

CITY OF HUDSON
PLANNING COMMISSION
REGULAR MEETING OF JANUARY 10, 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. Hanink, Mr. Kagler, Mr. Mulligan, Mr. O'Keefe, Mrs. Barone
Absent: Mr. Drew

Officials Present: Thomas E. King, Director, Mark Richardson, City Planner, R. Todd Hunt, Assistant City Solicitor, Chuck Wiedie, Economic Development Director, Eric Hutchinson, Parks Superintendent

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

OATH OF OFFICE

Mr. Hunt administered an Oath of Office to Joseph Mulligan and Anthony Cox as re-appointed Commission members.

ELECTION OF OFFICERS

Mr. Mulligan moved to nominate Jennifer Barone as Chair for 2011. Mr. Cox seconded the nomination. There being no other nominations, Mrs. Barone closed the nominations.

Roll Call:

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

Nay: None

Motion carried.

Mr. Cox moved to nominate Joseph Mulligan as Vice Chair for 2011. Mr. Hanink seconded the nomination. There being no other nominations, Mrs. Barone closed the nominations.

Roll Call

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

Nay: None

Motion carried.

OATH OF TRUTHFULNESS

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

CORRESPONDENCE

Mrs. Barone submitted three letters, one about 78 Ravenna Street, two about the Seasons Commerce Center case and they are attached to the minutes.

CASE NO. 2010-005, PRELIMINARY SUBDIVISION PLAN REVIEW, SEASONS COMMERCE CENTER

Mr. Richardson reviewed the staff report explaining that although no new lots are proposed at this time a new road is to be built. The applicant must return to the Commission for final plat approval and final improvement plan approval of the subdivision. A wetland report was submitted. He said all the paving was outside of the wetlands. A letter was submitted from Greg Seifert, Geis Construction, regarding the wetlands. The final plat will include storm water easements. He suggested two minor changes to the conditions as listed in the staff report.

Greg Seifert, Geis Construction, 10020 Aurora-Hudson Road, Streetsboro, introduced John Shutts, 1574 Main Street, Cuyahoga Falls, as property owner. Mr. Seifert said staff covered the issues fairly in depth in the material and the two additional pieces of correspondence received after the staff report was issued. He said the wetland setback was an issue on the west side of the new road. He showed a map of the property. He said it was necessary to be within the 50 foot setback in that area. The storm water issue has been reviewed by the City Engineer and the developer.

Mr. Mulligan said the most complex issue was the water management. He asked whether the applicant reviewed the outcome of the traffic impact study and was satisfied with it. Mr. Seifert replied, yes. Mr. Mulligan asked about a left turn-in lane. Mr. Richardson said there would be added turn lanes on the new road. Mr. Mulligan said sun glare has been an issue in the past on Seasons Road. Mr. Mulligan thanked the applicant for responding to the first round of issues raised several months ago.

Mr. Hanink asked whether the preliminary approval of the road happens as a result of this meeting. Mr. Richardson replied that was correct. Mr. Hanink asked whether the subdivision of the parcel shown on the site plan represented the likely lot status of the site. Mr. Seifert assumed the final would be the same. Mr. Hanink asked whether the small wetlands would be filled. Mr. Seifert said it was their hope that some would be filled in the future and said with the road, utilities, and approved mitigation more sites would be developable. Mr. Hanink asked again whether a substantial amount of wetlands would be filled, and Mr. Seifert replied they hoped some filling would be allowed.

Mr. Hanink asked what was the largest area that could be filled without mitigation offsets. Mr. King replied only 1/10th of an acre could be filled and the rest have to be mitigated. He said the preference was to relocate the wetland areas on site. He said federal law required no net loss of wetlands. Mr. Hanink thought it would be difficult to replace wetlands. He said there was going to be some additional storm water

detention. Mr. Seifert explained there was a design in place that at this point tries to anticipate future impervious surface and design for it. He said the impervious surface area would be recalculated as the buildings come in and the individual sites are approved for buildings.

Mr. O'Keefe said as far as approving the road coming into the subdivision he did not have any other problems with the plan.

Mr. Kagler asked whether there was any association with Dunkirk and the owner of the property to the southeast. Mr. Seifert replied there was not. Mr. Kagler asked whether there was any access allowed from the new road to the Prosper (Dunkirk) property. Mr. King said that had not been discussed and could be addressed in the final application.

