

CITY OF HUDSON
PLANNING COMMISSION
REGULAR MEETING OF MAY 9, 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. Hanink, Mr. Kagler, Mr. O'Keefe, Mr. Mulligan
Absent: Mr. Cox, Mrs. Barone

Officials Present: Thomas E. King, Director, Mark Richardson, City Planner, Aimee W. Lane, Assistant City Solicitor

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.

CORRESPONDENCE

A letter from Curt Van Blarcum, 78 Ravenna Street, dated April 18, 2011, was submitted regarding the rezoning request of 78 Ravenna Street (copy attached).

DESIGN APPROVALS

Mr. Richardson said there were two design only cases in District 8 on this agenda. He said design review procedure would be discussed at the end of the meeting as the last item on the agenda.

CASE NO. 2011-16, DESIGN APPROVAL OF BUILDING ALTERATION, 5555 DARROW ROAD

Mr. Richardson reviewed the staff report for the JoAnn Stores building alteration. He said the Design Review Subcommittee reviewed the project and recommended approval.

Debbie Mansfield, Director of Energy and Facilities, JoAnn Stores, 5555 Darrow Road, Hudson, Ohio, was available for any questions.

There were no questions or comments by the Commission nor any public comment.

Mr. Drew moved to accept the recommendation of the Design Subcommittee for Development in Districts 6 and 8 and approve the design for Case No. 2011-16 for a building alteration at JoAnn Stores, located at 5555 Darrow Road, according to plans dated as received April 25 and 27, 2011. Mr. Kagler seconded the motion.

Roll Call:

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

Nay: None

Motion carried.

CASE NO. 2011-16, DESIGN APPROVAL OF A SIGN AT UNIVERSITY HOSPITAL, 1335 CORPORATE DRIVE

Mr. Richardson reviewed the staff report. He said at the March 14 meeting a revised sign plan and one sign were approved. This sign completes that project. He said the existing sign is being removed and the message in the existing frame is being replaced. The Design Subcommittee reviewed the project and recommended approval.

Mark Hruby, MC Sign Company, 8959 Tyler Blvd., Mentor, Ohio, was available to answer any questions.

There were no questions or comments by the Commission nor any public comment.

Mr. Kagler moved to accept the recommendation of the Design Subcommittee for Development in Districts 6 and 8, and approve the sign design for Case No. 2011-17 for a sign for University Hospitals located at 1335 Corporate Drive according to plans dated as received April 27, 2011. Mr. Hanink seconded the motion.

Roll Call:

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

Nay: None

Motion carried.

OTHER BUSINESS

CASE NO. 2011-15, PRELIMINARY REVIEW LAND DEVELOPMENT CODE TEXT AMENDMENT, ASSEMBLY AND MEETING HALL SIZE IN DISTRICT 8

Mr. Richardson said staff received a request from Christ Community Chapel that they would like to expand their use on Darrow Road. He said the space would be 15,000 square feet and the maximum size for that use in that district is 10,000 square feet. He said applicants cannot seek a variance for a use. He said the Church has elected to initiate a text amendment to the Land Development Code which would affect all meeting halls in District 8 not just this building. He said this was the first step of that process.

Mr. Kagler said the use might be similar to the movie theater approved in 1993 as a conditional use as a conference center. He asked whether there were any other uses and square footage similar to the movie theater.

Mr. Richardson replied where those types of uses are allowed there is no size limit. He referred to page 2 of the staff report.

Mr. Drew asked the difference between a conference center and assembly hall. Mr. Richardson replied that conference centers have conferences for businesses; assembly and meeting halls can be private, like American Legion Halls or other fraternal organizations.

Mr. Kagler asked the downside of not having a square foot limit for places of assembly or meeting if the use met all other requirements, like parking.

Mr. King arrived at the meeting at this point.

Mr. King responded to a question of what district the former Youth Development Center was in, stating it was in District 2. He said religious facilities can go under the same category as assembly and meeting halls without a size limit restriction in District 8. He explained the City may want to keep the Seasons Road area for office/industrial uses. He said that area might be attractive for religious facilities but the City has had a policy to use the land for employment development. He said religious uses were allowed in all residential districts but not in Districts 6, 7, 9 and maybe 10.

Mr. Kagler saw the rationale of having some limit.

Mr. Drew asked the square footage of Regal Cinema. He commented that the American Legion Hall was built as a hall but was now going into office use. Mr. Richardson replied it was 8,000 square feet. Mr. Drew said in District 8 the City was trying to encourage business and industrial tax growth and thought there have been some issues with other types of businesses such as daycare operations and churches there. He was not sure it was wise to open up or make it more acceptable for uses that are not tax-based uses. He was not in favor of enlarging the size of meeting halls.

