

CITY OF HUDSON
PLANNING COMMISSION
REGULAR MEETING OF JULY 11, 2011
7:30 P.M., TOWN HALL

MINUTES

CALL TO ORDER

The Vice 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. Drew, Mr. Kagler, Mr. O'Keefe, Mr. Mulligan

Absent: Mr. Cox, Mr. Hanink, Mrs. Barone

Officials Present: Thomas E. King, Director, Mark Richardson, City Planner, Aimee W. Lane, Assistant City Solicitor; Chuck Wiedie, Economic Development Director, George Roth, Council member

Minutes were taken by Ms. La Lomia, Planning Commission clerk.

OATH OF TRUTHFULNESS

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

Mr. Drew questioned the Administrative Rules regarding quorums. Mrs. Lane confirmed a majority of a quorum could act on a matter.

CASE NO. 2011-25, VACATION PLAT FOR BENDLETON DRIVE

Mr. Richardson said the City Manager and City Engineer were coordinating a possible future vacation of Bendleton Drive and upon the instruction of the City Manager, the matter was not ready to proceed at this meeting. He said the process to vacate a plat was similar to creating a plat.

Mr. Drew said it was his understanding that some of the neighbors living near the corporate boundary wanted some type of buffer. Mr. Richardson said there was a right-of-way up to the corporate line and with the vacation the property in the right-of-way would become private property.

Mr. Mulligan said the matter was not ready to be discussed at this time.

Mr. Drew moved that the Bendleton Drive plat vacation matter be continued until the next regularly scheduled Planning Commission meeting. Mr. O'Keefe seconded the motion.

Roll Call:

Aye: Mr. Drew, Mr. Kagler, Mr. O'Keefe, Mr. Mulligan

Nay: None

Motion carried.

CASE NOS. 2011-02 AND 2011-04, CONDITIONAL USE AND SITE PLAN, ASSISTED LIVING FACILITY, 5416 DARROW ROAD

Mr. Richardson reviewed the staff report explaining the Commission was reviewing the site plan and preliminary details. Staff would approve the final engineering drawings. He said this was a conditional use in this district and those requirements could be met. The four existing parcels would be consolidated into one. Staff recommended modifying the wetland setbacks as requested.

Katie Wojno, Director of Development, said they had an 83 bed facility proposed for Phase 1 and would come back when they were ready to add a Phase 2. She said there would be no more than 32 – 36 employees per shift, twenty-four hours a day, seven days a week.

Leonardo Sferra, GPD Group, 520 South Main Street, Akron, said the architect from Ries Architects was out of town, and Joe Matava, a local architect, was present. He said Great-Hudson LLC was the owner, and Gables Management Company Inc. was the operator.

Mr. O'Keefe questioned the address being 5416 or 5334 Darrow Road. Ms. Wojno replied it was 5416.

Mr. O'Keefe questioned whether fire trucks had access around the entire perimeter of the building. Mr. Richardson said the fire department was satisfied. Mr. King said they had access on three sides and that was all they needed.

Mr. O'Keefe asked about the 100 foot setback for the wetlands and whether there was any way to make some of the sidewalk and asphalt paving within that 100 foot area permeable. Mr. Sferra replied they did evaluate permeable pavement in that zone and would impact the wetlands as little as possible. He said they were still evaluating depth. Mr. O'Keefe said if at all possible he would like to see permeable pavement within that 100 foot setback. Mr. Sferra said the parking lot drained back to that area before and hoped the hydrology would be the same.

Mr. O'Keefe said the future right-of-way seemed to cut through the wetlands. Mr. Richardson said it likely would. He was not sure of the alignment of that road since the negotiations with the adjacent property owner were not finalized. Mr. King said the wetland did go onto the property to the west.