Mr. Kagler said a wetland variance could be avoided if the right of way was moved to the east but it would be off of the property. Mr. Richardson agreed. Mr. Kagler asked whether there was a way to put the improvements in the right of way and minimize the disturbance. Mr. King replied that would require waivers from the City Engineer.

Mrs. Barone asked about the bioretention swales in the wetland setback. Mr. Richardson replied they were specifically allowed by the Code.

Mr. Hanink asked whether it was a fair assumption to make that should this project go forward that the applicant would be asking for additional variances for setbacks all through this property. He said it was a very challenging piece of property. Mr. Seifert responded that when it came to the wetland setback in District 8, the Code allows the Commission to determine it on a case-by-case basis, not a variance as much as looking at it on a case-by-case basis. He thought the Code would prevail on a case-by-case basis.

Mr. Hanink again asked whether it was a fair assumption that some substantial easing of the wetland setbacks to provide enough land area to develop these parcels would be necessary. Mr. Seifert said it would depend on the Corps of Engineers' mitigation plan. Mr. Hanink said he did not see a way to get enough acreage without substantially reducing the setbacks and said the Commission should understand they would be looking at those kinds of requests.

Mr. Kagler asked whether the road would be a public road. Mr. Hunt replied it was his understanding, yes.

Mr. Kagler asked whether there would be anything requiring the adjacent owner to have access to this road later. Mr. Hunt said the developer would not have any authority to veto access to a public road.

Mrs. Barone said if the Army Corps of Engineers permits the wetlands to be filled then there is no need for any setbacks anymore. She said there are substantial wetlands on this property and the largest are toward the rear. She said the area closer to the service road may be filled and she did not agree with substantial filling. Wetlands may need to be filled, but we do not know to what extent.

Mr. Mulligan said this was an area the City has set aside as for this type of development, a residential area would be looked at differently.

Mrs. Barone opened the public hearing.

Chuck Wiedie, Economic Development Director, said the City has been working closely with Shutsa & Associates, the land owner, and Geis Construction on this first eco-industrial park in the State of Ohio. He said it would be the first truly “green” industrial park, would require LEED use, green technology, as it relates to the lighting. He said it was the intent to utilize the wetlands that exist within the park, an eco-industrial park marketed to advanced energy companies, a targeted industry that the City was looking to grow. He said the development has been highlighted in a January trade magazine touting Seasons Road as a home for advanced energy companies in the future. The developer is committed to being as green as possible. He said the City was strongly in support of this project.

Mrs. Barone closed the public hearing.

Mr. Kagler moved to approve the Preliminary Subdivision Plan for Case No. 2010-005 for Seasons Commerce Center, an industrial subdivision to be located north of Seasons Road about half-way between Darrow Road and State Route 8, approximately one mile east of the new Seasons Road interchange, according to plans dated as received November 15, 2010, with the condition that the applicant must address the following points as the final plat and improvement plans are developed:

1. Final improvement plans must show how construction limits will be identified in the field and how trees to be saved will be protected.
2. The 100-foot wetland setback line must be added to the plan.
3. Planning Commission finds that the proposed wetland setback disturbances are acceptable for the reasons stated in Mr. Seifert’s letter dated December 8, 2010 and modifies the wetland setback accordingly.
4. Recommended traffic improvements must be shown on the improvement plans to be submitted with final plans.

Mr. Cox seconded the motion.

Roll Call:

Aye: Mr. Cox, Mr. Kagler, Mr. Mulligan, Mr. O’Keefe, Mrs. Barone

Nay: Mr. Hanink

Motion carried.

CASE NO. 2010-020, VETERANS WAY PARK SITE PLAN

Mr. Richardson reviewed the staff report regarding proposed park facilities. He said there were wetlands and streams impacted. He said the applicant received a variance to allow disturbances within wetlands and their setbacks in October, began to revise plans per the City Engineer and the layout of the park would not change as a result. The existing parking lot will remain and some trails would not be paved but there would be paths. The Fire Department did want to see a fire hydrant near the park. Exterior lights were not proposed at this time.

Eric Hutchinson, Parks Superintendent, Jeff Kerr, Floyd Browne Group, and some Park Board members were present on behalf of the City Park Board. Mr. Hutchinson said in December 2005 the parcel was designated as parkland and since then there has been discussions about how to develop the property. He said there has been community input, there was a survey of Hudson residents, and so with review of the survey and the two partnerships with community organizations there is a shared vision to meet the needs of teenagers. He said this park should add to the character of downtown.

