

**CITY OF HUDSON
PLANNING COMMISSION
REGULAR MEETING OF APRIL 14, 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; Kris McMaster, Associate Planner; Aimee W. Lane, Assistant City Solicitor

On behalf of the Planning Commission, Mr. Mulligan expressed condolences to the family of Nora LaLomia, Planning Commission Board Clerk, who passed away April 2, 2014. He recognized her contribution to the Commission over many years of service. Mr. Mulligan also expressed condolences to the family of John Jeffers, former Ward 4 Councilman, who passed away on Friday, April 11, 2014.

OATH OF TRUTHFULNESS

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

OTHER BUSINESS

**CASE NO. 2014-10, CITY MANAGER'S ANNUAL REVIEW REPORT,
GROWTH MANAGEMENT RESIDENTIAL DEVELOPMENT ALLOCATION SYSTEM**

Mr. Richardson stated that each year the Staff is required to prepare an annual report on behalf of the City Manager and make a recommendation for the number of growth management allocations that the City would award during its next allocation period. Mr. Richardson introduced Interim City Manager, Scott Schroyer, to deliver the report and recommendation.

Mr. Schroyer reviewed the Executive Summary within the Growth Management Annual Review Report for Commission members.

Mr. Richardson introduced Kris McMaster, Associate Planner, and principal author of the Growth Management Residential Development Allocation System Report.

Mr. Mulligan recalled for the new Commission members that the focus and goal of the Commission in reviewing this report is to relay comments from the Commission to Council regarding the appropriateness of the recommended number of residential allotments. Mr. Richardson stated that the Planning Commission is charged with making a recommendation to Council.

Mr. Kagler commented that it was surprising that the population of Hudson is less than it was ten years ago and that school enrollment is less than it was twenty years ago. He stated he has no problem with the recommendation and expressed appreciation for the efforts of the Staff in generating the report. He does question, though, why the City continues to spend Staff time, applicant time and developer time with the growth management process when there is no growth.

Mr. Harvie expressed agreement with Mr. Kagler. Mr. Harvie stated that he thinks it is valuable to have a review of population growth and other statistics found in the report whether annually or biennially.

Mr. Wolenski stated the report is interesting and contains some surprising information including the stagnant growth statistic.

Mr. Chuparkoff stated that he agreed with the earlier comments, indicating that he felt the information found in the report was valuable and would want to continue the review on an annual or biennial basis. He asked what span of time the Comprehensive Plan covered. Mr. Richardson explained that comprehensive plans tend to have a twenty year horizon. In response to Mr. Chuparkoff's question as to how the Growth Management Residential Development Allocation System and the Comprehensive Plan are reconciled, Mr. Richardson stated that the legislation is reviewed every year. No changes to the legislation are being recommended this year. The Comprehensive Plan study due to be started in 2014 may recommend changes to the legislation in the future. Mr. Richardson said that Mr. Schroyer's recommendation of 125 allocations is reasonable for this year and the next few years.

Mr. Anglewicz commented that he finds the information in the report valuable. He asked why in the past the percentage of used allocations was so low. Mr. Richardson stated that developers request the maximum number of allocations to ensure rapid development of their projects. He stated that the pace of development does not nearly match the number of allocations available. Mr. Anglewicz asked if there are other impediments besides economics behind the low number of allocations being used. Mr. Richardson said that he did not think so. He noted the recent development at Trails of Hudson which presented unique challenges. Those challenges were met by using awards of special merit, advising developers of deadlines for applications, and by a change to the LDC that allows unused allocations to be granted before the next allocation deadline.

Mrs. Barone stated that Mr. Kagler expressed the same concerns she had. She said it was her understanding that concern regarding infrastructure was part of the basis for

Growth Management. She questioned whether problems with the infrastructure remain. Mr. Schroyer stated that he has worked with agencies to improve the infrastructure and to estimate where growth would occur and evaluate where infrastructure improvements would be needed in order to make sure the infrastructure is up to the standards that we want.

Mr. Mulligan expressed his support for the recommendation of issuing 125 allotments.