Mr. O'Keefe questioned the differences in level of service between "B", "D", and "F" in the traffic study. Mr. Sferra replied the ratings were based on ODOT calculations. He said an "A" is a better rating and the level of services lessens the higher you go into the alphabet. Mr. O'Keefe asked the level of service with the new church facility. Mr. Sferra said they spoke to Thom Sheridan regarding the area up to and beyond their parcel for evaluation of the church facility, especially on Wednesdays when they have active programming. Mr. Sheridan wanted to do a little more study to see what the effect of the church was going to be. He said the assessment for the site from our study did not require a deceleration lane based on the magnitude of traffic. Mr. O'Keefe questioned whether a traffic light was needed based on the Joann's Store and cinema traffic. Mr. Sferra replied they were able to show this parcel would not affect the traffic as it goes today. The traffic study put in place is subject to the growth that is going to happen along Route 91.

Mr. Kagler said the existing topography on the south side to the west of the electric transformer shows that the drainage all slopes to this area. He said on page C-111 along that entire south is a guard rail and asked the purpose of the guard rail. Mr. Sferra said they anticipated a small drop off there and to keep that culvert operational it needed to be graded up. He said there might be a slight increase in grade there to be operationally safe if the corridor gets developed. He said it was around 8 feet for a channelized ditch and was showing a small retaining wall.

Mr. Kagler said the pavement was close to the property line. He asked whether the future road planned on the west side the driveway came out past the turnaround point should there be an easement agreement for the future cost of construction to extend the driveway or should that be provided now. Mr. Richardson said it was surely the intent to connect from front and back. Ms. Wojno said they would want access from that area. Mr. Kagler said the future right-of-way road from when the corridor plan was approved seemed like a great idea but wondered where the future road on the west side would come out. Mr. King explained there was a recorded easement on the Summa development where Corporate Drive terminates as a public street. He said it was a driveway without parking that is the access easement from that point. He said in the Summa agreement there was a provision requiring the applicant to install the driveway within a certain amount of time or agree to be assessed for it. He said the access point was guaranteed and there was no such agreement with the property owner to the west or the south.

Mr. Kagler questioned whether there were three or four parcels. Mr. Richardson replied there were four parcels, one was very narrow, and showed them on the map. Mr. King explained two of the parcels had the same parcel number and he was waiting for the title report to determine whether there are three or four parcels.

Mr. Kagler said the meandering sidewalk plan looked like it may be straight and suggested maybe they could make use of what was existing. Mr. King said that could be looked into. He said it was entirely located on private property and there would need to be an access easement to protect the City and the property owner. There was discussion about the benefit of providing cross access easements.

Mr. Drew questioned the required licensing. Ms. Wojno replied there was a license from the State of Ohio and they would have to get their license. She said the intent was to begin construction next year.

Mr. Drew asked whether EMS and fire access was sufficient. Ms. Wojno replied they have had extensive discussion and believed they met all points.

Mr. Drew asked whether there was any intention for cooking facilities. Ms. Wojno replied the rooms will have a small kitchenette with a refrigerator but there will be no cooking facilities.

Mr. Drew questioned what was the BOCA building code. Mr. King responded it was the state building code and then the City of Hudson had standards. Mr. Drew asked whether they would comply with all of the standards. Ms. Wojno replied, yes.

Mr. Drew raised further questions about the traffic study. Mr. Sferra said according to the study they did not need a deceleration lane but Mr. Sheridan had some reservation. He said in terms of the restriction to turn right-in and right-out was not raised in their study. He said from the DOT study there were two accidents and both were trying to make a left into the restaurant. He said this use was a lot less intense than a restaurant.

Mr. Mulligan asked about the number of employees being 36 to 42 at any time on a shift. Ms. Wojno said it was per shift and there would be three shifts. She said the operator would determine that.

Mr. Mulligan asked if construction was started next year what was the projected opening date. Ms. Wojno believed the opening date should be in about one year, opening in 2013.

Mr. Mulligan opened the public hearing.

Chuck Wiedie, Economic Development Director, said as a City they were excited about this project. He said the existing building has been an eyesore due to its deteriorating condition and what it is intended to be replaced with is absolutely beautiful. He said the landowners have made a big investment and the use will create new jobs. He asked the Commission for their support.

