

**CASE 2: 16-0238LC – Guide Church – 4190 Weaver Court South**

**PARCEL NUMBER:** 050-002871

**APPLICANT:** Kerbler Builders c/o James Kerbler & Ben York, P.O. Box 1484, Hilliard, Ohio 43026.

**REQUEST:** Review and approval of a conditional use under the provisions of Hilliard Code Section 1123.03 & 1123.04 to permit a place of worship use within an existing tenant space.

**BACKGROUND:**

The site is 3.10 acres located at the southeast corner of Northwest Parkway and Weaver Court South. It is zoned M-1, Restricted Industrial. On June 8, 2006, the Planning and Zoning Commission approved a conditional use to permit athletic instruction in gymnastics and boxing. On August 13, 2009, the Commission approved a conditional use to permit athletic instruction in boxing. On November 8, 2012, the Commission approved a conditional use to permit a place of worship within two tenant spaces totaling 6,060 square feet.

The applicant is now requesting approval of a conditional to permit a place of worship use within an additional 6,447-square-foot tenant space. The place of worship use will occupy a total of 12,507 square feet.

**COMMISSION ROLE:**

The Commission is to review the proposed conditional use for conformance with the provisions of Code Section 1123.03 and 1123.04.

**STAFF RECOMMENDATION:**

Staff finds that the proposed use will be consistent with the intent and purposes of the Zoning Code. Staff finds the proposed use will comply with the applicable requirements of the Code. Staff finds that the proposed use will be compatible with the character of the general vicinity. Staff finds that the proposed use will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to persons, property or the general welfare. Staff finds that 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 adjacent to the site or in the immediate vicinity. Based on these findings, staff recommends approval of the proposed conditional use with the following 6 conditions:

- 1) That the proposed use is limited to a maximum of 200 attendees for worship services or other special events provided that the applicant demonstrates conformance to the Building Code to justify said maximum occupancy;
- 2) That the proposed place of worship is conducted within the proposed tenant space;
- 3) That a zoning certificate and an occupancy permit are obtained prior to commencement of the conditional use within the proposed additional space;
- 4) That the outside storage of materials, products, stock, or equipment is prohibited unless specifically approved as part of an M-1 site plan by the Planning and Zoning Commission;
- 5) That signage conforms with the provisions of the Sign Code; and
- 6) That the conditional use terminates with a change in the scope or intensity of the use unless otherwise approved by the Planning and Zoning Commission, or with the violation of any condition of Planning and Zoning Commission approval.

