brown is the residential district and the Avery subdivision is in yellow.

Vice Chair Schneck voice his preference for keeping the Old Hilliard Districts but reducing the size to 800 square feet for single-family detached uses. He said it could be revisited in a year.

Vice Chair Schneck, seconded by Chairman Muether, made a motion to approve a zoning code amendment to Code Section 1105.08 to add a definition for "Short-term Rental" to Code Section 1115.02 to add "Short-term Rental" and "Bed and Breakfast Inns" as permitted uses in the OH-MD, Old Hilliard Mixed Use District, and OH-

RD, Old Hilliard Residential District, zoning districts and Code Chapter 1121 to add associated development standards with the following change:

- 1) That Section 1121.06(i)(2) be modified from 1,500 square feet to 800 square feet of usable floor area.

Status:	Approved with the modification (6-0).
Mover:	Vice Chair Bevan Schneck
Second:	Chairman Jay Muether
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon, Tom Pannett

DISCUSSION ITEMS

Mr. Gutknecht noted that the new artwork on the traffic boxes looks great; Mr. Lewie noted that the infamous turkeys continue to run amok through the city.

COMMITTEE COMMUNICATIONS

Ms. Nixon reported that discussion was held regarding a rectangular field policy for the new recreation fields that would be built. She noted that policies vary greatly from one community to another.

ADJOURNMENT

Chairman Muether, seconded by Mr. Lewie, motioned to adjourn at 7:53 p.m.

CERTIFICATION:

Carson Combs, Planning Manager/Acting Clerk
June 10, 2022

[END OF MINUTES | May 12, 2022]



STAFF REPORT

Planning & Zoning Commission

City Hall • 3800 Municipal Way • Hilliard, Ohio 43026
and Live-Streaming on YouTube

Thursday, June 9, 2022 | 7:00 pm

CASE 1: PZ-22-26 – Amazon Data Center – 4600 Cosgray Road

PARCEL NUMBER: 050-011455

APPLICANT: Amazon Data Services, Inc., c/o David Sanford, Central Surveying, 7563 East Main Street, Reynoldsburg, OH 43068.

REQUEST: Review & approval of a lot split under the provisions of Hilliard Code Section 1188.05 to split a 7.491-acre parcel from a 105-acre parcel.

BACKGROUND:

The site consists of 105 acres located on the east side of Cosgray Road and the west side of Leppert Road approximately 2,500 feet south of Hayden Run Road. On September 13, 2020, the site was rezoned PUD, Planned Unit Development District (Ordinance 20-18). On August 12, 2021, the Planning and Zoning Commission approved a PUD Final Development Plan for 4 data center buildings and accessory uses on 104.995 acres. The applicant is now requesting approval of a lot split to create a 7.491-acre parcel from the larger 105-acre parcel.

COMMISSION ROLE:

The Commission is to review the proposal for conformance to the provisions of Hilliard Code Section 1188.05 and the Greener Property PUD Concept Plan and Development Text.

STAFF RECOMMENDATION:

Staff finds that the proposal is consistent with the provisions of the Zoning Code and the Greener Property PUD Concept Plan and Development Text. Based on this finding, staff recommends that the proposed lot split be approved with the following 2 conditions:

- 1) That any fencing associated with the AEP substation is located not less than 10 feet from the required 50-foot-wide landscape mound; and
- 2) That the lot split is recorded, and that evidence of recordation is provided to staff.

CONSIDERATIONS:

- Data centers are permitted uses in the Greener Property PUD. To the north are the Bo Jackson Elite Sports facility and residential properties within Norwich Township. To the east, across Leppert Road, are single-family residences within the Carr Farms PUD. South of the site is undeveloped land within Norwich Township, the Heritage Rail Trail and a single-family residence within Norwich Township. The Homestead Park, which is zoned S-1 Special District, is located to the west across Cosgray Road. The overall site borders the public access drive extending from Cosgray Road to the Bo Jackson Elite Sports facility.
- The Thoroughfare Plan classifies Leppert Road as a Network Collector that has two lanes with either a center left turn lane or separate left turn lanes at driveways and intersections. The Plan recommends a

minimum right-of-way width of 80 feet. 50 feet from centerline has been dedicated on the west half of the road (100 feet total including the Carr Farms dedication) and provides sufficient width for road improvements and drainage swale design.

- The approved site plan shows (1) four data center buildings oriented east-west in the eastern portion of the site, (2) an AEP switching station and substation in the southern portion of the site, (3) two smaller storage buildings on the west side of the data center buildings, and (4) a security building in the northwest portion of the site. Access for the data center buildings will be from the existing Cosgray Road driveway shared with the Bo Jackson Elite Sports facility. A secondary security access for the data center that will also be used for construction traffic is shown on Leppert Road approximately 970 feet south of the northern property line. A 24-foot-wide AEP switching station access drive as part of the lot split is shown on Leppert Road approximately 230 feet north of the southern property boundary. It consists of pavement from Leppert Road to the 200-foot setback line and gravel for the remainder. Plans indicate a 30-foot-wide City trail easement along the south property boundary that will connect to the Heritage Trail.
- The southern portion of the data center site features the proposed AEP substation, a client transformer yard and two megacharge areas. The overall area for these elements is set back 200 feet from the ultimate Leppert Road right-of-way line, 90 feet from the south property line and 130 feet from the southwest property line. The majority of the structures within these areas are 35 feet in height or less. Four structures are approximately 95 feet in height. Screening for these areas consists of the required landscaped buffer yard.
- Approved fencing around the data center buildings, the “Mega Charge Areas” and the “Ski Lodge Buildings” consists of an 8-foot-tall decorative black aluminum security fence along the exterior with a second 8-foot-tall black vinyl-coated chain link security fence located 10 feet inside the exterior fence. Fencing around the substation will consist of 8-foot-tall black vinyl-coated chain link that will be set back 10 feet from the proposed property line.
- The approved 50-foot-wide landscape buffer along the south property line consists of a 6-foot-tall mound with 4 large trees, 5 medium trees, 15 shrubs or ornamental grasses and 9 evergreen trees per 100 linear feet consistent with the PUD Development Plan Text. The landscape mounding will be located in between the public path and the edge of the substation site (proposed lot split).

