

MEETING MINUTES

Planning & Zoning Commission

City Hall • 3800 Municipal Way • Hilliard, Ohio 43026
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Thursday, May 11, 2023 | 7:00 pm

CALL TO ORDER

Chairman 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
Tracey Nixon	Member	Present
Tom Pannett	Member	Excused
Bill Uttley	Member	Excused

Staff Members Present: Planning Director John Talentino, City Engineer Clark Rausch, Planning Manager Carson Combs, Staff Attorney Kelly Clodfelder, Assistant City Manager Dan Ralley, Administrative Assistant Sandi Hopkins, Council Representative Peggy Hale, Parks & Recreation Director Edgar Merritt, and Planning Intern Marie Meeks.

Others Present: Shafiullah Syed (PZ-23-8) representing Marrakesh Market; Patrick Thornton (PZ-23-14) representing 3637Lacon LLC; residents Lonnie Wells and Mary Corvo speaking about PZ-23-14; Anthony Kelly, Greg Bice and Sarah Lee (PZ-23-16) representing Dunlap Holdings/Resolute Lacrosse; residents Timothy Van Echo, Bill Moll and Laura Baxendell speaking about PZ-23-15; and others in attendance.

APPROVAL OF MEETING MINUTES – April 13, 2023

Chairman Muether asked if there were any changes or corrections to the April 13, 2023, minutes. Ms. Nixon moved to approve the minutes and Mr. Lewie seconded the motion. Chairman Muether abstained from voting due to an excused absence during the prior meeting.

Status:	Accepted by Voice Vote (4-0)
Ayes:	Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon
Abstain:	Chairman Jay Muether

OATH TO TELL THE TRUTH

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

CHANGES TO THE AGENDA

Planning Manager Carson Combs indicated no changes to the agenda. He noted that additional correspondence regarding Case #2 and #3 were provided to the Commission prior to the meeting for their review.

CASE 1: PZ-23-8 – MARRAKESH MARKET – 3193 HILLIARD ROME ROAD

PARCEL NUMBER: 050-002969

APPLICANT: 543 Company, c/o Melissa Kelly, P.O. Box 869, Lima, OH 45802; c/o Shafiullah Syed, 3193 Hilliard Rome Road, Hilliard, OH 43026.

REQUEST: Review and approval of a sign variance under the provisions of Hilliard Code Section 1129.08 to permit window signage to exceed 10 percent of the window area.

[Mr. Combs gave the staff report.]

UPDATE:

This application was heard by the Commission at its April 13, 2023, regular meeting. At that time the Commission expressed concern that the proposed window coverage was too excessive since the signage constituted advertising of products and that an alternative was necessary for further consideration. At the request of the applicant, the Commission postponed the case to provide additional time for the applicant and staff to develop an alternative for consideration.

BACKGROUND:

The site is +/- 6.47 acres located at the northwest corner of Hilliard Rome Road and Tinapple Road. The site is zoned B-2, Community Business District, and consists of 4 shopping center buildings occupied by a variety of tenants. The site borders 3 residential neighborhoods to the west, east (across Hilliard Rome Rd.), and south. The neighborhoods to the east and west are both within the City of Columbus. The neighborhood to the south is Hyde Park, which is in Hilliard. To the north, across Hilliard Rome Road, is Cross Creek Park.

In March 2020, the City enacted a temporary modification to the sign code in an effort to aid and support businesses during the COVID-19 pandemic. The temporary modification allowed businesses to have additional temporary signage as well as window signage. The modification was lifted on November 30, 2022, and the City's standard code requirements outlined in Chapter 1129 were reinstated. Upon the lifting of the modification, the City's Code Enforcement officers inspected businesses city-wide to ensure Code compliance. It was determined that the applicant, Marrakesh Market, had window signage exceeding the 10 percent allowance.

The Commission has denied applications for window signage that exceeds Code on June 14, 2012, (12-0014LC) and November 12, 2015 (15-0217LR). Both cases were substantial departures from the Code. In contrast, the Commission has approved variances for window signage proposals on February 13, 2020, (19-0479LC) and August 12, 2021, (PZ-21-30) for minor departures from the code that included 11% and 15% window coverage, respectively.

The applicant is now requesting a sign variance from the Planning and Zoning Commission to permit existing window signage that is approximately 11% of the overall window area. The original request in April totaled approximately 16.6%.

COMMISSION ROLE:

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

- Whether the property will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- Whether the variance is substantial;

- Whether the essential character of the neighborhood would be substantially altered or whether adjoining property owners would suffer substantial detriment as a result of granting the variance;
- Whether the variance would adversely affect the delivery of governmental services;
- Whether the property owner purchased the property with knowledge of the zoning restrictions;
- Whether the property owner's predicament feasibly can be obviated through some method other than variance; and
- Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

STAFF RECOMMENDATION:

Staff finds that the proposed alternative meets the general intent of the Code. While there can be beneficial use of the property without the proposed variance, the request as modified since the last meeting is not substantial and is a compromise requested by the Commission. Staff finds that the signage constitutes specific advertisement of retail products and is not a general graphic/image requiring closer adherence to Code limits. Based on these findings, staff recommends approval of the proposed window sign variance with one condition:

- 1) That no additional increase in the area of window signage is permitted without approval by the Planning and Zoning Commission.

CONSIDERATIONS:

