

**CITY OF HUDSON**  
**PLANNING COMMISSION**  
**REGULAR MEETING OF FEBRUARY 8, 2010**  
**7:30 P.M., TOWN HALL**

**MINUTES**

**CALL TO ORDER**

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

Officials Present: Thomas E. King, Director, Mark Richardson, City Planner, R. Todd Hunt, Assistant City Solicitor, Chuck Wiedie, Economic Development Director, David Basil, Council liaison

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

**OATH OF OFFICE**

Mr. Cox administered an Oath of Office to Robert Drew as a new Commission member.

**ELECTION OF OFFICERS**

Mr. Cox moved to nominate Jennifer Barone as Chair for 2010. Mr. Hanink seconded the nomination. There being no other nominations, Mr. Cox closed the nominations.

Roll Call:

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

Nay: None

Motion carried.

Mr. Cox moved to nominate Joseph Mulligan as Vice Chair for 2009. Mr. Hanink seconded the nomination. There being no other nominations, Mr. Cox closed the nominations.

Roll Call

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

Nay: None

Motion carried.

## **OATH OF TRUTHFULNESS**

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

## **CASE NO. 2010-001 (PROJECT NO. 2010-58664), CONDITIONAL USE, VETERINARIAN FACILITY, 5980 DARROW ROAD**

Mr. Richardson reviewed the staff report.

Dr. Daniel Bestic, the applicant, stated he was a practicing veterinarian. He said this facility would be an emergency facility, and a portion of the facility would be for overnight boarding to help clients who are going out of town. He said there would be an area for practice training and for obedience training.

Mr. Mulligan asked what emergency care entailed. Dr. Bestic explained someone would be there 24 hours and if needed, a doctor would be called to come in on a call in service. He said there would be lighting to the south on the building.

Gordon Costlow, Green Line Design LLC, said there were no lights on the north side but they may put in some security lights.

Mr. Mulligan asked about the issue of the cross access easement with property to the north as being in front of the two buildings or possibly behind the buildings. Mr. Richardson replied those details had not yet been worked out. He would ask for the best location with the adjacent property.

Mr. Mulligan thought the eyecare business would see a lot of upside to having that easement, sharing maintenance and visibility. He said the distance between the light at Stoney Hill Drive and the Western Reserve Vision Care entrance to the proposed new driveway was about 130 feet. He asked whether it was within the City's plan to change the signalization of that light to possibly "no right turn on red" to that intersection. He thought it would make sense to change the cycle of that light.

Mr. King replied no, it had not been looked at yet. He said the City has asked for the peak hours of the practice. Thom Sheridan, City Engineer, reported he did not foresee a problem to have this traffic from the veterinarian. It is possible left turns out may be a problem. He thought these issues would be taken up at site plan review as well as signage at that intersection.

Mr. Mulligan thought the use was a good transition for this area.

Mr. Cox questioned the language in the conditions regarding "should the opportunity arise". He thought it was too vague. Mr. Richardson said when the property to the south was developed then the cross access language would be examined.

Mr. Cox asked what if the property to the south was like the property to the north and did not want to share. Mr. King explained that when a development proposal comes up this condition would be raised at site plan review. He said the idea was to maximize

potential options for the mutual benefit of everybody in the future. He expected to have a draft easement with the site plan review.

Mr. Hanink thought the placement of this building should not negate access to the north. Mr. King said the citing would allow for tying into the north side which was not feasible at this time.

Mr. Hanink asked about the setback for these kinds of uses. Mr. King said the setback was not like for a restaurant or retail use. He said there would only be a few cars with this type of use.

Mr. O'Keefe was in favor of the conditional use. He asked whether this location fell into more stringent design requirements of District 7 rather than District 7 Overlay. Mr. Richardson responded it was in District 7 Overlay and the use was conditional in the Overlay.

Mr. Richardson said this applicant needed a variance due to the narrow lot.

Mr. Kagler asked whether the proposed setback was to accommodate shared access. He said he had no problems with the use but his concern related to shared access. He suggested changing the wording in the condition "should the opportunity arise" should be deleted. He suggested the wording "if future development warrants it" should be changed to "if PC requires it".

