

# MEETING MINUTES



## Planning & Zoning Commission

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

Thursday, April 14, 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

Mr. Lewie 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	Present

**Staff Members Present:** Planning Director John Talentino, Planning Manager Carson Combs, Code Enforcement Officer Kristie Shaffer, Zoning Inspector Forest Runnels and Staff Attorney Kelly Clodfelder. Council Representative Peggy Hale was also in attendance.

**Others Present:** Alex Daray and Lotfi Khomsi representing L&A Auto Group; Mitchell Powell representing Sunoco; Stan Young representing Sherwin Williams; Glen Duggar and others representing Hickory Chase; Bryan Dougherty and Chris Mann representing Carr Farms; Dwight McCabe representing Alton Place; Richard Bailey, Susan Fleming, JD Fu and other interested residents.

### APPROVAL OF MEETING MINUTES – MARCH 20, 2022

Chairman Muether asked if there were any changes or corrections to the March 10, 2022, Planning and Zoning Commission minutes. With no comments, the minutes were approved by a voice vote.

<b>Status:</b>	Accepted by voice vote (7-0)
<b>Ayes:</b>	

### 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)

Mr. Talentino suggested moving Case #7 up in the agenda before discussion regarding the zoning code. Chairman Muether agreed. Mr. Talentino introduced Kristie Shaffer and Forrest Runnels, who will be presenting cases this evening.

## NEW CASES:

### **CASE 1: PZ-22-6 – L & A Auto Group - 4896 Scioto Darby Road**

**PARCEL NUMBER:** 050-002579

**APPLICANT:** Rashid Salah, 4128 Hoffman Farms Drive, Hilliard, OH 43026; c/o Kamal Chinary, 2719 West Case Road, Columbus, OH 43235.

**REQUEST:** Review & approval of a Level “B” Site Plan under the provisions of Hilliard Code Chapter 1131 and a conditional use under the provisions of Hilliard Code Section 1123.03, 1123.04, 1123.16(b), and 1123.16(c) to permit vehicles sales and major vehicle repair on 0.93 acre.

[Mr. Talentino gave the staff report]

### **BACKGROUND:**

The site is 0.93 acre located on the north side of Scioto Darby Road opposite Scioto Farms Drive. It consists of a 2,800-square-foot building used for automotive repair. On April 14, 2016, the Commission approved a variance for additional wall signage. On March 12, 2020, the Commission approved a conditional use to permit a tire and brake shop and repair facility. The applicant is now requesting approval of a conditional use to permit major vehicle repair and vehicle sales.

### **COMMISSION ROLE:**

The Commission is to review the proposed conditional use for conformance to the provisions of Hilliard Code Chapter 1123. Conditional uses differ from permitted uses in that they may have a greater impact on the surrounding area and thus require special review and approval. The Commission is to ensure that the proposal will be compatible in this location. In considering the application, the Commission may impose such requirements and conditions as the Commission may deem necessary for the protection of adjacent properties and the public interest. In addition to all other requirements and conditions that the Commission may deem necessary, the Commission may, as it further deems necessary, deny any application for a conditional use.

### **STAFF RECOMMENDATION:**

Staff finds that the proposed Level “B” Site Plan, as amended per the conditions listed below, will be consistent with the purpose and intent of the Zoning Code. Based on this finding, staff recommends approval with the following 5 conditions:

- 1) That a variance from the Board of Zoning Appeals is obtained concerning vehicular use area interior and perimeter landscaping requirements;
- 2) That the landscape plan be revised to show 30 shrubs per 100 linear feet along the perimeter of the vehicular use areas, subject to staff approval;
- 3) That the plans are revised to demonstrate conformance to the provisions of the Hilliard Storm Water Design Manual, subject to the approval of the City Engineer;
- 4) That any signage shall meet the provisions of Hilliard Code Chapter 1129; and
- 5) That the vehicular use area improvements shown on the approved plan are completed prior to the issuance of a zoning certificate.

Staff finds that the proposed conditional use, as amended per the conditions below, will be consistent with the intent and purposes of the Zoning Code, will be compatible with the character of the general vicinity, and will not impede the normal and orderly development and improvement of the surrounding property. Staff finds that the location and scale of the use, the nature and intensity of the proposed operations, the site and layout as amended per the conditions listed below, and its relation to surrounding streets will not cause undue traffic

congestion or hazards adjacent to the site or in the immediate vicinity. Based on these findings, consistent with the provisions of Code Chapter 1123, staff recommends approval of the proposed conditional use with the following 4 conditions:

- 1) That the proposed use conforms to the provisions of Hilliard Code Section 1123.16(b) and 1123.16(c);
- 2) That hours of operation are from 8:00 a.m. to 8:00 p.m. daily;
- 3) That the outdoor storage of vehicle parts on the site is prohibited unless otherwise specifically approved by the Planning and Zoning Commission; and
- 4) That any expansion of the approved conditional use requires prior approval by the Planning and Zoning Commission.

**CONSIDERATIONS:**

- The site is 0.93 acre located on the northeast side of Scioto Darby Road approximately 1,400 feet northwest of Walcutt Road. It was most recently used for vehicle repair. The site and adjacent properties to the northwest and southeast are zoned B-2, Community Business District. To the southwest, across Scioto Darby Road, are single-family residences zoned R-3, Moderate Density Residential District. To the northwest is a vehicle repair business. To the southeast is a single-family residence. To the northeast is retired railroad corridor property.
- Code Section 1123.03 lists the following general standards for conditional uses:
  - a) The proposed use will be consistent with the intent and purposes of the zoning code and the City of Hilliard Comprehensive Plan.
  - b) The proposed use will comply with all applicable requirements of the zoning code, except as specifically altered in the approved conditional use.
  - c) The proposed use will be compatible with the character of the general vicinity.
  - d) The proposed use and site layout will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Due consideration will be given to the location and height of proposed buildings and structures, location and type of proposed fences or walls, location and screening of parking areas, and the location and type of proposed landscaping.
  - e) The area and proposed use will be adequately served by essential public facilities and services, as applicable, such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewer. The applicant or landowner will be required to install public utilities, streets or other public infrastructure as required by the city, state or other agencies to applicable specifications that are necessitated by the conditional use development. Dedication of said public infrastructure may be required.
  - f) The proposed use will not involve uses, activities, processes, materials, equipment or conditions of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the zoning district.
  - g) The location and scale of the use, the nature and intensity of the proposed operations, the site layout and the relation of the proposed use to surrounding streets will not cause undue traffic congestion or hazards adjacent to the site or in the immediate vicinity beyond that which would be normally expected based on the existing pattern of uses and the planned character reflected in the city's Comprehensive Plan. Peak hour volumes, turning movements, existing street capacity, driveway spacing, sight distances and pedestrian traffic shall all be considered.
- Code Section 1123.04 states that reasonable conditions may be imposed on the approval of a conditional land use in order to achieve the following:

