

# MEETING MINUTES



## Planning & Zoning Commission

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

Thursday, October 13, 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
Tracey Nixon	Member	Present
Tom Pannett	Member	Present
Bill Uttley	Member	Present

\*Vice Chair Schneck arrived after roll call but prior to hearing the first case

**Staff Members Present:** Planning Director John Talentino, City Engineer Clark Rausch, Planning Manager Carson Combs, Staff Attorney Kelly Clodfelder, Council Representative Peggy Hale and Administrative Assistant Community Development Nicole Starrett.

**Others Present:** Andy Warnock representing Wine/Event Space Parking (PZ-22-56); Tyler Sikkema representing Hilliard Grab N' Go (PZ-22-54); Blake Rafeld representing Burdge Property (PZ-22-58); Jeremy and Angela Burdge representing Burdge Property (PZ 22-58); Gursimer Singh representing Mill Run Event Center (PZ-22-57) and Hilliard Grab N' Go (PZ-22-54); Glen Dugger representing The Lincoln Leadership Academy (PZ-22-59); Marilee Kimball, Marty Warner, Juanita Parks, and other members of the public in attendance.

### APPROVAL OF MEETING MINUTES – September 8, 2022

Chairman Muether asked if there were any changes or corrections to the September 8, Planning and Zoning Commission minutes. Minutes were approved by voice vote.

<b>Status:</b>	Accepted by Voice Vote (6-0)
<b>Ayes:</b>	

### OATH TO TELL THE TRUTH

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

### CHANGES TO THE AGENDA

No changes were requested.

**CASE 1: PZ-22-54 – HILLIARD GRAB N’ GO – 6558 Scioto Darby Road**

**PARCEL NUMBERS:** 050-011714

**APPLICANT:** KL Petroleum Partners, LLC, 4174 Glynwater Lane, Hilliard, OH 43026; c/o Tyler Sikkema, CBS Sign Service, 862 Cypress Point Court, Cincinnati, OH 45245.

**REQUEST:** Review and approval of a sign variance under the provisions of Hilliard Code Section 1129.08 and The Square at Latham Park PUD Development Plan and Text for a comprehensive sign package for a 4,220-square-foot gas station.

[Mr. Combs gave the staff report]

**BACKGROUND:**

The site is 1.21 acres within the Square at Latham Park PUD located on the north side of Scioto Darby Creek Road and immediately East of Latham Park Blvd. On August 23, 2010, City Council approved Ordinance 10-12, which established a PUD Concept Plan and development text. On March 12, 2020, the Planning Commission (Case #20-0491LC) approved a conditional use and revised final development plan to permit a vehicle service station with drive up facilities. On April 13, 2020, City Council approved a PUD text modification (Resolution 20-R-33) to change an access point, allow drive-up windows, enlarge the gas station canopy and to change landscape screening requirements. On December 10, 2020, the Commission approved the Final Development Plan for the convenience store/gas station, and City Council approved the related PUD text modifications to permit a carwash and allow a second drive-up window with Resolution 21-R-22.

The applicant is now requesting variances for a comprehensive sign package consisting of (A) a 43-square-foot monument sign, (B) gas canopy striping illuminated with Shell Pectens (logos) on the east and west elevations, (C) eight fuel pump sign/graphic packages that have been installed, (D) three non-illuminated wall signs on both the North and South building elevations, and (E) two drive-up window blade signs to differentiate the food service business.

**COMMISSION ROLE:**

The Commission is to review the proposal for conformance to the provisions of Code Section 1129.08. Specifically, the Code provides for the granting of variances to the Sign Code under the review criteria as outlined by Section 1129.08(d):

- Whether the property will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- Whether the variance is substantial;
- 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;
- Whether the variance would adversely affect the delivery of governmental services;
- Whether the property owner purchased the property with knowledge of the zoning restrictions;
- Whether the property owner’s predicament feasibly can be obviated through some method other than variance; and
- Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Following approval by the Commission, the applicant is responsible for obtaining a sign permit prior to installation for each sign that conforms to the requirements and conditions set forth by the Commission.

**STAFF RECOMMENDATION:**

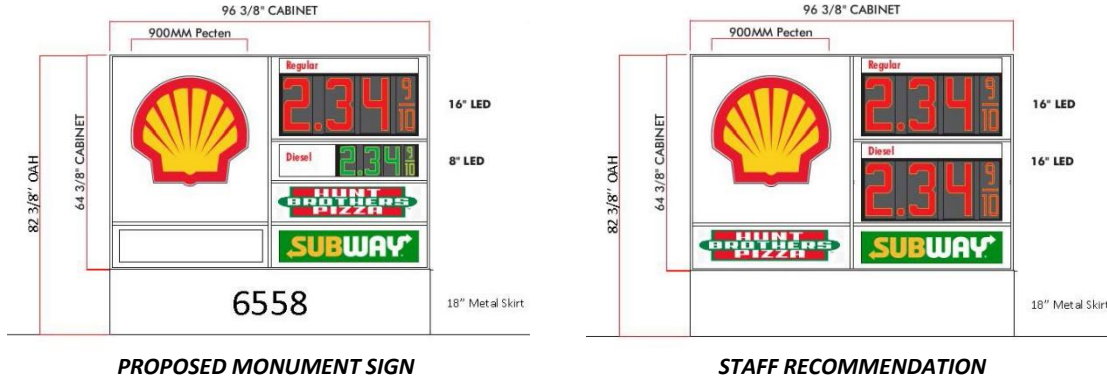
Staff finds that the proposed sign package is generally consistent with City Code Section 1129 as well as the Square at Latham Park PUD Development Text, as modified based on comments contained within the report. Staff finds that as modified, the proposed sign plan will blend with the general character of the area and will not substantially impact surrounding property owners. Staff finds that the proposed signage as recommended will meet the spirit and intent of the Code and based on these findings, recommends approval with the following six conditions:

- 1) That the monument sign include a base color and be landscaped to comply with Code;
- 2) That proposed address numbering be relocated to a visible location that meets fire code requirements;
- 3) That proposed monument sign lighting be either ¼-inch push thru or be externally lit;
- 4) That panels and pricers on the proposed monument sign be revised as noted in the report, subject to staff approval;
- 5) That the proposed gas canopy signage and graphics be non-illuminated; and
- 6) That drive-up window blade signs be resized appropriately and installed vertically, subject to staff approval.