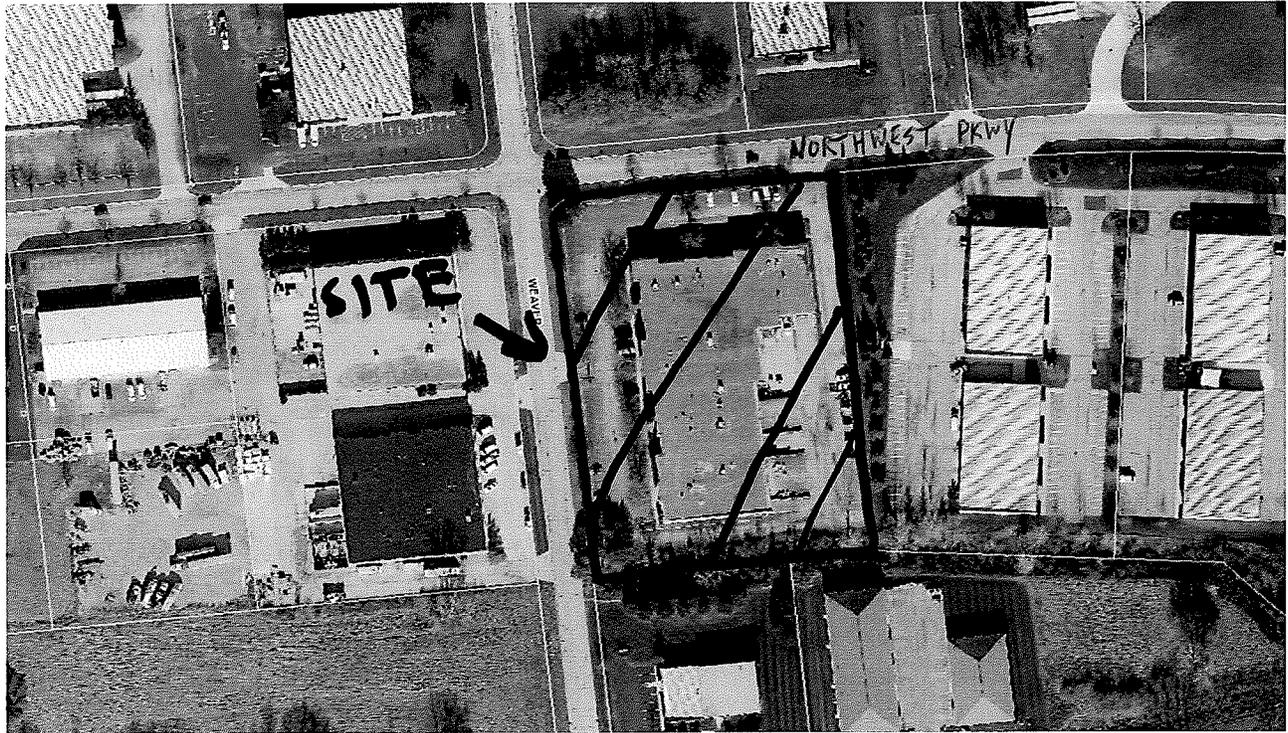
**CONSIDERATIONS:**

- The site and surrounding properties are zoned M-1, Restricted Industrial. Offices are permitted uses and place of worship is a conditional use in this zoning district. Hilliard Code Section 1105.07 defines “Place of worship” as “a place of assembly of a religious group for the purpose of worship, ceremonies, or rituals, and accessory uses thereto.” Information from the application indicates that the church is currently operating within an existing 6,060-square-foot tenant space which includes the conference room and reception area.
- The proposed plans indicate that 6,447 square feet of floor area (including 1,045 square feet of office area) will be added to the place of worship use for a total of 12,507 square feet. There will be a maximum of 200 attendees and approximately 1,645 square feet of office area (including the conference room and reception area). Required parking for the proposed use is 45 spaces, based on one space for each five seats in the main auditorium or main assembly room, whichever is greater (40 spaces), and one space per 300 square feet for office use (5 spaces). Staff finds that there is sufficient parking available on the site for the proposed use.

**Signage:**

- The Code permits one square foot of sign display area per lineal foot of primary building frontage for the proposed tenant space. Signage is not proposed with this application.

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Mr. Lewie seconded the motion.

**VOTE:** Mr. Lewie, Yes; Mr. Vertal, Yes; Chairman Uttley, Yes; Mr. Lyden, Yes; Mr. Bryner, Yes.

**STATUS:** The motion passed 5-0 and Case 3: 12-0038LC – The Loose Goose Tavern and Grill located at 4093 Trueman Boulevard was approved for a PUD Final Development Plan Modification under the provisions of the Soma Company Zoning Development Plan and Text to permit outdoor seating with the six conditions listed above.

Staff finds that the proposed variance to permit mounted signage on each of the northwest and southwest building elevations is not substantial and is generally consistent with the comprehensive signage plan approved for the site. Based on these findings, staff recommends approval of the proposal with the four conditions listed in the staff report.

**#2 MOTION:** Mr. Lyden made a motion to approve Case 3: 12-0038LC – The Loose Goose Tavern and Grill located at 4093 Trueman Boulevard for a sign variance under the provisions of Hilliard Code Section 1191.04 to permit mounted signage on each of the northwest and southwest building elevations with the following four conditions:

1. That signage for the Loose Goose Tavern & Grill is limited to two mounted signs, one on the northwest building elevation and one on the southwest building elevation as identified in the proposed plans;
2. That the aggregated display area and colors of the mounted signs conform to the provisions of the Sign Code;
3. That there shall be no other signage for any tenant on the southwest building elevation which is identified as the car wash and detailing portion of the building on the proposed plan; and
4. That sign permits are obtained prior to installation.

Mr. Lewie seconded the motion.

**VOTE:** Mr. Lewie, Yes; Mr. Vertal, Yes; Chairman Uttley, Yes; Mr. Lyden, Yes; Mr. Bryner, Yes.

**STATUS:** The motion passed 5-0 and Case 3: 12-0038LC – The Loose Goose Tavern and Grill located at 4093 Trueman Boulevard was approved for a sign variance under the provisions of Hilliard Code Section 1191.04 to permit mounted signage on each of the northwest and southwest building elevations with the four conditions listed above.

**CASE 4: 12-0039LC – Guide Church Baptist – 4751 & 4749 Northwest Parkway**

**PARCEL NUMBER:** 050-002871

**APPLICANT:** Kerbler Builders c/o James Kerbler and Ben York, 6491 Proprietors Road, Worthington, Ohio 43085.

**REQUEST:** Review and approval of a conditional use under the provisions of Hilliard Code Section 1123.02 to permit a place of worship.