- a) Ensure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads necessitated by the proposed use.
  - b) Ensure that the use is compatible with adjacent conforming land uses and activities.
  - c) Protect natural resources; the health, safety, and welfare; and the social and economic well-being of those who will use the land or activity under consideration, the residents, business owners and landowners immediately adjacent to the proposed use or activity, and the community as a whole.
  - d) Relate to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
  - e) Meet the purpose of the zoning code, be in compliance with the standards established in the code for the land use or activity under consideration, and be in compliance with the zoning district standards.
- Code Section 1123.16(b) lists the following use requirements for the “Sale of New and Used Automobiles” uses:
    - 1) The minimum lot size shall be one acre with a minimum lot width of 200 feet.
    - 2) Signs shall conform to the requirements of Chapter 1129. Flags, pennants, balloons, ribbons, or other attention getting devices are not permitted.
    - 3) Temporary or portable structures are not permitted.
    - 4) Outdoor displays shall conform to the following:
      - A. Vehicles, for sale or lease, shall be parked only on improved surfaces, as defined in this code.
      - B. Vehicle display areas shall meet the setback requirements for parking areas, as required for the respective zoning district.
      - C. Vehicle display or storage shall not be permitted in areas required for visitor, employee or service parking, as required by Chapter 1127 (off-street parking and loading).
      - D. All other merchandise available for sale, including, but not limited to, clothing, accessories, collectibles, etc., shall be sold and displayed within an enclosed building.
    - 5) All service work, including car washing, repair and general maintenance, shall be entirely conducted within an enclosed building.
    - 6) Audible paging systems or outdoor speakers are not permitted.
    - 7) The use of spotlights or similar equipment is prohibited.
  - Code Section 1123.16(c) lists the following use requirements for “Vehicle Repair, Major” uses:
    - 1) All main and accessory structures shall be set back a minimum of 75 feet from any Residential District or residential use.
    - 2) There shall be a minimum lot frontage of 100 feet on an arterial or collector street; and all access to the property shall be from that street.
    - 3) The number, location and design of driveways shall be subject to review and approval by the city traffic engineer.
    - 4) A raised curb of six inches in height shall be constructed along the perimeter of all paved and landscaped areas.
    - 5) Overhead doors shall not face a public street or Residential District or residential use. The Planning and Zoning Commission may modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be diminished through use of building materials, architectural features and landscaping.
    - 6) Where applicable, vehicle queuing space for at least one vehicle shall be provided in front of each service bay.
    - 7) All maintenance and repair work shall be conducted completely within an enclosed building.
    - 8) There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.

- 9) Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck shall be permitted up to 30 days in a designated area. Such area shall be appropriately screened from public view in accordance with the screening requirements of Section 1125.06.
- 10) If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the Norwich Township Fire Department and City Engineer.

### Proposed Use

- The site currently has approximately 58 feet of asphalt at the Scioto Darby Road right-of-way line as a driveway entrance. The proposed plan shows that 20 feet of existing asphalt will be removed along the Scioto Darby Road frontage resulting in a 25-foot-wide driveway entrance and a minimum 20-foot pavement setback from the right-of-way line. The proposed plan shows an approximately 10,000-square-foot parking lot expansion on the southeast and northeast sides of the building.
- The building has one vehicle bay. Hilliard Code Section 1127.03 states that the required parking for a vehicle repair facility is 2 parking spaces per vehicle bay and 1 per employee. The number of employees has not been specified. The proposed plan shows 7 vehicle display parking spaces and two customer parking spaces in front of the building, and 14 parking spaces behind the building. Staff recommends that the hours of operation for this building be limited to between 8:00 a.m. and 8:00 p.m. The outdoor storage of vehicle parts is prohibited.
- Storm water management must conform to the provision of the Hilliard Storm Water Design Manual.
- The current site does not meet the landscaping requirements for perimeter landscaping for vehicular use area. The proposed plan shows two trees along the site's Scioto Darby Road frontage and shrubs along the sides of the front parking area. **[Staff recommends that the landscape plan be revised to show 30 shrubs per 100 linear feet along the perimeter of the vehicular use areas, consistent with the provisions of Hilliard Code Section 1125.05.]**
- Signage is not proposed with this application. All signage must conform to the provisions of the Sign Code.

[end of report]

Mr. Talentino indicated to the Commission that public input has been received from some of the neighbors. (A memo was provided to the Commission with received input). He indicated that residents are requesting limits to the time that the use can be open.

Mr. Lewie asked for confirmation on two motions. He asked if conditions would include a future building that would allow for an accessory building that could be used for parts storage; Mr. Talentino indicated that there would be options for that.

Mr. Uttley asked if there could be mounding; Mr. Talentino indicated that the Code requires the trees plus additional shrubs and that the mounding could be used as part of the screening. [Additional discussion about the slope and purpose of mounding ensued.] Mr. Uttley indicated that there should be a balance between the aesthetics of the site and the visibility for the use.

Chairman Muether voiced concern about the ability to do mounding given the drainage requirement; Mr. Talentino said that any site changes will need to be evaluated for engineering and utility requirements.

Mr. Schneck inquired about safety with the mounding. Mr. Talentino noted that sight visibility is required and that the mounding would be tapered to the entrance.