- **Window Sign Requirements.** City Code Section 1129.03 states the following regarding window signage:
 1. "A business may have window signs equal to or less than ten percent (10%) of the square footage of all windows for that business ("window area"). Windows in doors that are intended to be used for customer entrances shall be included in the calculation of window area, but are not included in the ten percent limitation. Windows in all doors that are not used nor intended to be used for customer entrance, including but not limited to, bay doors, dock doors, delivery doors and back doors, are excluded in the calculation of window area and window signs are not permitted thereon. In addition, windows made with spandrel glass (or similar non-vision material) are excluded in the calculation of window area. Signs are not permitted on spandrel glass windows.
 2. Signs shall be limited to the ground floor or first floor windows only unless a use is located in the second or higher stories of a building and the use has no first-floor occupancy.
 3. One window sign may be neon-lit, but if so, the lighted portion of the neon sign must fit within an area no greater than two square feet in size."
- **Definition.** Section 1105.08 defines a window sign as follows: "Any permanent or temporary signs, posters, symbols and other types of identification or information about the use or premises directly attached to or painted on the glass part of a door and/or on the window of a building or erected within six feet of a door or window inside the building with a printed side facing the door or window." Based on the current Code definition, if the proposed graphic was placed more than 6 feet within the window, it would not be considered as signage.
- **Existing Conditions.** Marrakesh Market operates in a tenant space with approximately 512 square feet of window surface area, which would allow for 51.2 square feet of cumulative window signage. In April the original request included approximately 85 square feet of window signage (33.8 square feet beyond Code maximum). Most of the window signage consists of direct advertisements of individual products and/or brand logos. Since the last Commission review, the window signage has been reduced to approximately 57 square feet of window signage (6 square feet beyond Code maximum).
- **Purpose of the Sign Code.** Section 1129.01 (a) of the City's Sign Code states "The regulations of this chapter are intended to protect and promote the public health, safety, convenience, comfort, prosperity, and general welfare of the residents of the City of Hilliard; to maintain and improve the appearance of the community; to conserve community character; to prevent traffic hazards; to provide

safe conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs. It is further determined that to allow signs of excessive number and size in the City would unduly distract pedestrians and motorists, create potentially dangerous traffic conditions, and reduce the effectiveness of signs needed to direct the public. The regulations of this chapter are intended to provide reasonable identification for businesses and other uses within the community; **but are not intended to serve as a means of advertising.** Staff finds that a different level of scrutiny should be provided for window signage that directly advertises the business or products versus those that provide non-specific graphics as a means of decoration.

[END OF REPORT | PZ-23-8]

Mr. Lewie asked if the picture of the store window has been documented; Mr. Combs noted that all images in the presentations are maintained as public record for documentation. Shafiullah Syed stated that he has read and understands the conditions.

Vice Chair Schneck (seconded by Mr. Lewie) motioned to approve a sign variance under the provisions of Hilliard Code Section 1129.08 to permit window signage to exceed 10 percent of the window area with one condition:

- 1) That no additional increase in the area of window signage is permitted without approval by the Planning and Zoning Commission.

Status:	Approved (5-0) with one condition.
Mover:	Vice Chair Bevan Schneck
Seconded:	Chris Lewie
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon

CASE 2: PZ-23-14 – 3637LAC PROPERTY LLC – 3637 LACON ROAD

PARCEL NUMBER: 050-002812 & 050-002862

APPLICANT: 3637Lac Property LLC, 3637 Lacon Road, Hilliard, OH 43026; c/o Patrick Thornton, 1101 Auburn Avenue, Cleveland, OH 44113.

REQUEST: Review and approval of a conditional use under the provisions of Hilliard Code Section 1123.03, 1123.04 for building material and lumber supply and 1123.17(c) for outdoor storage exceeding 10 percent of the total area of the site on 4.8 acres.

[Mr. Combs gave the staff report.]

BACKGROUND:

The proposed site includes two parcels totaling 4.761 acres located at the northwest corner of Lacon Road and Edgewyn Avenue. The site and properties to the north, east and west are zoned M-1, Restricted Industrial District. Properties to the south on the other side of Edgewyn Avenue are residences zoned R-3, Moderate Density Residential District as part of the Beacon Subdivision. The site is the location of the former Bruner Corporation and includes two buildings located at 3637 Lacon Road (Parcel #050-002812), as well as the industrial building located at 4510 Edgewyn Avenue (Parcel #050-002862). On December 22, 2022, a Code Enforcement letter regarding general property maintenance was sent regarding complaints about the properties. A final notice was sent on March 29, 2023.

The applicant is requesting conditional use approval for the purposes of outdoor storage of materials/products in excess of the 10% maximum site area allowed by the Code and for a construction use (building material and lumber supply) within the M-1 District.

COMMISSION ROLE:

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 using the following review criteria as provided in Section 1123.03:

- That the proposed use will be consistent with the intent and purposes of the zoning code and the Comprehensive Plan and is compatible with the character of the general vicinity.
- That the proposed use complies with applicable requirements of the zoning code, except as specifically altered in the approved conditional use.
- That the proposed use and site layout will not impede the orderly development 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.
- That 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.
- That the proposed use will not involve uses, activities, processes, materials, equipment or conditions of operation detrimental to any persons, property, or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to permitted uses.
- 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 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.

Following a recommendation on the conditional use from the Commission, the application will be forwarded to City Council for a final disposition. If approved, the applicant may then proceed with civil plan approval and applicable building permits for the improvements. A zoning certificate is required prior to operation for the change in use.

STAFF RECOMMENDATION:

Staff finds that the proposed conditional use 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 within the building and the nature and intensity of the proposed operations will not impact adjacent properties or the surrounding area and will address growing property maintenance issues on the site through the proposed improvements. Based on these findings, consistent with the provisions of Code Chapter 1123, staff recommends approval of the proposed conditional use as amended below with the following four conditions:

- That the existing truck ramp and two east curb cuts along Edgewyn Avenue are removed to improve access management and circulation as identified in this report;

- That no outdoor storage is permitted higher than the height of fencing and no storage of loose materials (such as sand or gravel or hazardous materials) are permitted to be stored as required by Section 1123.17(c);
- That a revised lighting plan (including photometrics and details) and a tree preservation/replacement plan that complies with Code are submitted as part of the civil plan review; and
- That final details specifications for the color and thickness/durability of the proposed fence screening is provided, subject to staff approval.