**CONSIDERATIONS:**

- *PUD Development Text.* The text for The Square at Latham Park PUD requires that “All signage shall be externally illuminated or non-illuminated. Halo-lit signage is permitted. Exposed or visible light sources shall not be permitted.” At the time the PUD was established, Code did not permit internal illumination of signage. However, since that time Section 1129 has been modified to allow for quarter-inch push-thru internal illumination.
- *Monument Sign.* The applicant has proposed a 43.08-square-foot monument sign that will be placed at the east entrance to the site along Scioto Darby Road. The monument sign will be placed 19.5 feet behind the right-of-way and will comply with Code. The Height for the sign is just under 7 feet which also meets Code. The following are design issues to be addressed:

Base	No finish color has been identified for the 18-inch metal skirt. Finish must be a muted color that complies with Code.
Landscaping	Revised landscape plans will be required as part of the sign permit process.
Address	Proposed address numbering will be covered by landscaping. Staff recommends that the numbers be placed on the end of the sign or an alternate location that complies with the fire code.
Lighting	A ±35.4" x ±35.4" Pecten is proposed that will be internally lit by LED while surrounding portions of the panel would be unlit. Code allows ¼-inch push-thru lettering for internal illumination. If not possible, the monument sign should be externally lit to comply with the Sign Code and the PUD text.
Digital Pricers	Illuminated LED pricers are proposed consistent with other gas stations. Staff recommends that the Diesel pricer be increased to 16 inches and the “Hunt Brothers Pizza” panel be relocated to the left of “Subway.”
Tenant Panels	The additional tenant panel should be eliminated from the sign.



- *Gas Canopy.* Traditional shell color striping is proposed around all four sides of the canopy. The plan includes two illuminated Shell Pectens (logos) on the east and west ends of the canopy. The Pectens would be just under 9 square feet in area and be internally illuminated with LED lighting. Plans also show an illuminated red bar around three sides of the canopy with no detail information. Staff is not aware of other gas stations with illuminated canopy logos and recommends no illumination for the canopy graphics consistent with the PUD text.
- *Gas Pump Signage.* The proposed sign package includes Shell standard graphics and color treatment for the 8 pumps. The pumps have already been installed with the requested graphics package. According to the applicant, Shell has strict pump imaging standards. The Code also does not permit additional signage or advertising, which will be enforced.
- *Wall Signs (South Elevation).* A total of three wall signs are proposed for the south elevation of the building facing Scioto Darby Road. The proposed signs are appropriately sized to the gable and available space on the building elevation.

Sign	Dimensions	Size
Hilliard Grab N' Go	102" x 20"	±14.2 SF
Hunt Brothers Pizza	50" x 18"	±6.25 SF
Subway	90.25" x 18"	±11.3 SF

- *Wall Signs (North Elevation).* A total of three wall signs are proposed for the north elevation of the building facing the gas pump canopy. The proposed signs are appropriately sized to the gable and available space on the building elevation.

Sign	Dimensions	Size
Hilliard Grab N' Go	102" x 20"	±14.2 SF
Hunt Brothers Pizza	56" x 28.5"	±11.09 SF
"S" (logo)	36.6" x 47.25"	±11.9 SF

- *Drive-up Window Signs.* The approved PUD text allows two drive-up windows with no menu signs, outdoor speakers or parking between the building and road. A 5.15-square-foot horizontal blade sign (39"x19") is proposed for each drive-up window that would extend 39 inches from the building. Staff recommends that a blade sign no greater than 8 inches wide be oriented vertically to avoid damage from passing vehicles since the purpose of the sign is only to signify what business is associated with the window.
- *Outdoor Display.* While not part of the application, the applicant should note that the text prohibits any outdoor products or display and storage of materials unless specifically approved by the Commission.

[END OF REPORT | PZ-22-42]

Chairman Muether confirmed that the conditions were communicated with the applicant. There were no questions for staff.

Tyler Sikkema, representing C&B Sign Services, provided handouts to the Commission and staff. He noted that Shell is not able to manufacture the ¼-inch push-through illumination as required by Code. He said they would still like internal illumination, but would understand if only external illumination was allowed.

Mr. Sikkema indicated they would like to expand the Diesel pricer to the same size as the regular pricer. In addition, they would shift the Hunt Brothers Pizza logo over and add the 18” metal skirt with a muted grey color. They have moved the business address to the side of the sign, as well. For the gas canopy, they proposed two illuminated Shell pectins to be placed on the east and west sides of the canopy with an illuminated red bar.

Chairman Muether inquired if staff had previously seen the handouts provided by the applicant. Staff had not seen the proposal and noted that they would work with emergency services to find an appropriate location for the address numbers.

Mr. Sikkema indicated that the proposal meets the conditions recommended by staff; however, he would like to have more discussions regarding the landscape requirements. He also indicated that they would like to have full illumination of signs 24/7. He indicated that they are willing to conform to the six conditions.

Councilwoman Hale inquired if the illumination would be provided 24 hours a day; Mr. Talentino clarified that City code permits signs to be illuminated while the business is open. Mr. Singh, representing the owners, noted that the pumps would be operational 24 hours a day.

Mr. Combs reminded the Commission that they received written public comment on this case; Chairman Muether inquired if they would address the headlight trespass issue with the landscape plan. Mr. Talentino noted that they will have to comply with the approved Final Development Plan.

Mr. Gutknecht, seconded by Mr. Lewie, made a motion to approve the sign variance under the provisions of Hilliard Code Section 1129.08 and The Square at Latham Park PUD Development Plan and Text for a comprehensive sign package for a 4,220-square-foot gas station with six conditions:

- 1) That the monument sign include a base color and be landscaped to comply with Code;
- 2) That proposed address numbering be relocated to a visible location that meets fire code requirements;
- 3) That proposed monument sign lighting be either ¼-inch push thru or be externally lit;
- 4) That panels and pricers on the proposed monument sign be revised as noted in the report, subject to staff approval;
- 5) That the proposed gas canopy signage and graphics be non-illuminated; and
- 6) That drive-up window blade signs be resized appropriately and installed vertically, subject to staff approval.