Jeff Kerr, Floyd Browne Group, 450 Grant Street, Akron, said the park would have both active and passive activities; volleyball, basketball, playground, rest rooms, a shelter, and a variety of trails with earth to asphalt paths. He said they wanted to expand the wetlands on site, implement some restoration to improve the wetlands, and add some controls to try to enhance them. He said it was possible to have some floating boardwalks, stating the Metro Parks have used them; such boardwalks do not impact the wetlands.

Mrs. Barone asked where the spine trail was. Mr. Kerr showed it on a map and said that trail was designed to be 10 feet wide, standard for bike trails. Mrs. Barone asked whether the seating areas were open, and Mr. Kerr replied that was correct.

Mr. Cox asked about the 100 foot setback from all buildings and paved areas and from the wetlands whether it is 50 feet. Mr. Richardson said in Districts 6 and 8, there are 100 foot wetland setbacks but in the rest of the City it was 50 feet. He said in Districts 6 and 8, it was 100 feet from Category 2 and 3 wetlands and none from Category 1.

Mr. Hanink questioned the porous asphalt. Mr. Kerr said there was concern with the high water table when building Veterans Way so the idea of using porous asphalt was abandoned.

Mr. Hanink asked about the bioretention area. Mr. Kerr said about half of it goes to the wetland being created to the north.

Mr. Hanink asked whether the Park Board was going to have educational signage in the park. He thought there were a number of initiatives which would be educational, such as the rain garden, which would maybe increase the understanding of wetlands. Mr. Hutchinson said he did see it as an educational opportunity.

Mr. O'Keefe asked whether trail 3 to Main Street was a conflict with the previously proposed development. Mr. King said 84 South Main Street was entirely private property, and about 60 – 80 feet removed from trail 3.

Mr. O'Keefe asked whether there was any exterior lighting in the Code required for parking lots. Mr. Richardson replied it was not required. Mr. O'Keefe questioned the note on the drawings about relocating the power lines. Mr. Kerr said they have been relocated to the northern boundary of the parcel.

Mr. Kagler said Summit Petroleum tanks along the driveway could provide an alternate driveway to Veterans Way. Mr. Kerr said they have not looked at relocating the

driveway or relocating the battery. He said the topic has not been discussed. Mr. Kagler asked whether the existing driveway could maybe be used as a trail.

Mr. Kagler said trails 2, 7, and 12 come out onto Veterans Way close to one place. He asked whether those access points were deliberate. Mr. Hutchinson said one main pedestrian crossing was in the best interest. Mr. Kagler thought several of the parking aisles could be narrower. Mr. Kerr said they have to provide some access and provide large vehicle turning radius. Mr. Kagler thought the playground seemed close to the roadway and asked whether it was going to be fenced. Mr. Hutchinson said it was fenced. It was close to the road because it was at the most level and dry area. He said they wanted it to be located in a high visibility area.

Mr. Mulligan asked about the calculation of parking spaces. Mr. Kerr said due to the type of community and types of activities, the playground and shelters would be toward the south parking lot. He said they have the ability to add another bay if needed in the south lot if the spine trail creates that demand.

Mr. Mulligan asked how a priority trail was determined and what was the predicted timeframe of the southwest trail along the railroad right-of-way. Mr. Hutchinson said the Park Board does not own the land that separates those two parks. There have been discussions that have taken place.

Mr. Mulligan asked about the playground location and wished there would have been more public support for a tennis court. He thought enhancing the wetlands would mean more bugs and questioned whether that picnic shelter would be used. Mr. Hutchinson said it was as scenic a vista as other parks, some variety in plants, and thought a fully-functioning wetland would not have significant bugs. Mr. Kerr said it was a functioning wetland and with the balance of the right amount of hydrology, right plants, diverse types of bugs and bug eaters, it should not be a nuisance.

Mrs. Barone opened the public hearing.

Dave Mansky, 141 Sunset Drive, Park Board member, was in support of the Veterans Park proposal. He gave some background on how the project came about. He said Leadership Hudson and Community First organizations were involved, and with the need to replace the playground located by the Fire Department, it was determined the north side of Veteran's Way was the best location. The board wanted to create a destination for students to gather after school for students of all ages. He asked the Commission to support this project.

Pati Stokes Cook, 398 Stokes Lane, requested that maybe the basketball and sand volleyball courts could be switched. She said the skate park noise was horrendous and if the basketball court was located on the north side maybe it wouldn't be as loud. She asked if that was a possibility to switch she would appreciate it.