PROPOSED LOT SPLIT:

- The Zoning Code requires a minimum 1-acre lot size and a minimum 100-foot lot width.
- The proposal consists of a 7.491-acre parcel with 100 feet of frontage along Leppert Road, consistent with the provisions of the Zoning Code. The proposed lot split will be 90.4 feet from the southern property line for the larger data center site and fencing around the proposed substation lot will be located 10 feet within the proposed property line and base of the landscape mound.

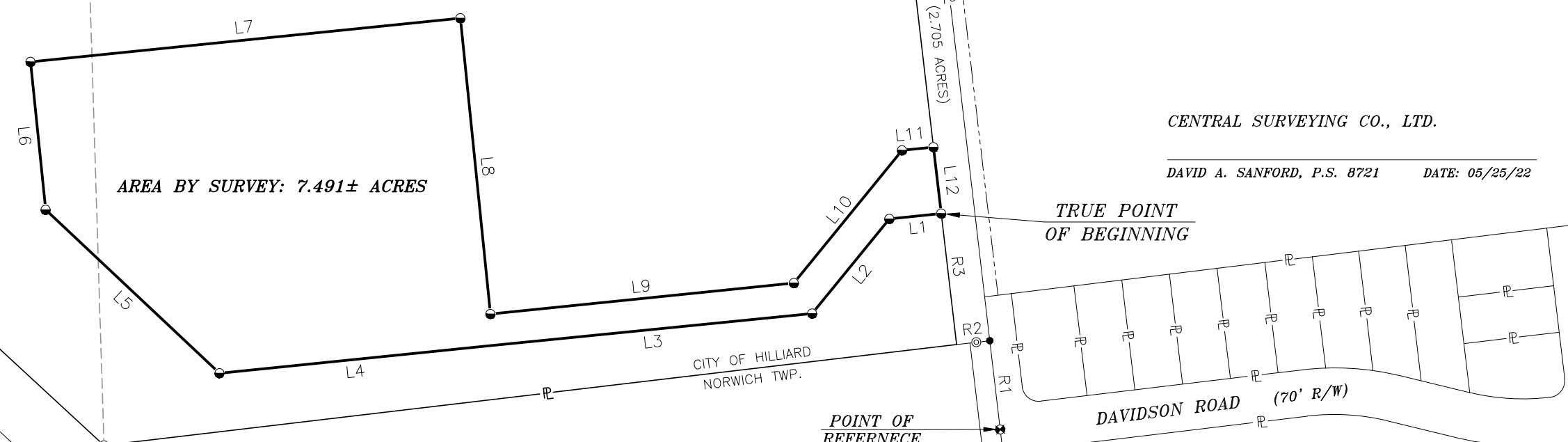
[END OF REPORT | PZ-22-26]

EXHIBIT "A"

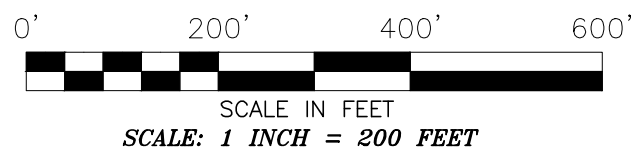
LINE	BEARING	DISTANCE
R1	N 06°43'11" W	133.94'
R2	S 83°16'02" W	50.00'
R3	N 06°41'17" W	197.51'
L1	S 84°11'33" W	78.19'
L2	S 39°11'33" W	182.79'
L3	S 84°18'27" W	484.43'
L4	S 84°11'32" W	407.82'
L5	N 46°47'44" W	357.07'
L6	N 05°48'28" W	222.48'
L7	N 84°11'32" E	647.02'
L8	S 05°48'28" E	444.91'
L9	N 84°11'33" E	456.79'
L10	N 39°11'33" E	256.23'
L11	N 84°11'33" E	47.36'
L12	S 06°41'17" E	100.02'

AMAZON DATA INDUSTRIES, LLC
 INST. #202101210013148
 104.982 ACRES (DEED)
 PID: 050-011455-00

- LEGEND**
- ⊔ PROPERTY LINE
 - ⊙ 3/4" I.D. IRON PIPE, FOUND
 - MAG SPIKE, FOUND
 - ⊕ FCGS MONUMENT 5068, FOUND
 - ⊙ 5/8" REBAR AND CAP, STAMPED "CMT P.S. 7357", FOUND
 - ⊙ 5/8" REBAR AND CAP, STAMPED "CENTRAL SURV. CO., LTD.", SET



