

CITY OF HUDSON
PLANNING COMMISSION
REGULAR MEETING OF NOVEMBER 8, 2010
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; R. Todd Hunt, Assistant City Solicitor

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.

OTHER BUSINESS

CASE NO. 2004-24, EXTENSION OF APPROVALS, NOTTINGHAM GATE ESTATES

Mr. Richardson reviewed the staff report for the requested extension of the approvals granted for the Nottingham Gate Estates subdivision. He said the improvements are near completion. The developer has asked for extensions for Phases IV and V and there is a draft amendment prepared for the Final Plat Agreement. He explained that Phase IV must be completed next spring before Phase V and that the costs and bond need to be updated. He explained the City recommended the extensions for this development as it has recently done with other developments in Hudson. He said that the developer said paving would begin this week but would not be completed until next spring.

Laura DiNovi, developer for Nottingham Gate Estates, said she was paving this week since the weather was cooperating.

Mr. Drew questioned what were the improvements needed on Abbeyshire Drive. Ms. DiNovi said the only outstanding issues would be street trees and maybe sidewalks.

Mr. Drew inquired whether a May 30, 2011 date was sufficient to finish the work. Mr. Richardson responded staff did not think that timing would be a problem. Ms. DiNovi was comfortable with that date.

Mr. Drew further inquired what was required to be done by May 30, 2011. Mr. Richardson replied all of the improvements for Phase IV. Ms. DiNovi said the street trees were not a big deal but if it was horrible spring weather, the bike path could be a potential problem and there was about 800 feet of sidewalk to be done.

Mr. O'Keefe said according to the agreement the sidewalks did not need to be completed until October, 2011. Ms. DiNovi thought that would be fine and hoped the paving would be done this week. Mr. O'Keefe said the deadline in the agreement for sidewalk and street trees was not until October 2011.

Mr. Mulligan questioned whether there were other parties to the agreement and whether all were satisfied with these dates. Ms. DiNovi said the initial bond amount from the bank could be reduced.

There were no comments from the public.

Mr. Mulligan moved to renew the approval the Planning Commission originally granted on November 8, 2004, and the first extension granted November 14, 2005, for the Final Plat and Subdivision Improvement Plan for Case No. 2004-039 for Nottingham Gate Estates Phases IV and V, a 28-lot development located north of Barlow Road and south of Terex Road in southwest Hudson, including all applicable conditions and all terms set forth in the Second Amendment to Final Subdivision Improvement Agreement received as of November 8, 2010. The plat approval will therefore be valid through November 8, 2012. Planning Commission authorizes minor amendments to the Agreement in response to work currently underway. Mr. Cox 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.

OHIO VALLEY ENERGY – WOODLAND ESTATES, PROJECT INTRODUCTION

Mr. Richardson stated no one was present for this matter. He said this project was introduced virtually identically last year. It is a proposal to relocate a tank battery to the north in order to make more of the lots in the Woodland Estates subdivision buildable. He explained area is proposed to be added to some of the lots along the west side of

the subdivision. The plat will have to return to the Commission for formal approval and the Engineering Department would need to approve it.

Mr. King asked what was the current disposition of the Woodland Estates subdivision. Mr. Hunt said the subdivision was the subject of a pending foreclosure action in Summit County Pleas Court. He said it has been pending for two years. The Court has appointed a receiver for the property, an attorney in Akron. He said there are other parties who have an interest in the property. Ohio Valley is a potential applicant in this matter if it comes before the Planning Commission. He said he was told the applicant, however, would be the receiver. The bank is another principal who has an interest and an excavating company has a substantial interest. He said the Smith Family Trust would probably be dismissed from the lawsuit. The City is not a party to the foreclosure lawsuit. One remedy was to replat the subdivision, another one was to move the tank battery, or to plug the wellhead. Mr. Hunt said the Commission should seriously consider revising the plat.

Mr. Cox said maybe this matter should not be discussed at this time since no one from Ohio Valley, as the proponent of this project, was there. Mr. Hunt agreed it would be better to not discuss the matter without a representative of Ohio Valley present. He said again that the City is not a party to the foreclosure action but the City has been asked by the court to participate in resolving certain matters.

Mr. King did not want to postpone it. He said the minutes should reflect the applicant did not appear, and the plans did not have landscape buffering.

Mr. Hanink said this was a case of state regulations versus City regulations. The City has a 100-foot setback for new dwellings from a wellhead and 200 feet from a tank battery for new dwellings. The State has a 100-foot setback from wellheads and tank batteries from existing dwellings. The city does not have any jurisdiction with respect to setbacks to existing dwellings.

Mr. Drew questioned where a home could be built and how that related to the plat. Mr. Hunt said the City did not have jurisdiction to regulate setbacks from existing homes.

Mr. Drew asked whether the City could deny the request. Mr. Hunt said it may be difficult. Mr. Hunt said the issue was previously raised of whether an addition to an existing home would be a new structure and whether it would have to meet the 200-foot setback. He said if it was built at the existing setback of the home, then the addition would be ok but if it extended further it may be impacted.

Mr. Drew asked about a structure being located or relocated 300 feet from the oil drilling unit. Mr. Hunt thought most of these properties were within the drilling unit. Mr. Drew said he would like to have that information available. He thought 2425 Woodacre was part of the drilling unit. Mr. King said that information could be available if and when this project comes back. He thought this may be a matter where the City does not have jurisdiction over the equipment placement.

Mr. Kagler commented that the replat seemed to show the well taken out of the middle and put into a block. Mr. Richardson said it appeared Lot 10 was going away and being replaced by Block A. Mr. King said the map looked like that and he knew the tank battery was not in Lot 10 but was in Block A. He said there was some discrepancy.

There was further discussion regarding having one less lot, where the tank battery is located, and the setback from the well. Mr. Kagler said this would be a temporary land use, having a well, and that whenever the well was plugged, the lot should be buildable. Mr. Hunt thought lots 11, 12, and 13 were proposed to be a little deeper and the access road is being moved further to the south. Mr. King believed the amount of open space was the same by increasing Block A which was needed to meet that area so it could come from lot 10.

Mr. Kagler said he knew the City did not have control where the tank battery went, but for emergency purposes, asked where should it be put. He said the Code favored new structures over the existing structures. Mr. Hunt said there have been substantial discussions by Ohio Valley Energy with the existing owners around the area and he was led to believe there may be consent from those owners that might be impacted. Mr. Kagler did not think it seemed right or fair.

Mr. Hanink said twenty (20) acres were required by the State for a drilling unit. He said he would be surprised if Woodland Acre and Valerie Lane were not included in the unit, and if they were included, he believed those homeowners would receive some consideration for the oil and gas, or would have some explicit recommendations on the property.

APPROVAL OF MINUTES

Mr. Mulligan moved to approve the minutes of the September 13, 2010 Regular Meeting, as amended. 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.

ADJOURNMENT

The Chair, Mrs. Barone, adjourned the meeting at 8:05 p.m.

Jennifer Barone, Chair

Nora La Lomia, PC Clerk