Rob Swedenborg, 94 Aurora Street, Park Board Chair, said the City purchased this land several years ago and it was turned over to the Park Board. He said a survey was done years ago through Kent State and also through a grant from the Morgan Foundation.

He said they knew the old playground was going to be replaced and wanted to build parks that serve the greater good of the community. He said there was a public hearing at which the Park Board heard the concerns and made adjustments to the plans. He thought the Park Board had done due diligence on this and a new park would enhance downtown Hudson and meet a need that is there. He said Council had a time schedule to stick with.

The Chair placed the next person, Raija Daley, 132 South Main Street, under oath who was not present at the beginning of the meeting.

Raija Daley, 132 South Main Street, lives adjacent to the property and her main concern was the rain water. She questioned if it was really possible to retain all the water that will be coming down the hill. She asked how many square feet were going to be covered with asphalt. Her second concern was with the deer population. She said deer have never eaten hemlock before and now they were, showing a branch from her yard. She believed the Park Board should wait until the deer population has been addressed by the various boards. She said something needed to be done to help the animals. She asked the Commission to consider waiting until something was done about the deer before developing more parks.

Laura Gasbarro, 6006 Heather Lane, Co-Director of Hudson Community First, was very excited about this park meeting the needs of all ages of the youth of Hudson. She said they have worked for the last year trying to develop services and plans that meet the needs of students. She said the desire is for the students to want to use this park and was proud of the end result. She said \$20,000 has been raised from private citizens to contribute to the park. She said there will be a major fundraising drive to raise more funding. She said they have listened to many voices to come up with this park.

Mrs. Barone closed the public hearing.

Mrs. Barone asked if there was any potential for switching the basketball and volleyball courts. Mr. Hutchinson replied that it has been designed for the northern side to be for children 6 to 12 years old and the southern side to be designed for students 12 to 16-17 years old.

Mrs. Barone asked whether there was a way to buffer noise. Mr. Hutchinson replied in the long run the amount of plants provide a sound buffer. She asked about buffering on the south side. Mr. Kerr said from the trail to the property line it was all vegetated and the idea was to not touch that.

Mrs. Barone asked about flooding issues. Mr. Kerr said they have worked with the City Engineer to meet the storm water requirements. Mrs. Barone asked how much additional impervious surface area was there. Mr. Kerr replied it would be more. He said it was being controlled per the storm water requirements and plans have created more wetlands which would help provide storm water management on the site.

Mrs. Barone asked about the deer situation. Mr. Hutchinson said the deer situation was not something they had looked at up to this point.

Mr. Mulligan said no exterior lighting was proposed at this time which should help with the basketball court noise. Mr. Hutchinson said without exterior lights the park would close at dusk and there were no plans in the future to include exterior lights.

Mr. Kagler questioned the limits of non disturbance in the conditions.

Mr. Hanink asked if there was a storm water issue now along the hill and will this plan accommodate run-off from the hill. Mr. Kerr said yes, some drainage will be picked up.

Mr. Mulligan moved to approve the Site Plan for Case No. 2010-020 for park facilities to be located north and south of Veteran's Way according to plans dated as received November 29, 2010 provided the following conditions are met.

1. The limits of disturbance must be illustrated on the plans. The method of identifying these limits in the field must also be illustrated or noted. Likewise the method of tree protection must also be illustrated or noted.
2. A zoning certificate may not be issued for this project until US Army Corps of Engineers approval of the wetland impact is submitted.
3. A zoning certificate may not be issued until the applicant has addressed all comments of City Engineer Thom Sheridan as listed in his letters dated December 29, 2010 and January 3, 2011. Engineering plans must include a fire hydrant in a location approved by the Hudson Fire Department.
4. Summit Soil and Water Conservation District must approve the Storm Water Pollution Prevention Plan.
5. No clearing, grading or construction of any kind shall commence prior to the issuance of a Zoning Certificate.
6. 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. Cox seconded the motion.

Roll Call:

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

Nay: None

Motion carried.

CASE NO. 2010-018, ORDINANCE 10-136, Public Hearings in Districts 6 and 8

Mr. Richardson reviewed the staff report regarding amending the Land Development Code to permit an exception to the public hearing requirements for the establishment of streets and other land subdivision in zoning districts 6 and 8.

