

CITY OF HUDSON
PLANNING COMMISSION
REGULAR MEETING OF APRIL 12, 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; Charles T. Riehl, City Solicitor; David Basil, Council liaison; Kris McMaster, Associate Planner

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 dated April 12, 2010 from Jennifer Childs, Director of Marketing, Summit II LLC, representing the property owner for Case No. 2010-008, was submitted regarding their support for an addition to the patio at Brubaker's Pub and is attached to the minutes. Also submitted was a Memorandum from Tom King to the Commission members regarding cases affected by a proposed moratorium.

CASE NO. 2010-008 (PROJECT NO. 2010-58754), SITE PLAN FOR A PROPOSED PATIO EXPANSION AT BRUBAKER'S PUB, 5823 DARROW ROAD

Mr. Richardson reviewed the staff report. He explained this was a request for the outdoor seating at Brubaker's patio to extend into the existing driveway and lane seven (7) feet, similar to what Zeppe's restaurant recently did. He said four (4) parking spaces would be lost. He said a gate should be removed from the plans and the number of bollards shown should be adjusted a little.

Scott Brewer, Brubaker's Pub, 5823 Darrow Road, said he was present to answer any questions. He liked the location of Zeppe's patio with their awning and trees and

thought his patio would look better if he did the same and he wanted to provide outdoor seating.

Mr. Drew said a few years ago Brubaker's came to the Board of Zoning and Building Appeals ("BZBA") for a variance in the rear of their property. He thought a patio in the front made more sense than in the rear. He presumed the adjacent restaurant would request a patio next and asked how that would impact the parking. Mr. King said outdoor seating was attractive to any shopping area and was an objective pursued in the downtown redevelopment project. He said parking was reviewed and he thought it would be doable. Mr. Richardson said the staff of the Architectural and Historic Board of Review ("AHBR") expressed similar concerns. He said The Orchard Plaza went through an extensive renovation recently and the City was not aware of any applications at the present time.

Mr. Kagler asked whether the patio was visible in the parking area and whether it was enclosed or semi-enclosed. Mr. Brewer replied he might come back in the Fall to enclose it, similar to how Zeppe's uses a clear acrylic. He said if he did he would go to AHBR. He was unsure with the trees in the front whether an enclosure was necessary.

Mr. Richardson stated this plan was presented to the AHBR and they did not object to the design. He said they understood there would be some type of winter enclosure.

Mr. Kagler said his concern was visibility when driving through the parking lot. He thought the fire lane would conflict movement if a car came from the back. He suggested the landscape bed on the south side be curved out since it was shown as evergreen trees. Mr. Brewer replied he was trying to keep it similar to Zeppe's.

Mr. Richardson said there was a curb surrounding the landscaping in the front.

Mr. O'Keefe suggested there be a stop sign rather than extending landscape out. Mr. Brewer said it was not a high traffic area and there was a pedestrian walkway. He thought maybe a stop sign would be a good idea.

Mr. O'Keefe asked whether there were any outdoor seating restrictions placed on the original approval and would those same restrictions apply. Mr. Richardson replied if there were any restrictions imposed they would also be imposed to this area.

Mr. Brewer thought sound would be muffled by the awning.

Mr. Hanink thought it was a good idea and there was still plenty of parking even if a neighbor wanted to do a patio also.

Mr. Mulligan agreed with comments about visibility and thought the new fire lane was an improvement to the current situation. He thought there was enough parking and liked the way it was designed. He thought it gave more character to the front of the building.

Mrs. Barone asked whether there would be any music outside. Mr. Brewer replied he had no plans to. He said the operation would not change at all.

Mrs. Barone opened the public hearing.

Jeff Hildebrand, 1657 Arbutus Drive, said he was selected by his neighbors to speak at this meeting. He questioned whether the location was in the front or back. He said the front was better for the neighbors. He asked the hours of operation, what time did the patio close, and whether there was a sound system. He inquired whether in a year from now speakers were out there, what would be the next step if the neighbors had concerns.