Mr. Hanink said in District 8 worship facilities were not permitted. Mr. Richardson said that was correct.

Mr. Hanink said with any change made one has to think about unintended consequences. He asked what was The Chapel's motivating source behind the expansion. He thought the uses permitted by right were already broad. He was concerned that increasing the size would open up questions of the City's intention in the district.

Mr. Mulligan said a conditional use still provided some safeguards. He referred to the reuse of the Flood Company in District 8 which was surrounded by residential. He thought the proposed assisted living use was more appropriate than some uses that are allowed by-right. He said, going back to the District 6 and 8 Ad Hoc Committee, the idea was to try to encourage versatile uses of buildings. He believed this building may not be used by the church ten (10) years from now. He said it does not seem to be a permanent action of that building and did not see any downside to putting money into it to improve the building so it could then be reused.

Mr. O'Keefe asked what size the building was now. Mr. Richardson said it was about 12,500 square feet. He said the building footprint would be 15,000 square feet by enclosing the area under the roof. He said the building would not be any bigger than it is now.

Mr. Mulligan said they cannot get any relief by getting a variance. Mr. Richardson said that was correct.

Mr. Kagler asked whether square footage applied when approving a conditional use. Mr. King said the City made an error in the approach when this came in since it was a religious facility and not an assembly hall.

Mr. Kagler questioned whether the square footage should be a limitation on new buildings rather than the uses. He asked whether at the time of approving a use should the size of the building be a concern. Mr. King said the Code addresses the size of the use. He said the use size which is being requested is not allowed in this district.

Mr. Kagler said the main concern with the square footage should not be the use but the building. He said by allowing buildings to be created, they are going to be reused but cannot be converted to other uses, such as Waters Restaurant or the American Legion Hall, these buildings are there already. He suggested an amendment in setting a limit on the size of buildings in the district rather than the uses.

Mr. Mulligan said in District 8 buildings could be very big and would be appropriate along Seasons Road.

Mr. Drew said this one building was built as a retail store but that use is no longer permitted. He said the whole district boundary would be affected by the change with the unintended consequences for meeting and assembly halls there could be a facility along Seasons Road. He saw logic to limiting size to the smaller the better.

Mr. Mulligan said some parts of a district, near a line of another district, there are medical offices, a vacant restaurant, and those areas probably would not become an industrial use. He said that area was not classic District 8 and he thought a conditional use was appropriate for a given use in an industrial setting rather than have buildings stay vacant.

Mr. Richardson said he sensed sympathy with this applicant. He suggested an alternative to a long standing tradition and perhaps permit some variance to uses that may be an option for something like this. He said it could be done on a case-by-case basis to evaluate the uses and square footage.

Mr. Drew thought there had been use changes permitted by the Board of Zoning and Building Appeals ("BZBA") under previous authority and the few cases were contentious.

Mr. Kagler said one concern with use variances were they can become like zoning without due process, although there is some protection with the BZBA and good legal

advice. He said he would like to know the size of current buildings there especially the movie theater and the vacant Waters Restaurant.

Mr. O'Keefe said without knowing some of the other sizes of buildings that are in that area of the district he had concern with 20,000 square feet.

Mr. Kagler asked whether this proposal was a time sensitive request. Mr. King thought the applicant wanted to begin converting the space so they could use it in the Fall for their youth activities center.

Mr. Drew asked whether the matter could be brought back next month with more information. He said with the reuse of existing buildings some may become developed in a way that is unwanted such as a Moose or Elk Lodge rather than a big medical complex. He thought making a change for this small classification under meeting halls could be opening up the whole district.

Mr. Kagler questioned differentiating between religious places of assembly and worship and non-religious places of assembly. Mr. Richardson said that was how the Code read currently.

Mr. Kagler said he would not include 20,000 square feet and suggested getting more information of sizes of existing buildings.

Mr. Mulligan asked whether there was a way to send the request to Council without this recommendation in order to satisfy the process requirement. He said that way the request could go onto Council and in the meantime staff could provide the square footage information and would not waste City resources.

Mr. King said it was a private-party initiated code amendment and the applicant could ignore the Commission but may be facing more difficulty. He said it would be up to the applicant.

Mr. Richardson said the condition provided was staff's recommendation and if the Commission was not comfortable with the condition it does not have to be included.

Mr. Drew read Section 1204.01 about Code amendments with emphasis on the word necessary.