Ms. Hale asked if a future sidewalk would be possible if the landscaping and mounding is installed.

Mr. Gutknecht wondered if there were any sign proposed, and Mr. Talentino noted that any sign would need to meet Code requirements or come back to the Commission.

Mr. Gutknecht asked about the alignment of the entrance with the subdivision. Mr. Talentino noted that to align the entrance would require the adjacent property which is not part of the application. There is no shared access plan because of the number of narrow properties.

Chairman Muether asked Mr. Daray and Mr. Khomsi if they agreed with the conditions, and the applicant indicated that they had not seen them. [Mr. Talentino clarified for the record that the report was sent to the individual on record as being the contact for the applicant.] Chairman Muether inquired whether the applicant wished to postpone; Mr. Daray and Mr. Khomsi stated that they wished to move forward. They indicated that the change in time was agreeable, as are the other conditions.

Mr. Lewie asked if this was a different applicant that the previous case heard three years ago by the Commission. He also asked if they would work on commercial vehicles.

Alex Daray (5205 Willow Valley Way, Powell) and Lotfi Khomsi (6193 James Way, Hilliard) indicated they were a new business and that would only work on private vehicles (no commercial vehicles or trucks) for a maximum of a week at a time. They indicated they have been working at the site since August.

Ms. Hale noted that the concerns of residents and that a option could be considered to make a difference in time between repair work and sales to limit noise.

Richard Bailey (3391 Scioto Glen Drive, Hilliard) noted that he sent correspondence. He stated that the nearby roundabout had improved traffic and removed a neighborhood eyesore. He indicated that the business is currently operating with an average of 9 cars onsite. He said that vehicles do not have registration. Mr. Bailey had concerns that the definition of "vehicle sales" can include anything up to and including farm equipment and that "major auto repair" can include major body work, engine repair and salvage. He said the building probably does not meet EPA regulations or has any incident protection plan.

Susan Fleming (3381 Scioto Glen Drive, Hilliard) voiced concern about additional traffic in the neighborhood. She noted that trucks are dropping off wrecked vehicles and had concern about how site changes will impact traffic and whether approving the use will open more potential uses in the future.

Fu Jidong (3375 Scioto Farms Drive, Hilliard) said that tow trucks bringing in vehicles are a concern. He said there was a wreck recently in the area and traffic is increasing. He and the neighbors are worried about vehicles backing up to drop off cars.

Chairman Muether indicated that scaling the hours back to 7:00 was requested by one of the neighbors and is desired; The applicant nodded in agreement.

Ms. Nixon did not want any parking on Scioto Darby and wanted more explanation. Mr. Daray and Mr. Khomsi indicated that they would get probably 2 to 3 cars per week into the site per week off a wrecker. Deliveries would be primarily during the morning hours.

Ms. Clodfelder clarified for the Commission that they are making a recommendation to City Council for the conditional use request.

Mr. Uttley, seconded by Ms. Nixon, made a motion to approve the application for a Level B Site Plan under the provisions of Chapter 1131 with the following six conditions:

- 1) That a variance from the Board of Zoning Appeals is obtained concerning vehicular use area interior and perimeter landscaping requirements;
- 2) That the landscape plan be revised to show 30 shrubs per 100 linear feet along the perimeter of the vehicular use areas, subject to staff approval;
- 3) That the plans are revised to demonstrate conformance to the provisions of the Hilliard Storm Water Design Manual, subject to the approval of the City Engineer;
- 4) That any signage shall meet the provisions of Hilliard Code Chapter 1129;
- 5) That the vehicular use area improvements shown on the approved plan are completed prior to the issuance of a zoning certificate; and
- 6) Requiring mounding of the 20-foot greenspace at the front of the lot to include mounding of up to three feet in height as determined by staff, including the two trees shown on the plans and shrubs as required by Code.

<b>Status:</b>	Approved with six conditions (6-1).
<b>Mover:</b>	Bill Uttley
<b>Seconded:</b>	Tracey Nixon
<b>Ayes:</b>	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Tracey Nixon, Tom Pannett, Bill Uttley
<b>Nays:</b>	Chris Lewie

Mr. Uttley, seconded by Mr. Gutknecht, made a motion to approve the request for a conditional use under the provisions of Hilliard Code Section 1123.03, 1123.04, 1123.16(b), and 1123.16(c) to permit vehicles sales and major vehicle repair on 0.93-acre with the following four conditions:

- 1) That the proposed use conforms to the provisions of Hilliard Code Section 1123.16(b) and 1123.16(c);
- 2) That hours of operation are from 8:00 a.m. to 7:00 p.m. daily;
- 3) That the outdoor storage of vehicle parts on the site is prohibited unless otherwise specifically approved by the Planning and Zoning Commission; and
- 4) That any expansion of the approved conditional use requires prior approval by the Planning and Zoning Commission.

<b>Status:</b>	Approved with four conditions (5-2).
<b>Mover:</b>	Bill Uttley
<b>Seconded:</b>	Eric Gutknecht
<b>Ayes:</b>	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Tracey Nixon, Bill Uttley
<b>Nays:</b>	Chris Lewie, Tom Pannett

**CASE 2: PZ-22-12 – Sunoco - 4144 Main Street**  
**PARCEL NUMBER:** 050-000136  
**APPLICANT:** JNV Inc., 3047 Walkerview Road, Hilliard, OH 43026; and Tyler Sikkema, C&B Sign Services, 3620 Highland Green, Cincinnati, OH 45245.  
**REQUEST:** Review & approval of a variance from Hilliard Code Section 1129.08 to permit a ground sign with internally illuminated LED fuel pricing.

