

STAFF REPORT

Planning & Zoning Commission

City Hall | 3800 Municipal Way | Hilliard, Ohio 43026

and Live-Streaming on YouTube

Meeting Date: June 8, 2023



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Case: PZ-23-3 – STAR COLUMBUS TRANSPORTATION LLC. – 3810 LACON ROAD

PARCEL NUMBER(S): 050-004914 (3800 & 3810 LACON SUBDIVISION)

APPLICANT: Star Columbus Transportation LLC., c/o Kultar Singh, 3810 Lacon Road, Hilliard, OH 43026; represented by Underhill & Hodge, LLC., c/o David Hodge and Eric Zartman, 8000 Walton Parkway, Suite #260, New Albany, OH 43054.

REQUEST: Review and approval of a conditional use under the provisions of Sections 1123.03 and 1123.04 to permit an 8,400-square-foot "truck and heavy equipment repair" facility and Section 1123.17 to permit "outdoor storage accessory to a permitted principal use exceeding 10 percent of the total area of the lot or parcel" on 1.85 acres and review and approval of a Level "B" Site Plan under the provisions of Hilliard Code Chapter 1131.

BACKGROUND

The site is 1.85 acres located on the north side of Easthill Drive (private), approximately 470 feet east of Lacon Road. The site and properties to the north, west and south are zoned M-1, Restricted Industrial District. Perotta's Marble Shop is located west of the property at 3808 Lacon Road, and the multi-tenant building which includes Dynomite is located to the south at 3700-3720 Lacon Road. The CSX railroad is adjacent to the property along the extent of the east property line, and the Tudor Ditch traverses the northern end of the site. Portions of the north end of the site are located within the 100-year flood plain and Stream Corridor Protection Zone.

The Planning and Zoning Commission approved an M-5 development plan for the site in 1973 for a truck service facility. The 1973 plan included construction of the 8,400-square foot building and related gravel parking. The Commission later approved a conditional use for the site to allow an automobile service station with ancillary service uses in 2010. The Zoning Code was then updated in 2014 and the site was zoned to M-1, Restricted Industrial District.

This is a request for review and approval of a conditional use for a "Truck and Heavy Equipment" repair facility and outdoor storage that exceeds 10% of the site. A Level "B" site plan is also requested for the proposed site improvements.

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:
 1. Outdoor storage and display shall be arranged to provide safe pedestrian and vehicular circulation and emergency access free of all obstructions.
 2. A drive shall be provided, graded, paved and maintained from the street permitting free access of emergency vehicles at any time.
 3. Sales or outdoor display of merchandise shall not be permitted within required setback areas.
 4. Storage and display areas on parking lots shall not reduce available parking spaces to fewer than required by Code.
 5. No outdoor display or parking serving an outdoor display shall be located within 75 feet of any residential district boundary line or residential use.
 6. 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).
 7. 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.