CONSIDERATIONS:

- **Outdoor Storage Criteria.** In addition to the general criteria for conditional uses, Section 1123.17(c) includes the following specific criteria for outdoor storage accessory to an allowed principal use:
 - ✓ Outdoor storage and display shall be arranged to provide safe pedestrian and vehicular circulation and emergency access free of all obstructions.
 - ✓ A drive shall be provided, graded, paved and maintained from the street permitting free access of emergency vehicles at any time.
 - ✓ Sales or outdoor display of merchandise shall not be permitted within required setback areas.
 - ✓ Storage and display areas on parking lots shall not reduce available parking spaces to fewer than required by Code.
 - ✓ No outdoor display or parking serving an outdoor display shall be located within 75 feet of any residential district boundary line or residential use.
 - ✓ Storage of soil, sand, mulch or similar loosely packaged materials shall be contained and covered to prevent blowing onto adjacent properties (outdoor storage of fertilizers, pesticides and other hazardous materials unless packaged in approved containers is prohibited).
 - ✓ A sight-obscuring screen that meets maximum fence height requirements for the zoning district may be required. Outdoor storage may not be piled or stacked higher than the obscuring screen.
 - ✓ Outdoor display and sales areas shall be paved with a permanent, durable and dustless surface and shall be graded/drained to dispose of surface water.
 - ✓ All loading and truck maneuvering shall be accommodated on-site or on a dedicated easement. Maneuvering in the public right-of-way is prohibited.
 - ✓ Security lighting may be required. All lighting shall be shielded from residential areas and adhere to the Hilliard Design Manual.
- **Additional Code Criteria.** Code Section 1123.04 also states that reasonable conditions may be imposed on the approval of a conditional land use to achieve the following:
 - (1) 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.
 - (2) Ensure that the use is compatible with adjacent conforming land uses and activities.
 - (3) 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.
 - (4) Relate to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - (5) Meet the purpose of the zoning code, comply with the standards established in the code for the land use or activity under consideration and comply with the zoning district standards.
- **Land Use.** The applicant is proposing to utilize the site for a construction-related use (building materials) and will have an 8,000-square foot office component. The applicant is proposing to consolidate operations into this site from other locations and is requesting conditional use approval. Code permits outdoor storage up to 10% of the property and then requires conditional use approval for additional storage space. This

proposed plan includes 44% of the site (95,656 square feet) for outdoor storage as specified on the submitted plans.

- **Traffic Impacts.** The proposed use will include approximately 30 employees. The applicant expects to generate two inbound and six outbound freight shipments daily by semi, as well as 15-18 car/light truck trips per day. The proposed use is within an industrial area that includes significant truck traffic.
- **Parking.** Code requires a maximum of 81 parking spaces for the proposed office and warehouse use. Based on usable floor area (UFA) the final Code requirement will be less, and the site as currently paved has additional capacity. The outdoor storage area will include the removal of 32 spaces from the north side of the building to be replaced with 28 spaces along Edgeway Avenue.
- **Access.** The site currently includes a total of three curbcuts along Lacon Road and four curbcuts along Edgwyn Avenue. The proposed outdoor storage yard addresses turning radii and access for semi trucks and emergency vehicles as required by Code. Staff recommends removing the truck ramp and eliminating two curbcuts with one-way circulation to improve access management and to maximize the residential buffer.



- **Code Enforcement.** The parcels proposed for redevelopment have many property maintenance issues pending with Code Enforcement. The proposed conditional uses will result in the removal of the western building at 4510 Edgwyn Avenue and the elimination of two building connectors for the creation of the fenced service yard. Development as proposed will improve the site and address outstanding enforcement issues.
- **Tree Preservation.** Construction of the proposed service yard will remove protected trees within the center of the building. The applicant will be responsible for submitting tree preservation/replacement plans as part of the civil review for the proposed improvements. Replacement trees should be incorporated in appropriate locations along the Lacon Road frontage.
- **Landscape Buffering.** Existing pavement along Edgwyn Avenue will be removed to implement a 30-foot landscape buffer to screen residents on the south side of the street. The buffer is required by Code to include seven large trees, four small trees and 25 shrubs for every 100 linear feet and will be finalized as part of the civil plan review for the site.
- **Fencing.** A 7-foot chain link fence is proposed to enclose the service yard that complies with Code requirements. The fencing will include screening fabric with green privacy slats to obscure the outdoor storage yard from adjacent properties. Final details for the fencing screening, including color and durability, should be provided as part of the fence permit.
- **Lighting.** Proposed security lighting for the outdoor storage area includes 25-foot tall poles with LED cutoff fixtures. Section 1127.04(b)(10) limits lighting within an industrial district to a maximum height of 20 feet when adjacent to residential districts. The light pole closest to Edgwyn Avenue that illuminates the service yard must be revised to meet Code and an updated lighting plan with photometrics will be necessary as part of the civil plan review.
- **Signage.** No identification signage has been proposed at this time. All signage will comply with Code or be brought back to the Commission for consideration.

[END OF REPORT | PZ-23-14]

Chairman Muether asked if the loading dock was existing and Mr. Gutknecht asked about traffic; Mr. Combs confirmed and noted that the dock is an existing condition and that any permitted business would be able to use the dock as part of operations and load trucks. He noted that information provided by the applicant noted that they expect to have a total of 8 large trucks per day loading or unloading within the service yard. He said that approximately one dozen smaller vehicles/trucks are also expected.

Patrick Thornton, representative for the applicant, indicated that he has been working with staff and that he understands the conditions in the report.

Lonnie Wells, property owner on Edgewyn Avenue, said he has owned his property for decades and has concerns about the type of business. He voiced concerns with parking on both sides of the street and parents picking up children at school. He said he has concern about semis trying to back into the street. He noted that the loading dock is in a deteriorated condition and would like to see it relocated to another side of the building; Mr. Talentino clarified that the business is a roofing company and that the outdoor storage would be used to maintain pallets of shingles. He said the storage area would be located behind the face of the building and that there would be increased open space.

Mary Corvo, 3569 Edler Street, expressed concerns about school buses, semis and trucks. She said that the area is residential and there is too much traffic.

Ms. Hale asked if the landscaping along Edgewyn Avenue would include mounding; Mr. Combs verified that there is mounding included with the removed pavement and expanded landscape buffer.

Ms. Nixon (seconded by Mr. Gutknecht) motioned for approval of a conditional use under the provisions of Hilliard Code Section 1123.03, 1123.04 for building material and lumber supply and 1123.17(c) for outdoor storage exceeding 10 percent of the total area of the site on 4.8 acres.

- 1) That the western curb cut on Edgewyn Avenue is removed and that improvements are provided according to the revised site plan;
- 2) That no outdoor storage is permitted higher than the height of fencing and no storage of loose materials (such as sand or gravel or hazardous materials) are permitted to be stored as required by Section 1123.17(c);
- 3) That a revised lighting plan (including photometrics and details) and a tree preservation/replacement plan that complies with Code are submitted as part of the civil plan review;
- 4) That final details specifications for the color and thickness/durability of the proposed fence screening is provided, subject to staff approval; and
- 5) That the southern curb cut on Lacon Road be repaired with concrete, subject to approval by the City Engineer.