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

Mr. Mulligan moved to recommend City Council adopt Ordinance No. 10-136, "An Ordinance Amending Subsections 1203.02(d) and 1203.13(b) of the Land Development Code to Implement a Recent Charter Amendment Related to Public Hearings for Applications for Streets and Land Subdivisions within Zoning Districts 6 and 8". Mr. Cox seconded the motion.

Roll Call:

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

Nay: None

Motion carried.

CASE NO. 2010-019, ORDINANCE 10-138, AGRICULTURAL SETBACKS

Mr. King said this ordinance pertained to an agricultural use on Hines Hill Road where an issue arose with a current requirement for an agricultural use to be located 50 feet from the property and 100 feet from adjacent dwellings. He said some Council members felt the 50 feet was too restrictive and not in keeping with the spirit of District 2, so this ordinance would eliminate 50 feet setback from an accessory structure and fenced enclosures; it does not change the 100 feet setback from a dwelling.

Mr. Cox said District 2 is rural residential and agriculture is a use by right. He asked whether this ordinance was in regard to the YDC and uses that were possible there. He said establishment of an agricultural use in prior years arose and was one reason why the use is permitted by right in District 2. He wanted to encourage those uses in the City. Mr. King said this ordinance was not associated with the YDC property.

Mr. Hanink asked was it only for horses or could it be chicken coops. Mr. King said a building would require a 15 foot setback but the fence enclosing the chickens could be on a property line. Mr. Kagler said he was not so concerned with what the setback was but was concerned with how it could be enforced. He said in generalities he would be comfortable with what was being proposed if he could see a map. He was worried it could be difficult for a code enforcement officer to enforce the regulations.

Mr. Cox questioned why this was brought up when no case was in front of us. He did not know why this was being proposed other than Council asked PC to do it. Mr. King said he could not get into the enforcement situation but it did come up in that context.

Mrs. Barone opened the public hearing.

Stephen Funk, an attorney at Roetzel & Andress, 222 South Main Street, Akron, represented the property owner of 1520 Hines Hill Road who was in opposition to this ordinance. He said the Commission was to make a recommendation to Council of what the law should be. He said this ordinance would cause negative consequences not only to his client, not just District 2, but in almost every residential district in the City, and would open the door for anyone who wanted to open up an agricultural use. He said Council in 2003 adopted setbacks of 100 feet from residential development and 50 feet from residential property lines. He thought the combination allowed agricultural uses

but allowed for some buffering since all possibilities have to be considered. He showed a diagram showing the vicinity of his client's home. He said within that range of acreage, about five years ago an adjacent home had a few horses, and then in 2008 a fenced enclosure was constructed in violation of the existing ordinance for the purpose of a horse training rink. He said the rink has a limestone base and showed photographs (attached). He said it created a lot of dust and was being used after hours with bright lights which shine through the adjacent bedroom. He said there were real issues within the 50 feet buffer. He had Council Workshop minutes from October and said the use has intensified over time. He believed a conditional use permit was needed for the agricultural use and said the property owner built the fenced enclosure without a permit. He said he presented the zoning violation to Council members and they decided a permit should not be required. He believed Council proposed to amend the Code to allow for existing violations to be cured. He said the Code was the way it was to begin with to protect residential uses throughout the City of Hudson. He thought it was bad policy to amend Codes to satisfy one property owner but not look at the broader implications of that decision. He believed there was not a good reason to change the Code. He said an amendment should ensure agricultural is permitted but making sure it does not burden residential properties and thought the proper way would be through proper site plan review which would work for both sides. He said ultimately this amendment not only affects this property but Districts 1, 2, 3, 9 and 10. He said the 2003 ordinance only applies to new agricultural uses. He thought Council has not necessarily indicated they want this ordinance to pass and was looking for independent judgment as to what the law should be. He recommended against changing the Code.

Mr. Cox asked whether horses were subject to regulation. Mr. Funk believed the frequency of the use and the number of the people coming onto the site was the issue. Mr. Cox said there have always been horses there. Mr. Funk said the number of horses have increased as well as the addition of the fenced enclosure. Mr. Cox said years ago there were many more horses there.

Ziad Farah, 1520 Hines Hill Rd, said he bought his home July 14, 2006 and it had been unoccupied for three years before that. He said the neighboring property did have horses at one time but when he moved there, no one had horses. He said the Patterson's had two horses with ten acres and he had no issue with horses there. He said next to him now there were three different trainers giving lessons at all hours, western style and hunting jump style, and the dust was negatively impacting his property.

