

MEETING MINUTES



Planning & Zoning Commission

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

Thursday, June 16, 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

Commission Member Chris 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
Tracey Nixon	Member	Absent
Tom Pannett	Member	Present
Bill Uttley	Member	Present

Staff Members Present: Law Director Philip Hartmann, Planning Manager Carson Combs, City Engineer Clark Rausch, Code Enforcement Officer Kristie Shaffer, City Council Representative Peggy Hale, Planning Intern Abby Theil and GIS Intern Natalie Wood.

Others Present: Azeemullah Raghbat, representing Ana Shawarma Food Truck (Case #PZ-22-28); William Willis, representing Amazon Data Center (Case #PZ-22-26); David Sanford, representing AEP/Amazon (Case #PZ-22-26); and other members of the public in attendance.

APPROVAL OF MEETING MINUTES – MAY 12, 2022

Chairman Muether asked if there were any changes or corrections to the May 12, 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

Law Director Philip Hartmann administered the Oath to Tell the Truth.

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

Chairman Muether requested that PZ-22-27 – CODE AMENDMENT – Backyard Chickens & Rear Yard Beekeeping be moved to the end of the agenda.

NEW CASES:

CASE 1: PZ-22-26 – AMAZON DATA CENTER – 4600 Cosgray Road
PARCEL NUMBER: 050-011455
APPLICANT: Amazon Data Services, Inc., c/o David Sanford, Central Surveying, 7563 East Main Street, Reynoldsburg, OH 43068.
REQUEST: Review & approval of a lot split under the provisions of Hilliard Code Section 1188.05 to split a 7.491-acre parcel from a 147.05-acre parcel.

[Mr. Combs gave the staff report]

BACKGROUND:

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

COMMISSION ROLE:

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

STAFF RECOMMENDATION:

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

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

CONSIDERATIONS:

- Data centers are permitted uses in the Grener Property PUD. To the north are the Bo Jackson Elite Sports facility and residential properties within Norwich Township. To the east, across Leppert Road, are single-family residences within the Carr Farms PUD. South of the site is undeveloped land within Norwich Township, the Heritage Rail Trail and a single-family residence within Norwich Township. The Homestead Park, which is zoned S-1 Special District, is located to the west across Cosgray Road. The overall site borders the public access drive extending from Cosgray Road to the Bo Jackson Elite Sports facility.
- The Thoroughfare Plan classifies Leppert Road as a Network Collector that has two lanes with either a center left turn lane or separate left turn lanes at driveways and intersections. The Plan recommends a minimum right-of-way width of 80 feet. 50 feet from centerline has been dedicated on the west half of the road (100 feet total including the Carr Farms dedication) and provides sufficient width for road improvements and drainage swale design.
- The approved site plan shows (1) four data center buildings oriented east-west in the eastern portion of the site, (2) an AEP switching station and substation in the southern portion of the site, (3) two smaller storage buildings on the west side of the data center buildings, and (4) a security building in the northwest portion of the site. Access for the data center buildings will be from the existing Cosgray Road

driveway shared with the Bo Jackson Elite Sports facility. A secondary security access for the data center that will also be used for construction traffic is shown on Leppert Road approximately 970 feet south of the northern property line. A 24-foot-wide AEP switching station access drive as part of the lot split is shown on Leppert Road approximately 230 feet north of the southern property boundary. It consists of pavement from Leppert Road to the 200-foot setback line and gravel for the remainder. Plans indicate a 30-foot-wide City trail easement along the south property boundary that will connect to the Heritage Trail.

- The southern portion of the data center site features the proposed AEP substation, a client transformer yard and two megacharge areas. The overall area for these elements is set back 200 feet from the ultimate Leppert Road right-of-way line, 90 feet from the south property line and 130 feet from the southwest property line. The majority of the structures within these areas are 35 feet in height or less. Four structures are approximately 95 feet in height. Screening for these areas consists of the required landscaped buffer yard.
- Approved fencing around the data center buildings, the “Mega Charge Areas” and the “Ski Lodge Buildings” consists of an 8-foot-tall decorative black aluminum security fence along the exterior with a second 8-foot-tall black vinyl-coated chain link security fence located 10 feet inside the exterior fence. Fencing around the substation will consist of 8-foot-tall black vinyl-coated chain link that will be set back 10 feet from the proposed property line.
- The approved 50-foot-wide landscape buffer along the south property line consists of a 6-foot-tall mound with 4 large trees, 5 medium trees, 15 shrubs or ornamental grasses and 9 evergreen trees per 100 linear feet consistent with the PUD Development Plan Text. The landscape mounding will be located in between the public path and the edge of the substation site (proposed lot split).

PROPOSED LOT SPLIT:

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

[END OF REPORT | PZ-22-26]

Chairman Muether asked the applicant for any additional information or comments; the applicant noted that staff had covered the application in detail.

