

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

MINUTES

CALL TO ORDER

The Chair, Mrs. Barone, 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. Cox, Mr. Drew, Mr. Hanink, Mr. Kagler, Mr. Mulligan, Mr. O'Keefe,
Mrs. Barone
Absent: None

Officials Present: Thomas E. King, Director, Mark Richardson, City Planner, Kris McMaster, Associate Planner, Aimee W. Lane, Assistant City Solicitor, Tony Bales, City Manager, David Basil, Council President

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

OATH OF TRUTHFULNESS

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

CORRESPONDENCE

A letter from Prestige Homes, dated April 11, 2011, was submitted requesting the Special Hardship request for Last Valley Lane be removed from the Agenda (copy attached). A letter from Metro Regional Transit Authority, dated April 6, 2011, regarding the proposed assisted living facility was submitted stating no objection to the project but to provide awareness that the rail line could become active in the future.

PUBLIC HEARINGS

CASE NO. 2011-10, CONDITIONAL USE, ASSISTED LIVING FACILITY, BARLOW ROAD

Mr. Richardson reviewed the staff report. He referred to page two, conditional use requirements, and said the City Engineer thought there could be significant engineering issues with regard to Phase II.

T. David Mitchell, Brenner Kaprosy Mitchell, L.L.P. 30050 Chagrin Blvd., Suite 100, Pepper Pike, OH 44124, spoke on behalf of the applicant, LTC Realty I, LLC. He said as a condition to purchasing the property the applicant was requesting conditional use

approval for their project. He thanked Mr. Richardson and staff for their thorough review and analysis of the proposal. He said before finalizing the purchase of the property they need to know that they can use it for the purposes intended. The land purchase is conditioned upon the approval of both phases. He said there were minor issues for Phase I and they had not yet submitted the site plan for Phase II. He said the lot split has been recorded and the parcels are now of record and legal descriptions have been recorded. He said the Ohio Department of Health Certificate of Need controls the transfer for skilled nursing beds to transfer the skilled nursing beds to the Phase II property in case there is an appeal by some of their competitors. He said they have engaged in discussions with a number of different operators for both assisted living as well as skilled nursing facilities. He said they would like to use the existing building for assisted living and expand to 80 – 100 residents.

Mr. Mitchell confirmed they were fully able and willing to comply with the conditions presented in the staff report. He said they would submit Phase I drawings with tree locations and sidewalks, landscaping for both parcels, would accommodate the 50 foot setback in Phase II, would widen the driveway and would have cross easements for parking and access. He said with respect to the prohibition of kitchens, that they anticipated in the assisted living facility that there would be a sink, small size refrigerator and/or microwave like a dorm room. With regard to cross easements, he thought there was currently an 80-foot electric easement and suspected easements would line up with that. He thought the concept of the spine trail would be beneficial to their residents. He said they have received engineering recommendations and intended to comply with those.

Mr. Mitchell said initially there would be minor changes to Phase I and they would use the existing structure until they were prepared to expand. He wanted confirmation to do the entire concept for this campus and needed to have flexibility to include hospice, assisted living and nursing in either or both phases.

Mr. Richardson said staff did recommend approval for both phases. He explained that kitchen equipment typically found in a dorm room would not constitute a kitchen per se. He said with regard to the spine trail that they had to first determine who the easement existed for or whether it would have to be separate.

Mr. Drew asked the anticipated timing of the project. Mr. Mitchell replied they would close on the property in 45 to 90 days. He said the Phase I site plan approval would be submitted by then and they would move to construction within four (4) to five (5) months. He said once the renovation of the existing building is completed, they would move the initial 30 to 40 assisted living residents into that building. He said they would then come back to start an addition if needed.

Mr. Drew questioned whether they were moving a license from another facility. Mr. Mitchell replied a facility in Akron was closing and they had beds under contract for this location and in Cuyahoga Falls.

Mr. Drew asked whether this use would require a traffic study. Mr. Richardson replied Phase II would require a traffic study.