CENTRAL SURVEYING CO., LTD.
 DAVID A. SANFORD, P.S. 8721 DATE: 05/25/22



Central Surveying Co., Ltd.
 7563 East Main Street
 Reynoldsburg, Ohio 43068

FOR:
OHIO POWER COMPANY
BOUNDARY SURVEY- 7.491 ACRES

Drawn By: DS	Checked By: RNM
Scale: 1"=200'	Date: 05/23/22
File Name: AEP20210602-BOUNDARY	Drawing Number:
Revisions: -	2021-0602

NOTES:
 SUBJECT TO ALL LEGAL STREETS, HIGHWAYS, RIGHTS-OF-WAY, ALLEYS, EASEMENTS, AGREEMENTS AND/OR CONDITIONS OF RECORD, IF ANY.

BASIS OF BEARINGS:
 BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (2011), OHIO SOUTH ZONE, SHOWING THE CENTERLINE OF LEPPERT ROAD AS BEING N 06°41'17" W.

SITUATE:
 SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF HILLIARD, VIRGINIA MILITARY SURVEY NUMBER 6366, AND BEING PART OF A 104.982 ACRE ACRE TRACT CONVEYED TO AMAZON DATA SERVICES, LLC, AS RECORDED IN INSTRUMENT NUMBER 202101210013148. ALL REFERENCES CONTAINED HEREIN ARE TO THE FRANKLIN COUNTY RECORDER'S RECORDS, COLUMBUS, OHIO.

CITY OF HILLIARD - O.R. 25763H05
 PID: 050-007562-00 (10.441 ACRES)

THOMAS A. MCDOWELL, ALLEN E. MCDOWELL,
 & DIANE A. MCDOWELL
 D.V. 3559, PG. 77
 12.646 ACRES
 PID: 200-002686-00

COUNTY OF FRANKLIN
 D.V. 2969, PG. 313
 0.335 ACRES

EXHIBIT "A"

LINE	BEARING	DISTANCE
R1	N 06°43'11" W	133.94'
R2	S 83°16'02" W	50.00'
R3	N 06°41'17" W	197.51'
L1	S 84°11'33" W	78.19'
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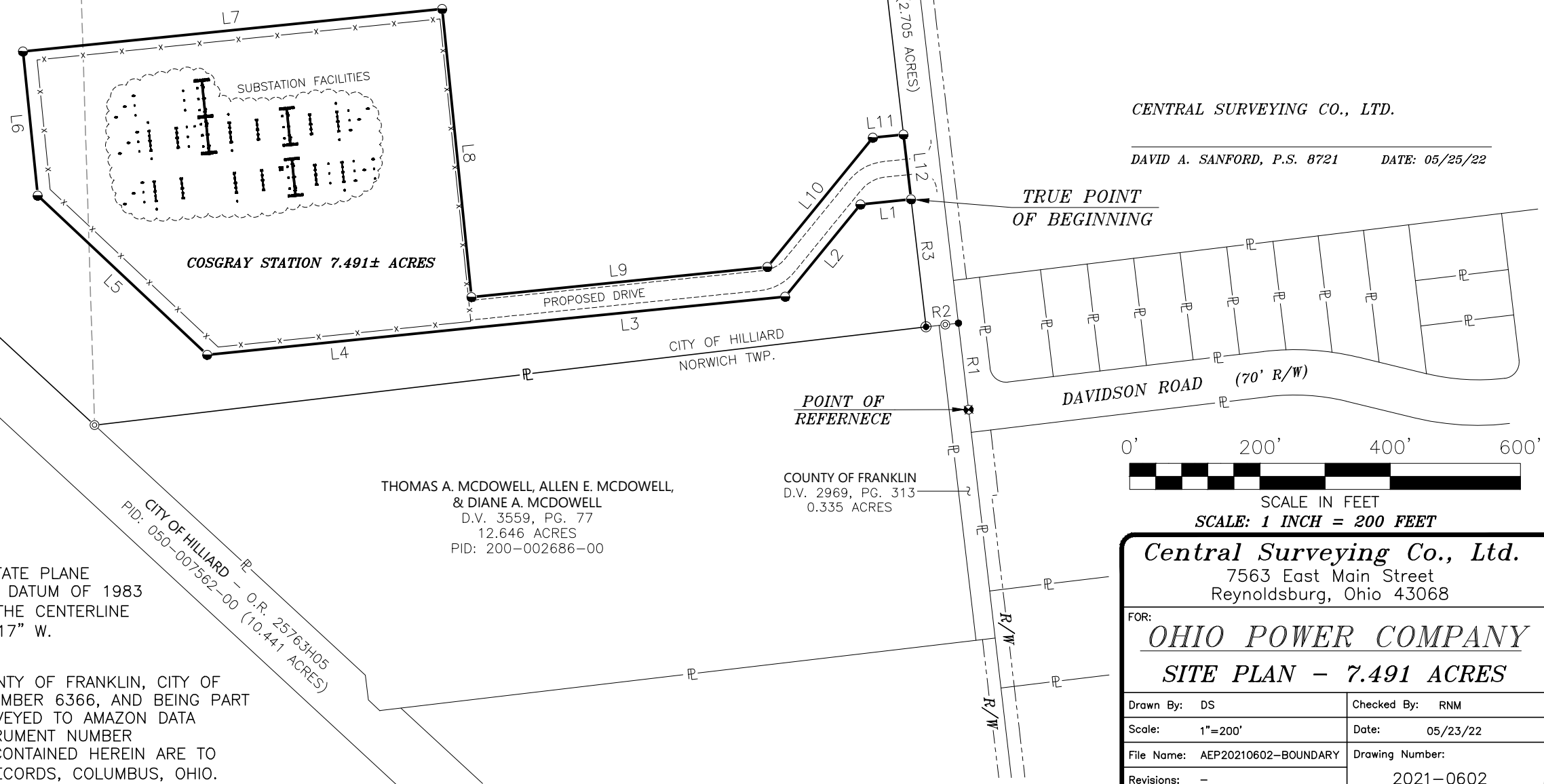
AMAZON DATA INDUSTRIES, LLC
 INST. #202101210013148
 104.982 ACRES (DEED)
 PID: 050-011455-00