Mr. Kagler further stated that the property owner to the north has a new signal and new curbs and believed that the City must have raised the issue of cross access since it was not just a personal signal. He hoped by the time the site plan came back the City would have some sway over the property owner. He suggested this property owner not only grant the easement but put the lane in. He said when other buildings were redeveloped the stub was put in.

Mr. Drew felt as strongly as Mr. Kagler that this was an opportunity to improve the situation. He asked what influence the PC or staff had on the adjacent facility. Mr. King said staff did talk with Dr. Stiegemeier and encouraged that property owner to work with another property owner previously. He said Dr. Stiegemeier decided it was not in their interest to provide access. He said he had not had any conversations recently. Mr. Drew encouraged staff to do that. He said it seemed to be two issues; opposition as to the loss of parking space and parking in front of the building. Mr. King said the discussions several years ago did include that. He was not sure it required Board of Zoning and Building Appeals ("BZBA") approval and it was talked about to hold them harmless from loss of parking. Mr. Drew was unsure whether loss of parking space was a valid argument. He thought the Stiegemeiers' should be prohibited from parking in front and asked whether there had been monetary consideration. Mr. King said there was talk about sharing responsibility and maintenance but not any kind of consideration.

Dr. Bestic said he had talked with Mary Stiegemeier who was initially receptive to a joint driveway. She said the previous owner of the property was unwilling to split the cost of the maintenance or to share lights or snow plowing. She also said at that time the City

would not give her parking in the front of the building which was a concern. He said he would be willing to split but wanted the parking spaces in the front. She decided she was not willing to agree any longer. She thought there might be issues in the front if she tried to sell the property.

Mr. Drew thought there was potential for further negotiations. Dr. Bestic replied no, Mrs. Stiegemeier informed him her husband decided it was not in their interest and thought their property would be de-valued. He said he would like to have it and it would be beneficial to him. He said he did not see any reason why this would not work and had thought it was going to be simple.

Mr. Mulligan said the eyecare lot was not striped and it did seem like it would be beneficial for them. He asked whether it was possible to add spaces in the front of the building in order to back into the shared drive. He thought maybe it was just a matter of re-striping the lot.

Mr. King said District 7 was very restrictive on parking in front of the building. He did not know what would be in her interest in trading location of certain spaces.

Mr. Mulligan thought the City should try to help.

Mrs. Barone asked whether there was a time limit for animals to be outside. Dr. Bestic replied after 10:00 p.m. and before 8:00 a.m. in the morning.

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

Mr. Kagler asked whether this parcel was part of the parcel of Western Reserve Vision Care. Mr. King replied, no. Mr. Kagler said the property changed hands in 1997 and it may be part of a lot split at that time. Mr. King said he was not aware of one.

Mr. Kagler asked whether the City would limit striping over and remove the left turn lanes going into that property and remove the west facing lines. He did not see any reason for that property to benefit from signalization if they did not want to provide cross access.

Mr. Hanink thought the City needed to be more aggressive to make their wishes known since a sole property owner should not benefit from signalization.

Mr. Mulligan agreed with both. He thought the hours component might be an appropriate condition. He asked the applicant whether he had any objection to no standard recreation area use between the hours of 10:00 p.m. and 8:00 a.m. Dr. Bestic replied that would be fine. He said the animals would not be playing at that time but would be walked out.

Mr. Mulligan moved to approve the Conditional Use for Case No. 2010-001 for a veterinary facility or small animal clinic, including overnight boarding at 5980 Darrow

Road according to plans and information submitted January 12 and 26 provided the following comments are addressed.

1. The applicant must agree to grant an easement to allow cross access with adjacent parcels and to eliminate the proposed driveway if the Planning Commission requires such upon approval of a future development.
2. A zoning certificate for this conditional use may not be issued until a site plan meeting City standards and the building design have been approved.
3. The outdoor recreation area shall not be used by animals for recreation between the hours of 10:00 p.m. and 8:00 a.m.

Mr. Hanink seconded the motion.

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

Nay: None

Motion unanimously carried.

**CASE NO. 2010-002 (PROJECT NO. 2010-58687), ORDINANCE 10-21 AND 10-22**

Mr. Richardson reviewed the staff report.