Mrs. Barone closed the public hearing.

Mrs. Barone asked the hours of operation. Mr. Brewer said they would close at 2:30 a.m. same as now, 10:00 a.m. to 2:30 a.m., 11:00 a.m. to 2:30 a.m. on Sunday. He believed the neighbors would be happier with the patio in the front and thought the awning muffled the sound and believed the volume would be lower. He asked whether the sound was a problem now. Mr. Hildebrand replied, no not at all.

Mrs. Barone asked whether in the future they piped music out there, would they have to come back. Mr. King responded not necessarily. He said if that was an important factor, it could be a condition.

Mr. Hanink asked whether there were conditions on the original approval and suggested that limitation be in the motion.

There was discussion about having a sound system and restrictions on sound. Mr. Richardson said noise at the property line could not exceed 50 decibels at night. Mr. Riehl suggested if this condition was acceptable to the applicant, it would be preferable than decibel measurements. Mr. Kagler asked whether the applicant would be willing to have no live music on that patio, no sound amplification system of any kind. Mr. Brewer said maybe some certain timeframe on it such as no sound from 11:00 p.m. on. He said for sporting events he intended to have a television out there.

Mr. Kagler moved to approve the Final Site Plan for Case No. 2010-008 for expansion of existing outdoor seating at Brubaker's Pub, an existing tavern located at 5823 Darrow Road according to plans dated April 1, 2010 with the following conditions:

1. The Site Parking Plan must be revised to accurately show the patio gate eliminated. All aspects of the project must be shown consistently.
2. The applicant must work with staff to relocate the bollards to more defensive locations.
3. A "Stop" sign must be located south of the existing patio in a location acceptable to City staff.
4. Between 10:00 p.m. and 10:00 a.m. there be no live music performances or sound amplification on the patio of any kind.
5. The above conditions must be satisfied and no construction of any kind shall commence prior to the issuance of a Zoning Certificate.

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. 2010-009, SITE PLAN, WALKING TRAIL, JO ANN STORES, 5555
DARROW ROAD**

Mr. King explained this project was in District 8 and subject to the new rules for both Districts 6 and 8. In addition to this component of the application, JoAnn's was also considering relocating an entry drive to be aligned with Corporate Drive as well as changes to the drive at the north. He said they wanted to install the walking trail as soon as possible. With the district requirement, there is a requirement that developers be required to interconnect with adjacent sidewalks on Darrow and Terex Roads. Le Chaperone Rouge was required to put in a sidewalk. Staff is recommending the walking trail, as submitted, be approved, with a condition that with any additional development of an outlot or building addition by JoAnn interconnection with adjacent intersections be required at that time. Impervious surface coverage and storm water management is being installed in a grassy area so no storm water management is required.

Debbie Mansfield, representing Jo Ann Stores was present.

Mrs. Barone asked how long the trail would be. Ms. Mansfield replied it would be ½ mile in length and six (6) feet wide.

Mr. Mulligan inquired about additional outlots. Mr. King said the condition would apply to any outlots within the Jo Ann property anywhere on the property along that frontage. Mr. King said installation of a walking trail was fairly minimal development to trigger this requirement.

Mr. Cox asked whether the trail would be for the public. Ms. Mansfield responded it would be improvements for the office.

Mr. Cox asked if it was going to be a private trail, why hook up with sidewalk. Mr. King replied it would be convenient for the employees unless development along that portion of Darrow Road would also serve employees. Mr. Cox said if the public could also use it then JoAnn would be liable. Mr. King said any sidewalk that would occur on private property would be private and if it was feasible should connect with City of Hudson public sidewalk.

Mr. Hanink said he had no problem with a walking trail for team members for JoAnn. He asked whether adopting this trail could fulfill the requirements of connecting to any sidewalk from the development. Mr. King thought so and said any concern about liability could be handled with signage. Mr. Hanink said sometimes there was soccer practices held there and this walking trail would fulfill the requirement for sidewalk. He thought it was a good idea.