Mr. Cox suggested moving the rink back to the 50 foot setback.

Mr. Farah said the use for the rink should be moved at least 50 feet back due to the dust and the lighting. He said the horses were affecting their life, their lifestyle and property value. This proposal was basically rewarding someone for violating the Code.

Mr. Funk said a 50 feet setback is a good idea and what the rule should be against the building. He said ultimately if they were to go through the conditional use process all of these issues could be worked out ahead of time. He said the Code specifies 50 feet because it is an important requirement that should not be changed.

George Hruby, 6364 Stow Road, said areas of Hudson had large farms and now has small isolated ones. He said some are viable farms with only seven acres. He encouraged viable agricultural uses minus setbacks to facilitate retaining agricultural use. He suggested to increase setbacks in large agricultural uses but have residential setbacks be increased to areas that are still rural. He owns an irregular shaped parcel which if he had to take the 50 foot setback from two sides it would only leaves him a little land. He said the most active use of the land was a landing strip, which he could continue, but wanted it to be agricultural. He suggested retaining the history and integrity aspects Hudson has and that the residential areas have further setbacks so houses are not too near areas that could be agricultural.

Mrs. Barone closed the public hearing.

Mr. Mulligan thought making a change to allow a prior use become compliant retroactively did not seem like a good idea. He said that case was not before the Commission now. He said in his experience having a fence at the property line seemed like a mistake. He thought there were good policy reasons for having a 50 foot setback from a property line. He said Mr. Hruby's situation was different and thought individual properties were better to get a variance rather than making a blanket statement throughout the City.

Mr. Cox asked if this were not an agricultural use then would a horse be accessory to residential. Mr. King said there would not be a setback applicable. Mr. Cox agreed with Mr. Mulligan.

Mr. Hanink questioned whether it would make any sense to have a different definition of agricultural, perhaps passive versus active, animals versus no animals. He thought the intent of a fenced enclosure or accessory building was to keep animals away from a residence and a crop could go right up to the property line. He agreed with others and did not think a change should be made.

Mr. O'Keefe was not for changing this ordinance.

Mr. Kagler thought this issue could be discussed at another meeting if the Commission wished. He agreed with comments about the property line. He thought setbacks from dwellings were the only setback where a property owner's setback was set by something beyond their control. He said it is not required of residential users and thought it was unfair for agricultural users. He agreed with other members in not making a change at this time.

Mr. Mulligan questioned whether there were issues of liability when setting such a policy.

Mrs. Barone asked whether there was a minimum size for agricultural use. Mr. King replied there was no minimum size whether it is conditional or by right.

Mr. Mulligan said maybe the Commission wanted to consider broader policy issues at another meeting and make a recommendation back to Council. Mr. King suggested the matter could be continued.

Mr. Mulligan moved to continue the matter to a future regular meeting to be determined at such time as the staff was comfortable addressing the issue of the dwelling setback. There was no second.

Mr. Mulligan moved to continue to the next regularly scheduled meeting. Mr. Kagler seconded the motion. The motion was withdrawn.

Mrs. Barone said she had issues with limiting people's ability to use their property.

Mr. Mulligan moved to recommend City Council not adopt Ordinance No. 10-138, "An Ordinance Amending Subsection 1207.19(d) of the Land Development Code Regarding Setbacks of Accessory Buildings and Fenced Enclosures Associated With Agricultural Uses". Mr. Cox seconded the motion.

Roll Call:

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

Nay: Mrs. Barone

Motion carried.

Mr. Kagler left the meeting at this time.

CASE NO. 2011-01, GROWTH MANAGEMENT RESIDENTIAL DEVELOPMENT ALLOCATION SYSTEM

Mr. King reviewed the staff report.

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

Mr. Mulligan moved that the Commission recommends City Council award the seventy-one (71) Growth Management Residential Development Allocation Awards for the second half of the 2010-2011 allotment period, as set forth in the memorandum from staff dated January 5, 2011. Mr. Hanink seconded the motion

Roll Call:

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

Nay: None

Motion carried.

OTHER BUSINESS

CASE NO. 2010-015, SETON CATHOLIC SCHOOL TRAFFIC IMPACT STUDY

Mr. Richardson said regarding the Traffic Impact Study an agreement had been executed and the study received. Staff recommended this matter be continued to the February meeting.

