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City Council

Legislative Bulletin

An Official Publication of the Hilliard City Council

Publication Date: January 15, 2016

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ORDINANCES

The following Ordinance was passed by Hilliard City Council on January 11, 2016.

15-48 ACCEPTING THE APPLICATION FOR ANNEXATION OF 111.3 ±ACRES LOCATED IN BROWN TOWNSHIP, FRANKLIN COUNTY, OHIO, AND ASSIGNING A ZONING CLASSIFICATION TO THE PROPERTY OF RURAL RESIDENTIAL.

WHEREAS, on July 6, 2015, pursuant to Ohio Revised Code Section 709.023, the property owner seeking the annexation of 111.3 ±acres of real property in Brown Township, Franklin County, Ohio, contiguous to the City of Hilliard, filed a Petition for Annexation of its property to the City of Hilliard with the Board of County Commissioners of Franklin County, Ohio, a copy of which is attached hereto as Exhibit "A", notice of which was duly served upon the City of Hilliard as prescribed by law; and

WHEREAS, pursuant to Ohio Revised Code §709.023(C) the City of Hilliard adopted Resolution No. 15-R-54 on July 13, 2015, which Resolution indicates the type and scope of services the City of Hilliard will provide to the territory upon annexation to the City; and

WHEREAS, on July 14, 2015, a certified copy of Resolution No. 15-R-54 was delivered to the office of the Clerk of the Franklin County Commissioners; and

WHEREAS, the Petition came on for public hearing before the Franklin County Board of County Commissioners on August 11, 2015; and

WHEREAS, pursuant to an action of the Franklin County Commissioners after that hearing the Clerk of the Board of County Commissioners entered on the journal of the Board an order approving the annexation according to law, certified the transcript for the proceeding in connection with the annexation and filed it with the Clerk of Council of the City of Hilliard on September 8, 2015; and

WHEREAS, pursuant to Ohio Revised Code §709.04, the Clerk of Council is required to place before Council the annexation documents at the next regular meeting of Council following the expiration of 60 days from the receipt by her; and

WHEREAS, City Council is required to accept or reject the Petition for Annexation within 120 days thereafter; and

WHEREAS, Section 1104.04 of the City's Codified Ordinances requires that the City assign the newly annexed property a zoning classification that most resembles the property's zoning classification immediately prior to annexation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. The proposed annexation of 111.3 ±acres from Brown Township, Franklin County, Ohio to the City of Hilliard, a petition for which was filed with the Board of County Commissioners, Franklin County, Ohio on July 6, 2015, and approved by the Board of County Commissioners on August 11, 2015, be and the same is hereby accepted. The petition is **attached** hereto as **Exhibit "A"** and graphically depicts and describes the territory that is the subject of the annexation, which Exhibit is incorporated herein. The certified transcript of the proceedings of the County Commissioners is on file with the Clerk of Council of the City and has been for more than sixty (60) days.

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ORDINANCES

15-48 (continued)

SECTION 2. The 111.3± acres shall be assigned the zoning classification of "RR" Rural Residential for low-density residential development with lot acres and lot widths characteristic of rural residential development.

SECTION 3. The Clerk of Council is hereby authorized and directed to make three (3) copies of this Ordinance, to each of which shall be attached a copy of the map accompanying the Petition for Annexation, a copy of the transcript of the proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then deliver one copy to the County Auditor, one copy to the County Recorder, and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections of Franklin County within thirty (30) days after it becomes effective, and further the Clerk of Council shall do all other things with respect to the action taken by this Ordinance as may be required by law.

SECTION 4. This Ordinance shall be in full force and effect from and after the earliest time provided for by law.

RESOLUTIONS

The following Resolutions were adopted by Hilliard City Council on January 11, 2016.

15-R-85 APPROVING CHANGES TO THE CEMETERY ROAD PROPERTIES PUD FINAL DEVELOPMENT PLAN TEXT TO PERMIT A RESTAURANT WITH A DRIVE-UP WINDOW.

WHEREAS, City Council approved Ordinance No. 91-03, which re-zoned a 0.4982± acre site located on the south side of Cemetery Road, approximately 300 feet east of Leap Road (the "Property") to a B-5 Commercial Planned Development by; and

WHEREAS, the No. 1 Gyro Shoppe (the "Applicant") submitted application number 15-0226LC to the City's Planning and Zoning Commission to seek approval of an amended Cemetery Road Properties PUD Final Development Plan Text (the "Cemetery Road PUD Text") to permit a new 2,000 square foot restaurant with a drive-up window; and

WHEREAS, staff finds that the proposed amended Cemetery Road PUD Text will be consistent with the provisions of the Code and with existing development in the PUD; and

WHEREAS, at its regularly scheduled and advertised meeting on November 12, 2015, the City's Planning and Zoning Commission voted 6-0 to forward a positive recommendation to City Council to amend the Cemetery Road PUD Text to permit a new 2,000 square foot restaurant with a drive-up window; and

WHEREAS, a copy of the amended portions of the Cemetery Road PUD Text is **attached** hereto as Exhibit "A" and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The Cemetery Road Properties PUD Final Development Plan Text (the "Cemetery Road PUD Text") is amended to modify Section 5.6.1, Permitted Uses, which now permits a limited service restaurant with one drive-up window, and Section 5.6.5, Development Standards, to specify a 50-foot building setback from the right-of-way line of Cemetery Road.

SECTION 2. The amended Cemetery Road PUD Text, **attached** hereto as Exhibit "A" and incorporated herein by reference, is approved and shall hereafter be included in the Cemetery Road Properties Development Plan.

SECTION 3. This Resolution is effective upon its adoption.