Mr. O'Keefe asked if there were any additional buildings constructed on those outlots, would the walking trail be interfered with and would have to be reconstructed. He asked whether JoAnn had any objections to public sidewalk to private. Ms. Mansfield said she would have to review that issue with the corporate office.

Mr. Kagler said this was an exciting addition to the property. He encouraged anything that was done now as an investment be done so as not to have to spend more money later. He said this was private improvements on private property. He suggested to take the parts of the path closest to the right-of-way and move them out into the right-of-way since that would be required later and could maybe save money by not having to rip them out later. He said the City has accepted paths instead of sidewalk in other projects. He thought whatever was done would make that land more valuable later and parcels could in the center could be left to develop. He asked whether the City could accept moving that path into the right-of-way. Mr. King replied yes. Mr. Riehl thought JoAnn wished to have it be private.

Ms. Mansfield said they had decided to have the path on private property away from the roadway for aesthetics. She said they had no plans for development in front of the corporate office.

Mr. Drew supported this application and thought it would be a nice improvement to that part of town.

Mrs. Barone asked whether there were any comments from the audience.

Chuck Wiedie, Economic Development Director, voiced support for the Jo Ann Stores project. He said they were Hudson's largest employer and had begun a substantial improvement to their campus. He said the City was excited about these improvements and asked for the Commission's support on all of these items. He thought Mr. King's ideas were correct on the future outlots.

Mrs. Barone thought it was a great addition.

Mr. Kagler questioned whether the intent of the condition was to benefit the property owner by making sure what they do now could be considered as complying with the sidewalk requirements. Mr. King said it was to benefit the property owner and would be helpful for Code interpretation in the future.

Mr. Mulligan moved to approve the Site Plan for the installation of a walking path in the front of the JoAnn Stores, Inc facility at 5555 Darrow Road according to plans dated April 5, 2010 with the following condition:

That the path construction may proceed according to the submitted plan and that if and when any additional out lot development occurs at JoAnn Stores or other building expansion after this date, that the approved walking path should be extended by connectors to the nearest intersections to the north (Terex and Darrow Roads) and to the south (Corporate Drive/Darrow Road/JoAnn Stores, Inc. entry drive). It is the intent of the Commission that this path when extended

with future connectors may be accepted by the City as meeting the requirement for its future sidewalks.

Mr. Kagler seconded the motion.

Mr. Hanink questioned whether the condition would be accepting that trail to fulfill sidewalk requirements along Route 91. Mr. Kagler suggested it could provide direction and guidance but not necessarily be binding to the future. Mr. King said a condition cannot bind future commissions to decide that way.

Ms. Mansfield asked for clarification of this additional condition and asked if it was acceptable as the sidewalk and would that make the walking path be a path at that point. Mrs. Barone said at that time it would satisfy your sidewalk. Ms. Mansfield said it would only be with future development of the property. Mr. Mulligan said only if they wanted it to be that.

Roll Call:

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

Nay: None

Motion unanimously carried.

JOANN LIGHTING CASE

Mr. Richardson said JoAnn was replacing lighting poles and fixtures. He said prior to this meeting, the Design Subcommittee met and approved the design. He explained the Commission may ask for public comment but it was not a public hearing and thought the Commission should adopt the recommendation of the Design Subcommittee. He said the poles would be about the same height, 75 feet.

Mr. Cox moved to accept the Design Subcommittee's recommendation and approve the design for Case No. 2010-010 for a lighting project at JoAnn Stores located at 5555 Darrow Road, according to plans and details dated as received March 24, 2010. 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.

Mr. King said it would be a dramatic improvement. He explained this new process allowed for public comment, shortened lead time for projects so the City could be responsive and put on an agenda quickly.

CASE NO. 2010-007 - GROWTH MANAGEMENT ANNUAL REPORT

Mr. King said the City Manager became ill today and he was substituting for him in presenting this case.

Mr. King began by stating that in May 1996 the City began to regulate the rate of their residential dwelling to two semi-annual allotment awards and the legislation requires an Annual Report be provided.