[Mr. Runnels gave the staff report]

**BACKGROUND:**

The Sunoco site is comprised of 2 adjacent lots totaling approximately 0.49 acres; Parcel 050-002288 is the southernmost portion of the site totaling approximately 0.18 acres, and parcel 050-000136 is the northernmost portion of the site totaling approximately 0.31 acres. The site is located on the Southeast side of Main Street approximately 500 feet northeast of North Street. On July 11, 1990, the Old Hilliard Commission approved significant architectural changes to an existing gasoline station (former Marathon station) including the construction of a 1,680-square-foot canopy over the gasoline dispensers. On December 1, 1999, the Old Hilliard Commission approved a change in use and significant architectural changes for a Clark gas station/convenience store. That gasoline station/convenience store began operations and then ceased. After several years, the gasoline station/convenience store began operating under new ownership. On December 4, 2003, the Old Hilliard Commission approved significant architectural changes for temporary and permanent signs to reflect the name change. On April 10, 2008, the Commission approved significant architectural changes to permit a ground sign, as well as a variance to permit a temporary sign to display gasoline prices until the permanent sign was installed. On November 12, 2009, the Planning and Zoning Commission approved architectural changes for gas station signage with the following conditions:

- 1) That internal illumination of the then proposed signage is prohibited;
- 2) The proposed canopy signage is limited to one side only and a blue background with yellow lettering also allowing the diamond logo on the pumps;
- 3) That the applicant is limited to four colors within the historic color palette of the Hilliard Design Guidelines; and
- 4) That sign permits be obtained prior to the installation of any sign.

**COMMISSION ROLE:**

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

**STAFF RECOMMENDATION:**

Staff finds that the proposal is generally consistent with the intent of the Sign Code. The proposed sign will be compatible with the character of the general vicinity. Staff recommends approval of the proposed sign with the following six conditions:

- 1) That only the pricer digits are to be internally-illuminated;
- 2) That plans be revised to demonstrate conformance to the provisions of the Sign Code concerning landscaping and light screening along the back and sides;
- 3) That the required landscaping and light screening is installed within 90 days after installation;
- 4) That the masonry base be cleaned as part of the project;
- 5) That no product advertisements are to be displayed on the sign; and
- 6) That a sign permit be obtained prior to installation.

**CONSIDERATIONS:**

- The site is zoned OH-MD, Old Hilliard Mixed Use District. The site abuts another OH-MD property to the Southwest, and the property to the East is zoned S-1, Support Facilities District.
- The Sunoco gas station/convenience store is a legal nonconforming use in the OH-MD District and includes DiCarlo's Pizza at 4142 Main Street.
- Per City Code section 1129.04(b)(9), interior-illuminated signs are prohibited in Old Hilliard. Several other gas stations in the city, however, have been approved for internally illuminated changeable pricing digits.



- Per City Code 1129.05, ground signs in Old Hilliard are permitted 24 square feet per face, a maximum of 3 different colors on the sign copy and are required to be landscaped entirely around the base to a width of 3 feet.
- Proposed signage consists of the following: An alteration of an existing ground sign that increases the square footage of the sign from 24 square feet to 40 square feet (per side). The total number of colors proposed is 5. The existing sign is currently externally illuminated with manually changed pricing digits. The applicant is requesting to alter the sign to have 14-inch, internally illuminated, electronic, changeable pricing digits. Lastly, the applicant is proposing to add a 3-foot mulch ring base with 3 evergreen plants on the East side of the sign facing Southbound traffic and adding the address to the sign.

[end of report]

Mr. Schneck inquired about the broken curbing at the base of the sign; Mr. Runnels noted that the area would be cleaned up as part of the project.

Mr. Gutknecht asked about the height of the sign and visibility; Mr. Runnels indicated that based on the location there will not be an obstruction.

Mr. Pannett asked how much larger the sign is versus the requirement; Mr. Runnels noted that the sign will be 40 square feet in area and the Old Hilliard standard is 24 square feet.

Mr. Lewie asked for a comparison, and Mr. Runnels noted that the proposed sign is similar to the Circle K and other area stations. He clarified that the fire department did not have any comments as part of the sign review.

Mr. Pannett asked if the applicant worked with staff on the size, and Mr. Runnels indicated that they were not open to changes in the shape of the sign.

Mitchell Powell (5 Robby Ridge Road, Milford, Ohio) representing C&B Sign Services and the applicant stated that they would be happy to remove the curbing next to the sign base.

Vice Chair Schneck, seconded by Mr. Lewie, made a motion to approve the application for a variance from Hilliard Code Section 1129.08 to permit a ground sign with internally illuminated LED fuel pricing with the following six conditions:

- 1) That only the pricer digits are to be internally-illuminated;
- 2) That plans be revised to demonstrate conformance to the provisions of the Sign Code concerning landscaping and light screening along the back and sides;
- 3) That the required landscaping and light screening is installed within 90 days after installation;
- 4) That the masonry base be cleaned as part of the project;
- 5) That no product advertisements are to be displayed on the sign; and
- 6) That a sign permit be obtained prior to installation.

<b>Status:</b>	Approved with six conditions (6-1).
<b>Mover:</b>	Vice Chair Bevan Schneck
<b>Secunder:</b>	Chris Lewie
<b>Ayes:</b>	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon, Bill Uttley
<b>Nays:</b>	Tom Pannett

**CASE 3: PZ-22-13 – Sherwin Williams – 3873 Park Mill Run Drive**

**PARCEL NUMBER:** 050-007277

**APPLICANT:** ExchangeRight Net-Leased Portfolio 54 DST, 1055 E. Colorado Boulevard, Suite 310, Pasadena, CA 91106; and Stan Young, Trinity Sign Group, 91 Lancelot Lane, Westerville, OH 43081.

**REQUEST:** Review & approval of a variance under the provisions of Hilliard Code Section 1129.08 to permit an additional wall sign and to reduce the minimum setback for a new ground sign on 1.609 acres.

[Ms. Shaffer gave the report]

**BACKGROUND:**

The overall site is 1.609 acres located on the north side of Park Mill Run Drive approximately 315 feet west of Fishinger Blvd. The site is zoned PUD, Planned Unit Development District, as part of the Mill Run PUD. All surrounding properties are also zoned PUD as part of the planned district. In March 1995, the Planning and Zoning Commission recommended the development plan for the Spagheddies Italian Kitchen at this location (adopted by City Council Resolution 95-C-11). Following the closure of the restaurant, City Council approved Resolution 20-R-84 on November 9, 2020, for a text modification to the Mill Run PUD to expand the list of uses for this site. There is one existing ground sign and one wall sign on the south elevation.