8. Outdoor display and sales areas shall be paved with a permanent, durable and dustless surface and shall be graded/drainage to dispose of surface water.
 9. All loading and truck maneuvering shall be accommodated on-site or on a dedicated easement. Maneuvering in the public right-of-way is prohibited.
 10. Security lighting may be required. All lighting shall be shielded from residential areas and adhere to the Hilliard Design Manual.
- **Additional Review Criteria.** Code Section 1123.04 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.
 - **Comprehensive Plan.** The newly adopted Hilliard Community Plan identifies the site as Urban Mixed Use. This category recommends a higher-density mix of uses that encourage an urban, walkable environment; however, the site is currently zoned for light industrial uses and the proposed conditional use would improve current site conditions.
 - **Prior Commission Approvals.** An original M-5 industrial site plan approval was granted by the Planning Commission in April 1973 for a truck and trailer service facility. The Commission later approved a conditional use for an automobile service station and ancillary uses in 2010. The old zoning code used a category of "automotive service" that did not differentiate between cars and trucks. The approval included the following conditions:
 1. Operations were limited to automobile service and ancillary service uses
 2. Employee and customer parking south of the building was required to occur on paved surfaces
 3. Outdoor storage was limited to 10% of the site
 4. The conditional use terminated with a change in scope or intensity of the use or if revised plans were not submitted.
 - **Adoption of Zoning Code.** In 2014, a new Hilliard Zoning Code was approved with Ordinance 14-29. The Ordinance created new zoning districts and the site was zoned M-1, Restricted Industrial District as part of that city-wide zoning. The Code specifies "Truck and Heavy Equipment Repair" as a conditional use within the M-1 District. The site also includes Outdoor Storage greater than 10% of the site, which is also a conditional use. No "Truck and Heavy Equipment Repair" uses have been approved for the site since adoption of the Code. Custom Clutch operated on the site until near the end of 2021, but had no valid zoning certificate.
 - **Site Purchase.** The applicant purchased the site on February 28, 2022. No records are available that indicate when operations for Star Columbus Transportation, LLC. commenced. The need for conditional use approval and a site plan was discussed in multiple meetings with the applicant prior to them operating.
 - **Certificate of Occupancy.** A Certificate of Occupancy (CO) was granted for the building on this site on October 10, 2022, as an existing structure/pre-existing condition. The CO generally signifies only that the building is safe to enter/occupy. No zoning approval was obtained to begin operations.
 - **Zoning Certificate to Operate.** On November 14, 2022, a violation notice was sent to both Star Columbus Transportation and Custom Clutch Joint and Hydraulics for not having a valid zoning certificate. A final notice of violation was sent on December 1, 2022; The City was informed on December 21, 2022, that Custom Clutch had not operated at the site for over one year and issued a violation notice to Star Columbus Transportation to remove the abandoned sign. Staff met with the applicant who indicated that no business was in operation.
 - **Conditional Use Application.** After being informed by Norwich Township Fire Department of an operating business, a notice of violation was sent on January 11, 2023. The property owner submitted a conditional use application on January 27, 2023. After no response to a staff comment letter requesting plan materials necessary for their application, a final notice of violation was sent on February 22, 2023. The business continued to operate during this time.
 - **Cease-and-Desist.** Following no response from the property owner a cease-and-desist order was issued on April 3, 2023, to halt operations on the site. The owner indicated to Code Enforcement that operations would continue. On April 20, 2023, Code Enforcement again noted business activity. The premises were secured by Code Enforcement, Service Department and Hilliard Police Department on April 21st.