- LEGEND**
- ⊔ PROPERTY LINE
 - ⊙ 3/4" I.D. IRON PIPE, FOUND
 - MAG SPIKE, FOUND
 - ⊕ FCGS MONUMENT 5068, FOUND
 - ⊙ 5/8" REBAR AND CAP, STAMPED "CMT P.S. 7357", FOUND
 - ⊙ 5/8" REBAR AND CAP, STAMPED "CENTRAL SURV. CO., LTD.", SET



CENTRAL SURVEYING CO., LTD.

DAVID A. SANFORD, P.S. 8721 DATE: 05/25/22



NOTES:

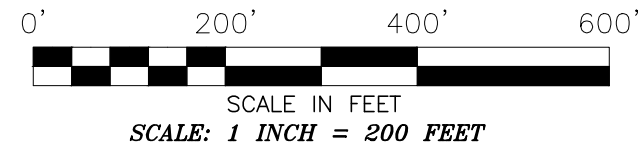
SUBJECT TO ALL LEGAL STREETS, HIGHWAYS, RIGHTS-OF-WAY, ALLEYS, EASEMENTS, AGREEMENTS AND/OR CONDITIONS OF RECORD, IF ANY.

BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (2011), OHIO SOUTH ZONE, SHOWING THE CENTERLINE OF LEPPERT ROAD AS BEING N 06°41'17" W.

SITUATE:

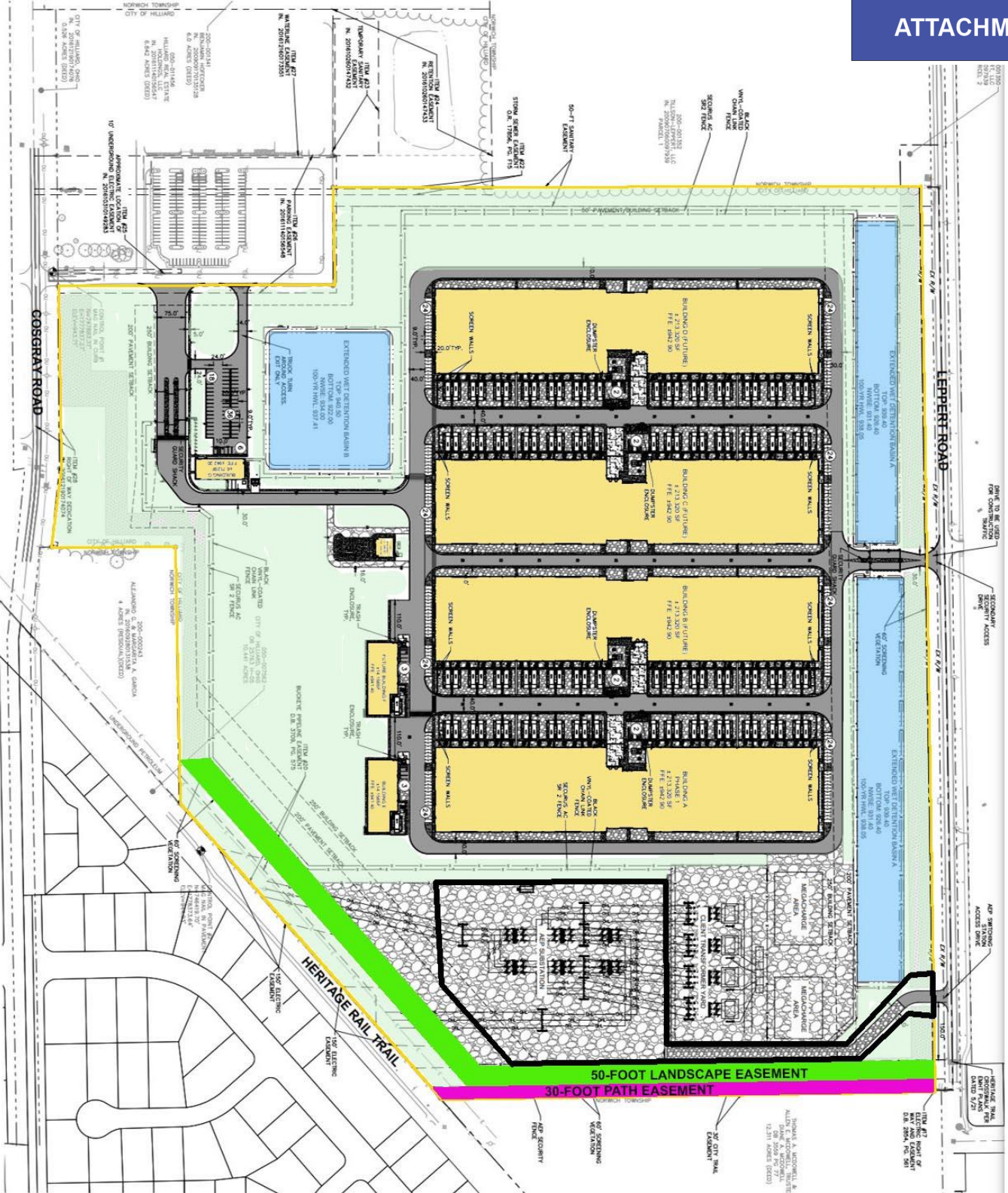
SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF HILLIARD, VIRGINIA MILITARY SURVEY NUMBER 6366, AND BEING PART OF A 104.982 ACRE ACRE TRACT CONVEYED TO AMAZON DATA SERVICES, LLC, AS RECORDED IN INSTRUMENT NUMBER 202101210013148. ALL REFERENCES CONTAINED HEREIN ARE TO THE FRANKLIN COUNTY RECORDER'S RECORDS, COLUMBUS, OHIO.