Mr. King thanked City staff members for their assistance in preparing the Annual Report. He said Council approved 81 allotments for the calendar 2009 and the calendar year resulted in 69 allotments being awarded. He reviewed the various sections of the Annual Report such as the summary findings, low elementary school enrollment, no subdivision approvals in 2009, the number of vacant lots, development of the Seasons Road interchange facilitating business development, City investment in water lines, intersection of the Route 8 joint infrastructure zone, and the creation of a City fast track approval process. He added that the number of employees has been stable in the City, but the general fund revenue was down. He said capital needs continue to outstrip the resources available. He said the City Manager's recommendation was 84 allocations to be allowed in the coming year.

Mr. King said the Report was recommending some procedural changes. He explained with only two semi-annual periods, an applicant may wait up to eight (8) months. He said there have been allotments that have been left over and it seemed like a hardship that was unproductive. He said there was a proposed procedural change to allow allotments to be awarded if they have not all been fully granted. This would be an amendment to the Land Development Code ("LDC") and would have to be introduced by legislation and receive hearings by City Council and the Planning Commission.

Mr. Hanink asked whether there was a plan or intention to update the Comprehensive Plan. Mr. King replied there was a plan with City Council now since the budget was an issue last year. He said it would be a staff in-house effort with a committee in 2010.

Mr. Hanink said the proposed buildout number has been in the vicinity of 28,000. He said there were not a lot of large vacant tracts of land and the City was purchasing the Youth Detention Center property. He believed any calculation of buildout population would expect to be less than 28,000. Mr. King also thought there would be less vacant land and it could be a generation before it was developed.

Mr. Hanink said the last Comprehensive Plan was prepared prior to the increase in income tax and thought one of the assumptions was that it was uneconomic to live in the City. He asked whether that assumption was still valid. He questioned limiting residential growth and the cost to provide City services. Mr. King said there were a number of ideas about the cost of providing services in lot density developments and increase tax base versus property tax. He said it was generally assumed single family development was a losing standpoint with the cost of providing school education.

Mr. Hanink thought school education was a different situation. He believed it was irrelevant since there was not enough development land left. He said it appeared from the Report some significant strides were taken and concern in this market it was unlikely the 84 lots would be taken.

Mr. King said the City Manager was thinking in terms of recommending 84, and thought it was appropriate to look down the horizon where growth management should be backed up. He said the City had severe fiscal problems with the budget and thought maybe that was a topic for the Comprehensive Plan committee to consider.

Mr. Hanink did not think 22-24,000 population was going to permit the City to grow faster. He thought the City could be a destination location but there was a need to make it easier to get in and out of the City faster. He thought there were a number of things that needed to be addressed.

Mr. Cox thought the Report was a very interesting compilation of data. He questioned the number of employees in Hudson. Mr. King replied the information was taken from the Regional Income Tax Agency and the tax returns were not due until 2009. He said the City knew how many City of Hudson employees there are but not all of the employees in Hudson. He said the chart represented all the employees that work within the City.

Mr. Drew questioned what was the proposed change to Section 1211.03(g). Mr. King explained it would change the timing that allotments are awarded and the difference would be those that are left over would change so they could get it sooner rather than waiting for the next allotment period. He further explained there would still not be more allotments available than the annual cap.

Mrs. McMaster also explained that an award was only good for two years and after two years it expired. She said allocations left from the first award period were allowed to be given out with the second award period but any left in the second award period were not allowed to be carried over. She said the proposed change would let an applicant apply, go through the normal criteria for the allocation but be awarded sooner because they would use what was left. She said due to the current economic conditions why make an applicant wait it would just be granted earlier.

Mr. Drew did not think more housing would be a positive thing.

Mr. Kagler said it was not a demand based, supply based system. He said Mr. Hanink raised important comments and thought the proper place for them to be considered was with a Comprehensive Plan committee. He did not have any concern with the submitted allocation amount.