- **Zoning Certificate.** On May 1, 2023, a zoning certificate was issued that approved limited use of the building for administrative office functions *only* at the request of the applicant's legal counsel. No other uses were approved and the service bay doors of the building remain locked in accordance with the Cease-and-Desist order.
- **Land Use Definitions.** Representatives for the applicant insist the proposed use fits under the definition of "Vehicle Repair - Minor", a permitted use within the M-1 District. Section 1103.06(b)(1) of the Code specifies "The particular shall control the general and the use of a general term shall not be taken to have the same meaning as another specific term." Truck and heavy equipment repair is a more specific term than vehicle repair, requiring the conditional use approval for the premises. All plans should be revised to reference the correct zoning use category.
- **Stormwater Management.** The site includes 100-year floodplain and a Stream Corridor Protection Zone. Existing gravel will be removed in these areas and the site will be fine graded and seeded. Plans should note that those areas will be seeded with an approved mix of grasses and/or wildflowers that will be left to grow naturally as part of the stream corridor. Stormwater detention is provided to address runoff and final details will be addressed with the City Engineer as part of permit review. Staff recommends that the area be fine graded and seeded and not indicated as gravel.
- **Parking.** Proposed plans include the paving of a parking lot area on the south and east sides of the building to create a total of 13 spaces, including the service bays. 19 spaces are required and the proposed plan will require a variance from the Board of Zoning Appeals. The Zoning Code prohibits the leasing of spaces for truck parking at this location.
- **Gravel.** The applicant is proposing to maintain a gravel lot behind the building that is approximately 24,000 square feet in area. Section 1127.04(b)(1) of the Code requires that all parking areas are finished with an approved surface such as concrete or asphalt. A variance from the Board of Zoning Appeals will be necessary for the proposed gravel surface.
- **Outdoor Storage.** As part of the gravel lot located behind the building, the applicant is proposing to use wheel stops as a barrier along the edge to prevent its expansion. Submitted plans identify a 108'x72' area as outdoor storage (9.6% of the site). Staff identifies the entire 24,000-square-foot gravel area - including identified truck parking and associated maneuvering space - as outdoor storage (30% of the site) that requires a conditional use. Staff recommends that plans be revised to correctly identify the outdoor storage area and that a less mobile solution to contain the outdoor storage area be provided...such as a bollard and chain system that would prevent expansion of the gravel area and simplify enforcement. Plans should also specify that the outdoor storage area (gravel) will be used for Truck and Heavy Equipment Repair parking and that no outdoor storage of parts is permitted.
- **Landscaping.** The applicant has proposed the incorporation of trees and shrubs across the front of the building. Section 1125.05(b) requires 30 shrubs and 2 trees per 100 linear feet of pavement around the perimeter of parking areas. Section 1125.04(c) also requires general landscape areas for the building that includes 168 square feet and 5.6 inches of trees. One interior landscape island is also required by code that would include one tree and 4 shrubs. Staff recommends adjusting plans to meet these aspects of Zoning Code.
- **Fencing.** The site includes existing fencing that encloses the perimeter of the site behind the front elevation of the building. As part of improvements, the gate at the east end of the building will be adjusted and screening will be incorporated into fencing facing the private street. Staff recommends that details for the fencing be submitted as part of plan review for the site.
- **Service Structures.** Plans indicate a dumpster location behind existing fencing adjacent to the proposed storm water detention area. Code requires service structures to be screened on all four sides and staff recommends that it be relocated to the rear of the building and meet Code requirements for screening.
- **Lighting.** No lighting is proposed as part of the improvements. Hilliard Code Section 1127.04(b)(10) requires parking lots to be illuminated for safety purposes.
- **Signage.** No sign details are provided. Any signage will require a sign permit prior to installation.

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.

The Commission is to also review the proposed Level "B" Site Plan under the provisions of Hilliard Code Chapter 1131. Specifically, the Commission is to utilize the review standards provided in Section 1131.06 which outlines the following review criteria:

- That the site must be designed in a manner that is harmonious to the character of the surrounding area to the greatest extent possible;
- That the site is designed to minimize hazards and reduce negative effects of traffic, noise, smoke, fumes and glare to adjacent properties to the greatest extent possible; and
- That the proposed site plan addresses traffic circulation, stormwater management, landscaping, screening, lighting, utility service, exterior uses, emergency access, water and sewer, and signage as defined within Section 1131.06.

Following approval by the Commission and upon approval of the Conditional Use, the applicant may submit for civil plan approval of final engineering details and building permits to begin construction of the proposed improvements according to the requirements of the Code and conditions set forth by the Commission and City Council.

STAFF RECOMMENDATION

Motion 1: Conditional Use.

Staff finds that the proposed truck and heavy equipment repair will generally be compatible with the surrounding area and will bring an aging industrial site further into compliance with the Code. Staff finds that the proposed outdoor storage will also be adequately screened in a manner that meets the intent of the Code and will further protect natural resources on the site. Staff finds that the reuse of the existing site has been designed in a manner, as modified below, to address specific criteria as listed in Sections 1123.03 and 1123.17 and recommends approval with the following five conditions:

1. That a zoning certificate is obtained following construction and prior to any conditional use operation on the property;
2. That all plan notes are revised to identify the proposed use as "Truck and Heavy Equipment Repair" and to correctly identify the extent and purpose of the "Outdoor Storage Area;"
3. That the proposed use conforms to the provisions of Hilliard Code Section 1123.17(c) for outdoor storage as approved;
4. That leasing of truck parking spaces is not permitted on the site and that the outdoor storage of truck parts on the site is prohibited unless otherwise specifically approved by City Council; and
5. That any expansion of the approved conditional uses require prior approval by City Council.

Motion 2: Level "B" Site Plan.