Mr. Harvie moved to accept the Interim City Manager's Growth Management Residential Development Allocation System Annual Review Report dated March 27, 2014 and recommends City Council establish the number of Residential Allotments at 125 dwelling units for the allotment year August 1, 2014 through July 31, 2015. This recommendation is made with the condition that the number of allotments be divided as follows. The final number of 125 allotments to be awarded in the first and second semi-annual allocation periods should be distributed so that 63 allocations are available in the first semi-annual allocation period and 62 allocations are available in the second semi-annual allocation period.

Mr. Kagler seconded the motion.

Roll Call:

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

Nay: None

The motion carried unanimously.

PUBLIC HEARINGS

CASE NO. 2014-05, FINAL PLAT AND IMPROVEMENT PLANS, DISTRICT 3

RESERVE AT RIVER OAKS, PHASE I

Mr. Hannan reviewed the staff report. Regarding setbacks and building siting and orientation, Mr. Hannan noted that staff has met with the applicant and reached acceptable terms on these two items. The setbacks have been adjusted to accommodate no more than a 5 foot differential between properties. The building siting as submitted is acceptable due to lot configurations that would make it difficult to readjust the house siting. Regarding the proposed emergency access drive, if the zoning map amendment is approved, the road will be redesigned with the extension of the subdivision. It must be documented that the access road will not impact wetland areas.

Chris Brown, Prestige Homes, 17 W. Streetsboro Street, Hudson, OH 44236, represented the applicant. He stated that he does not see any problems with meeting all the requirements suggested by Staff.

Mr. Harvie asked Mr. Brown if all of the issues regarding the engineering comments had been resolved. Mr. Brown said that all of the revisions have been made and that he should receive a second comment letter soon from Mr. Miller, Rettew Engineering, after

completing a review of the revised plans. Mr. Harvie recalled that the siting issues have to do with forward facing garages, and he asked how that was resolved. Mr. Hannan said that the concept plans in hand reflect the layout that would be implemented and that there is not a fixed commitment, but staff wants to make sure that the concept meets with the intent of the LDC. He stated that the Land Development Code says the garage may not be visible from the primary direction of approach, but that staff does not typically apply that to the entire internal portions of the subdivision. Once past the first major interior intersection as one enters from Boston Mills Road, the side-loaded garages will not be visible from the primary direction and may face either side lot line. Another consideration was the 8 foot path and trying to minimize curb cuts along the 8 foot path. Possible changes could result in an awkward or shortened rear yard, thus it was determined the plans were acceptable.

Mr. Wolenski asked if the plans in the packet were revised plans. Mr. Hannan confirmed that they were the revised plans.

Mr. Kagler asked about the status of the rezoning map amendment. Mr. Richardson responded he expects Council to act on it at the first meeting in May and that it would be effective thirty days later. Mr. Kagler asked if the installation of one entrance road into the subdivision was being considered. The discussion was dropped due to lack of support by Commission members. Mr. Kagler inquired about the location of the sidewalks and path and the corresponding width of each. Mr. Hannan stated that sidewalks are located on the east side of Majestic Oaks, Rosewood and Regalwood. The 8 foot pathway would be located on the west side. Mr. Richardson confirmed that the Land Development Code requires sidewalks to be 5 feet in width and the Parks Master Plan requires pathways to be 8 feet in width. He indicated that it is possible that there will be an amendment to the Land Development Code in the future that will change the sidewalk requirement. Condition number 7 indicates that if an amendment is passed, plans could be revised without having to return to the Planning Commission for approval. Mr. Kagler stated that he thinks it is excessive to require both an 8 foot pathway on one side and a 5 foot sidewalk on the other. Mr. Brown said the plan is for the subdivision to be family oriented and that sidewalks are an amenity if located on both sides of the street. Mr. Brown confirmed for Mr. Kagler that streetlights are proposed per the City's specifications and locations and that utilities will be provided by Hudson water and Hudson sewer.

Mr. Chuparkoff asked for information regarding the Ohio Stream Preservation, Inc. referenced on the cover page. Mr. Richardson said that it is a non-profit organization that manages wetlands and open spaces. Mr. Chuparkoff asked who enforces the terms of the conservation easement. Mr. Brown said that Ohio Stream Preservation, Inc. comes out to inspect the entire boundary and perimeter of wetlands and the buffer yards. He said they work with the homeowners association and notify them and the City of any issues. Mr. Richardson said the City has the right to enforce provisions of the conservation easement if Ohio Stream Preservation, Inc. and homeowners do not meet their obligations. Ms. Lane, Assistant City Solicitor clarified that the City has the right to enforce the provisions of the conservation easement, but not the obligation.