Mr. Talentino presented the staff report with corresponding power point slides of the site.

The site is 3.10 acres located at the southeast corner of Northwest Parkway and Weaver Court South. It is zoned M-5, Planned Industrial Park. On June 8, 2006, the Planning and Zoning Commission approved a conditional use to permit athletic instruction in gymnastics and boxing. On August 13, 2009, the Commission approved a conditional use to permit athletic instruction in boxing. The applicant is now requesting approval of a conditional use to permit a place of worship within two tenant spaces totaling 6,060 square feet.

The Commission is to review the proposed conditional use for conformance with the provisions of Code Section 1123.02. The Commission is to ensure that the nature, location, size, and site layout of the use shall be such that it shall be a harmonious part of the business district in which it is situated.

Staff finds that the nature, location, size and layout of the proposed use can be a harmonious part of the district in which it is located. Staff finds the proposal, as modified in the conditions listed below, would be a harmonious part of this district, consistent with the provisions of Hilliard Code Section 1123.02. Staff recommends approval with the five conditions listed in the staff report.

Mr. Lyden asked about the first condition indicating the maximum occupancy of 150 attendees is that a fire code or just what the applicant indicated.

Mr. Talentino replied it's really based on how they would expect to expand over the long term and that would be kind of the upper limits or you could tie it to maximum capacity for the tenant space.

Mr. Lyden replied I would be more comfortable tying it to a fire code so they wouldn't have to worry about exceeding the maximum occupancy.

Mr. Lewie stated on condition two it states the proposed place of worship is conducted within the proposed tenant space, a lot churches have fund raisers and if the weather is good will have activities outside, I hope we are not restricting that 100 percent.

Mr. Talentino replied they are still able to have special events, they can go before the Board of Zoning Appeals and sometimes we can work with them administratively.

Mr. Ben York, 4845 Herndon Drive. Mr. York stated we are fine with conditions in the staff report.

Mr. Lewie asked the applicant where the church is currently located.

Mr. York replied Hilliard Crossing Elementary School; we came before you about a year ago for a sign variance at the school.

**MOTION:** Mr. Lyden made a motion to approve Case 4: 12-0039LC – Guide Church Baptist located at 4751 & 4749 Northwest Parkway for a conditional use under the provisions of Hilliard Code Section 1123.02 to permit a place of worship with the following five conditions:

1. That the proposed use is limited to a maximum occupancy per fire code standards in the Norwich Township Fire Department for attendees for worship services or other special events;
2. That the proposed place of worship is conducted within the proposed tenant space;
3. That the outside storage of materials, products, stock or equipment is prohibited unless specifically approved as part of an M-5 site plan by the Planning and Zoning Commission;
4. That signage conforms with the provisions of the Sign Code; and
5. That the conditional use terminates with a change in the scope or intensity of the use unless otherwise approved by the Planning and Zoning Commission, or with the violation of any condition of Planning and Zoning Commission approval.

Mr. Vertal seconded the motion.

**VOTE:** Mr. Lewie, Yes; Mr. Vertal, Yes; Chairman Uttley, Yes; Mr. Lyden, Yes; Mr. Bryner, Yes.

**STATUS:** The motion passed 5-0 and Case 4: 12-0039LC – Guide Church Baptist located at 4751 & 4749 Northwest Parkway was approved for a conditional use under the provisions of Hilliard Code Section 1123.02 to permit a place of worship with the five conditions listed above.

**CASE 5: 12-0040LC – Colliers International – 3455 Mill Run Drive**

**PARCEL NUMBER:** 050-004080

**APPLICANT:** Talcott III Mill Run, LLC, c/o John Reynolds, 8800 Lyra Drive, Suite 150, Columbus, Ohio 43240 and Colliers International c/o Eric Lehner, Lehner Signs, 2983 Switzer Avenue, Columbus, Ohio 43219.

**REQUEST:** Review and approval of a variance from Hilliard Code Section 1191.19 to permit a temporary banner sign for an extended period.

Mr. Talentino presented the staff report with corresponding power point slides of the site.

The site is 7.497 acres located on Mill Run Drive adjacent to I-270 in the Mill Run Planned Unit Development (PUD). It consists of a nine-story office building. On November 10, 1994 the Planning Commission approved a modification to the development plan to provide for additional parking. On March 8, 2007, the Commission