Staff finds that the proposed site plan is generally consistent with the original approved plan for the site and the overall intent of the Code and addresses basic issues that are outlined as part of the site plan review. The proposed improvements will address Code compliance issues and will blend with the surrounding area in a manner that will minimize off-site impacts. Based on these finding, staff recommends that the proposed Level "B" Site Plan be approved with nine conditions:

1. That variances for parking and the use of gravel as an approved surface are obtained from the Board of Zoning Appeals or that Code is met;
2. That portions of the site within the floodplain and SCPZ are fine graded and seeded with an approved mix of grasses/wildflower and not mowed;
3. That portions of the site containing the stormwater detention area be fine graded and seeded with turf grass and that all stormwater management meet the requirements of the City Engineer;
4. That revised landscape plans are submitted that meet Code requirements and include one interior parking lot island with required landscaping, subject to staff approval;
5. That material samples for the proposed fence screening be provided, subject to staff approval;
6. That the dumpster is relocated to the rear of the building and screened per Code and that no outdoor storage of parts is permitted;
7. That parking lot lighting required by Section 1127.04(b)(10) is provided; and
8. That the proposed wheel stops are replaced with a bollard and chain system or equivalent alternative, subject to staff approval.

ATTACHMENTS

[PZ-23-3 Star Columbus Transp LLC](#)

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Case: PZ-23-18 – MOO MOO EXPRESS CAR WASH – 3880 BROWN PARK DRIVE

PARCEL NUMBER(S): 050-007563 (BROWN COMMERCE PARK)

APPLICANT: Moo Moo Cemetery Hilliard LLC., 13375 National Road SW, Suite D, Reynoldsburg, OH 43068; c/o Jeff Gilger, Express Wash Concepts, 13375 National Road SW, Suite D, Etna, OH 43068; c/o Kelly Roth, Morrison Sign Company Inc., 2757 Scioto Parkway, Columbus, OH 43221.

REQUEST: Review and approval of variances under the provisions of Hilliard Code Section 1129.08 for additional signage to an approved comprehensive sign package for a 4,900-square-foot car wash.

BACKGROUND

The site includes a 0.8-acre parcel located at the northeast corner of Cemetery Road and Brown Park Drive within the Brown Commerce Park. The original car wash was constructed in the late 1980's according to development requirements at that time. In 1994, a lot split was approved and the car wash sold to the operators. The site includes a full access point onto Cemetery Road provided through a shared access easement with the adjacent auto repair site (now ATL Total Car Care) as part of that lot split.

In 1998, the 4,600-square-foot car wash was granted approval for a 1,200-square foot detailing bay addition to the west side of the building. The car wash received a Level "A" site plan approval by staff in 2018 to install 8 vacuum canisters along the west side of the building, and the Planning and Zoning Commission (October 2019) approved a sign variance to permit an internally illuminated menu board.

On June 16, 2022, the Board of Zoning Appeals approved variances to reduce the required parking setback along Brown Park Drive from 20 feet to 16 feet, to reduce the maneuvering lane width for one-way stacking lanes from 14 feet to 11.25 feet, and to reduce the required landscaping for perimeter parking lot from 180 to 112 shrubs in order to permit the redevelopment of the site as a Moo Moo Car Wash. On January 12, 2023, the Planning & Zoning Commission approved a variance for a comprehensive sign package for a total of 10 signs as part of the development:

- Two 31-square-foot wall signs on the west and south elevations
- One 32-square-foot ground sign adjacent to the intersection
- One "Members Only" canopy sign with height clearance information at the pay gate
- One "Cash Credit Club" canopy sign with height clearance information at the pay gate
- One 9.93-square-foot digital menu board at the pay gate
- One "Responsibilities" sign placed at the north car wash entrance
- One standard "Stop" sign and one "Do Not Enter" sign within the parking lot
- One 4-square foot lighted "Exit" sign placed outside the south car wash exit door

The applicant is now requesting a revised comprehensive sign package that consists of ten additional signs beyond the original approved package:

- Sign A - two 8.2-square-foot gate arm signs
- Sign B - three 5.0-square-foot kiosk signs
- Sign C - three 4.7-square-foot cone signs
- Sign D - one 5.4-square-foot air machine sign
- Sign E - one internally illuminated "drying" sign with advertisement frame

CONSIDERATIONS

- **Site Context.** The site is zoned B-2, Community Business District and is bordered by B-2 properties to the North, East, and across Brown Park Drive to the West. Properties to the South across Cemetery Road are zoned PUD, Planned Unit Development District.
- **Zoning Approval.** Moo Moo Express Car Wash obtained their approved Zoning Certificate to operate as a use within the B-2 zoning district on October 6, 2022, and is currently operating. The Planning and Zoning Commission approved a comprehensive sign package for the site during its January 2023 meeting.
- **Sign Code Intent.** City Code Section 1129.01(a) states "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."
- **Gate Signs (A).** Two interchangeable signs are proposed that would cover the gate arms and provide advertising messages. The proposed signs are 74" x 16" (8.2 square feet each) and include more than four colors as required by Section 1129.02(b)(2) of the Code. These signs have been installed without permits and staff recommends immediate removal.
- **Kiosk Graphic (B).** The applicant is requesting approval of three 5-square foot advertising stickers (19" x 38") that would be affixed to the pay kiosks before entering the wash. The proposed signs are also considered as advertising and do not meet the intent of the Code. These signs have been installed without permits and staff recommends immediate removal.
- **"Directional" Cones (C).** Three cone stickers are proposed that would be located between the stacking lanes. The graphics would be attached to cones and are 4.75 square feet in area (18" x 38"). The proposed cone signs are a combination of directional information and advertising. Section 1129.05 of the Code limits onsite directional signage to two square feet and three feet in height. The code does not permit logos or advertising. The proposed cones have already been in use and staff recommends immediate removal.
- **Air Machine Sign (D).** A 34" x 23" free air sign has been placed on the west elevation of the building to identify the location of this on-site service to customers. Staff recommends that the sign be approved and that a permit is obtained.
- **Drying/Go Sign (E).** In January the Commission approved signage with the condition that no bottom advertising panel is permitted (PZ-22-71 Record of Action, January 12, 2023). The approved condition states the following: "That Sign "E" be revised to remove advertising and be no larger than 12 square feet in size and no greater than 7 feet in height." The panel restricted by the Commission has been used for advertising since installation, and the applicant is again requesting approval.
- **Slim LED Lights.** Following approval of the comprehensive sign package in January, unapproved flashing lights that include a red "x" or green arrow were added to the canopy signs at the pay kiosk. This is a request to convert the lights from flashing to solid - similar to a bank drive-thru. Staff recommends approval of the solid lighting if a sign permit is properly obtained.

COMMISSION ROLE

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

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

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

STAFF RECOMMENDATION

Staff finds that the sign package, as proposed, represents a significant departure from the provisions of the Sign Code concerning the number of signs and is not consistent with the spirit or intent of the Sign Code. In its January 2023 meeting, the Commission approved a comprehensive package of signs for this site, and staff finds that the additional signage as proposed is excessive and establishes a negative precedent. Staff finds that the sign package as amended

below is generally consistent with the provisions and intent of the Sign Code. Based on these findings, staff recommends approval of the sign package with the following four conditions:

1. That the proposed Gate Arm Signs, Kiosk Signs, Cone Signs and advertising panel on the Drying Sign be removed immediately;
2. That a sign permit is obtained for the "Free Air" sign;
3. That a sign permit is obtained for the solid illuminated lane signs (green arrow and red "x") located above the pay kiosks; and
4. That no additional signage is permitted on the site without prior approval from the Planning and Zoning Commission.