**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 proposal is generally consistent with the intent of the Sign Code. The proposed signs will be compatible with the character of the general vicinity. Staff recommends approval of the proposed sign package with the following two conditions:

- 1) That required landscaping is installed within 90 days after the ground sign is installed; and
- 2) That sign permits be obtained for both signs prior to installation.

**CONSIDERATIONS:**

*Ground Sign*

- The proposed ground sign will be located approximately three feet from the right-of-way.
- The proposed ground sign is 34 square feet in overall size with 5' 8" in overall height and has an existing 20-inch base height.
- The proposed ground sign consists of a panel with ¼ inch reveal push-thru letters per code.
- The proposed ground sign panel has three colors including blue, white, and red.
- Although the location does not meet the 15-foot code setback requirement, staff finds the location of the sign to be consistent with the intent of the code and the existing site conditions.
- The applicant is requesting to use the existing ground sign base from a previous occupant with a new sign panel.

*Rear Wall Sign*

- The applicant is also requesting a second wall sign at the rear of their building. The site was approved for a 38-square-foot wall sign at the front of the building facing Park Mill Run on January 18, 2022
- The new proposed wall sign is 27 square feet with halo illumination that meets City code.
- Section 1129.05 of the Sign Code only permits 1 wall sign for properties with only 1 street frontage. The secondary wall sign meets all other code requirements for wall signs. The rear of this site, however, faces toward Cemetery Road and the Tudor Ditch reserve areas along the interchange.

[end of report]

Ms. Shaffer clarified that because the existing sign cabinet hangs over the base, the setback will actually be six feet instead of three feet as noted in the report.

Mr. Lewie asked about the size of the rear sign; Ms. Shaffer noted that it will be 27 square feet and that the colors and illumination will meet Code.

Stan Young (Trinity Sign Group, 91 Lancelot Lane, Westerville) noted that they agree with the conditions. As the request of Mr. Lewie, Mr. Young said that the temporary banner will be removed soon.

There were no additional questions for the applicant or testimony from the audience.

Mr. Lewie, seconded by Mr. Pannett, made a motion to approve the variance under the provisions of Hilliard Code Section 1129.08 to permit an additional wall sign and to reduce the minimum setback for a new ground sign on 1.609 acres with the following two conditions:

- 1) That required landscaping is installed within 90 days after the ground sign is installed; and
- 2) That sign permits be obtained for both signs prior to installation.

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

**CASE 4: PZ-22-16 – Ansmil PUD Subarea E1 modification – 4522 Hickory Chase Way**

**PARCEL NUMBERS:** 050-011722

**APPLICANT:** Hickory Chase Titleholder LLC, c/o Green Courte Partners LLC, 303 W. Madison, Suite 1500, Chicago, IL 60606; and Curtis Prill, EMH&T, 5500 New Albany Road, Columbus, OH 43054.

**REQUEST:** Review & approval of a modification of the Ansmil PUD Development Text for Subarea E1 under the provisions of Hilliard Code Section 1117.08 to specify the minimum building and pavement setbacks from Hickory Chase Way, to modify the exterior building material standards, and to modify the lighting standards.

[Mr. Talentino gave the report]

**BACKGROUND:**

The site is 14.394 acres located on the west side of Hickory Chase Way approximately 800 feet south of Davidson Road. It consists of a portion of Ansmil PUD Subarea E1. On December 13, 1999, City Council approved a rezoning by ordinance (99-57) to create the Ansmil PUD. On March 26, 2007, Council approved a resolution (07-R-08) to modify the Ansmil PUD to permit a continuing care retirement community within newly created Subarea E1. A final plat for the central portion of Britton Parkway, Anson Drive, and the Leap Road roundabout was approved by the Planning and Zoning Commission and City Council on November 8, 2007. On February 9, 2015, Council approved a resolution (14-R-86) to modify the Ansmil PUD concerning subarea boundaries, permitted uses, and development standards for Subarea E1.

The applicant is now requesting approval of a modification of the Ansmil PUD Development Text for Subarea E1 to specify the minimum building and pavement setbacks from Hickory Chase Way, to modify the exterior building material standards, and to modify the lighting standards.

**COMMISSION ROLE:**

The Commission is to review the proposal for conformance with the provisions of Section 1117.08 of the Zoning Code and the intent of the Ansmil PUD Zoning Development Plan and Text. Following approval by the Commission, a resolution for the proposed PUD modification will be forwarded to City Council for review and approval.

**STAFF RECOMMENDATIONS:**

Staff finds that the proposal can be a harmonious part of the Ansmil PUD. Staff finds that the proposal, as revised per the staff comments below, will be generally consistent with the provisions of Hilliard Code Section 1117.08 and the intent of the Ansmil PUD Zoning Development Plan and Text. Based on these findings, staff recommends that proposed modification of the Ansmil PUD Concept Plan and Development Text be approved with the following 5 conditions:

- 1) That the proposed text is revised to specify that the minimum setback from property lines other than those along a public right-of-way must be not less than 10 feet for decks and not less than 3 feet for patios;
- 2) That the proposed PUD text modifications are reconciled to match the proposed representative building elevations, subject to staff approval, prior to being scheduled on a Council agenda;
- 3) That details for any proposed fencing are provided for Planning and Zoning Commission review;
- 4) That the proposed text is revised to specify that the proposed modifications are limited to the subject property and not the entire Subarea E1; and
- 5) That the proposed PUD Zoning Development Plan and Text are revised consistent with the staff recommendations listed below in the staff report prior to the case being scheduled on a Council agenda.

**CONSIDERATIONS:**

- To the north is the Norwich Springs assisted living facility within Ansmil PUD Subarea B2. To the east, across Britton Parkway, is the Mount Carmel medical office building and undeveloped land within Ansmil PUD. To the south is undeveloped land within Ansmil PUD Subarea E1 zoned for continuum of care facility uses. To the west is the Hilliard Branch of the Columbus Metropolitan Library.