Mr. Cox asked what further background information staff was requesting. Mr. Richardson said enrollment information was requested.

Mr. Cox moved to continue this matter to the next regularly scheduled meeting in February. Mr. Mulligan seconded the motion.

Roll Call:

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

Nay: None

Motion carried.

INFORMAL DISCUSSION FOR RUBY AUTOMOTIVE GROUP

Mr. Richardson reviewed the memorandum regarding the relocation of Ruby Automotive Group from their present location at 5136 Darrow Road to 5751 Darrow Road, formerly used by Clarke Ford. Staff recommended that access should be limited to the one curb cut on Barlow Road but Ruby would like to use both accesses.

Jim Ruby and John Ruby were both present. Mr. Jim Ruby said he was looking for preliminary approval of the drawing before they do anything. Mr. Richardson said the Commission was not in a position to approve anything yet.

Mr. Cox asked if there was road access from Darrow and Barlow Roads now. Mr. Richardson said yes, but the Barlow Road access was chained off. Mr. Cox asked why if Clark Ford had the access Ruby couldn't have it. Mr. Richardson said the properties have been vacant for three years. Staff has concluded that after a time of not being used as an auto sales operation and being vacant that a new applicant would have to redevelop the site as if it were vacant. He said the staff recommendation would be to limit the access to one point consistent with the SR 91 Traffic Corridor Study.

Mr. Hanink said this access discussion has been had with Zeppe's development with the goal of shared access and limited access. Mr. Richardson said this issue was discussed more recently with Bestic Veterinarian facility further down on Darrow Road.

Mr. Hanink said this was an informal discussion and asked whether it was appropriate or possible to build in a contingency that when the property next to it was developed they would agree to provide access. He said in that way they could have two now but should the next property be developed would look to have a shared access. Mr. King said that could be an approach but something would need to be resolved to proceed at this point. Mr. Hanink suggested having a condition that within some time period the applicant would be expected to do so but not necessarily immediately.

Drew Sulzer, Reisenfeld & Company, 857 Graham Road, Stow, Ohio, real estate broker, said Ruby was leasing the property and questioned adding more restrictions regarding access.

Mr. Hanink said he was suggesting a time line which would allow them to become established and then put in landscaping. Mr. Sulzer said there was another 180 feet to

the next residential lot and that was a big buffer zone. Mr. Mulligan inquired whether there was any activity regarding that residential lot. Mr. Sulzer was not sure putting trees behind that lot would provide the buffer desired.

Mrs. Barone said any open driveway onto Route 91 makes for a dangerous situation. She said just because there is a drive there does not mean it needs to be kept there.

Mr. Mulligan said he was familiar with Ruby's current property and thought this relocation was an upgrade with more visibility and access. He encouraged growing their business, keeping it in Hudson and thought it was a good fit. He said staff recommended cutting off access on Route 91 farther down away from the intersection. He thought this whole thing was to be developed for visibility. He said from an access point of view Ruby business gains something by not having that access and could display more cars there. He would support having a time line as a condition to allow the applicant to get established there before requiring it to put those things in.

Mr. Cox encouraged something being done with this property and encouraged the City to find some way for this tenant to move into this property.

Mrs. Barone asked whether there was any talk of tearing out one of the drives if it is closed off as a driveway. Mr. Ruby said the property was owned by the bank.

Mr. O'Keefe asked how close the curb cut was to the intersection. He suggested that maybe there could be right turns only permitted. Mr. Ruby said there was a striped section which prevents left turns.

Mr. O'Keefe asked whether the CVS road off of Barlow was straight across or offset from the proposed service drive. Mr. King replied it was acceptable for them to be offset due to the cost issue but ideally it would be better to be opposite.

Jim Ruby wanted an understanding of where the City was coming from and understood the conditional period of time suggested makes sense. He said he would have to discuss it with the property owner for future expense incurred.

78 RAVENNA STREET – Mr. Richardson reviewed a memorandum regarding renewed interest to move a dental practice to this location. He explained the project would have to start the approval process over since it was withdrawn over a year ago.

APPROVAL OF MINUTES

Mr. Cox moved to approve the minutes of the November 8, 2010 Regular Meeting, as submitted. Mr. O'Keefe seconded the motion.

Roll Call:

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

Nay: None

Motion carried.

The Chair, Mrs. Barone, adjourned the meeting at 10:20 p.m.

Jennifer Barone, Chair

Nora La Lomia, PC Clerk