With no public comment, Mr. Lewie (seconded by Mr. Uttley) made a motion to approve the lot split under the provisions of Hilliard Code Section 1188.05 to split a 7.491-acre parcel from a 147.05-acre parcel with the following two conditions:

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

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

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

PARCEL NUMBER: 050-001323

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

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

[Mr. Combs gave the staff report]

BACKGROUND:

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

COMMISSION ROLE:

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

STAFF RECOMMENDATION:

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

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

CONSIDERATIONS:

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

[END OF REPORT | PZ-22-15]

Mr. Lewie asked if the food truck would be year-round and inquired about electric for the truck; Mr. Combs noted that the lease would be year-round and that Condition #2 addresses the need for permits and inspections for any electric that would be utilized through the existing pole sign. Mr. Combs noted he was not aware of any other permanent food truck location in the City.

Chairman Muether inquired about the other tenants, and Mr. Combs said the proposed use will drive more people to the center and provide added traffic for the center.

Mr. Schneck asked about the process with COFTA (Central Ohio Food Truck Association); Mr. Combs noted that the organization provides administrative functions and regulates the food trucks, lessening the administrative burden on the City. The timing of the condition should provide enough time to have a membership approved.

Ms. Hale asked if there were any concerns about blocking the sign and whether the truck can move; Mr. Combs noted that the lease has been secured with the property owner/manager and that while the spaces are leased, the truck could certainly move for special events.

Mr. Lewie asked the applicant to describe the operation.

Mr. Raghbat explained that he has worked with the property owner and manager for three months. The tenants are aware and have not expressed any concerns. He said if there were issues with the sign, the truck could be moved to the other side. He explained that he just moved from Atlanta and described the type of foods he will be producing for the Commission. He said the space is permanent, but the truck could move and that the type of food he produces will not compete with the other tenants.

Mr. Uttley asked about maintenance issues; Mr. Raghbat noted that trash would be provided to the dumpster in the back. He said the truck can move to dump any water and that the graywater tank holds enough to be emptied weekly.

City Engineer Clark Rausch confirmed for the Commission that clean water can be placed into the storm sewer and that any gray water would need to be placed into the sanitary sewer.

Mr. Raghbat confirmed for Mr. Lewie that there would be no restrooms, chairs, tables or umbrellas. He said he could work with tenants if the Commission felt he needed a restroom available. He confirmed for Chairman Muether that he agreed with the conditions.

Mr. Bevan noted that he should avoid having any flat tires.

With no public comment, Vice Chair Schneck (seconded by Chairman Muether) made a motion to approve the Level "B" Site Plan Minor Change to permit a permanent food truck within the Hilliard Plaza shopping center parking lot with the following six conditions:

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

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

CASE 2: PZ-22-27 – Code Amendment

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

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

[Mr. Combs gave the staff report]

BACKGROUND:

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

COMMISSION ROLE:

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

STAFF RECOMMENDATION:

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

CONSIDERATIONS:

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

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

Section 1121.07: Other Provisions

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

Section 1121.08: Backyard Chickens

- Keeping of backyard chickens would be permitted in the R-R, Rural Residential District; R-1, Low Density Residential District; and the R-2, Low/Medium Residential district for properties at least 1 acre in size with a specified maximum number of chickens based on acreage. Flock sizes greater in number would be regulated as an agricultural use. Review of ordinances in other municipalities reveal that there is no real established number of birds that are commonly accepted.
- The code denotes that homeowners are responsible for any deed restriction or HOA requirements not enforced by the City. The code also limits raising of chickens for personal use.
- Due to noise issues no roosters, ducks, geese, turkeys or other fowl are permitted; on-site slaughtering of animals is prohibited. Those raising chickens as a source of meat would be required to transport chickens to an approved facility.
- The code requires adequate shelter with at least 4 square feet per chicken and yard of at least 8 square feet per bird. Placement of any chickens are required to be within the rear yard at least 15 feet from property lines.
- A certificate of zoning compliance is required to ensure that the placement of any coop and yard meets all zoning requirements. All chicken runs would be required to meet the fence code and obtain a fence permit.

Section 1121.09: Rear Yard Beekeeping

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

Applicability of Proposed Code Amendment

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

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

R-2, Low/Medium Residential District	Not Permitted	36 / 2007
Total	32 / 170	118 / 2313

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

[END OF REPORT | PZ-22-27]

Backyard Chickens

Mr. Combs noted that the Commission has received comments on the proposed ordinance from Commission Member Nixon who is absent, as well as public comment that has been provided to the Commission as part of their deliberation.

Chairman Muether asked if any of the R-2 District were greater than an acre in size; Mr. Combs noted that Page 4 of the staff report includes a table that outlines the number of parcels. Based on the 1-acre size, the number of parcels would increase from 32 parcels that can currently have agricultural use of chickens and bees to 118 out of 2313 parcels that could conduct backyard chicken and bee rearing.

Vice Chairman Schneck inquired about the public comment received; Mr. Combs noted that a property owner along Leap Road has chickens (as well as others that have been identified by Code Enforcement over the past couple of months) and wanted to provide feedback on the proposed language.

Mr. Lewie suggested that the ordinance be modified to include residential PUDs and that the lot size be reduced to 0.5-acre. He noted that his property is 0.2-acre and could easily support chickens and bees without impacting the neighbors. Mr. Lewie also noted that staff should look at the issue of bat barns and that other wild animals such as that should be considered in legislation.