<b>Status:</b>	Approved (7-0) with six conditions.
<b>Mover:</b>	Eric Gutknecht
<b>Secunder:</b>	Chris Lewie
<b>Ayes:</b>	Chairman Jay Muether, Vice Chair Bevan Schneck, Chris Lewie, Tracey Nixon, Tom Pannett, Eric Gutknecht, William Uttley.

**CASE 2: PZ-22-56 – WINERY/EVENT SPACE PARKING – 4071 & 4065 GRANT STREET/5460 FRANKLIN STREET**

**PARCEL NUMBERS:** 050-000170, 050-000171, 050-000343

**APPLICANT:** Junction by Westwood, LTD., PO Box 1471 Hilliard, OH 43026; David K. Kim, ESE Holdings, LLC, 8125 Tartan Fields Drive, Dublin, OH 43017; c/o Grace Link, Revival Design Collective, 114 East Court Avenue, Bellefontaine, OH 43311; c/o The Westwood Collective, PO Box 79, Hilliard, OH 43026.

**REQUEST:** Review and approval of a variance to Hilliard Code Section 1127.03 to reduce required parking for a 4,300-square-foot winery, 700-square-foot covered patio and related outdoor dining and open space.

[Mr. Combs gave the staff report]

**BACKGROUND:**

The proposed site includes three parcels located northwest of Grant Street and southwest of Center Street. Two properties at the northwest corner of Grant and Franklin Streets (4071 and 4065 Grant Street) are residential properties that are 0.173-acre and 0.14-acre, respectively. Both are zoned OH-MD, Old Hilliard Mixed Use District. Across Grant Street from the site is the Early Television Museum. To the south and west are a mix of commercial properties also part of the OH-MD District. The third parcel as part of the proposed development is located at 5460 Franklin Street and includes “The Junction” and a triangular green space adjacent to the residential parcels on Grant Street. The Junction includes 1.2 acres and is also zoned in the OH-MD District. To the west of that property is the Hilliard Schools campus and regional retention basin owned by the City of Hilliard, both zoned S-1, Support Facilities District.

The applicant is requesting consideration of a shared parking plan/variance to Hilliard Code Section 1127.03 for a concept plan to develop a 4,300-square-foot winery and tasting room with covered and uncovered outdoor dining/patio space and a ±0.5-acre outdoor events area and park space. Consideration of the shared parking plan/variances is requested prior to the applicant moving forward with detailed design plans for the development. The applicant is required to return to the Commission at a later date to review the details of the proposed development plan as part of an Old Hilliard District Plan approval and Conditional Use review of the proposed wine bar use.

**COMMISSION ROLE:**

The Commission is to review the requested reduction of parking within Old Hilliard for conformance to the provisions of Section 1127.02 of the Code. Section 1127.02(h) reduces required parking within Old Hilliard by 50 percent and permits the Commission to reduce parking further based on the provisions of the Code. The Code permits shared parking for sites with multiple buildings, and Section 1127.02(d) of the Code permits the Commission to reduce required parking upon a finding that other forms of travel are available and likely to be used and that one or more of the conditions specified in Section 1127.02(d)(1) through (3) are met:

- Shared parking is available to multiple uses where pedestrian connections are maintained, shared parking has pedestrian and vehicular connections between lots unless within one center, shared parking agreements are provided following Commission approval;
- Convenient municipal parking is located adjacent to the subject property
- Expectations for walk-in traffic is reasonable due to pedestrian connections
- A parking study demonstrates other standards would be appropriate or
- The Commission requires a parking study for documentation demonstrating that one or more of the criteria are met

**STAFF RECOMMENDATION:**

Staff finds that the proposed development concept provides for shared parking between multiple uses that will be effectively served by pedestrian connections. Staff finds that the proposed winery and related site development is located adjacent to significant levels of municipal parking and the proposed development will significantly increase parking resources (both on-site and off-site) that are available to the general public. The site is also located adjacent to the Heritage Trail, is within the City’s MORA and has proximity to municipal events and spaces that include a significant expectation for pedestrian traffic. Based on these components, staff finds that the proposed parking provision meets the intent and spirit of the Code’s criteria as listed in Section 1127.02(d)(1) and recommends approval with two conditions:

- 1) That spaces along Franklin Street be integrated into the design as public parking; and
- 2) That the proposed parking concept, as demonstrated herein, be approved with the understanding that final parking numbers may be adjusted slightly based upon final detailed engineering, subject to staff approval.

**CONSIDERATIONS:**

- *Overview.* The proposed winery and outdoor patios and open spaces are permitted uses within the OH-MD, Old Hilliard Mixed Use District. Wine production is a conditional use but has much less impact on traffic and the surrounding area than the permitted restaurant uses. The proposed combination of uses and coordination with The Junction at 5460 Franklin Street are intended to create a destination that focuses on pedestrians and outdoor activity.
- *Proposed Winery Parking.* Parking Code for the winery/event area requires a total of 46 on-site spaces. The Code allows the Commission to further reduce the required level of parking, as well as to approve shared parking arrangements or other parking configurations that meet the general intent of the Code. The development includes the incorporation of 31 public spaces along Franklin Street, the installation of a private lot with approximately 12 spaces adjacent to the winery and the incorporation of 6 additional spaces within the existing municipal lot – **providing a proposed total of 49 spaces (pending final design development).**

Proposed Wine Bar / Events Area			
Use	Requirement	Standard	Spaces Required
Production Area	1,830 square feet UFA	1 per 800 sf	2.29 spaces
Restaurant/Covered Patio	2,137 square feet UFA	1 per 50 sf	42.74 spaces
Uncovered Patio	76 seats	1 per 3 seats	25.33 spaces
Events Area	100 seats	1 per 3 seats	33.33 spaces
			104 spaces
Old Hilliard	Parking Reduction	50% reduction	(-) 52 spaces
Bicycle	Parking Reduction	1 per 4 bike spaces	(-) 6 spaces
		<b>TOTAL SPACES REQUIRED</b>	<b>46 SPACES</b>

- *The Junction Parking.* The proposed development includes coordination with The Junction at 5460 Franklin Street. Analysis of the Parking Code for the mix of uses requires a total of 21 spaces. The site currently includes 24 spaces in front of the building and 8 spaces located in a separate parking area to the south – **providing a current total of 32 spaces for the mixed-use building.**

