

CITY OF HUDSON
PLANNING COMMISSION
REGULAR MEETING OF MARCH 10, 2014
7:30 P.M., TOWN HALL

MINUTES

CALL TO ORDER

The Chair, Mr. Mulligan, called to order the Regular Meeting of the Planning Commission of the City of Hudson at 7:30 p.m. in Town Hall, 27 East Main Street, Hudson, Ohio.

ROLL CALL

Present: Mr. Anglewicz, Mrs. Barone, Mr. Chuparkoff, Mr. Harvie, Mr. Kagler,
Mr. Mulligan, Mr. Wolenski

Absent: None

Officials Present: Mark Richardson, Community Development Director; Greg Hannan, City Planner; Aimee W. Lane, Assistant City Solicitor; David Basil, City Council

OATH OF TRUTHFULNESS

Mr. Mulligan, the Chair, placed everyone under oath who would be giving any testimony during the meeting.

PUBLIC HEARINGS

CASE NO. 2014-06, SITE PLAN REVIEW FOR MALSON ATHLETIC CENTER, HUDSON HIGH SCHOOL, 2500 HUDSON AURORA ROAD

Greg Hannan reviewed the staff report.

Greg Chaplin, Hasenstaub Architects, was the applicant.

Planning Commission members agreed that a traffic study is not needed at this time, and so recommended that item No. 2 be dropped as a condition to the approval of the application.

The applicant confirmed that it plans a driveway connection in the future and will return to the Commission for that project.

Mr. Mulligan opened the meeting for public comments, and there being no comments, he closed the public portion of the meeting.

Mr. Kagler moved to approve the application for Site Plan Review for Malson Athletic Center, Hudson High School, 2500 Hudson Aurora Road per Case No. 2014-06 according to plans submitted January 31, 2014 provided the following conditions are met:

1. The comments of City Engineer Thom Sheridan must be addressed per the March 3, 2014 correspondence.
2. A lighting plan, including fixture cut sheets and photometric layout, must be submitted and approved for compliance with applicable standards of Section 1207.14.
3. The comments of Fire Inspector Shawn Kasson must be addressed per the February 21, 2014 correspondence.
4. The applicant must install silt fencing and/or polypropylene fencing to mark and protect the approved limits of disturbance, which shall be maintained by the applicant.
5. Satisfaction of the above conditions prior to scheduling of a preconstruction meeting with City Officials and no clearing or construction of any kind shall commence prior to the issuance of a Zoning Certificate.

Mr. Harvie seconded the motion.

Roll Call

Aye: Mr. Anglewicz, Mrs. Barone, Mr. Chuparkoff, Mr. Harvie,
Mr. Kagler, Mr. Mulligan, Mr. Wolenski

Nay: None

Motion unanimously carried.

CASE NO. 2014-07, SITE PLAN REVIEW FOR PROPOSED SAFETY TOWN FACILITY, EVAMERE ELEMENTARY SCHOOL, 76 NORTH HAYDEN PARKWAY

Mr. Hannan reviewed the staff report. Regarding Condition No. 2, Mr. Hannan reported that Mr. Sheridan, City Engineer, has accepted the stormwater design plan recently submitted to the Engineering Department. The stormwater design consists of rain barrels on the roof and under-drains adjacent to the pavement surface.

Gail Royster, 37 Manor, Hudson, Ohio 44236, appeared as a representative of the applicant. Mrs. Royster indicated the goal of breaking ground this month, weather permitting, or early April with a projected completion date of May 15, 2014.

Discussion among Planning Commission members and staff confirmed that sanitary service is not necessary and that Condition No. 2 is no longer applicable.

Mr. Mulligan opened the meeting for public comments, and there being no comments, he closed the public portion of the meeting.

Mr. Harvie moved to approve the application for the Safety Town installation at 76 North Hayden Parkway per Case No. 2014-08 according to plans dated February 18, 2014 provided the following conditions are met:

1. The landscaping plan must be submitted to incorporate several additional evergreen plantings to fill in open gaps within the existing buffer to the east of the proposed improvements.
2. Silt fencing and/or polypropylene fencing must be installed to mark and protect the approved limits of disturbance.
3. Satisfaction of the above conditions prior to scheduling of a preconstruction meeting with City Officials and no clearing or construction of any kind shall commence prior to the issuance of a Zoning Certificate.