Central Surveying Co., Ltd.
 7563 East Main Street
 Reynoldsburg, Ohio 43068

FOR:
OHIO POWER COMPANY
SITE PLAN - 7.491 ACRES

Drawn By: DS	Checked By: RNM
Scale: 1"=200'	Date: 05/23/22
File Name: AEP20210602-BOUNDARY	Drawing Number:
Revisions: -	2021-0602



OHIO
Protection
Utilities
SERVICE

GRAPHIC SCALE IN FEET
0 50 100

DATE: 6/27/2021

- GENERAL NOTES**
- ALL DIMENSIONS REFER TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
 - OVERLAP BETWEEN ADJACENT AREAS TO BE THE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
 - REFER TO ARCHITECTURAL AND STRUCTURAL PLANS TO VERIFY ALL BUILDING DIMENSIONS.
 - ALL DIMENSIONS TO FACE OF CURB UNLESS OTHERWISE NOTED.
 - ALL DIMENSIONS TO FACE OF CURB UNLESS OTHERWISE NOTED.
 - ALL DIMENSIONS TO FACE OF CURB UNLESS OTHERWISE NOTED.

PARKING SUMMARY

TYPE	SPACES
STANDARD	22
COMPACT	48
ACCESSIBLE	2
TOTAL	72

PAVING AND CURB LEGEND

SYMBOL	DESCRIPTION
[Pattern]	STANDARD DUTY ASPHALT PAVEMENT
[Pattern]	HEAVY DUTY ASPHALT PAVEMENT
[Pattern]	CONCRETE SIDEWALK
[Pattern]	HEAVY DUTY CONCRETE PAVEMENT
[Pattern]	GRAVEL
[Pattern]	STANDARD RIBBON CONCRETE CURB AND GUTTER
[Pattern]	CONCRETE FLUSH CURB AND GUTTER

SITE DATA

OWNER: HILLIARD, OH
 PROJECT: DATA CENTER
 DATE: 6/27/2021

CASE 2: PZ-22-27 – Code Amendment

APPLICANT: City of Hilliard, c/o Michelle Crandall, City Manager, 3800 Municipal Way, Hilliard, OH 43026.

REQUEST: Review & approval of an amendment to Hilliard Code Sections 505.14 & 1121.07 to permit non-commercial raising of chickens and honeybees, Section 1121.08 to specify standards for the raising of chickens and Section 1121.09 to specify standards for the raising of honeybees.

BACKGROUND:

On October 27, 2014, Council adopted an ordinance (14-29) enacting a new Planning and Zoning Code and Zoning Map. City administration is requesting approval of a Zoning Code amendment concerning the backyard raising of chickens and bees for personal use. Since adopting the Code in 2014, the chicken rearing has become popular as outdoor family pets, as a personal source for meat and eggs and as children’s projects for organizations such as 4-H. Backyard beekeeping has also become of much greater interest since the widespread awareness of colony collapse disease. The proposed code changes provide a means by which to permit limited raising of chickens and bees on properties of an appropriate size throughout the city. On May 11, 2022, the Environmental Sustainability Commission reviewed the proposed ordinance and forwarded the proposed code sections on to the Planning and Zoning Commission for consideration.

COMMISSION ROLE:

The Commission is to review the proposed code amendment and provide recommended changes to the proposed ordinance. Upon its review, the Commission is to make a recommendation to City Council who will make a final determination on the proposed Code language.

STAFF RECOMMENDATION:

Staff finds that the proposal is consistent with the purpose of the Zoning Code to promote the public health, safety, morals, comfort, and general welfare of the City and its residents. Based on this finding, staff recommends that the Commission forward a positive recommendation to Council concerning the proposed Zoning Code amendments.