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RESOLUTIONS

16-R-02 CITY COUNCIL APPOINTMENTS OF CHARLES BOSHANE, STEVEN DONATO AND FRANK MOELLER TO THE BOARD OF ZONING APPEALS.

WHEREAS, Section 1106.01(a) of the Codified Ordinances of the City of Hilliard authorizes City Council to appoint seven members to the Board of Zoning Appeals; and

WHEREAS, Board of Zoning Appeals members are appointed on rotating five year terms; and

WHEREAS, Hilliard resident Charles Boshane ("Mr. Boshane") was appointed to the Board of Zoning Appeals by Resolution No. 11-R-25 on April 11, 2011, with a term expiring December 31, 2015; and

WHEREAS, the City Council desires to re-appoint Mr. Boshane to a new term ending December 31, 2020; and

WHEREAS, Mr. Boshane has expressed his desire to accept such re-appointment to the Board of Zoning Appeals; and

WHEREAS, Hilliard resident Steven Donato ("Mr. Donato") was appointed to fill a vacate seat on the Board of Zoning Appeals by Resolution No. 14-R-34 on March 10, 2014, with a term expiring December 31, 2014; and

WHEREAS, the City Council desires to re-appoint Mr. Donato to a new term ending December 31, 2020; and

WHEREAS, Mr. Donato has expressed his desire to accept such re-appointment to the Board of Zoning Appeals; and

WHEREAS, Hilliard resident Frank Moeller ("Mr. Moeller") was appointed to the Board of Zoning Appeals by Resolution No. 11-R-26 on April 11, 2011, with a term expiring December 31, 2015; and

WHEREAS, the City Council desires to re-appoint Mr. Moeller to a new term ending December 31, 2020; and

WHEREAS, Mr. Moeller has expressed his desire to accept such re-appointment to the Board of Zoning Appeals; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The Council's re-appointment of Charles Boshane as a representative to the Board of Zoning Appeals for a term ending December 31, 2020 is hereby approved.

SECTION 2. The Council's re-appointment of Steven Donato as a representative to the Board of Zoning Appeals for a term ending December 31, 2020 is hereby approved.

SECTION 3. The Council's re-appointment of Frank Moeller as a representative to the Board of Zoning Appeals for a term ending December 31, 2020 is hereby approved.

SECTION 4. This Resolution shall become effective upon its adoption.

16-R-03 COUNCIL APPOINTMENT OF AARON B. EPLING TO THE BOARD OF ZONING APPEALS.

WHEREAS, Section 1106.01(a) of the Codified Ordinances of the City of Hilliard authorizes City Council to appoint seven members to the Board of Zoning Appeals; and

WHEREAS, Board of Zoning Appeals members are appointed on rotating five year terms; and

WHEREAS, Brian L. Katz resigned his position on the Board of Zoning Appeals on December 11, 2015, leaving a vacancy; and

WHEREAS, City Council desires to fill the vacancy with Hilliard resident Aaron B. Epling ("Mr. Epling") with a term ending December 31, 2019; and

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RESOLUTIONS

16-R-03 (continued)

WHEREAS, Mr. Epling has expressed his desire to accept such appointment to the Board of Zoning Appeals.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. Aaron B. Epling is hereby appointed to the Board of Zoning Appeals for a term ending December 31, 2019.

SECTION 2. This Resolution shall become effective upon its adoption.

16-R-06 ACCEPTING THE DEDICATION OF ROADS AND EASEMENTS FOR PUBLIC AND PRIVATE UTILITIES, CABLE TELEVISION, SERVICE CONNECTIONS AND STORM WATER DRAINAGE IN CONNECTION WITH THE HERITAGE PRESERVE, SECTION 3, PHASE 2 DEVELOPMENT.

WHEREAS, on February 25, 2013, Council passed Ordinance No. 13-01 rezoning 82.357± acres of land owned by Planned Development Company of Ohio and Danken, LLC, from A-1 to Planned Unit Development consisting of 405 single-family lots, 282 multiple-family dwelling units, and 183.4 acres of park land, which development is identified as the Heritage Preserve PUD; and

WHEREAS, upon application by Grand Communities, LTD., (the "Applicant") on December 10, 2015, at its regularly scheduled public meeting, the City's Planning and Zoning Commission approved the final plat ("Final Plat") for Section 3, Phase 2 of Heritage Preserve for the development of 34 single-family lots on 14.936 acres (the "Property"); and

WHEREAS, the Applicant has offered to dedicate to the City of Hilliard the roads and easements for the construction, operation, and maintenance of all public and private utilities, including cable television, above and beneath the surface of the ground to the City including service connections and storm water damage in, to, and over certain real property described in the Final Plat, attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, this offer of dedication has been made by the Applicant in support of the Heritage Preserve, Section 3, Phase 2 development on the Property; and

WHEREAS, it is in the interest and of benefit to the City of Hilliard and the public-at-large that the dedications proposed on Exhibit "A" be accepted by the City of Hilliard.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The City of Hilliard accepts the dedication of right-of-way on Audubon Avenue, Woodland Drive, Sanctuary Loop, Goldenrod Street, and Sparrow Court and the City accepts easements for public and private utilities, cable television, service connections and storm water drainage, located in Heritage Preserve Section 3, Phase 2, as shown and described on Exhibit "A", **attached** hereto and incorporated by reference herein.

SECTION 2. The City Engineer is authorized to approve any necessary administrative changes to effect the proper recording of the Final Plat identified on Exhibit "A", and is authorized to provide the Clerk of Council with a final recorded copy of said plat.

SECTION 3. The Mayor, Clerk of Council, Chairman of the Planning and Zoning Commission and City Engineer are authorized to do all acts and to execute all instruments that are necessary or appropriate to carrying out the terms of the dedication and recording of the plat.

SECTION 4. This Resolution is effective upon its adoption.

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