Inez Butcher, 137 Owen Brown Street, the applicant, said she was looking for some help to be able to lease her vacant space when she initiated this Code amendment.

Mr. Kagler said the Section 1205.08(c) text amendment to add uses to District 5 was one property owner requesting something that would affect the whole district. He said that all of District 5 needed to be reviewed. He asked whether area specific language such as location limitations could be added to be uniform across the whole district. Mr. Hunt thought there could be some language restriction to a certain extent. Mr. Richardson commented the Code contained similar language for Main Street uses.

Mr. Kagler said there were only a few buildings and properties which could accommodate these types of uses. He did not want to add these uses to the district. He thought possibly could expand a nonconforming use within a boundary of a building and suggested limiting them geographically.

Mr. King understood that area had a unique mixture of relative uses such as the storage facilities within District 5 along Milford Drive. He did not believe there were any nonconforming uses. He said one building had an office use for a contractor but it was not an office/retail situation.

Mr. Kagler did not think the storage facility was isolated. He said the Milford Drive area was mostly office and could be marketed as offices. He said the whole Owen Brown Street area was what was left of the former Village industrial area.

Mr. Drew said there were a few industrial buildings on Oviatt Street and he thought research labs would be fairly benign. He read the definition for workshop and custom industries. He was not troubled by those two areas but was concerned since these uses would apply throughout all of District 5.

Mr. Cox suggested limiting geographically to Mrs. Butcher's property rather than throughout the whole district. Mr. King responded that would constitute spot zoning by not treating similar property in an area in the same manner. Mr. Cox said the area was the remnant of what was an industrial area and is no longer.

Mr. Mulligan said the geographic issue of the area between two tracks, the storage areas, would be a conditional use. He did not think there should be limit geographically in District 5 but maybe could use some type of distance. He thought the Actors Summit area might be too close to the library and may not want conditional uses there. He said at one time the expansion of downtown was being considered to be more residential.

Mr. Mulligan asked about City Council's view on recreational sports training facility in the district. Mr. Richardson replied that use was already allowed in District 5.

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

Mr. Kagler asked whether the changes to the nonconforming use section would take care of the applicant's initial request. Mr. King replied, no it did not take care of her issue. He said the space has been vacant so a substitute nonconforming use would not work. He said there have been several uses that have been interested in the space that would qualify under a workshop provision. He said a small scale type of work would offer protection that it would not be introducing large truck facilities.

Mr. Kagler suggested allowing the uses staff recommended in the staff report. He was concerned to open the industrial area to nonconforming uses adjacent to Main Street. He was concerned about carving up uses west of Morse Road implying the City's future plan was wrong and that actually this area should be preserved for industrial uses. He said this applicant was past the limit for nonconforming use provisions. He said there could be some transition uses for some currently used as industrial or accessory uses. He had concerns about what was left of downtown and about doing for the whole district. He thought there should be some restrictions, maybe a distance from the railroad tracks.

Mr. King urged consideration of research labs possibly on a second floor of an office building. He said it would mostly perform as an office. He said research labs are allowed in the Code and could possibly be appropriate in many parts of the downtown area.

Mr. Mulligan said if Ordinance 10-21 was restricted as to geographic area and warehouse district deleted then could leave storage in a workshop for this property.

Mr. King thought storage was part of outdoor uses.

Mr. Sims, real estate agent, said the building was designed for office/warehouse. He said if that was limited it would limit their ability to lease that space. He said the development plan of the future downtown was for her to operate her building as it was designed for until phase 2 was developed.

Mr. Cox thought the condition should try to not narrow the use too much, to keep 3b in, and still remove sales and showrooms wholesale.

Mr. Hanink was inclined to leave it alone stating if someone wanted something larger this would probably not be the place to lease. He was not concerned about it.

Mr. Kagler was concerned about a warehouse district.

There was some discussion of whether it should be nonconforming use. Mr. Kagler said buildings of a certain age providing certain uses would at some point be ended. Mrs. Barone had some concern if the library building would be vacated what could then go in there. Mr. Hunt said that was a difficult question. He explained the way it was written now those choices could be anywhere in District 5. He said the Code needed to treat similar properties similarly.