**Community Plan Issues**

- The Comprehensive Plan recommends the site for Senior Housing uses. These areas may contain a variety of housing types and incorporate professional services intended to serve area residents. This area should include well defined passive green space with pedestrian access. Where possible, such facilities should be designed to encourage safe and convenient access to nearby retail uses and amenities.
- Building heights of 1 to 5 stories and net densities of 10-20 dwelling units per acre are recommended.

**Current Permitted Uses**

- Permitted uses within Subarea E1 include Continuing Care Retirement Community, attached residential dwellings, attached residential dwellings with assisted care and/or long-term skilled nursing care, a long list of accessory uses to the Continuing Care Retirement Community, and park.

**Proposed PUD Plan and Text Modifications**

- The following modifications are proposed to Subarea E1 of the approved PUD development plan and text:
  - 1) E1.01.3. – Specifies minimum building and pavement setback from Hickory Chase Way to be 20 feet.
  - 2) E1.01.4. – Specifies minimum 20-foot building and pavement setbacks from the north and south property lines of the overall Sub Area.
  - 3) E1.01.7. – Specifies minimum 20-foot setback for decks and patios from Hickory Chase Way. Specifies zero setback for decks and patios from any other property line. **[Staff recommends that**

**the minimum setback from other property lines be not less than 10 feet for decks and not less than 3 feet for patios. Additionally, staff recommends that any proposed fencing types and locations be identified. The Zoning Code does not permit fencing closer to the public right-of-way than the face of the building.]**

- 4) E1.02.4. – Requires fire apparatus access drives to be 24 feet wide unless otherwise approved by Norwich Township Fire Department.
- 5) E1.05.2. – Specifies external lighting for parking lots and drives shall be cut-off type fixtures. Decorative coach lighting may be used adjacent to residential units. Decorative coach lights may be building or post mounted and shall be compatible with the surrounding architecture.

**Staff recommends that the proposed text be revised to specify that the proposed modifications are limited to the subject property and not the entire Subarea E1.**

- Section B.2. of the approved PUD text requires all buildings to have four sided architecture with equivalent materials, fenestration and architectural details on all four sides of the building, provided, however, any residential building may reduce façade materials, fenestration, and detailing on any side which is “internal” and cannot be viewed from any public right-of-way or from any adjoining property, all architecture shall be subject to Planning and Zoning Commission review at the time of Final Development Plan.
- Section E1.03.2.a. of the approved PUD text requires warm-tone brick, decorative oversized masonry block, stone veneer or Ohio Limestone stucco stone (equal or better than Stone Products Corporation, type: Ohio Limestone) to be used on a minimum of 35 percent on each elevation of all structures (excluding windows and doors in calculating the minimum percentage of material required). At no time shall warm-tone brick, decorative oversized masonry block, stone veneer or Ohio Limestone stucco stone be less than 20 percent of the total façade including door and windows.

#### **Proposed Building Elevations**

- The proposed building elevations are for Building A which is representative of the architecture of the multiple building types shown on the site plan. The buildings have one story with gables on the front and rear of the building and hip roofs on the sides. The rear elevations (some of which will face Hickory Chase Way) demonstrate a similar level of architectural design as the front. A red brick wainscot is shown on all sides, with horizontal siding in two colors (gray and tan), and gray asphalt shingles. Side elevations have multiple windows. **[Staff finds that the proposed building elevations do not meet the minimum percentage of brick/stone required per the text; however, staff finds that the proposed building elevations are consistent with the requirement to have four-sided architecture. Staff recommends that the proposed PUD text modifications are reconciled to match the proposed representative building elevations prior to being scheduled on a Council agenda.]**

[\[end of report\]](#)

Mr. Uttley noted that there are interesting architectural details and inquired as to the siding materials; Mr. Talentino noted that the text includes multiple materials, but the siding will generally be composite siding. [there were no additional questions for staff]

Glen Dugger (Smith and Hale, 37 West Broad Street, Columbus) noted that he helped develop the text originally for the Ericsson Project. He said the text did not contemplate multiple developers and that the dedication of Hickory Chase Way had consequences because the text did not address setbacks. He said they are okay with the conditions.

Mr. Uttley said that the architecture is pleasing and having one-story buildings are welcome.

There was no public comment.

Ms. Nixon, seconded by Mr. Uttley, made a motion to approve a modification of the Ansmil PUD Development Text for Subarea E1 under the provisions of Hilliard Code Section 1117.08 to specify the minimum building and pavement setbacks from Hickory Chase Way, to modify the exterior building material standards, and to modify the lighting standards with the following five conditions:

- 1) That the proposed text is revised to specify that the minimum setback from property lines other than those along a public right-of-way must be not less than 10 feet for decks and not less than 3 feet for patios;
- 2) That the proposed PUD text modifications are reconciled to match the proposed representative building elevations, subject to staff approval, prior to being scheduled on a Council agenda;
- 3) That details for any proposed fencing are provided for Planning and Zoning Commission review;
- 4) That the proposed text is revised to specify that the proposed modifications are limited to the subject property and not the entire Subarea E1; and
- 5) That the proposed PUD Zoning Development Plan and Text are revised consistent with the staff recommendations listed in the staff report prior to the case being scheduled on a Council agenda.

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

**CASE 5: PZ-22-17 – The Courtyards at Carr Farms Section 6 – 4852 Leppert Road**

**PARCEL NUMBERS:** 050-008252

**APPLICANT:** Epcon Carr Farms LLC, 500 Stonehenge Parkway, Dublin, OH 43017; and Sydney Berry, EMH&T, 5500 New Albany Road, Columbus OH 43054.

**REQUEST:** Review & approval of a Final Plat under the provisions of Hilliard Code Section 1188.05 and the Carr Farms PUD Concept Plan for a development consisting of 31 single-family lots on 8.398 acres.