Mr. Kagler said it was exciting to see the re-use of the property and asked whether the entire project including Phases I and II was dependent upon itself or were the parts separable from each other. Mr. Mitchell replied the ability to complete Phase II was a prerequisite for Phase I.

Mr. Kagler thought that for the re-use of the existing building there were not too many changes to the site and said the facility for Phase II appeared to be of tremendous size for the lot. Mr. Mitchell explained the drawing of Phase II was not to scale and was only conceptual.

Mr. Kagler said the conditional use on the new development of the site on Phase II related to the intensity of the use on the site such as the number of beds and traffic. He was concerned about approving the conditional use without knowing all the details regarding the intensity of the use.

Mr. King said it was important to consider the conditional use but not the details of the larger context of site issues. He said any adjacent property issues, infrastructure, and a traffic study would be reviewed with the District 8 regulations under site plan review.

Mr. Richardson asked whether up to 100 beds was the maximum they would expect, and Mr. Mitchell replied, yes.

Mr. O'Keefe questioned the 55 years of age or older restriction. Mr. Richardson said staff was comfortable with the definition and stated disability covered any age.

Mr. O'Keefe asked the applicant whether he was in agreement with that. Mr. Mitchell said his position would be that is what they want to do but looked for guidance on that issue from the Commission as to whether this is the category of uses they fit in. He said there could be residents in the nursing area that are not 55, and in rehabilitation and hospice some may also be younger than 55. Mr. King said the preponderance of residents would be over 55. Mr. Mitchell said that was correct. Mr. King referred to Section 1206, use classification, and the intent of the definitions.

Mr. Hanink asked whether the population on buildout would be 350 for Phases I and II. Mr. Mitchell said that was correct. Mr. Hanink asked whether expansion would double the size of Phase I. Mr. Mitchell said with the expansion there would be about 80 to 100 residents. Mr. Hanink said it could be 200 residents. He was glad to see the re-use of the property but was not sure there should be a facility of 200 people.

Mr. Cox asked whether they had received the letter regarding the site layout plan. Mr. Richardson explained the recommendation for conditional use was for both phases, not for site plan approval.

Mr. Mulligan said this area was unusual on the zoning map with residential to both the east and west. He said there would be an effect on some of these neighborhoods but said this was a better use in District 8 than many of the permitted uses that could be developed there. He referred to the letter from Metro Regional Transit about the rail line. He said although the line was not active now, having it available made the site

preferable to be used for an industrial use. He asked whether on the site plan for Phase II the office location could be flipped with where the kitchen and laundry was shown on the east side. He asked whether the City had an easement north of Barlow Road. Mr. King replied, no.

Mr. Mulligan said he thought this would be a good time to consider getting an easement for all the land north of Barlow Road since there would only be one person to deal with. He also asked the timing of a traffic study. Mr. Richardson replied the applicant would provide a traffic study with the site plan application.

Mr. Mulligan said there was a large parking area and a fair amount of traffic. Mr. Mitchell said the issue was raised to AKZO as to how many people worked in the building. He said there were 95 spaces currently.

Mrs. Barone asked whether there were any plans for the property the City owns on the south. Mr. Richardson said he was unaware of the state of those plans and the City Engineer was working on that now. Mr. King thought the drainage areas were different and that the applicant was planning to use the existing pond. Mrs. Barone asked about the creek that ran through the middle. Mr. King said it was a riparian setback which had to be respected. He said the Army Corps of Engineers would have to be involved if there was a variance. Mr. Mitchell said they would be conducting a wetland delineation study.

Mrs. Barone opened the public hearing.

Jim Coughlin, 1148 Barlow Road, said he lived on the other side of the railroad tracks from the property and said the property was a wetland. He said a watershed ran through the property. He said building over that watershed was not allowed under city, state or federal government regulations. He showed pictures of his property being flooded (attached). He said if the City tied more land into the storm water system, his property would be under water all the time. He said there was a 16 foot drop off to a marsh and the property should be looked at before a path was built there. He asked the size of one of the units. Mr. Mitchell replied 180 – 260 feet.