The Junction - 5460 Franklin Street			
Use	Requirement	Standard	Spaces Required
Office	1,200 square feet UFA	1 per 300 sf	4.0 spaces
Co-Work Space	1,740 square feet UFA	1 per 300 sf	5.8 spaces
Restaurant/Bar	1,521 square feet UFA	1 per 50 sf	30.42 spaces
Golf Simulator	1 per 3 occupants	1 per 3 occupants	5.67 spaces

			46 spaces
Old Hilliard	Parking Reduction	50% reduction	(-) 23 spaces
Bicycle	Parking Reduction	1 per 4 bike spaces	(-) 2 spaces
		<b>TOTAL SPACES REQUIRED</b>	<b>21 SPACES</b>

- *Bicycle Amenities.* The proposed development will include 12 bicycle spaces at the winery location and an additional 12 bicycle spaces located near the food truck court to provide coordinated use with the events area and the Heritage Trail connection to the school site. These amenities result in a 6-space reduction for the winery site.
- *Dumpster Relocation.* The proposed parking concept includes the relocation of dumpsters for The Junction from the proposed food truck court area to behind the Cultural Arts Center building. This relocation would provide greater distance from pedestrian/seating areas to reduce potential odor conflicts and to avoid having dumpsters located in a visually prominent location. (2 spaces to be removed)
- *Outdoor Food Court.* Installation of the pedestrian plaza and outdoor food court along the south end of The Junction will help to create a comprehensive pedestrian area between the buildings and provide clear pedestrian connection to the Heritage Trail. Inclusion of the plaza will result in the removal of 8 existing spaces to achieve the goal of the plan. (8 spaces to be removed).
- *Parking Summary.* The following table provides an overall summary of comprehensive parking for all the current and proposed uses on the three properties. As a comprehensive parking arrangement, the two sites will comply with Code requirements based upon the provided concept plan.

Comprehensive Parking Concept				
Location	Required Spaces	Current Spaces	Spaces after Development	Net Spaces (compared to Code)
The Junction	21	32	22	+1
Winery/Events	46	N/A	49	+3
			<b>TOTAL NET SPACES</b>	<b>(+4)</b>

- *Municipal Spaces.* The site is directly adjacent to 193 municipal spaces and other similar uses within Old Hilliard have been granted approval with no on-site parking required. The proposed mix of uses will also appropriately coordinate the following:
  1. The One9 at The Junction emphasizes winter use for the golf simulators.
  2. Sexton’s Pizza emphasizes carry-out uses to minimize parking impact.
  3. Proposed outdoor space will not be utilized during cold weather months for events.
  4. Co-working space within The Junction has limited impacts on parking.
  5. Inclusion of the winery production provides activity to the area as a destination point while minimizing parking impacts.
  6. DORA activities are purposely focused on pedestrian activity throughout this entire portion of Old Hilliard.
- *Traffic Analysis.* Plans include a preliminary traffic analysis that determined that the proposed uses (given location and peak hour trips) will have no significant impact to area roads. That study was completed assuming no on-site parking provision. Working with staff on site plan alternatives, concept plans have improved parking provision from zero spaces to 47 spaces since the initial submission.

[END OF REPORT | PZ-22-56]



There were no questions for staff; Mr. Warnock indicated that the Westwood Collective would be the developer and owner of the building and the public-private park space called the Yard. He said that Joe and Jenny Hollobaugh are Hilliard residents and would be the operator of the winery.

Mr. Pannett, seconded by Chairman Muether, made a motion to approve a variance to Hilliard Code Section 1127.03 to reduce required parking for a 4,300-square-foot winery, 700-square-foot covered patio and related outdoor dining and open space with two conditions:

- 1) That spaces along Franklin Street be integrated into the design as public parking; and
- 2) That the proposed parking concept, as demonstrated herein, be approved with the understanding that final parking numbers may be adjusted slightly based upon final detailed engineering, subject to staff approval.

<b>Status:</b>	Approved (7-0) with two conditions.
<b>Mover:</b>	Tom Pannett
<b>Seconded:</b>	Chairman Jay Muether
<b>Ayes:</b>	Chairman Jay Muether, Vice Chair Bevan Schneck, Chris Lewie, Tracey Nixon, Tom Pannett, Eric Gutknecht, William Uttley.

**CASE 3: PZ-22-57 – MILL RUN EVENT CENTER – 3861 Park Mill Run Drive**

**PARCEL NUMBER:** 050-007350

**APPLICANT:** Five Friends, LLC., 4174 Glynwater Lane, Hilliard, OH 43026; c/o Gursimer Singh, 3861 Park Mill Run Drive, Hilliard, OH 43026.

**REQUEST:** Review and approval of a PUD modification and a revised PUD Final Development Plan under the provisions of Hilliard Code Section 1117.08 and the Mill Run PUD Concept Plan and Text.

[Mr. Talentino gave the staff report]

**BACKGROUND:**

The site is 1.94 acres within the Mill Run PUD located on the north side of Park Mill Run Drive approximately 550 feet west of Fishinger Boulevard. On April 25, 1994, Council approved a resolution (#94-C-09) modifying the Mill Run PUD to accommodate a TGI Friday’s restaurant on this site. The original restaurant development plan was approved in 1994. On November 8, 2001, the Planning and Zoning Commission approved a revised PUD Final Development Plan for exterior renovations to the existing building. The applicant is now requesting approval of a modification of the Mill Run PUD concerning permitted uses, setbacks, landscaping, lighting, signage, and architectural standards for this site.

**COMMISSION ROLE:**

The Commission is to review the proposal for conformance to the provisions of Hilliard Code Section 1117.08 and the Mill Run PUD Concept Plan. The Code specifically provides the following requirements for making modifications to an approved PUD Final Development Plan, development text or zoning map in Section 1117.06 of the Code:

- The proposed development is consistent with the purpose of the PUD in Section 1117.01;
- The proposed development meets the qualifying conditions as outlined in Section 1117.02;
- The PUD is consistent with the recommendations of the Hilliard Comprehensive Plan;
- The development is compatible with the existing and intended uses surrounding the site;

- The design and layout is harmonious with the natural character of the site and surrounding area and employs best management practices to ensure their conservation;
- The proposed development does not place undue burdens on public facilities and services;
- The PUD includes uses or conditional uses that are not injurious to public health, safety and welfare;
- The development conforms to the requirements of the Code unless specifically modified and approved;
- The final development plan is substantially consistent with the approved Concept Plan for the PUD; and
- Approval will result in a recognized and substantial benefit to the users of the project and the community in a way not otherwise feasible under conventional zoning.