Mr. Kagler said since allotments essentially were not a demand based system he did not think demand based changes should be made to the application process. He said the system has been in place for twelve years, it has had in place a very orderly semi-annual process of application but the twice year allotments takes a great deal of staff time. He would not support making changes to the procedure since a rolling award process could bring potential chaos into an orderly and predictable process. He suggested maybe awards could be granted quarterly.

Mr. Cox was in favor of this proposal. He said this proposed change would make the procedure easier rather than waiting for six months. He said if someone had a buyer they could immediately get that allotment and it would help move things along faster.

Mr. Mulligan asked what was the goal of this change and referred to page 34. He thought the language in the Report was a little different.

Mr. King said there is a limit of one allocation per property owner. He said growth management was a very important tool to ensure predictability and growth in the community.

Mr. Mulligan had no objection to the proposed number being 84.

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

Mr. Hanink said he was not against faster growth and thought the City needed more growth. He questioned whether allotments not taken were lost. He said the process was more attuned to subdivision development as opposed to supporting individual smaller lot homes. He supported the proposed 84 amount and thought the proposed change was a good idea.

Mr. Kagler said he would incorporate some favorable treatment for special merit applications.

Mr. Mulligan moved to recommend City Council establish the number of Residential Allotments at eighty-four (84) dwelling units for the allotment year August 1, 2010 through July 31, 2011 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-four (84) allotments to be awarded in the first and second semi-annual allocation periods should be distributed so that forty-two (42) 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. 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.

Mr. Mulligan moved to recommend City Council prepare legislation amending Land Development Code Section 1211.04(g) "Unallocated Surplus Allotments" to allow the award of any surplus allotments after the semi-annual award date to applicants applying after the application deadline for the semi-annual award up to the application deadline for the next semi-annual award. Mr. Cox seconded the motion.

Mr. Drew said there were bigger issues with the schools besides the City's traffic issues. He said the cost of one house does not even support one student. He was not in favor of doing anything with growth management to increase growth.

Mrs. Barone thought it would be easier to review when there was ordinance language.

Mr. Riehl said, for the record, the legal justification for growth management was based on the factors that were in the Report. He said although the City is cognizant of the school situation that does not provide legal justification for the growth management system.

Roll Call:

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

Nay: None

Motion unanimously carried.

OTHER BUSINESS

Proposed legislation for a temporary moratorium on expiration of site plan approvals

Mr. King said this was proposed legislation about a moratorium due to the economy not an amendment of the LDC. He asked the Commission to make comments on how Council should consider this.

Mr. Kagler said he thought this was a great idea. He asked why would this pertain to only site plans. He thought more things could benefit given the economic circumstances. He suggested broadening the legislation to cover more and for a longer period of time.

Mr. King said subdivisions could be difficult because of performance deadlines with bonds. He said one category considered but not included was variances. He did not object to including variances but was not sure economics were as big a part of residential projects.

Mr. Riehl agreed about subdivisions. He said not only with development but especially with bonding component and an outside surety company that may not want to extend that finance security. He said a blanket moratorium or extension could put the City at risk. He thought variances maybe could be included by making an analysis of what they are.

Mr. Richardson believed all the current subdivisions have been dealt with. He said the LDC did not have a lot of deadlines with regard to subdivisions.

Mr. Kagler suggested if bonding was the obstacle then those could be extended with conditions and a moratorium done on an analysis basis temporarily.

Mrs. Barone questioned whether one year was enough time.

Mr. Mulligan agreed with both.

Mr. Drew thought one year increments would be better.

Mr. Cox agreed with one year increments and thought they could always be extended again.

Mr. King summarized that the general feeling was that the legislation should be broader than only for site plan approval. Mr. Drew was unsure whether it needed to be broadened that much further.

Mr. Riehl said the concept is subjected for one year and could make an analysis for subdivisions. He thought this type of concept might be appropriate for subdivision or variances.

The Chair, Mrs. Barone, adjourned the meeting at 9:30 p.m.

Jennifer Barone, Chair

Nora La Lomia, PC Clerk