Status:	Approved (5-0) with five conditions.
Mover:	Tracey Nixon
Secunder:	Eric Gutknecht
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon

CASE 3: PZ-23-15 – HILLIARD RECREATION & WELLNESS CAMPUS ATHLETIC FIELDS - 6287 COSGRAY ROAD

PARCEL NUMBER: 050-010761 & 050-010764

APPLICANT: City of Hilliard, c/o Ed Merritt, Recreation and Parks Director, 3800 Veterans Memorial Drive, Hilliard, OH 43026.

REQUEST: Review and approval of a conditional use under the provisions of Hilliard Code Section 1123.03 & 1123.04 and the Hilliard Recreation & Wellness Center PUD Development Text for athletic fields on 79.0 acres, and temporary signage under the provisions of Hilliard Code Section 1129.08.

[Mr. Talentino gave the staff report.]

BACKGROUND:

The site consists of four parcels totaling approximately 134.236 acres. It is located on the south side of Scioto Darby Road at the southern terminus of Cosgray Road, to the west of Hilliard Municipal Park, to the north of Heritage Lakes subdivision, and on the east side of Alton Darby Road.

On April 26, 2010, Council adopted an ordinance (No. 10-10) creating the Alton Commons PUD. On May 14, 2015, the Commission approved a 6-month extension of the Alton Commons PUD Concept Plan. On November 26, 2015, the Alton Commons PUD Concept Plan expired due to a lack of construction. On January 10, 2023, the Big Darby Accord Advisory Panel recommended approval of a PUD Concept Plan on 166.42 acres for a new recreation and wellness center, commercial, office, and park uses, a stream restoration project for the Clover Groff Ditch, and the construction of the Cosgray Road extension through the site. On January 12, 2023, the Planning and Zoning Commission forwarded a positive recommendation to Council concerning the proposed PUD Concept Plan. On April 13, 2023, Council adopted a resolution (23-R-06) approving the PUD Concept Plan for the Hilliard Recreation and Wellness Campus. The applicant is now requesting approval of a conditional use to permit new athletic fields in Subarea 2.

COMMISSION ROLE:

The Commission is to review the proposed conditional use for conformance to the provisions of Hilliard Code Sections 1123.03 and 1123.04 and the Hilliard Recreation & Wellness Center PUD Development Text, and then forward a recommendation to City Council. The Commission shall forward its recommendation to Council that the conditional use be approved as requested, or approved with conditions, or not approved. The Commission is to review the proposed temporary signage for conformance to the provisions of Hilliard Code Section 1129.08/

STAFF RECOMMENDATION:

Staff finds the proposed conditional use is consistent with the provisions of Hilliard Code Sections 1123.03 and 1123.04 and the Hilliard Recreation & Wellness Center PUD Development Text. Staff finds the proposal to be consistent with the Land Use and Development Policies of the BDAWMP. Based on these findings, staff recommends that the Commission forwards a positive recommendation to Council concerning the proposal with the following 3 conditions:

- 1) That not less than 27 acres of natural open space will be provided within Subarea
- 2) That light trespass onto any residential property shall be not more than 0.3 footcandles when measured at grade 10 feet beyond the property line; and
- 3) That the site complies with the provisions of the Hilliard Storm Water Design Manual and the Ohio EPA Construction General Permit.

CONSIDERATIONS:

- **Site Context.** To the east is Hilliard Municipal Park zoned S-1, Support Facilities. To the south are singlefamily dwellings within Heritage Lakes subdivision and portions of Heritage Lakes Golf Course zoned PUD. To the west are single-family estate lots and Agape Community Fellowship church within Norwich Township. To the north, across Scioto Darby Road are commercial properties within Darby Town Center zoned B-5, and a commercial nursery zoned L-B-4, Highway or Regional Business with a Limited Overlay and R-R, Rural Residential.
- **Road Improvements.** Three roundabouts will be constructed along the new Cosgray Road extension including one at the intersection of Scioto Darby Road and Cosgray Road. Approximately 20 percent of the site will consist of areas for active recreation. The PUD Concept Plan states that 50 percent of the site will be open space and not less than 22 percent of the site will be natural open space.
- **Big Darby Accord Watershed Master Plan Issues.** Section 3.1.1 of the BDAWMP states: “Increased development westward into the planning area as well as planned future development areas identified in this plan will require additional park land and facilities, including active recreation fields for soccer and other organized sports...Generally, the location of facilities should maximize access and be centrally located to neighborhood centers.” Section 4.3 of the BDAWMP lists *active recreational uses limited to multi-purpose fields, and playgrounds* as a conditional use.
- **Proposed Conditional Use.** Athletic fields and playgrounds are conditional uses in Subarea 2. The proposed plans show 27 soccer fields in the southern portion of Subarea 2, including 2 synthetic fields, 22 turf fields, and 5 future fields. A 2,300-square-foot building with bathrooms and storage areas is located immediately south of the parking lot. A future concessions area is also indicated as an option. Trash receptacles are shown in the northeast corner of the parking lot.
- **Access, Parking & Lighting.** Access to the proposed soccer park is via two full-service access points on the Cosgray Road extension. Fifteen pole-mounted light fixtures are shown along the access drive. A total of 621 parking spaces are shown. Parking lot lighting may be a maximum of 35 feet in height and athletic field lighting may be a maximum of 90 feet in height. Parking lot lighting consists of 32 polemounted fixtures with a maximum height of 25 feet. Lighting for the proposed building includes 4 polemounted fixtures and 6 wall-mounted fixtures. Lighting for the two turf fields consists of 6 pole-mounted fixtures with a maximum height of 80 feet. Light trespass onto any residential property is limited to 0.3 footcandles when measured at grade 10 feet beyond the property line.
- **Open Space.** Approximately 27.15 acres of natural open space will be provided within Subarea 2. [Approximately 68.5 acres of the overall Hilliard Recreation & Wellness Campus site should be natural open space (consistent with the area of Tier 1 land shown on the BDAWMP General Land Use Plan) which means approximately 17.43 acres of natural open space will be needed in Subarea 1.]
- **Multi-Use Paths.** A 12-foot-wide asphalt multi-use path is shown along the southern boundary of the site, and along the west side of the Clover Groff Run. It will be located not less than 30 feet from the Stream Corridor Protection Zone. It will connect to the 10-foot-wide path along the east and south sides of the Cosgray Road extension. An 8-foot-wide path will extend from each of the two access drives into the site.