ATTACHMENTS

[PZ-23-18 Moo Moo Car Wash](#)

STAFF REPORT

Planning & Zoning Commission

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and Live-Streaming on YouTube

Meeting Date: June 8, 2023



Case: PZ-23-19 – ADVANCED DRAINAGE SYSTEMS – 4381 DAVIDSON ROAD

PARCEL NUMBER(S): 050-011833 (ANSMIL PUD – SUBAREA C2)

APPLICANT: Ansmil LLC, c/o Daniel Smith, 203 S. Stanwood Road, Columbus, OH 43209; and Rene Jimenez, Geis Companies, 10020 Aurora-Hudson Road, Streetsboro, OH 44241.

REQUEST: Review and approval of a PUD text modification concerning fence height under the provisions of Hilliard Code Section 1117.08 and the Ansmil PUD Development Text.

BACKGROUND

The site consists of 16.66 acres located on the south and west sides of Lyman Drive approximately 120 feet south of Davidson Road. The site is located within Subarea C2 of the Ansmil PUD. On September 14, 2017, the Commission approved a Final Plat to dedicate right-of-way for a portion of North Clara Circle to the west of this site. On August 11, 2022, the Commission approved a PUD text modification concerning standards for setbacks, parking, and landscaping for an office development on 16.66 acres.

The applicant is now requesting approval of a PUD text modification to modify the permitted fence height for the outdoor storage area from six feet to ten feet.

CONSIDERATIONS

- Site Context.** The site consists of the eastern portion of Subarea C2. It has approximately 40 feet of frontage on Davidson Road, approximately 1,400 feet of frontage on Lyman Drive, and approximately 760 feet of frontage on the future Raindrop Way that will connect Britton Parkway to Lyman Drive in the southern portion of the site. I-270 is located to the east of the site across Lyman Drive. Property to the south is undeveloped land within Ansmil PUD Subarea C3 zoned for commercial and office uses, and commercial businesses zoned B-4, I-270 Corridor District. To the west is the Mount Carmel medical office building within Ansmil PUD Subarea C2, which is zoned for office uses. To the north, across Davidson Road, is an AEP substation zoned B-3, Office/Institutional District.
- Approved Development.** The approved plans show a two-story, 107,500-square-foot office building. Vehicular access to the site will be via one full-service access point from the north on Lyman Drive, one full-service access point from the east on Lyman Drive, and one full-service access point from the south on the future Raindrop Way which will connect Britton Parkway to Lyman Drive along the southern boundary of Subarea C2. This access point on Raindrop Way provides access to the rear of the building and the screened service yard.
- Accessory Storage.** The plans show an accessory storage building in the northern portion of the outdoor storage area. The office building and the accessory storage building will be connected by a 20-foot-tall metal building wall that will extend from the northwest corner of the office building along the boundary of the outdoor storage area to the accessory building. The wall will feature white and black metal panels and a green accent stripe consistent with those on the office building. The black panels will simulate architectural columns.
- Proposed Fencing.** The plans show a maximum 10-foot-tall black solid metal fence that will extend from the northwest corner of the accessory storage building along the west, south, and east boundaries of the outdoor storage area. The fence includes a gate across the Raindrop Way driveway.
- Proposed Text Modification.** This proposal modifies Section C2.05.12.a of the Subarea C2 development text as follows:

“No materials, supplies, equipment, or products shall be stored or permitted to remain on any portion of the parcel outside the permitted structure, except within one contiguous area within the entire Sub Area C2 not to exceed 80,000 square feet that is accessory to an approved office building and which area shall be screened from view from adjacent properties and rights-of-way with a ~~6-foot-tall solid~~ fence of a maximum height of 10 feet and a combination of mounding, evergreen trees, and deciduous trees. Mechanical equipment or other

utility hardware on roof, ground, or buildings shall be screened from view with material harmonious with the building.”

COMMISSION ROLE

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

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

Following a recommendation by the Commission, a resolution for the proposed PUD text modification will be forwarded to City Council for review and approval. The proposed change in use will become effective upon Council’s approval. The applicant in accordance with the approved final development plan may submit for a fence permit prior to construction.