Chairman Muether noted that he liked the 1-acre size to test things out.

Mr. Uttley discussed the size limitations (not audible); Mr. Lewie commented that limitations were similar to the Short-Term Residence ordinance being limited to Old Hilliard.

Mr. Pannett noted an example in Columbus where a neighbor had chickens and other animals that became problematic and that it was very difficult to have the situation resolved. He said this is a good starting point.

Discussion about the acreage ensued between the Commission members. Vice Chair Schneck noted that he would also like to see PUDs included.

Chairman Muether asked how changes would be incorporated; Mr. Combs noted that changes could be made and be brought back to the Commission. He said that more review would be warranted to look at the incorporation of PUDs into the ordinance to ensure proper coordination.

Law Director Phil Hartmann noted the need for additional review time to determine whether PUD texts would need to be modified to accommodate this proposed ordinance.

Mr. Lewie wanted to know what precipitated the ordinance; Mr. Combs noted that the issue has been pursued through the Environmental Sustainability Commission.

Ms. Hale asked for clarification on the Zoning Certificate; Mr. Combs explained that the zoning certificate would be a way to track backyard chickens unless a property in the R-R District was raising chickens as an agricultural use. All other instances would be a Code Enforcement issue and would need to be brought into compliance. Mr. Combs noted that Code Enforcement is normally carried out on a complaint basis.

Rear Yard Beekeeping

Chairman Muether asked about the hives shown on the screen; as a practicing beekeeper, Mr. Combs explained the hive structure and how honeybees function within the hive structure.

Vice Chairman Schneck asked how many queens there are per hive; Mr. Combs explained that there is one queen per hive and described the process for queen rearing, as well as the role of worker bees and drones. He also explained how the bees enter and exit the hive and why flyway barriers are necessary.

Chairman Muether asked about the number of hives proposed and for a comparison from Mr. Combs' personal experience; Mr. Combs noted that 10 hives could be comfortably placed on 3.5 acres in terms of honey production in a setting that would be comparable to an R-R District / Agricultural District setting. He noted that the proposed code surveys codes from around the country that apply to a suburban setting.

Chairman Muether inquired about the limitations on fencing; Mr. Combs noted that using fencing as a flyway barrier would still need to comply with code and be limited to six feet in height. He explained that the code is concerned about extending the length of the fencing appropriately beyond the end of the hives to encourage bees to fly up over adjacent properties.

Vice Chair Schneck asked about the review of the Environmental Sustainability Commission; Mr. Combs explained that the Commission had the issue in front of them for research for many months. He said that staff developed draft ordinance language for them to consider, and that they wanted the ordinance forwarded to the Planning Commission for review.

Ms. Hale asked what happens when a hive swarms and the property owner is at capacity; Mr. Combs noted that additional consideration will be necessary as part of the ordinance. He noted that the provisions for nucleus hives are intended to provide additional time and flexibility for the beekeeper to stay within the Code. He explained that writing Code is much more complex and involved than simply allowing beekeeping.

Mr. Lewie also noted including residential PUDs and a 0.5-acre minimum.

Mr. Uttley inquired about the potential for these uses to be approved by the City but noted that many deed restrictions might not allow such uses; Chairman Muether pointed out that HOAs do not have the money or resources to address such issues.

Intern Natalie Wood asked the Commission about concerns with bird flu; Vice Chair Schneck noted that it would likely be a State issue, and Mr. Combs confirmed that the Ohio Department of Agriculture would be the agency involved with that issue. Mr. Combs noted that transmission would depend upon variables such as number of birds and distance and offered to provide information at the next meeting if requested.

Chairman Muether noted that additional consideration should be given to look into the PUD issue and to provide the Commission more time to digest the issues presented; Mr. Lewie also reminded staff to look into bat barns/houses.

Mr. Combs requested to the Commission that the case be postponed to the next meeting for further consideration; Chairman Muether requested a voice vote that was approved without dissent.

Status:	Postponed by Voice Vote at the request of Staff (6-0)
Ayes:	

DISCUSSION ITEMS

There were no general discussion items.

COMMITTEE COMMUNICATIONS

Mr. Uttley highlighted that the Arts Council had dedicated a new mural and that the mural on the Ross Realtors building has been completed. He noted that they are working to identify ten more locations for art. He said they are working on another mural location in Old Hilliard. [microphone issues occurred during his update.]

In Ms. Nixon's absence, Mr. Combs gave an update to the Commission on Recreation and Parks. The most recent meeting was held yesterday and focus centered on how to prioritize public use of playing fields. June 13 will include a presentation to Council on programming for the new Community Center and pro forma projections. She noted that discussion continues as to the program elements and sizing. Summer activities have also been announced including the Celebration at the Station schedule and the upcoming Freedom Fest.

ADJOURNMENT

Chairman Muether motioned to adjourn by voice vote at 8:17 p.m.

CERTIFICATION:



Carson Combs, Planning Manager/Acting Clerk
July 15, 2022

[END OF MINUTES | June 9, 2022]