[END OF REPORT | PZ-23-15]

Mr. Lewie asked if any of the lights within the park will be solar and whether the improvements will be outside of the floodplain and Stream Corridor Protection Zone; Mr. Talentino noted that the Accord Panel approved the plans and that improvements will be outside of the corridor restoration/protected areas and the floodplain.

Some of the Commission members discussed the proposed path connection to Heritage Lakes Drive.

Edgar Merritt, Director of Parks and Recreation, indicated that there is no solar planned at this time. He explained that the City needs a utility easement for the athletic fields and that there were surveys completed that identified pedestrian connections as a very important amenity. He said that the path connections are important and should always be provided; Mr. Lewie noted that other parks have included solar lighting and such lighting should be strongly considered for these improvements as an amenity.

Mr. Schneck asked if someone is pushing for the center path connection to the fields. Mr. Talentino said that the connection would be convenient for the subdivision, but construction could go either way.

Chairman Muether noted that he lived within the subdivision and that the road width on Heritage Lakes Drive is a concern. He said that if cars are parked on the road, other cars can carefully get past, but trucks and buses would need to travel in the opposite lane or go up over the curb. (Additional discussion ensued).

Vice Chair Schneck also asked about the temporary signage request; Mr. Talentino noted that the application originally included a request for signage, but it has been removed.

Timothy Van Echo, 6191 Heritage Lakes Drive, asked about the lighting and its limitations. He said that he would like the path connection to be able to ride his bicycle. He also asked who would operate the fields.

Mr. Talentino clarified that the lights would be operational until 10:00 p.m. and that the path connection is for pedestrians/bicycles and not vehicles. He said that the City will operate the park.

Mr. Van Echo suggested that No Parking signs be used to prevent parking on the road in the area of the path connection. He then inquired about user fees for the recreation center.

Mr. Talentino verified that as the City, no official fee structure has been established. He noted that it will likely be similar to the existing structure that has different fees for residents and non-residents.

Bill Moll, Heritage Lakes HOA, spoke about the concerns for parking on Heritage Lakes Drive. He said the parked vehicles would make it difficult to drive on the road. Mr. Mall also asked about the landscaping.

Mr. Talentino stated that the landscape plan is still being refined, but it will have some mounding based on the amount of fill that remains from construction. He said that you would be able to get from the path to the fields through the landscaping when first installed, but the existing tree row along Heritage Lakes will be difficult to pass through.

Dan Ralley, Assistant City Manager, explained that there is currently no connection to the park along Alton Darby Road in front of the subdivision. He said that for parents with young children, the option of kids on paths next to major arterial roads is not desirable. He said that the mid-block path connection located where utilities are needed. He said that the boulevard is definitely narrow and that the City will work with residents to alleviate problems. Mr. Ralley clarified that there are township properties involved for the connection along Alton Darby Road and that there are currently no funds for that connecting segment.

While discussion ensued, Staff Attorney Kelly Clodfelder reminded the commission that they are only reviewing the conditional use aspect of the athletic fields. These questions can be conveyed to City Council.

Mr. Muether asked if the easement has been obtained for water and sewer; Mr. Ralley stated we are currently in talks with the golf course about. He reiterated that the path connection is important in the easement location.

Laura Baxendell, 6071 Heritage View Court, emphasized that parking cannot be allowed on Heritage Lakes Drive. She said that emergency vehicles will be unable to get through and that the on-street parking is a safety issue.

No additional discussion occurred. Mr. Lewie made a motion (seconded by Mr. Gutknecht) to approve a conditional use under the provisions of Hilliard Code Section 1123.03 & 1123.04 and the Hilliard Recreation & Wellness Center PUD Development Text for athletic fields on 79.0 acres with three conditions:

- 1) That not less than 27 acres of natural open space will be provided within Subarea 2;
- 2) That light trespass onto any residential property shall be not more than 0.3 footcandles when measured at grade 10 feet beyond the property line; and
- 3) That the site complies with the provisions of the Hilliard Storm Water Design Manual and the Ohio EPA Construction General Permit.

Status:	Approved (5-0) with three conditions.
Mover:	Chris Lewie
Second:	Chairman Jay Muether
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon

CASE 3: PZ-23-16 – DUNLAP HOLDINGS LLC PROPERTY – 4000 PARKWAY LANE

PARCEL NUMBER: 050-002266

APPLICANT: Dunlap Holdings LLC, c/o Cyndie Dunlap, 4000 Parkway Lane, Hilliard, OH 43026; c/o Anthony Kelly, 3599 Chiller Lane, Columbus, OH 43219.

REQUEST: Review and approval of a conditional use under the provisions of Hilliard Code Section 1123.03, 1123.04, and 1123.18(f) for indoor commercial recreation on 1.01 acres.

[Mr. Combs gave the staff report.]

BACKGROUND:

The site is 1.01 acre located at the northwest corner of Parkway Lane and Lyman Drive. According to the Franklin County Auditor, a 10.260-square-foot building was constructed on the site in 1975. On November 13, 2003, the Planning and Zoning Commission approved an M-5 plan modification, a Cemetery Road Corridor Overlay District plan, and a conditional use for the expansion of an existing building with wholesale business and warehouse uses. On November 20, 2003, the Board of Zoning Appeals approved a variance for the building setbacks, lot coverage, interior parking lot landscaping, and screening to accommodate that expansion. That approved expansion was never constructed.

On April 12, 2018, the Planning and Zoning Commission approved minor changes to a Level “B” site plan to permit a 4,224-square-foot building addition. As part of that expansion the Board of Zoning Appeals also approved an expansion of the non-conforming warehouse use and a variance to reduce the front building setback for the addition to the former Sports Imports building on April 19, 2018.