Following a recommendation by the Commission, a resolution for the proposed PUD text modification will be forwarded to City Council for review and approval. The proposed change in use will become effective 60 days following Council's approval, and the PUD final development plan will take effect at that time.

### **STAFF RECOMMENDATION: MOTION 1 (PUD TEXT MODIFICATION)**

Staff finds that the proposed PUD modification is consistent with the approved PUD Concept Plan which permits retail and other commercial uses, and the original PUD Development Plan which permitted commercial uses for this site. Staff finds that the proposed use is generally consistent with the approved restaurant use. Staff finds that such modification is not in conflict with the general health, safety and welfare of the public or the development standards of the PUD district. Based on these findings, staff recommends approval of the proposed PUD modification as proposed.

### **STAFF RECOMMENDATION: MOTION 2 (FINAL DEVELOPMENT PLAN)**

Staff finds that the proposed PUD Final Development Plan is consistent with the provisions of the proposed PUD Development Text. Based on this finding, staff recommends approval of the proposed PUD Final Development Plan with the following two conditions:

- 1) That the proposed PUD modification is approved by City Council; and
- 2) That a Zoning Certificate is obtained prior to operation of the approved use.

### **CONSIDERATIONS:**

- The approved PUD plan permits a 6,830-square-foot restaurant use for this site.
- The approved development standards including building setbacks, pavement setbacks, building height, lot coverage, landscaping, and site lighting are as shown on the approved PUD Final Development Plan.
- The existing building is set back approximately 105 feet from the Park Mill Run Drive right-of-way line, 42 feet from the east property line, 228 feet from the north property line, and 85 feet from the west property line. The existing vehicular use area is set back 30 feet from the Park Mill Run Drive right-of-way line, 0 feet from the east property line, 3 feet from the north property line, and 0.5 feet from the west property line. The site plan shows 173 parking spaces including 6 handicap accessible spaces.

### **PROPOSED TEXT MODIFICATION:**

- **Sections A.1 and A.2.** The proposed PUD modification includes the following permitted uses: event center (assembly and reception hall) with food and bar service, hotels (except for economy or extended stay hotels which shall be prohibited), offices, general retail businesses with less than 15,000 square feet of usable floor area, personal services, commercial schools and studios, training centers (including corporate, engineering, and sales), bars and taverns, and restaurants without drive-through facilities. Conditional uses include general retail businesses with 15,000 square feet or more of usable floor area; and restaurants with drive-through facilities.
- **Section B.1.** The proposed text requires a minimum height of three floors and a maximum height of 6 floors for hotels, and all other uses have a maximum height of 45 feet.

- **Section B.2.** The proposed text requires minimum building and pavement setbacks are as follows: setbacks from Park Mill Run Drive shall be 75 feet for buildings and 30 feet for parking; setbacks from side property lines shall be 20 feet for buildings and 0 feet for parking; setbacks from the rear property line shall be 20 feet for buildings and 3 feet for vehicular use area; and side and rear building setbacks shall be increased by two feet for each foot of additional building height above 45 feet.
- **Section B.3.** The proposal includes architectural renderings that demonstrate the level of quality of design and exterior materials for all buildings. All buildings shall have a consistent finish on all sides and shall be consistent with the level quality of architectural design and exterior materials as shown on the approved renderings included in this text; individual walls shall be articulated with fenestration, patterns, and structural expression on all sides of the building; the amount of fenestration shall be balanced with the amount of solid façade; any roof-mounted mechanical equipment shall be screened to the height of the equipment with materials that are architecturally compatible with the rooftop and the aesthetic character of the building.
- **Section B.4.** The proposal states that off-street parking and loading shall meet the provisions of the Hilliard Code.
- **Sections B.5 and B.6.** The proposal states that site lighting and landscaping shall meet the provisions of the Hilliard Code and the Hilliard Design Manual.
- **Section B.7.** The proposal states that signage shall meet the provisions of the Hilliard Code unless otherwise approved by the Planning and Zoning Commission as part of a comprehensive signage plan for the site.

**PROPOSED PUD FINAL DEVELOPMENT PLAN:**

- The proposed plans show conceptual site plan, floor plans, and building elevations for an event center use.
- The proposed plans demonstrate conformance to the provisions of the proposed PUD Development Text concerning building height, setbacks, architecture, parking and loading, site lighting, landscaping, and signage.
- The proposed plans show a maximum occupancy of 333 persons. Required parking is 111 spaces based on one space for every 3 persons allowed within the maximum occupancy load. The site has 173 existing parking spaces.
- The proposed plans indicate the existing brick will be painted white (Sherwin Williams SW7006 “Extra White”) and black (Sherwin Williams SW7674 “Peppercorn”), blue fabric awnings will be installed over the windows on the south and east elevations, and black aluminum storefront windows framing will replace the existing.

[END OF REPORT | PZ-22-57]

Mr. Gursimer Singh was present to represent the applicant, Five Friends, LLC.; Mr. Uttley inquired if the event center would have a liquor license, and Mr. Singh said they are working on that and are in the process of making renovations. He also answered Mr. Pannett and noted that there are no plans for an outdoor venue at this location. He said, however, that they plan to cover the existing patio.

**MOTION 1 (PUD TEXT MODIFICATION):**

Ms. Nixon, seconded by Mr. Uttley, made a motion to approve a PUD text modification under the provisions of Hilliard Code Section 1117.08 and the Mill Run PUD Concept Plan and Text.

<b>Status:</b>	Approved (7-0). [A positive recommendation will be forwarded to City Council]
<b>Mover:</b>	Tracey Nixon
<b>Secunder:</b>	William Uttley
<b>Ayes:</b>	Chairman Jay Muether, Vice Chair Bevan Schneck, Tom Pannett, Chris Lewie, Tracey Nixon, Eric Gutknecht, William Uttley

**MOTION 2 (FINAL DEVELOPMENT PLAN):**

Ms. Nixon, seconded by Mr. Uttley, made a motion to approve the revised Final Development Plan under the provisions of Hilliard Code Section 1117.08 and the Mill Run PUD Concept Plan and Text with two conditions:

- 1) That the proposed PUD modification is approved by City Council; and
- 2) That a Zoning Certificate is obtained prior to operation of the approved use.