Mr. Chuparkoff asked if there are any details regarding emergency access road. Mr. Hannan said that the design has not been prepared yet and that the plans only show a preliminary concept location that would be finalized at the outcome on the zoning map amendment. Per the Development Agreement, the City would require that it would be designed and bonded to ensure its completion and that it be completed with 2 years of the City's acceptance of the Phase 1 infrastructure. Mr. Hannan said that the emergency access road would be a functional public street and would be maintained for snow removal.

Mr. Mulligan opened the hearing for public comments. There being none, Mr. Mulligan closed the hearing for public comments.

Mr. Mulligan asked about the status of the Subdivision Improvement Agreement. Mr. Hannan said that the text still needs to be finalized, but that the law department has reviewed it.

Mr. Chuparkoff asked if the plat will be revised so that the conservation easement is called out on it. Mr. Hannan pointed out that there is an open comment to depict the conservation easement on the plat.

Mr. Kagler stated that he would want to make sure that the easement and maintenance responsibility of the emergency access road applies to the adjacent parcel and this parcel as well. Mr. Richardson said that staff would see that both the easement and maintenance responsibility would be addressed in the easement agreement. Mr. Kagler said that he does not see wetland and wetland setbacks on the plat. Mr. Richardson said that those items are not included because wetlands change.

Mr. Kagler moved to approve the application for the Final Plat and Improvement Plans for Case No. 2014-05 for the Reserve at River Oaks Phase I according to plans dated as received March 27, 2014 with the condition that the applicant must address the following conditions:

1. The Final Subdivision Improvement Agreement must be accepted and signed by the City and Developer.
2. Plans must be revised to show the following:
 - a. Plans must address the review comments of City Consultant Engineer Jason Miller, P.E. of Rettew Engineering Inc. from his letter dated March 17, 2014.
 - b. Plans must address the review comments of Assistant City Solicitor Aimee Lane as detailed in the staff report dated April 9, 2014.
3. Revise the proposed front setbacks for the sublots so staggers in excess of five feet are not proposed.
4. Submit a landscape plan depicting the street trees and entrance features. The plan must meet the LDC requirements including the applicable notes, specifications, details, and plant lists.
5. Prior to the recording of the plat for Phase I, the developer must submit an engineered design for the emergency access road documenting that wetland and riparian corridor impacts would not occur. Variances may be required from the Board of Zoning and Building Appeals for any proposed impacts.

6. Revise the pathway layout as detailed in the staff report dated April 9, 2014 to incorporate the following:
 - a. Pathway routing along the east side of Majestic Oaks Drive and Rosewood Trail to maximize siting along open space parcels and to focus street crossings to the cul de sacs.
 - b. Incorporate pavement markings at the intersection crossings along with other applicable signs or markings to alert vehicle and pathway users to the crossings.
 - c. Depict the installation of the pathway along Boston Mills Road on the improvement plans.
7. If the LDC sidewalk requirements applicable to the development are amended, the applicant may revise the proposed sidewalk plans accordingly and does not need to return to the Planning Commission for plan approval.
8. The following items related to the conservation easement should be addressed:
 - a. The recorded conservation easement is missing Exhibits B and C.
 - b. Signage noting the conservation easement and wetland boundaries should be placed adjacent to sublots and in compliance with the signage requirements of the USACOE wetland disturbance permit.
 - c. The conservation easement must be depicted on the plat.
9. Incorporate an additional 20 feet of pavement at the termination of Regal Woods Drive to accommodate city maintenance of the street and snow removal.
10. Maintain a five foot utility easement along the side and rear of each lot and a ten foot depth easement along all rights of way.
11. Revise the final plat to incorporate all protective covenants and easements including the conservation easement and the gas well easements.
12. Revise the Declaration of Restrictions in substantial conformance to the text on page 5 of the staff report dated April 9, 2014 regarding the preservation of the wetland areas.
13. Incorporate fire hydrants with nozzle threads complying with City of Hudson specifications.
14. The proposed utility easements should be revised to comply with the LDC standards of a five foot easement along the side and rear of each lot and a ten foot depth easement along all rights of way.
15. A performance bond or other financial guarantee shall be posted by the applicant for the purpose of assuring the installation of improvements at or before a time the Final Subdivision Improvement Agreement is executed.
16. No clearing or grading of any kind shall commence prior to the issuance of a zoning certificate.
17. Provisions acceptable to the City Solicitor shall be provided for an easement to cover the proposed emergency access road as well as perpetual maintenance of that proposed access road by the developer and its successors.