The applicant is now requesting approval of a conditional use to permit indoor commercial recreation.

COMMISSION ROLE:

The Commission is to review the proposed conditional use for conformance to the provisions of Hilliard Code Sections 1123.03, 1123.04, and 1123.18(f). 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. Following a recommendation on the conditional use from the Commission, the application will be forwarded to City Council for a final decision.

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 using the following review criteria as provided in Section 1123.03:

- That the proposed use will be consistent with the intent and purposes of the zoning code and the Comprehensive Plan and is compatible with the character of the general vicinity.
- That the proposed use complies with applicable requirements of the zoning code, except as specifically altered in the approved conditional use.
- That the proposed use and site layout will not impede the orderly development 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.
- That the area and proposed use will be adequately served by essential public facilities and services, as 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.
- That the proposed use will not involve uses, activities, processes, materials, equipment or conditions of operation detrimental to any persons, property, or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to permitted uses.
- 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 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.

Following a recommendation on the conditional use from the Commission, the application will be forwarded to City Council for a final disposition. If the conditional use is approved, a parking variance from the Board of Zoning Appeals would be necessary. Following public review, the applicant would be responsible to receive required building permits, fence permit, zoning certificate and certificate of occupancy prior to operation.

STAFF RECOMMENDATION:

Staff finds the proposed conditional use is consistent with the provisions of Hilliard Code Sections 1123.03 and 1123.04. Staff finds that the proposed use generally meets the spirit and intent of the Code and will not negatively impact surrounding properties or the provision of public services. Staff also finds that the proposed training facility is a specialized facility and does not exceed the size and scale limitations within the B-4/I-270 Corridor District. Based on these findings, staff recommends that the Commission forwards a positive recommendation to Council concerning the proposal with the following six conditions:

- 1) That a parking variance is obtained from the Board of Zoning Appeals concerning the proposed conditional use;
- 2) That the indoor commercial recreation area is limited to lacrosse and soccer training, that no spectators or matches/events are permitted and that training sessions are not permitted during regular weekday office hours;

- 3) That the 8,319-square foot indoor commercial recreation space (including weight/speed training) is limited to a maximum of 20 persons;
- 4) That the existing dumpster pad on the south side of the building is screened per Code and that the required fence permit is obtained prior to installation;
- 5) That the approved 2018 landscape plan is revised consistent with the Hilliard Design Manual to specify proposed trees and shrubs and that landscaping is installed prior to operation;
- 6) That should the proposed use create traffic congestion issues within the public right-of-way, the conditional use approval may be reconsidered by City Council.

CONSIDERATIONS:

- **Site Overview.** The site and surrounding properties are zoned B-4, I-270 District. The proposed office and retail uses are permitted in this zoning district. The indoor commercial recreation component is a conditional use. To the north is an existing Wendy's restaurant. To the west is an existing Sheetz gas station/convenience store. To the east, across Lyman Drive, is Tim Horton's restaurant. To the south, across Parkway Lane, are commercial businesses. Access to the site is from an existing curb cut on Parkway Lane. Parking is located on the south side of the building. 5-foot-wide sidewalks exist along the site's Parkway Lane and Lyman Drive frontage.
- **Recreation/Leisure Criteria.** In addition to the general criteria for conditional uses, Section 1123.18(f) includes the following specific recreation and leisure criteria for uses within the B-4, I-270 Corridor District:
 - ✓ To avoid large, single tenant uses that detract from the intent of the B-4, I-270 Corridor District, assembly and performance halls, clubs and lodges, community and senior centers and indoor commercial recreation uses shall be limited to no more than 10,000 square feet of gross floor area for a single tenant building, unless otherwise approved as part of a conditional use.
 - ✓ If part of a larger principal use, health and fitness facilities are limited to no more than 25% of the gross floor area of the principal use, unless otherwise approved as part of the conditional use.
- **Additional Code Criteria.** Code Section 1123.04 also states that reasonable conditions may be imposed on the approval of a conditional land use to achieve the following:
 - (1) 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.
 - (2) Ensure that the use is compatible with adjacent conforming land uses and activities.
 - (3) 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.
 - (4) Relate to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - (5) 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.
- **Proposed Use.** The site includes an existing 14,484-square-foot building that was formerly used for office and warehouse uses as Sports Imports. This proposal includes a request for conditional use to permit the incorporation of a 4,224-square foot lacrosse training facility that will not permit spectators and an additional weight and speed training area that includes an additional 4,095 square feet. This 8,319-square foot recreational training component by Building Code permits an occupancy level of 167 people.

- **Business Plan.** The applicant has indicated that the office and retail uses will include a total of 10 employees during normal business hours. During evenings a total of 3 retail employees and 10 to 11 persons scheduled for training will be present. No spectators are permitted for the training sessions and no games are to be played in the facility as identified by the applicant. The weekend schedule will also include 3 retail employees and 10 to 11 persons scheduled for training throughout the day. Expected parking needs at all times are estimated at 10 to 13 spaces and attendees for training are expected to be picked up and dropped off. A general schedule has been provided by the applicant that outlines this expectation.
- **Parking Requirements.** The site currently accommodates up to 27 spaces (including the loading dock spaces) and could be re-striped to provide 29 spaces per Code. Based on the proposed floor plan, the Zoning Code requires the following level of parking for which a variance will be necessary from the Board of Zoning Appeals. While the Building Code establishes occupancy for “assembly” spaces at 167 for this proposal, it is not intended to use as an assembly space for large groups of people:

Building Space	Parking Requirement	Square footage	Spaces Required
Office	1 per 300 sf UFA	1,609 sf UFA	5.36
Retail	1 per 250 sf UFA	1,300 sf UFA	5.20
Warehouse/Storage	1 per 800 sf UFA	2,000 sf UFA	2.50
Training/Recreation	1 per 3 persons per max occupancy	8,319 sf (167 occupancy*)	55.67
			68.73 (69 spaces)

*maximum occupancy according to the Building Code provisions for assembly uses

- **Landscaping.** In 2018 the site was approved for a building expansion that included an approved landscape plan that is not fully implemented as required by Section 1125.04 of the Code. Staff recommends that the required landscaping is installed prior to operation. This should include submission of revised plans that include shrubs around the building addition and street trees along Lyman Drive and Parkway Lane.
- **Lighting.** The proposed conditional use is not modifying the site and no changes are proposed to the existing site lighting.
- **Access & Service.** The Zoning Code requires dumpsters to be adequately screened. The existing dumpster pad which has been added recently does not include required service area screening and must be brought into compliance with the Code.
- **Signage.** No identification signage has been proposed at this time. All signage will comply with Code or be brought back to the Commission for consideration.