Mr. Coughlin said his major concern was the watershed and adding to it was not going to help him at all. He said the City maps did not show this area as a wetland but it was. He objected to this project and said he would do everything he could to oppose it.

Mrs. Barone asked at what frequency he got this flooding. Mr. Coughlin said twice this year already.

Mrs. Barone swore in Bobby Becker.

Bobby Becker, 1148 Barlow Road, said they have a flooding problem. She said her house was built in 1890 and a lot of generations have lived in that house. She said the area was a willow farm because it was a wetland. She was concerned with the hundreds of people living on the other side of the track and having more flooding. She

wanted to stop this building. She said there was plenty of open land that was not wetland. She said her mother lived next door and was closer.

Shannon Casey, 1330 Barlow Road, said she would be fine with the re-use and looked forward to it but was concerned with how large Phase II would be. She said it was a residential area and the people who lived there were happy with the rural aspect. She said there was a lot of traffic and was concerned increased development would add to that problem. She said The Flood Company was a good neighbor and was concerned about this proposal changing the whole atmosphere of that part of the road and said the storm sewer system would have to be addressed.

Mrs. Barone closed the public hearing.

Mr. Cox questioned the amount of traffic since The Flood Company closed.

Mrs. Barone swore in Jeff Casey.

Jeff Casey, 1330 Barlow Road, said there was just as much traffic now, but fewer trucks.

Mr. Hanink asked where the district boundary line was. Mr. Richardson said the property was in District 8 and there was a description of the property in the first paragraph of the staff report.

Mr. Hanink asked whether there was a legacy of having manufacturing in that area. Mr. Richardson thought it was feasible that manufacturing existed before the current zoning regulations. Mr. Hanink thought the zoning map was constructed to include The Flood Company operation. He said if this project was not approved, the property was open to other industrial use since it was a use by-right in the Code for that district. He said the issue was that another facility of some size, with some population, could be as bad as or worse than the current proposal. Mr. Richardson said allowed uses in District 8 did include industrial uses.

Mr. Hanink asked whether the applicant was fully aware of the storm water management requirements. Mr. Mitchell replied yes. Mr. Hanink thought development upstream could cause problems. Mr. King said two large ponds on this property could be modified for storage capabilities and that would offer the prospect of exceeding the City's storm water retention. Mr. Hanink asked whether there was some way the approval could incorporate as a condition that the City expected better storm water management on the property than might otherwise be ensured. Mr. Mitchell said storm water management approval was a requirement of this project and they would comply with those requirements. Mr. Hanink said a good portion of Hudson properties would probably not have been developed if there was better watershed management. Mr. King suggested the Commission could ask the applicant to agree to consider in the design phase extraordinary measures with storm water management. He said no one knew the feasibility or the cost involved until they were evaluated.

Mrs. Barone said the flooding issue was a concern and asked about culverts under the railroad tracks and making the water discharge neutral from the development.

Mr. Kagler asked where the ponds were put in. Mr. King said he believed it was a large area and may go up behind CVS on Darrow Road and extend to the Plymouth Village area. Mrs. Becker said those ponds were natural ponds and forty years ago it was like a bog with water lilies and snakes. She said when the building was built, the ponds were landscaped and cleaned out. She said the Fire Department would use them as retention ponds when it was the Township.

Mr. Kagler did not think traffic was a big issue but thought storm water and drainage was. He did not have an issue with the re-use. He thought the storm water wetland could potentially limit the size of the building to go on that property and thought it was misleading the applicant to say 100 beds was ok without benefit of the studies. He was concerned the site would be able to handle the size without any variances. He suggested a condition of the decision should be to see both phases of the site.

Mrs. Lane said the City had storm water regulations and there are state and federal regulations that may apply. She said the storm water regulations would not be subject to variance.

Mr. Kagler said Phase II should not include any reference to 100 beds. He said this was an unusual part of District 8 and thought some type of uses would be a great fit on that site but was uncomfortable with the level of development. Mr. Richardson said the recommendation had no reference to any number of beds.