STAFF RECOMMENDATION

Staff finds that the proposed PUD modification is consistent with the approved Ansmil PUD Concept Plan and the recommendations for land use contained within the Hilliard Comprehensive Plan. Based on these findings, staff recommends approval of the proposed PUD text modifications with the following two conditions:

1. That the 20-foot-tall building wall extension is located only along the north boundary of the outdoor storage area to connect to two buildings and that a maximum 10-foot-tall fence may only be used for screening the balance of the outdoor storage area; and
2. That the Development Text is revised to conform to all conditions of Planning and Zoning Commission approval prior to being scheduled on a City Council agenda.

ATTACHMENTS

ADS ATTACHMENTS



STAFF REPORT

Planning & Zoning Commission

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Meeting Date: June 8, 2023

Case: PZ-23-20 – SUNOCO – 4144 MAIN STREET

PARCEL NUMBER(S): 050-000136, 050-002288

APPLICANT: KMH Business Holdings LLC, 4144 Main Street, Hilliard, OH 43026; c/o Tyler Sikkema, CB Sign Service, 862 Cypress Point Court, Cincinnati, OH 45245.

REQUEST: Review and approval of alternative curbing under the provisions of Section 1127.04(b)(8) for an existing gas station parking lot.

BACKGROUND

The Sunoco site is comprised of 2 adjacent lots totaling approximately 0.49 acres; Parcel 050-002288 is the southernmost portion of the site totaling approximately 0.18 acres, and parcel 050-000136 is the northernmost portion of the site totaling approximately 0.31 acres. The site is located on the Southeast side of Main Street approximately 500 feet northeast of North Street. On July 11, 1990, the Old Hilliard Commission approved significant architectural changes to an existing gasoline station (former Marathon station) including the construction of a 1,680-square-foot canopy over the gasoline dispensers. On December 1, 1999, the Old Hilliard Commission approved a change in use and significant architectural changes for a Clark gas station/convenience store. That gasoline station/convenience store began operations and then ceased. After several years, the gasoline station/convenience store began operating under new ownership.

On December 4, 2003, the Old Hilliard Commission approved significant architectural changes for temporary and permanent signs to reflect the name change. On April 10, 2008, the Commission approved significant architectural changes to permit a ground sign, as well as a variance to permit a temporary sign to display gasoline prices until the permanent sign was installed. On November 12, 2009, the Planning and Zoning Commission approved architectural changes for gas station signage. The Commission most recently approved a new internally illuminated LED fuel pricing sign at its April 2022 meeting.

This is a request for approval of an alternative curb design as provided for in Section 1127.04 of the Zoning Code requirements for parking lot design.

CONSIDERATIONS

- **Site Context.** The site is zoned OH-MD, Old Hilliard Mixed Use District. To the southwest along Main Street is Whit's Ice Cream which is also zoned OH-MD. To the east is Weaver Park, zoned S-1, Support Facilities District. To the northwest across Main Street are properties zoned OH-MD. The Sunoco gas station/convenience store is a legal nonconforming use in the OH-MD District and includes DiCarlo's Pizza at 4142 Main Street.
- **Proposed Modification.** Hilliard Code Section 1127.04(b)(8) requires a standard 6-inch curb as part of all parking lot and vehicular use area construction. The parking lot as constructed is curbless and wheel stops have been temporarily used to restrict traffic. The applicant is proposing wheel stops instead of traditional curbing as a replacement.
- **Review Authority.** The Zoning Code provides for the discretion of the Planning and Zoning Commission to approve alternative solutions with regard to the curb requirements of the parking code.

COMMISSION ROLE

The Commission is to review the proposal for conformance to the provisions of Code Section 1127.04(b)(8) concerning the provision of parking lot curbing.

STAFF RECOMMENDATION

Staff finds that while the proposed construction method is not optimal, the wheel stops will improve the existing pavement edge and reduce property damage. The proposed wheel stops provide a short-term solution to noted issues and can be considered further should the alternative not work. Staff finds that the proposed option meets the intent of the Code and in this circumstance recommends approval with the following two conditions:

1. That the installation of wheel stops according to the proposed plan be provided to the satisfaction of the City Engineer.
2. That the proposed wheel stops are to be concrete finish (gray with no color).

ATTACHMENTS

[PZ-23-20 Sunoco](#)