Roll Call

Aye: Mr. Harvie, Mr. Chuparkoff, Mr. Wolenski, Mrs. Barone,
Mr. Anglewicz, Mr. Kagler, Mr. Mulligan

Nay: None

Motion carried unanimously.

CASE NO. 2013-25, ZONING TEXT AMENDMENT, TRAILS OF HUDSON, DISTRICT 8: HIKE AND BIKE SENIOR HOUSING OVERLAY

Mr. Mulligan stated that the applicant has requested that this case be continued until the next Planning Commission meeting to be held on April 14, 2014. It was clarified that the case must be returned to City Council within 120 days from receipt of referral by City Council.

Mr. Kagler moved to continue the application until the next regular meeting of April 14, 2014.

Mrs. Barone seconded the motion.

Roll Call

Aye: Mr. Harvie, Mr. Chuparkoff, Mr. Wolenski, Mrs. Barone,
Mr. Anglewicz, Mr. Kagler, Mr. Mulligan

Nay: None

Motion carried unanimously.

CASE NO. 2013-23, ORDINANCE 14-19 AMENDMENT, ZONING MAP AMENDMENT, PARCEL NO. 3009586 FROM DISTRICT 6 TO 3

Mr. Hannan reviewed the staff report.

Chris Brown, representing the applicant and property owner, Prestige Homes, 17 W. Streetsboro, Hudson, Ohio 44236, stated that since Prestige Homes purchased the property in 1988, the zoning has changed from residential use to industrial, commercial, retail and institutional use. The property has proven to be difficult to develop due to

wetland and consequential setback issues. Because Prestige Homes has determined that the property is not marketable under current zoning, they are requesting that the property be rezoned from District 6 to District 3. Issues considered prior to submitting this rezoning request included the effects on neighboring properties, effects on the City tax base, effects on the Hudson School District, effects on City services and benefits the City might receive. Prestige Homes concluded that there would be no negative impact on neighboring properties, and property values would actually increase due to resulting uniform housing; that while industrial or office uses might close or relocate, residential use would create a stable tax base due to the consistent, reliable tax received on residential properties; that the Hudson School District has the capacity to support additional students; that City services will benefit through a connection of sewer, gas, and electric lines improving the infrastructure; and that the City will realize a desirable residential balance as additional residents support local businesses.

Planning Commission members reserved their comments until after the public comments.

Mr. Mulligan opened the meeting for public comments. Chris Cook, 675 W. Streetsboro Street, Hudson, questioned whether development would affect the water level of the wetlands. Mr. Mulligan assured Mr. Cook that this development would meet the current stormwater management requirements.

There being no additional public comments, Mr. Mulligan closed the public portion of the hearing.

Mr. Mulligan inquired whether the preferences of the property owners affected by the rezoning were known. Mr. Hannan reported that it is his understanding that Ms. Daugherty, 780 Boston Mills Road, who was present and is the owner of the two eastern most properties, is interested in pursuing residential zoning and considering possible development in the future. The house on the eastern-most parcel has been converted to commercial use and now houses the Gold Clipper but the long term desire is to convert it back to residential use. The western-most parcel is owned by the Hamilton family and is used as a residential property now. The family does not have a strong opinion regarding the rezoning, but there is a hesitation because it would limit potential options in the future.

Mr. Chuparkoff questioned why the property has been determined to be undevelopable for commercial/industrial use but to be developable for residential use. Mr. Hannan referenced the compatibility plan which reflects the proposed roadway causing sublots to overlap into the existing District 3 zoning. He identified differing wetland setbacks for industrial/commercial development versus residential development. Changing site constraints allow some additional development under residential zoning. Mr. Richardson commented that the scale of development is much larger footprints for industrial/commercial buildings which have been warehouse/distribution centers. He referenced the ease of manipulating streets and locations of structures for residential development rather than for very large scale buildings.

Mr. Harvie expressed concern regarding the wishes of the property owners of the three referenced parcels to rezone their properties or not. Mr. Hannan stated that while it is not necessary for the zoning of the properties to be changed from District 6 to District 3, Staff felt it was appropriate for the Planning Commission to consider the change. Mr. Richardson stated that Staff has no strong opinion either way in part because these properties are adjacent to a larger area of District 6 zoning north of Boston Mills Road.