Mr. Cox said both phases should be approved because that is what the applicant wanted. He said The Flood Company has moved out, the property has been deteriorating, and there could be some industrial use much more bothersome than a nursing home developed there. He was ready to approve the application and said the City did not need any more vacant property.

Mrs. Barone said they would do storm water management on the site so that it would not be more than what was there now. She said a traffic study would need to be done so the impact is known.

Mr. Mulligan said there was a grade change and would require some engineering to get any rail there. He suggested a revision to the conditions that this approval was not approving any particular size, layout, or configuration of improvements on the site.

Mr. Mitchell said he was in a precarious position since he was trying to be open and forthright. He said they did not know how many beds there would be or whether it would be a two story building. He understood the concern but they were not asking for a certain number of beds just an approval of the intended use. He said it was an industrial zone and they would work with the lot coverage that was available to be developed for impervious surface.

Mrs. Barone said with the wetlands and stream it may not allow that much impervious surface coverage either. She thought this use was better than some of the other uses that were permitted there.

Mr. Mulligan moved to approve the Conditional Use for Case No. 2011-10 for an assisted living and institutional residential for the handicapped and elderly facility, to be known as Western Reserve Health and Rehabilitation Campus, to be located on Barlow Road at Parcel Nos. 30-09937 and 30-09935 (Parcels 1 and 2, respectively), according to information dated February 28, 2011, provided the following conditions are met.

1. Zoning Certificates must be issued separately for each parcel.
2. A site plan for Phase I on Parcel 1 must be submitted illustrating the public sidewalk along Barlow Road and the required street trees. The City Engineer must approve the sidewalk. The City Arborist must approve the street trees.
3. The applicant must create an easement for a non-vehicular trail along the railroad right-of-way on the west side of the Phase I parcel.
4. Satisfaction of conditions 1, 2, and 3 above is required prior to the issuance of a Zoning Certificate for Phase I. No clearing, grading, or construction of any kind shall commence prior to the issuance of this Zoning Certificate.
5. Unless Planning Commission approves the site plan for Phase II by April 9, 2012, the Conditional Use approval for Phase II becomes null and void. Application for site plan approval must be made far enough in advance to meet this deadline. Planning Commission approval of this Conditional Use shall not be deemed or inferred to represent approval of any particular size, layout or configuration of improvements on the site plan.
6. A Conditional Use permit (Zoning Certificate) may not be issued for Phase II until a Zoning Certificate for site plan improvements is issued.
7. The applicant must submit the required certification and licensing for each facility as soon as they are available.

Mr. Hanink seconded the motion.

Roll Call:

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

Nay: None

Motion unanimously carried.

CASE NO. 2011-13, GROWTH MANAGEMENT ANNUAL REPORT

Mr. Bales said as part of the Growth Management Ordinance, he was required as City Manager to submit an Annual Report to the Planning Commission who then makes a recommendation to City Council to establish the number of allocations for the next growth management allocation period. He said each of the Commission members had received that report which summarized the information required under the Growth Management Ordinance. He thanked Kris McMaster and all of the City staff that spend a considerable amount of time preparing this report each year. He thought the report served as a nice reference not only for this discussion about growth management, but also for the City operation in general.

He referred to the summary findings beginning on page 31 of the Report in considering the allocation for next year.

He explained the Growth Management System adopted in 1996 slowed the pace of development from a population growth of 3.8% annualized between 1990-1995 to 1.5% annualized between 1997-2002. He said for the most recent five year period 2005-2010, the City of Hudson has seen an average annual growth under 1%, the pace of new dwelling construction under 1% for the previous eight (8) years and a population reduction according to the 2010 Census. He said if these trends continued in future years, consideration should be given to the objectives of the growth management system.

He said the rate of development and population growth prior to Growth Management burdened the community with extensive needs for capital and public service improvements, while at the same time diminishing the financial capacity of the community to fund needed improvements. However, documented infrastructure needs are being appropriately addressed.