<b>Status:</b>	Approved (7-0) with two conditions.
<b>Mover:</b>	Tracey Nixon
<b>Second:</b>	William Uttley
<b>Ayes:</b>	Chairman Jay Muether, Vice Chair Bevan Schneck, Tom Pannett, Chris Lewie, Tracey Nixon, Eric Gutknecht, William Uttley

**CASE 4: PZ-22-58 – BURDGE PROPERTY – 3809 Cemetery Road**

**PARCEL NUMBERS:** 050-004916 (Blue Crystal Acres Subdivision)

**APPLICANT:** Jeremy and Angela Burdge, 3789 Cemetery Road, Hilliard, OH 43026; c/o Blake Rafeld, Blake Rafeld & Associates, 3504 Colchester Road, Columbus, OH 43221.

**REQUEST:** Review and approval of a revised final development plan in accordance with Chapter 1117 and the Mill Run PUD Development Plan and Text for the construction of a Horticultural Display Garden consisting of 10 parking spaces, a 1,500-square-foot storage building and landscaped grounds on 1.32 acres.

[Mr. Combs gave the staff report]

**BACKGROUND:**

The site is 1.32 acres within the Mill Run PUD located on the south side of Cemetery Road approximately 100 feet east of Fishinger Boulevard. The site has an existing single-family dwelling that was built in 1966 and was most recently used as a real estate office. On July 08, 1985, Council approved an ordinance (85-43) creating the Mill Run PUD on 206 acres. On April 25, 1988, Council approved a resolution (88-C-18) modifying the Mill Run PUD and including the subject site in the Office Subarea. Code Enforcement has been working to address property maintenance issues regarding the building for nearly four years. The applicant (adjacent residence to the east) purchased the property in March of this year and is working to improve the property.

The applicant is now requesting approval of a modification of the Mill Run PUD to establish permitted uses and standards since the property has no current PUD text and the house (previously used as an office) is slated to be demolished due to its condition. The requested PUD Final Development Plan is also proposed to install a horticultural garden that includes a storage building with teaching space, existing driveway and proposed parking and landscaping.

**COMMISSION ROLE:**

The Commission is to review the proposal for conformance to the provisions of Hilliard Code Section 1117.08 and the Mill Run PUD Concept Plan. The Code specifically provides the following requirements for making modifications to an approved PUD Final Development Plan, development text or zoning map in Section 1117.06 of the Code:

- The proposed development is consistent with the purpose of the PUD in Section 1117.01;
- The proposed development meets the qualifying conditions as outlined in Section 1117.02;

- The PUD is consistent with the recommendations of the Hilliard Comprehensive Plan;
- The development is compatible with the existing and intended uses surrounding the site;
- The design and layout is harmonious with the natural character of the site and surrounding area and employs best management practices to ensure their conservation;
- The proposed development does not place undue burdens on public facilities and services;
- The PUD includes uses or conditional uses that are not injurious to public health, safety and welfare;
- The development conforms to the requirements of the Code unless specifically modified and approved;
- The final development plan is substantially consistent with the approved Concept Plan for the PUD; and
- Approval will result in a recognized and substantial benefit to the users of the project and the community in a way not otherwise feasible under conventional zoning.

Following a recommendation by the Commission, a resolution for the proposed PUD text modification will be forwarded to City Council for review and approval. The proposed change in uses will become effective 60 days following Council's approval, and the PUD final development plan will take effect at that time.

### **STAFF RECOMMENDATION: MOTION 1 (PUD TEXT MODIFICATION)**

Staff finds that the proposed PUD modification is consistent with the intent of the original PUD Concept Plan and will blend with the surrounding area. The proposed use will improve a long-standing Code Enforcement issue and will be harmonious with the surrounding area. Staff finds that the proposal is also consistent with the intent of the Code as modified in the proposed PUD development text. Based on these findings, staff recommends that the Commission forward a positive recommendation to Council concerning the proposed PUD text modification.

### **STAFF RECOMMENDATION: MOTION 2 (FINAL DEVELOPMENT PLAN)**

Staff finds that the proposed PUD Final Development Plan is generally consistent with the intent of the PUD development text, as proposed herein. Staff finds that the proposed Final Development Plan will be a harmonious addition to this portion of the Mill Run PUD that was not addressed in the original zoning and recommends approval with four conditions:

- 1) That the proposed PUD text modification is approved by City Council;
- 2) That a Zoning Certificate is obtained prior to operation of the approved use;
- 3) That a Building Permit be obtained for the proposed storage building; and
- 4) That any necessary site approval be obtained from the City Engineer prior to construction.

### **CONSIDERATIONS:**

- The site located on the south side of Hilliard Cemetery Road just east of the intersection with Trueman Boulevard. The site includes a ranch house that is a former office with drive and small parking area. The building has deteriorated and has been a pending Code Enforcement issue. A demolition permit has been approved for the structure. This application includes a PUD text modification and final development plan to construct a small horticultural garden and teaching space.
- The curvilinear brick development sign for Mill Run is located on the property just to the west of this site. The Ohio Health facility is located just south of the property beyond an existing tree row along the rear of the property. To the north of the site across Hilliard Cemetery Road are other large lot residences located within Norwich Township.
- The Burdge Residence, zoned R-1, Low Density Residential District, is located just east of the site at 3789 Cemetery Road. The residence is an historic 1860's era brick farmhouse. The proposed horticultural gardens would be a visual extension of the house.

**PROPOSED TEXT MODIFICATION:**

- *Uses.* The proposed text maintains the ability to have office uses in the future and includes the following other uses that are integral to the proposed garden development. Greenhouses/Nurseries without retail are provided as a conditional use as an option to propagate plants and would require further approval.
  1. Public/Private Gardens
  2. Arboretum, Education & Assembly
  3. Private Open Spaces
  4. Habitat Conservation Practices
- *Development Standards.* The proposed text requires the following building and pavement setbacks on the site:

Setbacks	Front Yard	Side Yard	Rear Yard
Building	40 feet	15 feet	15 feet
Parking	30 feet	10 feet	10 feet

- *Access & Parking.* Access for the site will utilize the existing curbcut and driveway off Cemetery Road. As a garden and education location, parking areas and access to the storage building will utilize an alternate pavement that includes a gridded system with limestone chip as indicated on the Final Development Plan. The garden will also include a 6-foot-wide limestone chip path system.