[Mr. Combs gave the report]

**BACKGROUND:**

The site is 8.398 acres located on the east side of Leppert Road approximately 290 feet north of the intersection of Davidson Road and Bixshire Drive. On November 12, 2015, the Planning and Zoning Commission approved a PUD Concept Plan consisting of 157 single-family lots on 79.5 acres and a 6-month extension of the Concept Plan was granted that extended the approval through March 11, 2019. During the extension, the Commission approved a modification to the PUD Concept Plan to allow for 59 traditional single-family homes and 179 empty nester homes (September 13, 2018).

The Planning Commission approved a Final Plat for The Courtyards at Carr Farms Phase 1 on April 8, 2021, to begin construction that included 47 single-family lots on 24.423 acres. *On October 11, 2021, Resolution 21-R-62 was adopted by City Council to modify the PUD Concept Plan for 16 townhouse dwelling units and 50 empty nester homes on the 21.44 acres that comprise Subarea B (Sections 5 and 6).* A Final Plat for Section 5 was approved on February 10, 2022, for 31 total lots and 6 reserves on 13.297 acres. On March 10, 2022, the Commission also approved Final Plats for Sections 2 and 3, located in Subarea A. All three plats have been

approved by City Council and are in the process of being recorded. The applicant is now requesting approval of a Final Plat for Section 6 that consists of 31 single-family lots on 8.398 acres and is the balance of Subarea B.

**COMMISSION ROLE:**

The Commission is to review the proposed final plat for conformance to the provisions of the Courtyards at Carr Farms PUD Concept Plan and Hilliard Code Section 1188.05.

**STAFF RECOMMENDATION:**

Staff finds that the proposed final plat is consistent with the provisions of the Courtyards at Carr Farms PUD Concept Plan and Code Section 1188.05. Based on these findings, staff recommends approval of the proposed final plat with the following condition:

- 1) That the Final Plat meet the requirements of the City Engineer for format and content prior to being scheduled on a City Council agenda.

**CONSIDERATIONS:**

- The site consists of the southeastern portion of the Courtyards at Carr Farms PUD Subarea B. A total of 50 courtyard homes and 16 townhomes were approved with the PUD Concept Plan. This plat includes the final 31 courtyard home lots.
- Section 6 includes Reserve M for the creation of private streets (Embassy Drive, Champion Drive, Aristocrat Drive and the Brixshire Drive extension to connect to the south with the Brixston Subdivision).
- Reserve L (0.466-acre) will be located within the center of Section 6 and will be central greenspace owned and maintained by the Homeowners Association. The reserve will be landscaped in accordance with the approved PUD Concept Plan and includes a central sidewalk system that will provide pedestrian connectivity with the Leppert Road frontage.
- Private Roads will include sidewalk on the inside of the loop in front of Lots 241-250 and will also provide a sidewalk connection on the west side of Brixshire Drive.
- Development standards for single-family courtyard homes include 52-foot minimum lot width, 120-foot minimum lot depth, minimum 20-foot front yard, minimum 15-foot minimum setback to sidewalk for corner lots, minimum 5-foot side yard, minimum 12.5-foot rear yard from internal property lines, minimum 65-foot building setback from the eastern and southern overall property boundaries, and minimum 1,400-square-foot floor area. The proposed lots conform to the adopted text standards.

[end of report]

Bryan Dougherty (Epcon Communities, 500 Stonehenge Parkway, Dublin) noted their agreement with the conditions.

Mr. Pannett asked about street connections, and Mr. Combs noted that the plat does indicate a road connection to the Brixston Subdivision to the south consistent with the zoning. Mr. Combs said the streets within the development are private and would transition to the public street to the south. Mr. Combs also explained that the private streets will have sidewalk on one side within the development.

Mr. Pannett and Chairman Muether voiced his concern about future maintenance of the private street. Mr. Lewie noted that the city will get phone calls about snow removal.

Mr. Pannett, seconded by Mr. Lewie, made a motion to approve the final plat as consistent with the provisions of the Courtyards at Carr Farms PUD Concept Plan and Code Section 1188.05 with the following condition:

- 1) That the Final Plat meet the requirements of the City Engineer for format and content prior to being scheduled on a City Council agenda.



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

**CASE 7: PZ-22-21 – Alton Place – Northwest corner of Roberts Road and Alton Darby Road**

**PARCEL NUMBERS:** 53-000006, 053-000615, 053-000616 and 053-000714

**APPLICANT:** Alton Place LLC, c/o Dwight McCabe, 7361 Currier Road, Plain City, OH 43064; and Fischer Homes, c/o Emily Page, 3940 Olympic Boulevard, #400, Erlanger, KY 41018.

**REQUEST:** Review & approval of a variance under the provisions of Hilliard Code Section 1129.08 to permit 5 subdivision development advertising signs with more than 4 colors and to permit increased maximum sign size and maximum height.

[Mr. Combs gave the report]

**BACKGROUND:**

The Alton Place HCD includes approximately 350.320 acres located at the northwest corner of Roberts Road and Alton Darby Road. The site was annexed into the City of Hilliard in 2009 and was assigned the A-1, Agricultural, zoning classification. In 2014, the site was rezoned from A-1 to R-R, Rural Residential (Ordinance 14-29). Located within the Big Darby Watershed, the Big Darby Accord Panel recommended approval for the Alton Place HCD with conditions on December 11, 2018.

Rezoning of the site was approved by City Council on June 8, 2020 (Ordinance 19-26) and included 148 single-family lots, 297 attached residential units, 53 acres of commercial uses and 171.7 acres of open space. The proposed final plat for Alton Place Section 1, Phase 1 was approved in February of this year and is in the process of being recorded. This application is to approve a comprehensive development sign package for the marketing and sales of lots within the development.

**COMMISSION ROLE:**

As a subdivision development advertising package for the 350-acre development, the applicant has requested modifications to sign requirements contained within the Sign Code. The Commission is to determine whether the proposed modifications are consistent with the requirements of Hilliard Code Section 1129.08.