Mr. Kagler said there were a number of buildings in the district this could apply to. He thought unless there was a geographic restriction on where these industrial uses go in the district, either geographically, or age of business, or that cannot be fronting on certain streets, unless some restriction he was not going to support it. He thought despite the benefits provided to this property owner it would be directly opening the floodgate to something the City did not want.

Mr. King said there could be some rationale to restrict location where these uses could be allowed, but a building of a certain age could not defend against that.

Mr. Drew said the Code needed to be careful with District 5 since it was a historical Main Street with relatively few industrial buildings left. He thought this was the most important district in Hudson. He said a research lab use was benign, but thought wholesale meant trucks, and thought an increase of truck traffic should be removed from District 5. He said only change he would support was addition of research labs.

Mrs. Barone asked whether this was an existing nonconforming use. Mr. Hunt said for this particular applicant it was a discontinuance of the use. He said two years was a common time period.

Mr. Mulligan suggested condition 3b enclosed storage to state not to exceed a specific square footage in order to limit the area the use was allowed.

Mr. Sim said it would limit the size of the products that are stored and that they were receiving small truck products.

Mr. Drew said in that case someone could demolish the existing building and build bigger.

Mr. Mulligan said the Commission would have the ability as a conditional use to turn something down if it was too big.

There was further discussion of restriction of sizes. Mr. Hunt thought locational criteria would be acceptable since that has been done on Main Street.

Mr. Drew said he could only support research labs.

Mr. Kagler said it should only be research labs and had concern with warehouse distribution and storage. He said less of a concern with workshop if it could be quantified. He encouraged a limitation to include only properties with frontage on Owen Brown Street, west of Morse Road, west of Brandywine Creek.

Mr. Cox suggested to leave storage and delete warehouse and distribution.

Mr. Sim said the concern seemed to be with semi-truck traffic and asked what about all the deliveries Heinen's gets currently. He said with a warehouse of 2,000-2,500 square feet there would not be semi-trucks as frequently as Heinen's has now. He said the concern from Mr. Strobl regarding truck traffic on Owen Brown Street was an enforcement issue since there are signs "no trucks on Owen Brown".

Mr. Mulligan thought it would be a mistake to permit east of Morse Road since directly across the street was residential.

Mr. Mulligan moved to recommend City Council adopt Ordinance No. 10-21 entitled "An Ordinance Amending Subsection 1205.08(c) of the Land Development Code Related to Conditional Uses in Zoning District 5", as attached to a Legislative Memo dated January 15, 2010 to allow additional conditional uses in District 5, except to limit the new uses to Research Laboratories, Enclosed Storage and Workshop and Custom Small Industry Uses. Mr. Hanink seconded the motion.

Mr. Drew offered an amendment to the motion to restrict this to the area west of Morse Road fronting on Owen Brown Street. Mr. Mulligan did not accept the revision to the motion.

Roll Call:

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

Nay: Mr. Drew, Mr. Kagler

Motion carried.

### **ORDINANCE 10-21**

Mr. Drew said this ordinance would apply to all districts in the City. He said the times at BZBA that there were issues, even in residential areas, was when there was an increase in size of a nonconforming use. He inquired about changing the wording in the language to add "and". Mr. Hunt explained it was a technical exception.

Mr. Drew supported the change to be within the building "within existing walls". He thought it would be less subject to misinterpretation.



Mr. Kagler expressed concern a nonconforming use would have an impact on the surrounding area. He thought this clarified the language since the intent was not to restrict the use but to restrict the use from the exterior walls that it occupied.

Mr. Mulligan questioned whether there should be an “and” between “c and d”. Mr. King said there were many situations which were not in compliance with “c”.

Mr. Kagler moved to recommend City Council adopt Ordinance No. 10-22 entitled, “An Ordinance Amending Subsection 1206.05(e) of the Land Development Code with Respect to Enlargement of Nonconforming Uses and the Discontinuance and Abandonment Thereof”, as attached to a Legislative Memo dated January 15, 2010 to revise nonconforming use regulations throughout the City with the revision of new Section 1206.05(e)(1)(D) to read as follows:

(D) Increases and enlargements, do not exceed one-hundred fifty (150) percent of the area within THE EXISTING EXTERIOR WALLS OF THE a building that the nonconforming use occupied and said use and building existed as of the effective date of this Code.