Mrs.Barone seconded the motion.

Roll Call:

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

Nay: None

The motion carried unanimously.

**CASE NO. 2014-08, FINAL PLAT RENEWAL AND MODIFICATION,
NOTTINGHAM GATE PHASE V SUBDIVISION, BROOKSHIRE DRIVE**

Mr. Hannan reviewed the staff report.

Bruce Robinson, B.L. Robinson Engineering, representing Laura DiNovi, Hudson Builders, 72 N. Main Street, Suite 300, Hudson, OH 44236, stated that the subdivision was begun in 2005, and that some of the improvements for Phase V are in place including water lines, sanitary sewers, and the storm sewer system. Items needing to be finished include sidewalks, street lighting, landscaping and final paving. Mr. Robinson said that regarding storm water management, the regulations have not changed since the 2006 submittal, but Summit Soil and Water Conservation District has asked Hudson Builders to submit full calculations on prior approvals. The City Engineer has requested that storm water calculations be reissued for their review. There are some questions about the validity of previously issued permits. The information has been complied and sent to the City Engineer. He said that the City Engineer asked Hudson Builders to redo the wetland delineation. He stated that the property had been delineated in 2005, and that in 2006 Hudson Builders completed the fill shown on that delineation which would be affecting Phase V. He said that no wetlands are expected on the new delineation because of the fills completed in 2006, but they would comply with request.

Mr. Kagler asked for clarification regarding the wetland delineation request. Mr. Hannan said that the request was made because the previous delineation is no longer valid. Based on the City Engineer's request, Robinson Engineering will be updating the delineation to confirm the current wetland boundary. Mr. Kagler questioned why a new delineation is being sought since the back property lines are not being changed, the delineation of the open space parcel is not being changed and wetlands are not identified on the plat. Mr. Richardson said that wetlands could conceivably be bigger, and that it would be a safeguard. He agreed with Mr. Robinson that the chances of new wetlands on these lots are remote. Mr. Kagler asked if a wetland study would be required if a property owner applied for a zoning permit for new residential construction. Mr. Richardson said if there were suspect wetlands, a wetland study would be requested. If there was no evidence of wetlands, no delineation would be required. Mr. Kagler questioned why one needs to present proof of no wetlands or secure a new wetland delineation since we do not refer to the plat regarding wetlands to build on a platted lot. Mr. Hannan said that based on GIS databases, site observations, and landscape architect evaluations, a wetland delineation can be requested as part of the house construction. Mr. Kagler asked to hear from the applicant regarding the matter. Laura DiNovi Anderson also questioned why a new delineation was required, but stated that she will comply with the request. Mr. Richardson stated that a delineation was good for five years. Mr. Kagler questioned if the delineation might be different enough to impact lot lines. Mr. Hannan said no, but that it might affect street and sidewalk infrastructure. Mr. Hannan suggested that Mr. Sheridan initially request the new delineation as proper due diligence and that perhaps a wetland consultant could perform a field observation and in a letter give some confirmation that they do not see changes in the wetlands from past delineations. At least then there would be a professional review without a full delineation. The applicant was agreeable with that

suggestion. Mr. Kagler questioned whether the cross hatch on the plan reflects the previously delineated wetlands some of which were permitted to be filled and some of which have been filled. Mr. Robinson pointed out locations of the wetlands on the plan. The applicant stated that only the road is not in place and that the utilities were previously installed.