CONSIDERATIONS:

Section 505.14: Prohibition on the Keeping of Animals, Bees, Reptiles, Fowl or Livestock within the City Limits

- Section 505.14 within *Part Five – General Offenses Code* currently prohibits bees and fowl citywide. This section has been modified to reference its allowed use as defined in the proposed code language in Sections 1121.07 through 1121.09. This would eliminate a conflict with the Zoning Code.

Section 1121.07: Other Provisions

- This section has been modified to permit the non-commercial raising of chickens and bees as defined in Sections *1121.08 Backyard Chickens* and *1121.09 Rear Yard Beekeeping*

Section 1121.08: Backyard Chickens

- Keeping of backyard chickens would be permitted in the R-R, Rural Residential District; R-1, Low Density Residential District; and the R-2, Low/Medium Residential district for properties at least 1 acre in size with a specified maximum number of chickens based on acreage. Flock sizes greater in number would be regulated as an agricultural use. Review of ordinances in other municipalities reveal that there is no real established number of birds that are commonly accepted.

- The code denotes that homeowners are responsible for any deed restriction or HOA requirements not enforced by the City. The code also limits raising of chickens for personal use.
- Due to noise issues no roosters, ducks, geese, turkeys or other fowl are permitted; on-site slaughtering of animals is prohibited. Those raising chickens as a source of meat would be required to transport chickens to an approved facility.
- The code requires adequate shelter with at least 4 square feet per chicken and yard of at least 8 square feet per bird. Placement of any chickens are required to be within the rear yard at least 15 feet from property lines.
- A certificate of zoning compliance is required to ensure that the placement of any coop and yard meets all zoning requirements. All chicken runs would be required to meet the fence code and obtain a fence permit.

Section 1121.09: Rear Yard Beekeeping

- Keeping of honeybees would be permitted in the R-R, Rural Residential District; R-1, Low Density Residential District; and the R-2, Low/Medium Residential district for properties at least 1 acre in size.
- The number of permitted hives for personal use is limited based upon the size of the property and district in which it is located. Number of hives greater than that specified would be regulated as an agricultural use.
- Hives that are productive will naturally swarm, so the ordinance provides the ability to have a nucleus hive (starter hive) for the captured swarm as part of general management.
- Hives are for personal use with no on-site sales permitted. The property owner will be required to have a valid apiary license from the State of Ohio that will ensure the hives are inspected annually and maintained in accordance with regulatory standards.
- Hives are required to be located within the rear of the property no less than 20 feet from property lines. A minimum of 75 feet is also required to an adjacent residence/primary structure.
- A flyway barrier is required if hives are placed within 30 feet of a property line to ensure that bees fly up and over eyelevel on adjacent properties. Any use of fencing as a barrier requires a fence permit.
- General standards of practice are provided to provide a level of enforcement capability if hives are not being maintained properly; however, annual inspection from the Ohio Department of Agriculture should address practice issues with the beekeeper.
- The code also denotes that the beekeeper assumes all liability and their personal insurance policies should address their activity.
- A certificate of zoning compliance is required to ensure that the placement of hives and flyway barriers meet all zoning requirements.

Applicability of Proposed Code Amendment

- Existing code allows for chickens and bees as agricultural uses in a very limited manner and would be expanded to other properties with the code update as follows:

Chicken Rearing and Beekeeping as a Permitted Activity		
	# of parcels permitted / total # of parcels	
Zoning District:	Existing Code	Proposed Code
R-R, Rural Residential District	32 / 170*	56 / 170
R-1, Low Density Residential District	Not Permitted	36 / 136
R-2, Low/Medium Residential District	Not Permitted	36 / 2007
Total	32 / 170	118 / 2313

*Permitted only on properties of three acres or greater under agricultural definition.

505.14 PROHIBITION ON THE KEEPING OF ANIMALS, BEES, REPTILES, FOWL, OR LIVESTOCK WITHIN THE CITY LIMITS

- (a) No animal including, but not limited to bees, reptiles, fowl, livestock, including horses mules, cows, sheep and hogs, shall be kept, harbored, raised or permitted to run at large on any property either public or private within the City limits by any person, [except as otherwise permitted by Sections 1121.07 to 1121.09 of the Codified Ordinances of the City of Hilliard, Ohio.](#)

1121.07 OTHER PROVISIONS

- (a) Domestic Animals.
 - (1) The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any Residential District. However, no more than four dogs or cats, six months of age or older, in any combination, shall be kept or housed in or at one dwelling unit.
 - (2) Agricultural animals such as, but not limited to, horses, cattle, goats, pigs, ~~and sheep~~ **and chickens** are permitted in the R-R District on parcels of three acres or more; provided that the total number of agricultural animals permitted on parcels of 10 acres or less shall be limited to one animal per gross acre. Manure storage areas shall be located at least 75 feet from any adjoining property line.
 - (3) Any area where permitted animals are kept shall be maintained in a safe and sanitary condition.
 - (4) [Non-commercial raising of chickens and honeybees on permitted residential properties shall be maintained in accordance with Sections 1121.08 and 1121.09 of the Codified Ordinances of the City of Hilliard, Ohio, respectively.](#)

1121.08 BACKYARD CHICKENS

- (a) *Purpose.* The purpose of this section is to provide general criteria for the raising of small-scale chickens in an environment for personal use within the municipality.
- (b) *General Requirements.* The keeping of chickens is permitted on residential parcels within the R-R, Rural Residential District; R-1 Low Density Residential District; and the R-2, Low/Medium Residential District subject to the following requirements:

Maximum Number of Chickens Permitted			
Zoning Classification	<1 acre	1-3 acres	3-10 acres
R-R	0	6	3 per acre
R-1	0	6	6
R-2	0	6	6

- (1) The keeping of more chickens than permitted above as an accessory use shall be regulated as a general agricultural operation that must comply with Section 1121.07(a).
- (2) In addition to the regulations provided in this chapter, property owners shall be responsible for adherence to all applicable deed restrictions and homeowners association requirements.