**PROPOSED PUD FINAL DEVELOPMENT PLAN:**

- *Horticultural Gardens.* Proposed plans include a variety of garden areas that include specimen plantings and typical areas for planting that will change over time. Proposed plant selections have been reviewed by the City for appropriateness.
- *Parking Area.* The submitted site plan includes a 9-space parking lot that will be constructed of a grid system with limestone chip material for compaction. The proposed lot design is in keeping with the conservation/sustainability theme of the project.
- *Pedestrian Paths.* Walking paths throughout the project will also include the limestone chip treatment commonly found in the construction of formal English gardens. Paths are proposed at a typical width of six feet. As part of the project, the applicant will also extend the public sidewalk along remaining portions of Cemetery Road.
- *Storage Building.* A ±1,250-square-foot storage building will be provided at the southwest corner of the site. The building will be constructed of wood or composite wood siding and include a brick watercourse. Construction will include fiberglass shingles. The building will include an octagon-shaped teaching space with paver entry patio that will provide limited seating for instruction.

[END OF REPORT | PZ-22-58]

Blake Rafeld, representing the Burdge Family, spoke about the intended use for the property, which will be a private garden area for hosting local gardening clubs and small, private events. The proposed building structure is approximately 1,500 square feet, and a small portion of the building will be used for assembly. The existing house is contracted to be demolished, and the proposed parking area will be chipped gravel.

**MOTION 1 (PUD TEXT MODIFICATION):**

Mr. Uttley, seconded by Chairman Muether, made a motion to approve the PUD text modification under the provisions of Chapter 1117 and the Mill Run PUD Development Plan.

<b>Status:</b>	Approved (7-0). [A positive recommendation will be forwarded to Council]
<b>Mover:</b>	Mr. Uttley
<b>Seconded:</b>	Mr. Tom Pannett
<b>Ayes:</b>	Chairman Jay Muether, Vice Chair Bevan Schneck, Chris Lewie, Tracey Nixon, Tom Pannett, Eric Gutknecht, William Uttley.

**MOTION 2 (FINAL DEVELOPMENT PLAN):**

Mr. Uttley, seconded by Chairman Muether, made a motion to approve the Final Development Plan for the construction of a Horticultural Display Garden consisting of 10 parking spaces, a 1,500-square-foot storage building and landscaped grounds on 1.32 acres with four conditions:

- 1) That the proposed PUD text modification is approved by City Council;
- 2) That a Zoning Certificate is obtained prior to operation of the approved use;
- 3) That a Building Permit be obtained for the proposed storage building; and
- 4) That any necessary site approval be obtained from the City Engineer prior to construction.

<b>Status:</b>	Approved (7-0) with four conditions.
<b>Mover:</b>	Mr. William Uttley
<b>Second:</b>	Chairman Jay Muether
<b>Ayes:</b>	Chairman Jay Muether, Vice Chair Bevan Schneck, Chris Lewie, Tracey Nixon, Tom Pannett, Eric Gutknecht, William Uttley.

**CASE 5: PZ-22-59 – THE LINCOLN CENTER LEADERSHIP ACADEMY – 3311-3315 Mill Meadow Drive**

**PARCEL NUMBER:** 050-005422

**APPLICANT:** Morse-Maize Family LP, 2706 E. Main Street, Columbus, OH 43209; c/o Glen Dugger, Smith & Hale LLC, 37 W. Broad Street, Columbus, OH 43215.

**REQUEST:** Review and approval of a PUD text modification under the provisions of Hilliard Code Section 1117.08 and the Mill Run PUD Concept Plan to add “Public and Private Schools” and “Preschool/Daycare” as permitted uses on 6.28 acres.

[Mr. Talentino gave the staff report]

**BACKGROUND:**

The site is 6.28 acres within the Mill Run PUD located at the southeast corner of Mill Run Drive and Mill Meadow Drive. On January 8, 1990, Council approved a resolution (#90-C-02) modifying the southwestern portion of the Mill Run PUD to accommodate an office building on this site. On May 10, 1990, the Planning and Zoning Commission approved a lot split for the 6.257-acre site to develop a one-story office building. The site has an existing 32,000-square-foot office building which was most recently used as a call center. The applicant is now requesting approval of a PUD modification to add “public and private schools” and “Preschool/Daycare” as permitted uses.

**REVIEW CRITERIA:**

The Commission is to review the proposal for conformance to the provisions of Hilliard Code Section 1117.08 and the Mill Run PUD Concept Plan. The Code specifically provides the following requirements for making modifications to an approved PUD Final Development Plan, development text or zoning map in Section 1117.06 of the Code:

- The proposed development is consistent with the purpose of the PUD in Section 1117.01;
- The proposed development meets the qualifying conditions as outlined in Section 1117.02;
- The PUD is consistent with the recommendations of the Hilliard Comprehensive Plan;
- The development is compatible with the existing and intended uses surrounding the site;
- The design and layout is harmonious with the natural character of the site and surrounding area and employs best management practices to ensure their conservation;
- The proposed development does not place undue burdens on public facilities and services;

- The PUD includes uses or conditional uses that are not injurious to public health, safety and welfare;
- The development conforms to the requirements of the Code unless specifically modified and approved;
- The final development plan is substantially consistent with the approved Concept Plan for the PUD; and
- Approval will result in a recognized and substantial benefit to the users of the project and the community in a way not otherwise feasible under conventional zoning.

Following a recommendation by the Commission, a resolution for the proposed PUD text modification will be forwarded to City Council for review and approval. The proposed change in uses will become effective 60 days following Council’s approval. Final development plan approval will be needed from the Commission in the future.

**STAFF RECOMMENDATION:**

Staff finds that the proposed PUD modification to add “Public and Private Schools” and “Preschool/Daycare” as a permitted uses may be consistent with the intent of the original PUD Concept Plan. The scale and scope of the proposed school and preschool/daycare will determine if the use is consistent with the PUD Concept Plan and will be harmonious with neighboring properties, and the applicant will be required to demonstrate the appropriateness of the use at the Final Development Plan stage. Based on these findings, staff recommends that the Commission forward a positive recommendation to Council concerning the proposed PUD text modification for the change in uses.