Mr. King explained the Code needs to be reexamined as new trends evolve or there are changed circumstances. He explained churches have not always had off-site campuses, like schools, shelters, meal programs, or social outreach where the church is in a separate location.

Mr. Kagler said the private party initiated Code procedure requiring a site specific plan came up with the site next to the Circle K gas station. A proposal to the district brought a change to the text but not to the map. He said this is what this applicant is proposing, but with no change with the site plan. He did not have a problem with the process

where an applicant submits an application and asks the Commission to give consideration and action.

Mr. Kagler moved to forward the attached application for zoning text amendment to increase the maximum gross floor area permitted for assembly and meeting halls in District 8 to Council for first reading and formal referral with the following suggestions and comments.

1. At time of hearing, ask staff to provide information on building footprints.
2. To address the discrepancies between religious and non-religious assembly as part of any proposal.

Mr. O'Keefe seconded the motion.

Mr. Drew said he was not in favor and wanted to continue the matter. He did not think continuing the matter would hold the applicant up since they were already in operation.

Mr. Hanink asked from a procedure standpoint would this block the applicant from proceeding. Mr. King thought they could proceed anyway. Mr. Hanink said irrespective of how we vote the applicant was going forward either with the Commission's preliminary approval or agreement or some level of support or not. Mr. Richardson said that was correct.

Mr. Kagler said he would like to take more time to think about it.

Mr. Drew wanted to continue the matter to think about the whole district.

Mr. Mulligan disagreed with that. He said based on what Mr. King said even if the matter is continued the applicant can bypass the Commission and go to Council anyway.

Mr. King thought they could proceed to Council although City Council and the applicant were interested in the opinion of the Commission. He said this was a District 6 and 8 application and should be taken up quickly. He said if there was no recommendation tonight, then the Commission should act at a second meeting of the month, on May 23.

Mrs. Lane said under Section 1203.03(c)(2), Commission action on a recommendation was provided for in the review process but an applicant could go onto City Council. She said this was a preliminary review.

Mr. Mulligan asked without taking any action if the Commission wanted to meet on May 23 or whether the members wanted to make a different recommendation to Council which the Commission could do.

Mr. Kagler thought Mr. Drew's comments were wise and he withdrew his motion. He said without another motion the matter would move forward and staff knew the Commission's views and could present them to Council.

Mr. Richardson said if there was no recommended motion the Commission could remain silent.

Mr. King said the Commission has requested more information so he did not think a motion was required.

DISCUSSION OF APPROVAL PROCESS FOR DESIGN ONLY IN DISTRICTS 6 AND 8

Mr. Richardson introduced the idea of simple design project rules being changed in the Code to prevent these small projects from having to come to the Commission. He explained the Charter was changed to make PC act instead of AHBR and staff was suggesting new buildings and large building changes would be brought to the Commission for review and other projects would be approved by staff or the Design Subcommittee with a consent agenda process.

Mr. Hanink thought anything that reduced bureaucracy and increased speed of approval was appropriate. He asked whether a consent agenda would basically be an up or down vote unless there was a problem. Mr. Richardson said at AHBR if an item is placed on consent agenda, the applicant does not appear, the action is final and the review has been concluded. Mr. Hanink said at Council if one member had an issue with a case the matter gets pulled off the consent agenda. Mr. King said the Commission could have that ability but it would be helpful to know ahead of time.

Mr. Mulligan asked whether there would be a packet before the meeting. Mr. King said he would expect to know whether someone wanted the matter to be discussed as the applicant would have to appear. He said consent agenda items are voted on in one vote. Mr. Mulligan asked whether the items on the consent agenda would have a full staff report. Mr. Richardson said probably since that information would be needed to obtain approval. Mr. King thought staff would need to provide information so someone does not ask to move an item off of consent because they do not know what it is.

Mr. Kagler thought it was better than the current process. He said it was not only about moving through the process more efficiently but also recognizing there was professional staff that could act on these types of things. He suggested the same procedure as AHBR, when the consent agenda is prepared, any member could go to the office and review an item.

Mr. Richardson said the Design Subcommittee was working electronically now for most projects.

Mr. O'Keefe said it was not staff but the Design Subcommittee who reviewed the projects. Mr. Richardson said a class of projects would be created that staff would review alone.

APPROVAL OF MINUTES

Mr. Drew moved to approve the minutes of the April 11, 2011 Regular Meeting, as submitted. Mr. Hanink seconded the motion.

Roll Call:

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

Nay: None

Motion carried.

The Vice Chair, Mr. Mulligan, adjourned the meeting at 8:35 p.m.

Joseph Mulligan, Vice Chair

Nora La Lomia, PC Clerk