Mr. Anglewicz questioned how setbacks on adjacent existing commercial/industrial lots in District 6 would be affected by developing large residential lots. Mr. Hannan responded that if the two eastern-most parcels are changed to the District 3 zoning, that the 100' perimeter setback between commercial/Industrial zoning and residential zoning is shifted westward and would be imposed on the Hamilton property. The Hamilton property has a width of 200'.

Mr. Anglewicz asked what marketing had been done since the purchase of the property in 1988. Mr. Brown stated that during his tenure with Prestige Homes, two parties have considered development of the parcel but neither could develop a site plan that was economically and reasonably feasible due to the infrastructure that would have to be installed. At one time the hope had been to extend a street from Hudson Crossing through the parcel to Boston Mills Road. The Army Corp of Engineers determined that it was not feasible to cross the category wetlands and not necessary because of Chittenden Road. He confirmed the development type as large warehouse distribution centers. He stated there had been no attempt to market the property for commercial/office use lately. He identified the City of Hudson as the provider of all utilities in that location.

Mr. Harvie expressed surprise to hear that in a situation like this the buffer would attach to the western-most parcel automatically. He questioned whether that information was included in the notice the property owners received and stated that he would argue it could be an issue of eminent domain. Mr. Hannan responded that the information was not included in the notice nor the conversations with the property owners.

Mr. Kagler stated that current information received since last December puts the Commission in a position of strongly considering changing the zoning on the parcels. He pointed out if the Prestige-owned parcels were rezoned and the three extra parcels were not, the three parcels in District 6 would be surrounded by residential zoning parcels on the east, west, south and District 6 on north. Not including the three excluded parcels could reflect reverse zoning and has the potential of creating something more incompatible. Mr. Beasley, an expert in commercial real estate, has concluded the parcel is not buildable as currently zoned. Mr. Wiedie, Economic Development Director, does not object to the rezoning. Mr. Kagler said that evidence, as well as the fact that in 1997 an amendment to the Comprehensive Plan recommended that residential development be permitted in the District 6, he is leaning toward recommending approval of the ordinance and also would recommend the ordinance be amended to include the three additional parcels.

Mr. Mulligan agreed with Mr. Kagler's understanding that when Council receives the recommendation from the Planning Commission, Council would conduct a public hearing and would send notices to the affected property owners.

Mr. Chuparkoff asked whether the owners of the three parcels had submitted applications to rezone. Mr. Mulligan clarified that they had not. They were given notice as adjacent owners and possible parties to the rezoning. Mr. Richardson explained that any request to rezone is taken into the context of what is going on around the parcel. In this case, it made sense for Staff to examine the three adjacent parcels. He stated that the City can initiate rezoning. Staff consulted Assistant City Solicitor Aimee Lane who indicated that if property owners have been sent notices as adjacent property owners and possible parties in the rezoning as well, the City can move forward.

Mr. Harvie stated that his concern is to avoid further litigation and to make sure that property owners are notified properly. Mr. Wolenski asked if it would be appropriate to ask for written confirmation that the property owners are in concurrence with the rezoning of their properties. Ms. Lane indicated that action is not required. It would be treated like a City initiated rezoning, and it is not necessary that the property owners give their consent as long as the rezoning complies with the criteria that is applicable. The City is free to move forward. The property owners are given notice and can appear and present their concerns. Mr. Richardson stated that based on Mr. Hannan's statements, one owner is in agreement with the rezoning, and the other presented no outright opposition.

Mr. Anglewicz received confirmation from Mr. Richardson that prior to 1995, the three adjacent properties were zoned residential, and the zoning change to District 6 occurred in 1999.

Mr. Kagler made a motion that the Planning Commission recommend that City Council approve the requested map amendment for Parcel No. 3009856 from District 6 – Western Hudson Gateway to District 3 – Outer Village Residential Neighborhood overlay and that Planning Commission recommend that City Council amend proposed Ordinance No. 14-19 to include three additional Permanent Parcel Nos. 3001861, 3000920, and 3000580 within the proposed map amendment ordinance. This motion is based on the evidence as indicated below:

Planning Commission notes the following in making this recommendation:

1. Hudson City School District has stated the ability to accommodate additional students and has experienced a sustained and further projected decline in enrollment.
2. Hudson Economic Development Corporation determined in the 2013 Commercial-Industrial Build-out analysis that the subject parcel does not represent a developable parcel for commercial-industrial development.
3. Staff analysis has determined the existing site constraints make commercial and industrial development impractical.