[END OF REPORT | PZ-23-16]

Mr. Combs noted that based on additional conversations with the applicant, there were changes to the conditions proposed by staff since the agenda packet was made available. He also noted that a landscape inspection was completed and that Condition #5 was being removed:

- 1) That a parking variance is obtained from the Board of Zoning Appeals concerning the proposed conditional use;
- 2) That the indoor commercial recreation area is limited to **general sports and athletic training lacrosse and soccer training, and** that no spectators or matches/events are permitted; ~~and that training sessions are not permitted during regular weekday office hours;~~
- 3) That the 8,319-square foot indoor commercial recreation space (including weight/speed training) is limited to a maximum of 20 persons;
- 4) That the existing dumpster pad on the south side of the building is screened per Code and that the required fence permit is obtained prior to installation;

- 5) ~~That the approved 2018 landscape plan is revised consistent with the Hilliard Design Manual to specify proposed trees and shrubs and that landscaping is installed prior to operation;~~
- 6) That should the proposed use create traffic congestion issues within the public right-of-way, the conditional use approval may be reconsidered by City Council.

Chairman Muether asked about Condition 3, with the applicant wanting to change from 20 to 48 people; Mr. Anthony Kelly explained the operation.

Ms. Hale asked why staff is recommending a limit of 20 people when the site includes 29 parking spots; Mr. Talentino explained that when you combine the retail, office and storage uses with the training area, they do not meet the parking requirement. He noted that initial discussions with the applicant included only one training area from which the 20 persons was established. Plans changed through the process and now indicate two training areas.

Ms. Hale asked if times when the office and retail is closed and only training is available if that would permit more people; Mr. Talentino stated that the parking is based upon all things being operational at the same time and that the applicant would need to provide more information.

Mr. Kelly stated that the office space is open during the day when the training space is not used and kids are in school. In the evening when the training is open, the offices are closed. The seven (7) full-time workers are also the trainers. Mr. Kelly talked about the buffer time between training sessions, allowing for kids to be picked up and dropped off. He said that they are very conscious of the parking situation because they have other facilities and are familiar with the pick-up/drop off process. He said this facility will only have training - no games so it will not include teams or buses. He said they requested the language change from soccer and lacrosse in the conditions so as not to limit the type of training that could be possible.

Mr. Lewie talked about 29 parking spaces and wanting a limit of 48 people. Mr. Kelly said that staff will park in the loading dock and there will be no games or tournaments.

Mr. Talentino asked about summer; Mr. Kelly stated that in summer they will be on the road with the teams and that the facility is only a training space.

Ms. Nixon asked about spectators; Mr. Kelly stated that they would have to self-regulate and they are trying to figure it out. Mr. Gutknecht noted that agrees with the 48 people because there is little traffic in the evening. (Mr. Talentino clarified there is no street parking on the public streets.)

Chairman Muether asked staff if there is a compromise number? Mr. Talentino clarified for the record that it was initially conveyed to staff that there would be 1 training group and that has now changed to two training rooms with 2 groups of students. He said that staff's concern is about the movement of traffic.

Mr. Lewie stated that he would be willing to compromise with a number between 25 and 30; Ms. Hale also asked if limitations could be made based on the class size limits.

Chairman Muether questioned if Condition #3 could be changed to 25 people and that the applicant could come back in a year to increase the occupancy if everything is working smoothly.

Sarah Lee, representative for the applicant, talked about her concerns with restricting the ability to have any spectators. She said that this location could easily have two groups of kids (15 in each) running drills. She said that one parent carpooling with two kids would get to an occupancy of 48.

Mr. Talentino clarified that the occupancy limits are only for the kids and coaches who are training. (it does not include requirements for office, retail and storage.

Greg Bice, business partner, asked if everyone agreed that the site can have 29 spaces. He said that is how they arrived at an occupancy number of 48 (by taking the remaining parking spaces [16] and multiplying by the number of occupants based on 3 people for every 1 parking space [3]).

Chairman Muether asked if we can make a proposal to have a maximum of 30 people. (Mr. Vice wanted to know why we can't go to 40). Chairman Muether said that because staff has concerns that have been expressed. He verified that he was comfortable at capping the training space at 30 people. Ms. Clodfelder reminded the Commission that Council makes the final decision on conditional use requests.

Ms. Hale asked if the classes are staggered and Mr. Vice confirmed. Mr. Vice stated that parking is not going to be an issue based upon their existing model; Mr. Talentino stated that the applicant has a vested interest in not having a parking situation and encouraging people to carpool.

Sarah Lee requested that spectators in Condition #2 be removed since they do not have games or tournaments but may have some parents who are not comfortable leaving their children.

Chairman Muether (seconded by Vice Chair Schneck) made a motion to approve a conditional use under the provisions of Hilliard Code Section 1123.03, 1123.04, and 1123.18(f) for indoor commercial recreation on 1.01 acres with five conditions:

- 1) That a parking variance is obtained from the Board of Zoning Appeals concerning the proposed conditional use;
- 2) That the indoor commercial recreation area is limited to general sports and athletic training and that no matches/events are permitted;
- 3) That the 8,319-square foot indoor commercial recreation space (including weight/speed training and lacrosse/soccer training) is limited to a maximum of 40 persons;
- 4) That the existing dumpster pad on the south side of the building is screened per Code and that the required fence permit is obtained prior to installation; and
- 5) That should the proposed use create traffic congestion issues within the public right-of-way, the conditional use approval may be reconsidered by City Council.