Mr. Mulligan closed the public hearing.

Mr. O'Keefe asked what portion was Phase 1 and what was Phase 2. Ms. Wojno replied 83 beds were in Phase 1 in a courtyard style building. Mr. Richardson said the plans showed Phase 1.

Mr. Kagler questioned the location and size of the dumpsters. Mr. Sferra replied it was shown on the plans.

Mr. Kagler questioned the comments from engineering relating to turn lanes. There was further discussion regarding requiring a northbound turn lane. Mr. Sferra said there was a computerized program to show maneuverability and they would be able to get to it based on the program.

Mr. Kagler questioned what was included in this conditional use and site plan approval. Mr. King replied the approval expired within one year and the design would need to come back to the Commission. He said the conditional use approval does address the facility as presented including the two additions which would bring it to 119 beds.

Mr. Kagler moved to approve the Conditional Use and Site Plan for Case Nos. 2011-02 and 2011-04 for an assisted living facility to be located at 5416 Darrow Road according to plans received January 18, 2011 provided the following conditions are met.

1. The conditional use approval associated with this application shall be for an assisted living facility, for up to 116 beds, based upon the site plan presented at the July 11, 2011 Planning Commission meeting which included a representation of Phase II.
2. The four parcels comprising this site must be consolidated through the City's Minor Subdivision approval process before a zoning certificate may be issued.
3. The applicant must supply additional information about the number of beds to be provided in each phase and how and when the phasing will occur. All depicted drives and parking shall be constructed with Phase I.
4. Copies of the applicable certifications and licenses for this facility must be submitted to the City as soon as they are available.
5. Planning Commission finds that the proposed wetland setback disturbances are acceptable and modifies the wetland setback accordingly relying on best management practices, protective measures for disturbance within the setback area, and subject to the approval of the Summit County Soil and Water Conservation District.
6. USACOE approval of the wetland delineation must be submitted. Submittal to the USACOE must occur before the City Engineer approves the plans.
7. Concerning access to and from the site:
 - a. The applicant must execute an access agreement insuring construction of an access drive in accordance with the SR91 Traffic Corridor Study before a zoning certificate may be issued modeled after an existing agreement with Summa and must supply a performance bond or other security satisfactory to the City to assure construction will occur in the future.
 - b. The description of the "future right-of-way" must be changed to "future access easement".
 - c. Plans must be revised to eliminate the median cut south of the one corresponding to the proposed curb cut.
 - d. Agreement(s) must be executed to provide for shared access for properties to the north and south.
 - e. A northbound left turn lane and southbound deceleration lane shall be required on Darrow Road subject to review and approval of the City Engineer unless the City Engineer determines, based on additional information to be submitted by the applicant, that such improvements are not required.

8. The comments of City Engineer Thom Sheridan contained in his letter dated January 28, 2011 must be addressed.
9. The comments of Fire Inspector Shawn Kasson contained in his memorandum dated January 24, 2011 must be addressed.
10. No clearing, grading or construction of any kind shall commence prior to the issuance of a Zoning Certificate.
11. Before a zoning certificate may be issued the applicant shall install silt fencing, polypropylene fencing, and/or other means acceptable to the City to mark and protect approved clearing limits, which shall be maintained by the applicant.

Mr. Drew seconded the motion.

Roll Call:

Aye: Mr. Drew, Mr. Kagler, Mr. O'Keefe, Mr. Mulligan

Nay: None

Motion carried.

APPROVAL OF MINUTES

Mr. Drew moved to approve the minutes of the June 13, 2011 Regular Meeting, as amended. Mr. Kagler seconded the motion.

Roll Call:

Aye: Mr. Drew, Mr. Kagler, Mr. O'Keefe, Mr. Mulligan

Nay: None

Motion carried.

The Vice Chair, Mr. Mulligan, adjourned the meeting at 8:30 p.m.

Jennifer Barone, Chair

Nora La Lomia, PC Clerk