- (3) Chickens shall be kept for personal use only. Selling chickens, eggs, meat or other chicken-derived products or manure on-site and the breeding of chickens for commercial purposes is prohibited.
 - (4) No chickens shall be permitted within the residence, on an enclosed porch or within an attached garage.
 - (5) Slaughtering of animals on-site is prohibited. Any broilers raised on site must be processed off-site in an approved facility in accordance with all State and Federal laws.
 - (6) No roosters are permitted except as permitted by Section 1121.07(a)(2).
 - (7) No ducks, geese, pigeons, turkeys, peafowl or other poultry/fowl are permitted except as permitted by Section 1121.07(a)(2).
- (c) *Shelter.* All chickens must be maintained on a parcel with a kept shelter for the health and welfare of the animal that will protect them from the elements and predators. All shelters must be constructed of quality materials utilizing standard building techniques, be adequately ventilated and be kept in good working order. A minimum of 4 square feet of enclosed space is required per chicken.
- (d) *Foraging.* All chickens must be kept in a confined yard that provides at least 8 square feet of space per chicken. Chickens shall be managed in such a way as to prevent trespassing or creation of a nuisance to surrounding properties or the public right-of-way. No foraging is permitted forward of the primary structure.
- (e) *Placement.* All structures shall only be permitted within the rear yard and shall be located at least 15 feet from all property lines. No structure for the purpose of raising chickens shall be placed within any utility or stormwater easement.
- (f) *Sanitation.* Areas devoted to the keeping of chickens shall be maintained in a clean and sanitary condition free from accumulations of animal waste, feed, debris, etc. with the following requirements:
- (1) All feed must be kept in a rodent-proof and predator-proof container.
 - (2) Composting manure must be maintained in a safe and sanitary condition and be located no less than 25 feet from the side or rear property line.
- (g) *Zoning Certificate Required.* Prior to the installation of any chicken shelter or prior to the commencement of any animal husbandry activities regulated within this section of the Code, an approved zoning certificate is required in conformance with Section 1141.03.
- (h) *Fence Permit Required.* Prior to the installation of any confined chicken yard or prior to the commencement of any husbandry activities regulated within this section of the Code, an approved fence permit is required in conformance with Section 1121.02(d)(2).
- (i) *Penalty.* Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and punishable as permitted by law (see Section 1141.06 for penalty and enforcement). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any person who commits a subsequent offense within one year of a prior offense hereunder shall be guilty of a misdemeanor of the fourth degree. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

1121.09 REAR YARD BEEKEEPING

- (a) *Purpose.* The purpose of this section is to provide general requirements for backyard beekeeping as a personal use within the municipality.
- (b) *General Requirements.* The keeping of honeybee hives (colonies) is permitted on residential parcels within the R-R, Rural Residential District; R-1 Low Density Residential District; and the R-2, Low/Medium Residential District subject to the following requirements:

Zoning Classification	Maximum Number of Hives Permitted		
	<1 acre	1-3 acres	3-10 acres
R-R	0	5	2 per acre
R-1	0	3	3
R-2	0	3	3

- (1) The keeping of more hives than permitted above as an accessory use shall be regulated as a general agricultural operation that must comply with Section 1121.07(a).
- (2) For each colony permitted to be maintained in accordance with this Section, there may also be maintained on the same property, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth, 10-frame hive body with no supers.
- (3) Any property containing a hive shall have a currently valid Apiary License for the property owner, as obtained from the Ohio Department of Agriculture (ODA) Division of Plant Health and be subject to annual inspection from the ODA.
- (4) Colonies shall be kept for personal use only. Selling honey, beeswax propolis or other hive-derived products on-site and the breeding of honeybees for commercial purposes is prohibited.
- (5) No leasing of land for the placement of hives by another beekeeper is permitted. Provisions of this code are for the intent of personal beekeeping.
- (6) In addition to the regulations provided in this chapter, property owners shall be responsible for adherence to all applicable deed restrictions and homeowners association requirements.
- (c) *Placement.* All hives and associated equipment shall only be permitted within the rear yard. All hives shall be set back a minimum of 20 feet from the rear and side property lines. All hives shall also be placed a minimum of 75 feet from an adjacent primary residence.
- (d) *Orientation.* Hive entrances should be oriented away from adjacent properties whenever possible so that flight paths do not interfere with adjacent properties. In all cases, placement of hives shall adhere to applicable Flyway Barrier requirements in paragraph (e) of this section.
- (e) *Flyway Barrier.* In all cases, a flyway barrier 6 feet in height shall be provided to shield any part of a property line that is within 30 feet of a ground hive. The barrier shall consist of a wall, fence, dense vegetation or a combination thereof, such that honeybees will fly over rather than through the material to reach the colony.
 - (1) Any required flyway barrier must continue parallel to the property line of the lot upon which the apiary is located for 10 feet in any direction beyond the extent of the hives.