Status:	Approved (5-0).
Mover:	Chairman Jay Muether
Second:	Vice Chair Bevan Schneck
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon

CASE 5: PZ-23-17 – DAYLIGHT DONUTS – 5228 CEMETERY ROAD

PARCEL NUMBER: 050-011463 & 050-011462 (LANDMARK LOFTS SUBDIVISION)

APPLICANT: WRK Development LLC., 250 E. Broad Street, Suite 1100, Columbus, OH 43215; Kohr Royer Griffith Inc., c/o John Royer, 1480 Dublin Road, Columbus, OH 43215; Daylight Donuts, c/o Yaser Alwadeya, 5228 Cemetery Road, Hilliard, OH 43026.

REQUEST: Review and approval of a revised lighting plan to permit decorative outdoor string lights and revised landscape plan to permit the removal of existing trees on 5.68 acres.

[Mr. Talentino gave the staff report.]

BACKGROUND:

The site is 2.91 acres located at the northeast corner of Cemetery Road and Franklin Street within the Landmark Lofts PUD. On May 9, 2013, the Planning and Zoning Commission approved a comprehensive signage plan for the Landmark Lofts development. On May 14, 2015, the Commission approved a PUD Final Development Plan for a mixed-use development consisting of 204 multi-family dwelling units, a 6,000 square-foot clubhouse, 14,068 square feet of retail/commercial uses, and 404 parking spaces on 6.26 acres. On January 10, 2019, the Commission also approved a sign variance to permit a second wall sign. The applicant is now requesting approval of a revised lighting plan to permit decorative outdoor string lights and a revised landscape plan to permit the removal of existing trees.

COMMISSION ROLE:

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

- The proposed development is consistent with the purpose of the PUD in Section 1117.01;
- The proposed development meets the qualifying conditions as outlined in Section 1117.02;
- The PUD is consistent with the recommendations of the Hilliard Comprehensive Plan;
- The development is compatible with the existing and intended uses surrounding the site;
- The design and layout is harmonious with the natural character of the site and surrounding area and employs best management practices to ensure their conservation;
- The proposed development does not place undue burdens on public facilities and services;
- The PUD includes uses or conditional uses that are not injurious to public health, safety and welfare;
- The development conforms to the requirements of the Code unless specifically modified and approved;
- The final development plan is substantially consistent with the approved Concept Plan for the PUD; and
- Approval will result in a recognized and substantial benefit to the users of the project and the community in a way not otherwise feasible under conventional zoning.

The Commission is also to review the proposal for conformance to the Sign Code provisions of Chapter 1129. Following approval by the Commission, the applicant can move forward with the proposed improvements according to the requirements of the Code and conditions set forth by the Commission.

STAFF RECOMMENDATION:

Staff finds that the proposed string lights are appropriate for patio lighting but are not permitted as part of signage as defined by the Code. Staff finds that the proposal to remove several trees is necessary so that existing signs are readable and can provide reasonable business identification consistent with the purpose of the Sign Code. Based on these findings, staff recommends approval of the proposed plans with three conditions:

- 1) That clear string lights are permitted as accent lighting for the patio areas only;
- 2) That all clear string lights are removed from the side of buildings and signage to comply with the Code Enforcement notice; and
- 3) That a revised landscape plan identifying trees to be removed for sign visibility is submitted along with proposed replacement trees, subject to staff approval.

CONSIDERATIONS:

- **Existing Trees.** The PUD Concept Plan for The Lofts did not show trees in the existing locations at the southwest corner of Building “A” or the southeast corner of Building “B”. Building design was revised to include outdoor seating in these areas during the development process, and additional trees and shrubs were included. These trees have matured since installation, and some are visually blocking wall signs on the building. Staff would support the removal of several trees around the patio that are blocking the view of wall signs if replacement trees are provided elsewhere on the site or in the area along the Cemetery Road underpass as an alternative.
- **Approved Sign Plan.** The approved Comprehensive Sign Plan for commercial uses at *The Lofts* permits a maximum of two mounted signs for each tenant space with one sign facing a public street and the other facing the parking lot behind the building. On January 10, 2019, Daylight Donuts obtained a sign variance to permit a second wall sign with the condition that all signs are externally illuminated per the approved Sign Plan. String lights for sign illumination are prohibited by the Sign Code and are not allowed by the PUD text.
- **String Lights.** Building “B” has existing string lights placed around the outdoor seating area for Yabo’s Tacos. Building “A” has string lights placed around the perimeter of the Daylight Donuts wall sign facing Cemetery Road, which has received a violation notice from Code Enforcement. The Sign Code does not permit illumination for signs where the light source such as string lights is not fully concealed. Staff recommends clear string lights for ambiance around the outdoor seating areas for both patio areas be approved, but not to illuminate signage.

[END OF REPORT | PZ-23-9]

Mr. Lewie asked if the trees were Bradford Pears and if they were the city’s responsibility. He said that the request seems to be self-serving for the business owners and worries about future precedent; Mr. Talentino did not know the species and said that the City Forester could look at them. Mr. Talentino did not know the caliper inches but suggested that the owner can plant trees elsewhere to match what will be removed. He noted that any changes must be agreed to by the property owner.

With no additional concerns or public input, Chairman Muether (seconded by Ms. Nixon) made a motion to approve the proposed plans with three conditions:

- 1) That clear string lights are permitted as accent lighting for the patio areas only;
- 2) That all clear string lights are removed from the side of buildings and signage to comply with the Code Enforcement notice; and
- 3) That a revised landscape plan identifying trees to be removed for sign visibility is submitted along with proposed replacement trees, subject to staff approval.

Status:	Approved (5-0) with three conditions.
Mover:	Chairman Jay Muether
Secunder:	Tracey Nixon
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon

DISCUSSION ITEMS / COMMITTEE COMMUNICATIONS

Chairman Muether indicated that he would not be present at the next meeting and that Vice Chair Schneck would take charge.

Mr. Nixon provided an update on the Recreation & Parks Advisory Committee meeting. She said that with the recreation center proceeding, they are trying to determine future uses for the senior center and is encouraging the submission of ideas.

Mr. Gutknecht as a follow up to the conditional use case earlier in the evening requested that staff look at traffic for Beacon Elementary during the afternoon when school is letting out.

ADJOURNMENT – 8:55 PM

With no additional business, Vice Chairman Schneck motioned (seconded by Mr. Lewie) to adjourn the meeting at 8:55 p.m.

CERTIFICATION:

Carson Combs, Planning Manager
June 9, 2023

[END OF MINUTES | MAY 11, 2023]