**STAFF RECOMMENDATION:**

Staff finds that the proposed sign package is generally consistent with the intent with the Code. Given the nature of the signage, proposed placement, traffic speeds and size of the development, staff finds that the sign package, while deviating from the standards, will not impact the general character of the neighborhood or surrounding properties and will have no impact on governmental services. Based on these findings, staff recommends approval of the comprehensive subdivision development sign package with the following three conditions:

- 1) That the proposed subdivision sign package be permitted for a period of three years at which time any extension must be obtained from the Planning Commission;
- 2) That the proposed green “Coming Soon!” blade on the main entry signs be placed horizontally below the main sign face; and
- 3) That both main entrance signs be placed at least 15 feet from the edge of right-of-way outside of sight visibility triangles for safety consistent with the Code.



**CONSIDERATIONS:**

- *Proposed Entrance Signs.* A total of two single-sided main entrance signs are proposed that will be placed at the Roberts Road and Alton Darby Road entrances. The 3-post signs will be a total of 12'-2" in height (Code limit is 6 feet) and include a 64-square foot sign face (Code limit is 32 square feet). A total of 5 colors are indicated and may be higher based on the individual logos of homebuilders. Staff recommends that the proposed "Coming Soon!" blade in green be placed below the main sign face to limit the overall size.
- *Proposed Housing Product Signs.* Additional signs designed like the entry signs are proposed within the site to identify different housing types/lots available for sale. The signs to identify Estate Homes, Patio Homes and other options will include a sign face of ~~36~~ 16 square feet and be seven feet tall.
- *Additional Code Requirements.* The Sign Code limits development signs to one per subdivision. Due to the size of the development and multiple frontages, the combination of two frontage signs with three internal signs is proposed.
- *Time Limitations.* Code requires that development signs are removed within one year or when 60 percent of the lots have been constructed or occupied (whichever is first). In the case of larger developments additional time will be necessary for build-out. Staff recommends that the proposed signs be approved for an extended period of three years to minimize procedural requirements and that any request for additional time beyond the three years be reviewed by the Commission when/if needed.
- Section 1129.08(d) sets forth the criteria by which the Commission evaluates any modifications from the established sign regulations:
  - (1) Whether the property will yield a reasonable return or whether there can be any beneficial use of the property without the 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]

Mr. Combs clarified that the internal signs as noted within the report will be 16 square feet (not 36 square feet). He also noted that the package includes designations for individual builders and that individual builders will not be provided additional development signs.

Mr. Gutknecht asked how much larger the signs are than the Code; Mr. Combs noted that the entry signs are 64 square feet and the code requirement is 32. Mr. Combs confirmed that due to the higher speed and a much larger development being on the edge of the city near the end of such large developments

Dwight McCabe (7361 Currier Road, Plain City) clarified that the size was to make the individual builder logos readable.

Mr. Dugger said he hopes that they will not have to return to the Commission for additional approval, but some housing products may sell slower; Mr. McCabe said that the commercial area will be coming back for development approval. He said that the sign on Alton Darby Road will have 2 faces and the one on Roberts will be canted with one side.

Mr. Gutknecht, seconded by Vice Chair Schneck, made a motion to approve a variance under the provisions of Hilliard Code Section 1129.08 to permit 5 subdivision development advertising signs with more than 4 colors and to permit increased maximum sign size and maximum height with the following three conditions:

- 1) That the proposed subdivision sign package be permitted for a period of three years at which time any extension must be obtained from the Planning Commission;
- 2) That the proposed green “Coming Soon!” blade on the main entry signs be placed horizontally below the main sign face; and
- 3) That both main entrance signs be placed at least 15 feet from the edge of right-of-way outside of sight visibility triangles for safety consistent with the Code.

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

#### 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 gave the report]

#### 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. Uttley voiced concerns about neighborhoods in other areas of Columbus being impacted by the amount of such rentals impacting ownership patterns and the turnover. He is concerned about impacting the character of areas, especially when short-term rentals can generate more income than long-term leasing.

Mr. Talentino said that ordinances vary widely around the country depending upon how detailed you want to be with registration and enforcement. He noted that hotels and apartments are using short-term systems to fill vacancies. He said Old Hilliard seemed like a good starting point.

Mr. Gutknecht said that there is more control with regulations in Old Hilliard.

Mr. Uttley has concerns about parking and what happens when homes are expanded or finished out to squeeze in more units.

Mr. Lewie voiced caution, particularly when it comes to things like long-term construction rental, seasonal workers...the price per day will have a large impact on the users.

Ms. Hale noted her use of short-term rentals around the country and that many places denote parking limitations Such as two car spaces per house or lot.

Vice Chair Schneck noted that state legislation is being considered to restrict local control; Mr. Talentino noted that this request is due to interest in Old Hilliard – not pending legislation.

Mr. Uttley noted that in the university area they are finishing out old basements to create more units.

Mr. Talentino said that registration is an option, but it must be weighted against other factors. He said that how many resources are needed is a factor – there are examples out there currently that are not being enforced.

Currently there have been no complaints, but eventually at some point there will be a problem. Mr. Talentino encouraged the Commission to research VRBO and Airb&b.

Ms. Clodfelder noted that staff can provide examples of other ordinances such as Dublin's and Columbus'.

Mr. Lewie, seconded by Chairman Muether, made a motion to postpone the case to the May meeting to allow for more research and additional discussion.

<b>Status:</b>	Postpone to the May meeting for additional discussion (7-0).
<b>Mover:</b>	Chris Lewie
<b>Seconded:</b>	Chairman Jay Muether
<b>Ayes:</b>	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon, Tom Pannett, Bill Uttley

### CHAIRMAN'S COMMUNICATION

There were no additional items for communication.

### COMMITTEE COMMUNICATIONS

Ms. Nixon reported that a session was held to explore programming for the new Community Center. She was surprised by the desire for a catering hall. The exercise included looking at programming elements and budget limitations to create a mix of uses within the project budget.

### ADJOURNMENT

Chairman Muether, seconded by Mr. Uttley, motioned to adjourn at 8:56 p.m.

### CERTIFICATION:



Carson Combs, Planning Manager/Acting Clerk  
May 12, 2022

[END OF MINUTES | APRIL 14, 2022]