4. The submitted site specific development plan complies with or can be made to comply with the first five standards of Section 1204.01 of the LDC.
5. The submitted documentation provided by the Hudson School District and the Economic Development Department acknowledge the changing social and economic conditions per the sixth standard of Section 1204.01 of the LDC.

Mrs. Barone seconded the motion.

Roll Call

Aye: Mr. Harvie, Mr. Chuparkoff, Mr. Wolenski, Mrs. Barone,
Mr. Anglewicz, Mr. Kagler, Mr. Mulligan

Nay: None

Motion carried unanimously.

OTHER BUSINESS

CASE NO. 2014-01, COMPATIBILITY REVIEW, RESERVE AT RIVER OAKS

Mr. Hannan reviewed the staff report.

Chris Brown, Prestige Homes, 17 W. Streetsboro Street, Hudson, as applicant and property owner, stated that he thought it would be very helpful in the rezoning process for the Commission and Council to see what the project could look like if rezoning goes through. He said that he feels the plan is very compatible and uniform with all of the uses along Boston Mills Road.

Mr. Mulligan offered supplemental information to new members by stating that part of this discussion is related to comments from the Commission a few months ago before the rezoning proposal came in concerning the industrial land to the west. Although one cannot assume that City Council will approve the rezoning, the Commission will look at this as if the whole area was zoned residential. Some members had expressed concern about the original plan having the outlet road to the west being both a residential and industrial public road. The proposed plan would be for a residential road with two outlets onto Boston Mills Road. Mr. Brown noted that on the plan, the road winds in and out in order to miss the wetland and environmentally sensitive areas. Residential zoning allows this to be done.

Mrs. Barone asked if the subdivisions to the east were developed according to the open space conservation part of the code. Mr. Richardson stated that they were developed according to standard subdivision guidelines. He noted that the Reserve at River Oaks subdivision is compatible with Oak Point Commons. Mr. Hannan indicated that it is compatible with Oak Point Commons but that the lots in Oak Point Commons are 10 to 20% larger.

Mr. Kagler asked for clarification whether the Commission is relooking at compatibility over the whole development or if they are just looking at the compatibility of the additional part of it? Mr. Hannan responded that what would be most appropriate would be to look at the larger development especially the Boston Mills access. Mr. Kagler

recalled prior review of a single entrance into the residential portion and a single entrance into the D-6 portion of the development. He asked if the western part were rezoned, assuming there would have to be two entrances based on the numbers of lots, could the eastern entrance of the cul de sac on the eastern side of the development be extended and come out across from Executive Parkway. Previously he was told that there was too much going on there environmentally. Mr. Brown indicated that the open space reflected on the plan has quite a large wetland which would not allow the extension. Mr. Richardson clarified that the requirement for two entrances was not based on the number of lots but rather on the length of the dead end street. Mr. Kagler stated that he would rather see one entrance divided with a boulevard similar to Haymarket Way in Chadds Ford Subdivision. It was decided not to address the issue further since this is a compatibility review.

Mr. Kagler requested confirmation that the open space requirement is met. Mr. Hannan confirmed that initial review reflects excess open space. Greg Modic, Design Engineer, Prestige Homes, stated that the plan shows the open space exceeds the requirement.

Mr. Kagler asked why the preliminary plan was not being considered tonight. Mr. Richardson responded that he did not think it was proper to approve the preliminary plan until the zoning map change was in place. Mr. Hannan confirmed that the level of review required for the preliminary plan has not been completed.

Mr. Chuparkoff commented that he is in agreement with Mr. Kagler's points regarding the access road. He indicated that he supports the exploration of a single entrance.

Mr. Kagler made a motion that pending approval of the proposed Land Development Code map amendment referenced in Case No.2013-23, the Planning Commission find that the compatibility review plan of the revised Reserve at River Oaks Subdivision dated November 15, 2013 compatible with existing adjacent development.

Mr. Harvie seconded the motion.

Roll Call

Aye: Mr. Harvie, Mr. Chuparkoff, Mr. Wolenski, Mrs. Barone,
Mr. Anglewicz, Mr. Kagler, Mr. Mulligan

Nay: None

Motion carried unanimously.

APPROVAL OF MINUTES

There were no minutes available for approval.

The Chair, Mr. Mulligan, adjourned the meeting at 8:56 p.m.

Joseph Mulligan, Chair

Judy Westfall, Acct. Clerk II