- (2) If a barrier of dense vegetation is to be used, the initial planting may be four feet in height at the time of installation.
 - (3) A flyway barrier is not required if the property adjoining the property upon which an apiary is located is undeveloped, zoned agricultural or industrial or is a wildlife management area or naturalized parkland with no trails located within 50 feet of the apiary.
 - (4) A flyway barrier is not required if the hives are located on the roof of a structure containing at least one full story, provided that the hives are located at least 75 feet from any adjacent and occupied structure.
 - (5) Fence Permit Required. Prior to the installation of any confined chicken yard or prior to the commencement of any husbandry activities regulated within this section of the Code, an approved fence permit is required in conformance with Section 1121.02(d)(2).
- (f) *Fence Permit Required.* Prior to the installation of any flyway barrier, hives or prior to the commencement of any apiary activities regulated within this section of the Code, an approved fence permit for flyway barrier fencing is required in conformance with Section 1121.02(d)(2).
- (g) *Standards of Practice.*
- (1) All bee colonies shall be kept in hives with removable frames and other hive body components (supers, brood chambers, bottom boards, covers, etc.) that are maintained in sound and usable condition.
 - (2) A constant supply of water shall be always made available to the colonies (excepting Winter dormancy from November 1 through March 1) that is placed in a location near the hives to minimize bees seeking water on surrounding properties. No water shall be permitted to become stagnant and create a health hazard.
 - (3) Each beekeeper shall ensure that no wax comb or other material is left on the ground that might encourage robbing or aggressive behavior.
 - (4) In any instance in which a colony exhibits unusually aggressive behavior, it shall be the responsibility of the beekeeper to promptly implement actions to address the behavior.
- (h) *Liability.* The beekeeper shall assume any and all liability for their bees and therefore are advised to determine whether personal insurance policies cover beekeeping activities.
- (i) *Zoning Certificate Required.* Prior to the installation of any hives or prior to the commencement of any apiary activities regulated within this section of the Code, an approved zoning certificate is required in conformance with Section 1141.03.
- (j) *Penalty.* Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and punishable as permitted by law (see Section 1141.06 for penalty and enforcement). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any person who commits a subsequent offense within one year of a prior offense hereunder shall be guilty of a misdemeanor of the fourth degree. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

CASE 3: PZ-22-28 – ANA Shawarma Food Truck – Hilliard Plaza – 5054-5068 Cemetery Road

PARCEL NUMBER: 050-001323

APPLICANT: CMN Quinlan LLC, c/o Brooke Reynolds, 23020 N. 91st Way, Scottsdale AZ 85255; and Azeemullah Raghbat, 5169 Wildcat Falls Drive, Dublin OH 43016.

REQUEST: Review and approval of a Level “B” Site Plan Minor Change to permit a permanent food truck within the Hilliard Plaza shopping center parking lot.

BACKGROUND:

The site is located within the Hilliard Plaza shopping center and is zoned B-1, Neighborhood Business District. It consists of 4 parking spaces located next to the existing pole sign along Cemetery Road. The applicant is requesting approval of a Level “B” Site Plan Minor Change to permit a permanent food truck location.

COMMISSION ROLE:

The Commission is to review the proposal for conformance to the provisions of Hilliard Code Chapter 1131.

STAFF RECOMMENDATION:

Staff finds that there is sufficient parking on site to accommodate this use and the normal retail activity of the shopping center. Staff finds that the proposal, as modified in the conditions listed below, will be a harmonious part of the shopping center. Based on these findings, staff recommends approval of the proposal with the following 6 conditions:

- 1) That the area for food truck customers is separated from the adjacent parking lot drive aisle with a post-and-chain system or other suitable method, subject to staff approval;
- 2) That all required electrical permits/inspections are obtained prior to operation;
- 3) That signage (other than the food truck) for this use must be specifically approved by the Planning and Zoning Commission;
- 4) That strobe, flashing, moving, or intermittent lighting are prohibited, and that all lighting for the temporary use is approved by staff prior to operation;
- 5) That the food truck operator provides evidence of membership in the Central Ohio Food Truck Association by June 30, 2022; and
- 6) That the approval for the food truck terminates with a change in the food truck operator, the scope or intensity of the use, or with a violation of any condition of approval.

CONSIDERATIONS:

- The proposal consists of a permanent food truck located on the south end of the parking lot along Cemetery Road immediately west of the existing shopping center ground sign. Proposed operating hours are 11:00 a.m. to 9:00 p.m. daily.
- The site has 68 existing parking spaces. There will be 4 parking spaces designated for the proposed use including 3 for the food truck and 1 for the food truck operator’s vehicle. Required parking for the site is based 1 parking space for each 250 square feet of usable floor area of each tenant space. Based on the 12,000-square-foot gross floor area of the existing building, the minimum parking requirement would be 48 spaces. With the proposed 4 spaces designated for the food truck, there will be 64 spaces for the rest of the shopping center. Staff recommends that the area for food truck customers be separated from the drive aisles within the parking lot with a post-and-chain system or other suitable method for pedestrian safety.



PROPOSED FOOD TRUCK
LOCATION