Mr. Chuparkoff asked the applicant why the change is being made from six lots to five. The applicant stated that she has two clients who want larger homes, so she converted three lots to two.

Mr. Anglewicz asked how the lots were originally platted. The applicant stated that the three corner lots on Abbyshire and Brookshire became two lots.

Mr. Mulligan opened the hearing for public comments.

Lynell Koch, 5681 Abbyshire Drive, stated that her concern is that the drainage ditch at the rear of her property has become a river with a depth of 12" to 16", but which was completely dry at the time she moved onto the property. She is concerned that the drainage problem will increase with the new development.

Karen Androchek, 5691 Abbyshire Drive, stated that the ditch has become a problem. The ditch was designed to be an open ditch to hold water. It has no piping and no pitch. Now the increased amount of the water in the ditch has caused her basement to flood. Mrs. Androchek stated that she hired a contractor to remove sediment, and she has gone to the City about four times for help. She said that a four inch pipe installed on the fourth property on the street blocks the flow of water. She stated that she is in favor of the street going in, but that there needs to be some improvement to the drainage.

Mr. Mulligan stated that the plan before us is regarding a change in the plat and a change in the plan for Brookshire and is not a proposal to make a change in the storm water system affecting Phase IV.

The applicant said that the new street is downstream from the problem and will not affect what is occurring in the neighbors' back yards.

Mr. Mulligan asked staff to work with the applicant and neighbors to figure out a solution to their concerns. Mr. Hannan stated that he has spoken to the neighbors and that the Engineering Department will look at the situation further. He also said that it is his understanding that the situation is related to the existing Phase IV improvements or existing grading. Mr. Richardson confirmed that staff would follow up on this with the Engineering Department.

Mr. Anglewicz asked how the change in the number of lots would affect the permeable surface. The applicant said that there would be less impervious surface and less concrete because there would be five driveways rather than six.

Mr. Chuparkoff moved to approve the application for the Final Plat Renewal and Modification for Case No. 2014-08 for Nottingham Gate Phase V according to plans dated as received March 3, 2014 with the condition that the applicant must address the following:

1. A third amendment to the Final Subdivision Improvement Agreement must be accepted and signed by the City and Developer.
2. Plans must be revised to show the following:
 - a. The limits of disturbance must be revised to disturb the minimum amount of land area needed for the installation of the public infrastructure and be located outside the conservation easement areas.
 - b. Plans must address the review comments of City Engineer, Thom Sheridan, P.E. from his letter dated march 24, 2014.
 - c. Plans must address the review comments of Assistant City Solicitor, Aimee Lane, dated march 17, 2014.
3. The landscape plan must be submitted and approved.
4. The final subdivision plat shall not be recorded until all applicable requirements of The Final Subdivision Improvement Agreement are satisfied including submission of a satisfactory financial guarantee for installation of improvements and landscaping.
5. No clearing or grading of any kind shall commence prior to the issuance of a zoning certificate.

Mr. Kagler seconded the motion.

Mr. Kagler commented that he disagrees with the requirement for doing anything regarding a wetland study.

Mr. Mulligan stated that he is in agreement with Mr. Kagler.

Roll Call:

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

Nay: None

The motion carried unanimously.

APPROVAL OF MINUTES

Regarding minutes of the 2-10-14 meeting, Mr. Kagler noted that he had not seconded both of the motions as reflected in the minutes on page one, Election of Officers. Mr. Mulligan noted a correction was needed on page eight, in the next to the last paragraph. Mr. Richardson confirmed that the correction should read "the sidewalk bump-outs at the Hudson Square building, Hattie's building and Owen Brown Street were good, but could be problematic at the Oriental Rug building".

Mr. Wolenski move to approve the minutes as revised. Mrs. Barone seconded the motion.

Roll Call:

Aye: All

Nay: None

The motion carried unanimously.

Regarding the minutes from the 3-10-14 meeting, there were no changes.

Mr. Chuparkoff moved to approve the minutes as submitted. Mr. Harvie seconded the motion.

Roll Call:

Aye: All

Nay: None

The motion carried unanimously.

The Chair, Mr. Mulligan, adjourned the meeting at 9:17 p.m.

Joseph Mulligan, Chair

Judy Westfall, Acct. Clerk II