



MEETING MINUTES

Planning & Zoning Commission

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

Thursday, May 12, 2022 | 7:00 pm

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

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

ROLL CALL

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

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

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

APPROVAL OF MEETING MINUTES – APRIL 14, 2022

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

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

OATH TO TELL THE TRUTH

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

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

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

NEW CASES:

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

PARCEL NUMBERS: 050-011019 & 050-011018

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

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

[Mr. Combs gave the staff report]

BACKGROUND:

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

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

COMMISSION ROLE:

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

STAFF RECOMMENDATION:

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

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

CONSIDERATIONS:

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

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

[END OF REPORT | PZ-22-14]

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

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

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

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

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

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

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

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

PARCEL NUMBERS: 050-011019 & 050-011018

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

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

[Mr. Combs gave the staff report]

BACKGROUND:

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

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

COMMISSION ROLE:

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

STAFF RECOMMENDATION:

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

CONSIDERATIONS:

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

[END OF REPORT | PZ-22-15]

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

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

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

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

[Mr. Combs gave the staff report]

BACKGROUND:

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

COMMISSION ROLE:

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

STAFF RECOMMENDATION:

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

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

CONSIDERATIONS:

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

[END OF REPORT | PZ-22-20]

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

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

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

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

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

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

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

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

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

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

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

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

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

BACKGROUND:

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

COMMISSION ROLE:

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

STAFF RECOMMENDATION:

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

CONSIDERATIONS:

Definitions

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

Schedule of Uses

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

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

[end of report]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DISCUSSION ITEMS

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

COMMITTEE COMMUNICATIONS

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

ADJOURNMENT

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

CERTIFICATION:



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

[END OF MINUTES | May 12, 2022]