Mr. Mulligan 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.

## **OTHER BUSINESS**

### **CASE NO. 2008-003, MIDDLETON PARK ESTATES, RENEWAL OF APPROVALS**

Mr. Richardson reviewed the staff report stating the developers of Middleton Park Estates were seeking renewal of approvals the City had granted concerning development of this subdivision including plat approval and the dates by which certain subdivision improvements must be installed.

Mr. Hunt said the City’s main concern was that lots were not being sold until all improvements were installed. He said no lots should be sold without the guaranty the improvements are in. He said the applicant wanted the ability to sell the development and perhaps that would also make sense.

Dino Palmieri, applicant, said that at this point in time there was no urgency to develop the site and this would potentially gives us the possibility that someone would want to build the whole site and gives us flexibility in that situation. He said ultimately they did want to develop the site and the lots but in this economy it was especially tough.

Mr. Mulligan moved to renew the approvals it originally granted on April 14, 2008 for the Final Plat and Subdivision Improvement Plan for Case No. 2008-003 for Middleton Park Estates, a 31 lot subdivision to be located east of Stow Road north of Middleton Road, according to plans dated as received December 28, 2007, including all applicable

conditions and all terms set forth in an Agreement to Restrict Property as attached to the staff report dated February 8, 2010. The plat approval will therefore be valid through February 8, 2012. 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.

### **CASE NO 2010-003, SEASONS ROAD COMMERCE CENTER, CONCEPT PLAT**

Mr. Richardson said this was considered a Compatibility Review and there were only two homes in the vicinity. He said the target area was industrial. There was no action required by the Commission.

Greg Seifert, Geis Companies, was present.

Mr. Richardson said this subdivision was only to install a roadway of 1,200 linear feet which would not be subdivided until development occurred.

Mr. Mulligan said there were no issues about compatibility. He asked about trying to preserve an access for the neighbor and would expect more details. Mr. Richardson said staff had only seen a one page concept plan.

Mr. Mulligan inquired about the rail spur line as to what would be the proposed ongoing use. Mr. Seifert said the plan was a Google Earth image and as the site gets developed the rail spur would be to serve into those properties as well as for the existing Specialty Metals business.

Mr. Cox questioned what compatibility was being reviewed. Mr. Richardson said the legislation was enacted as a result of residential projects a few years ago. This requirement for this type of project was not contemplated to apply to industrial projects.

Mr. O'Keefe said he was looking forward to seeing the rest of the development.

Mr. Kagler said he would like a brief amendment to the Code that no industrial subdivision needs to come for a compatibility review.

Mr. Drew asked about the length of the cul-de-sac. Mr. Richardson said industrial subdivisions were exempted from the length restriction of cul-de-sacs in the Code.

Mr. Drew asked whether it would be a public street for fire purposes.

Mrs. Barone said this would be an industrial subdivision in an industrial area.

### **SIGN REVIEW FOR DISTRICTS 6 AND 8**

Mr. Richardson said with regard to the newly adopted regulations for Districts 6 and 8 all zoning certificates reviews for those districts are to be done by a subcommittee. Staff

has asked that sign applications be reviewed at the regular Architectural and Historic Board of Review meetings rather than convene the separate committee just to review signs.

There were no objections by Commission members.

**APPOINTMENT OF MEMBERS TO DISTRICT 6 AND 8 SUBCOMMITTEE**

Mrs. Barone as member, and Mr. Mulligan as alternate.

**APPROVAL OF MINUTES**

Mr. Mulligan moved to approve the minutes of the December 14 9, 2009 Regular Meeting, as amended. Mrs. Barone seconded the motion.

Roll Call:

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

Nay: None

Abstain: Mr. Drew

Motion carried.

The Chair, Mrs. Barone, adjourned the meeting at 9:45 p.m.

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Anthony Cox, Chair

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Nora La Lomia, PC Clerk