Mr. Bales said while the Growth Management Ordinance has been successful in moderating growth, the cost of providing and, more importantly, improving infrastructure, has continued to exceed the financial capability of the City to address those needs. He said the City's estimate for investment in capital improvements in its five-year financial plan has declined from \$34.9 million in the 2009-2013 five-year financial plan to \$18.6 million for the 2011-2015 five-year financial plan due to reductions in the City's primary funding source of income tax. He explained income tax revenue for 2010 was flat compared to 2009, but that followed two years of significant decline in revenues in 2008 and 2009. He said the City was projecting further decline in 2011, primarily due to expected changes in state funding.

He said based primarily on this disparity between the existing backlog of infrastructure projects and available resources, there appears to be a continued need to limit the pace of residential development in Hudson. Consequently, he was recommending the City remain consistent with past years and award eighty-five (85) dwelling units for the next period. He thanked the Commission for their time and consideration.

Mr. Hanink asked when it was anticipated to review the Comprehensive Plan again. Mr. Bales responded that in 2009 the City postponed that project from being prepared by consultants and had anticipated in 2010 to do that review with City staff but the Charter Review Committee was being done at the same time. He said he had to approach Council as to when to proceed with that review.

Mr. Hanink thought the Growth Management plan has been successful since population has declined over the past ten (10) years as well as the number of dwelling units.

Mr. Hanink said the focus of downtown has been on retail and asked whether there was any notion to have more population to maintain viability to sustain the local retail. Mr. Bales responded different retailers looked at different areas. He said he was not with the City when First and Main was developed. He said it was important to have that

critical mass around a development. He thought when the Comprehensive Plan was revisited Phase 2 of the First and Main development would be needed to help support that retail activity. He thought there was an intentional need to increase that residential.

Mr. Hanink said when there has been turnover of establishments it seemed to quickly fill those vacancies. Mr. King said the First and Main development was intended to have population outside of Hudson be invigorated to come here as a shopping destination.

Mr. Hanink said at this point he was satisfied with a basic lack of growth and maintaining zero to modest growth in the last ten (10) years. He was concerned that despite the amount of infrastructure work, the City does need to consider the declining trend.

Mr. Bales said the City has been concerned about storm water management, especially since 2003, and the storm water plan was very specific. He said there was a record of what has been accomplished, such as cleaning ditches and televising old systems, and he would be happy to show the investments made. He said as part of budget planning, the work was surveyed and some projects were modified. He thought considerable progress had been made but there was still a lot to do.

Mr. Kagler said when you see population declining one could question why there was a need for growth management to continue but the system was not just to control growth but to catch up with infrastructure needs. He supported the recommendation.

Mr. Mulligan appreciated the state of the union report. Mr. Bales said he relied on the report and thought there was a lot of good reference material in there.

Mrs. Barone asked what were some of the critical infrastructure needs. Mr. Bales responded that the City has a Ten (10) Year plan which includes several storm water projects.

Mrs. Barone opened the public hearing, there being no comments, she closed the public hearing.

Mrs. Barone asked the members whether any one had a problem with the recommendation of 85.

Mr. Kagler moved to recommend City Council establish the number of Residential Allotments at eighty-five (85) dwelling units for the allotment year August 1, 2011 through July 31, 2012 as recommended by the City Manager. This recommendation is made with the condition that the number of Allotments be divided as follows:

The final number of eighty-five (85) allotments to be awarded in the first and second semi-annual allocation periods should be distributed so that forty-three (43) allocations are available in the first semi-annual allocation period and forty-two (42) allocations are available in the second semi-annual allocation period.

Mr. O'Keefe seconded the motion.

Roll Call:

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

Nay: None

Motion unanimously carried.

APPROVAL OF MINUTES

Mr. Mulligan moved to approve the minutes of the March 14, 2011 Regular Meeting, as submitted. Mr. Drew seconded the motion.

Roll Call:

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

Nay: None

Motion unanimously carried.

The Chair, Mrs. Barone, adjourned the meeting at 9:05 p.m.

Jennifer Barone, Chair

Nora La Lomia, PC Clerk