**CONSIDERATIONS:**

- The site consists of a one-story, 32,000-square-foot office building with 303 existing parking spaces. A building permit for the Discover Card office/call center building received plan approval on June 13, 1990.
- The proposal consists of a PUD text modification to permit the following uses:
  1. Office,
  2. Public and Private Schools
  3. Preschool/Daycare
- The applicant has not provided a floor plan for the proposed use or information concerning the proposed number of teachers, employees, and students. Parking for the proposed uses is required as follows:

PARKING REQUIREMENTS FOR SCHOOLS	
	1 parking space per teacher, employee or administrator
+	1 parking space for every 10 students
+	1 parking space per 3 seats based on maximum capacity in the main place of assembly

PARKING REQUIREMENTS FOR PRESCHOOL/DAYCARE	
	1 parking space per 350 square feet UFA
+	1 parking space for every employee
+	Sufficient area designated for drop-off of children in a safe manner that will not result in traffic disruptions

- The applicant has not submitted a traffic impact analysis necessary to guide City staff in reviewing the transportation aspects of the proposed uses. Staff finds that the proposed use could incorporate a change in traffic patterns on the site that would impact operations on the public street. All detailed information would be required at the Final Development Plan stage to demonstrate adequate site layout and circulation that does not impact surrounding properties or the public right-of-way.

[END OF REPORT | PZ-22-59]



Mr. Uttley inquired about the proposed text modification and whether a Final Development Plan would also have to be brought before the Commission; Mr. Talentino concurred and said that any plan review would need to ensure that the details of the proposed use was harmonious with the Code and surrounding properties.

Mr. Pannett inquired about the specificity of the text change; Mr. Talentino explained that like other sites throughout Mill Run, the text is specific to this particular property.

Ms. Hale inquired about the impact of this use on local taxes, as questioned in the public comment letter. Mr. Talentino said that unlike some PUDs, the Mill Run text does not discuss fiscal impacts when it comes to considering permitted uses.

Mr. Glen Duggar, representing the applicant, said that he hoped to have more information. Staff asked for a traffic impact report, and so he requested that the project be considered in segments. He noted that the client is the Lincoln Center for Youth and Family Services. This school would be called the Lincoln Center Leadership Academy, which is a charter school accredited by the Ohio Council of Community Schools. It is a STEAM school, which includes science, technology, engineering, arts, and math. The emphasis will be to have leadership training, as well.

Mr. Duggar pointed out that there are 323 parking spaces on site. No decision has been made as to whether there will be an outdoor play area. He said that the hope is that the project will include K-8 with an attached preschool.

Mr. Uttley inquired if they would be using the whole footprint of the building. Mr. Duggar mentioned that they don't anticipate using the whole building day one; the hope is to grow the school into the space. Mr. Duggar indicated that the Hilliard Zoning Code allows schools in most of its districts. Schools are typically located in the communities they serve and the school would be a standard use, in his opinion.

Mr. Duggar, in answer to Mr. Pannett, noted that there is no other site in Columbus. He said they have a school outside Philadelphia, but that location focuses on behavioral issues. He said that leadership is the focus for this site.

Mr. Pannett voiced concerns that with this PUD text change, any school would be allowable. He said that it is important to distinguish those types of details in the text. Mr. Duggar said he finds it completely appropriate to cap the number of kids in the Final Development Plan stage. Mr. Pannett disagreed and said that information should be in the PUD language or would otherwise be unrestricted in the Final Development Plan.

Mr. Duggar said that the review is about approving a PUD with a use that exists elsewhere in the City. He said all the other questions could get addressed during approval of the Final Development Plan.

Mr. Talentino clarified for Vice Chair Schneck that the PUD text modification and Final Development Plan could be a combined application, but the plan would be contingent upon Council approving the proposed uses.

Juanita Parks, a nearby resident, indicated that a traffic study should be done before the text is changed because there is just effectively a one-lane road to the site. She indicated that the increase in traffic may limit the Villas from getting emergency services and was concerned about the traffic impact to the residential area.

Marilee Kimball, another resident, communicated that they are concerned about the sound coming from the schools, traffic flow, and the impact on their property values. She said they chose the neighborhood because it was quiet.

Marty Warner also noted for the Commission that the neighborhood was an Epcon community with no school age children. As a quiet neighborhood, she was concerned about noise pollution.

Mr. Pannett asked the residents if there were any changes to the site that could be made to satisfy their concerns about potential noise. [The residents were generally not opposed to something located in the building, but wish for any use on the site to be of low noise levels].

Mr. Talentino clarified that if Mr. Duggar would like to have the PUD text and Final Development Plan reviewed at the same time, they could do so as soon as the next meeting if information is provided.

Mr. Uttley inquired about timeline and asked Mr. Dugger if a postponement for 30 days would be sufficient; Mr. Duggar didn't feel that the traffic study would be too complicated but did not know how quickly the consultant could complete the task.

Kelly Clodfelder clarified that a postponement must be requested by the applicant.

Mr. Glen Duggar, representative for the applicant, requested that the Commission postpone the application until such time as the Final Development Plan is brought forward for consideration.

Mr. Uttley, seconded by Mr. Lewie, made a motion to postpone the approval of a PUD text modification under the provisions of Hilliard Code Section 1117.08 and the Mill Run PUD Concept Plan to add "Public and Private Schools" and "Preschool/Daycare" as permitted uses on 6.28 acres until such time as a Final Development Plan is brought forward for consideration.

<b>Status:</b>	Motion to postpone approved (7-0).
<b>Mover:</b>	Mr. William Uttley
<b>Second:</b>	Mr. Chris Lewie
<b>Ayes:</b>	Chairman Jay Muether, Vice Chair Bevan Schneck, Chris Lewie, Tom Pannett, Tracey Nixon, Eric Gutknecht, William Uttley.

## DISCUSSION ITEMS / COMMITTEE COMMUNICATIONS

Ms. Nixon mentioned the Parks Commission has initial mark-ups for the new recreation center. Mr. Uttley mentioned that the Arts Council will be moving forward with more traffic boxes.

## ADJOURNMENT – 8:45 PM

With no additional business, Chairman Muether (seconded by Mr. Lewie) motioned to adjourn at 8:45 p.m.

### CERTIFICATION:



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Nicole Starrett, Clerk/Administrative Assistant  
October 14, 2022

[END OF MINUTES | October 13, 2022]