

CITY OF HUDSON
PLANNING COMMISSION
REGULAR MEETING OF JANUARY 23, 2012
7:30 P.M., TOWN HALL

MINUTES

CALL TO ORDER

The Chair, Mrs. Barone, called to order a second meeting of the month 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. Dostal, Mr. Mulligan, Mr. O'Keefe, Mrs. Barone
Absent: Mr. Kagler

Officials Present: Thomas E. King, Director, Mark Richardson, City Planner, Aimee W. Lane, Assistant City Solicitor, David A. Basil, Council Liaison

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.

CASE NO. 2011-36, SITE PLAN REVIEW, THE TRAILS OF HUDSON

Mr. Richardson reviewed the staff report in detail. He said a public hearing was not necessary in District 8. He discussed pages 7 and 8 in regard to the cash-in-lieu provision with respect to a public open space requirement.

Mr. King said it would be a combination of land and funds. He said staff had a difference of opinion with the methodology with the applicant. He said the donation would be of different types, a parking facility adjacent to the hike/bike trail, added park amenities, and a cash donation. He said the developer believes the value of the land to be donated should be considered differently than the rest of the land on a per acre basis. He thought the PC should recommend the methodology, where it is and the determination of the value. He thought the applicant should propose a donation then it would be up to the PC to make a final determination.

David Conwill, Redwood Management Co., 23775 Commerce Park Road, Beachwood, Ohio, representing the project, displayed maps of the property. He agreed with everything in the staff report except for the open space methodology and commented they had been working well with the staff. He explained when the project started they had two ingress/egress points and there was an opportunity to create a dynamic area

for the trailhead. He said they gave up a crucial part of the development so a parking lot could be built for the trail. They did not initially contemplate building Lawnmark Drive. He said they have talked with the MetroParks. He thought an appraised land value of 33 acres as a whole was different than the value of the 1.6 acre parcel with access on Norton Road and thought their contribution of land was worth more than the one acre. He disagreed with Mr. King's interpretation.

Mr. Cox asked whether it was possible for the City to give the benefit of the higher value for that particular parcel. Mr. King replied the Commission may allow them and he read a section from the Code about land donation. He thought his method laid out the intention of the Code.

Mr. Cox asked whether there was an ability to donate some form of an amenity in lieu of cash. Mr. King responded whether or not it was money or improvements valued at their replacement cost there was a replacement of construction cost. He said the applicant could just donate land and cash and the City could build the improvement. He said generally it was not a good idea trying to determine a separate value for the land. Mr. Cox said an appraisal can be worthless. Mr. King said an MAI appraisal was not needed.

Mr. Dostal agreed with a higher value and was inclined to provide the developer a little more benefit of the doubt. He said with this type of product this builder was better than other projects he had seen. He thought the sidewalk requirement was extraordinary for a private property to have the developer building them. He said these properties were apartments with a considerable amount of paved area which was an additional cost. He was happy with the design and thought it was above the bar for these types of projects. He said the use was a targeted need of the City and he wanted to give them the benefit of the doubt.

Mr. Drew questioned whether the Commission could apply equal value to all of the land. Mr. King said condition 6 addressed the overall intent that it was the Commission's decision of how land should be dedicated and the terms of determining the value. Mrs. Lane said Mr. King's interpretation was appropriate. She said it may be a little different proposal and require looking into some unique factors. She referred to Section 1207.05e. Mr. King said the point of condition 1 was the value shall be fair market value of the entire land. Mr. Drew acknowledged this land that fronts on the public street would have a greater value than the back corner and that value difference seemed to be higher value than the average.

Mr. Mulligan asked about sidewalks and applauded the applicant for meeting what was asked for earlier. He asked why the sidewalk would come off of Street C and B. Mr. Richardson explained the sidewalk fronting A2, D2 and E2 did not provide direct linkage to any place. Staff was sensitive to the investment of these new sidewalks and said there was a missing link to Buildings T and D2.

Mr. Mulligan disagreed about C2 bank visitor parking at that street and was inclined not to include that as part of 3. Mr. O'Keefe, Mr. Drew, and Mrs. Barone also agreed.

Mr. Mulligan asked whether there was a secondary road for Phase 1 or was the only permanent connection at Hudson Drive. He asked whether Hudson Drive had a link to the trail. Mr. King said there would be a sidewalk connection.

Mr. Mulligan asked what was the surface of the temporary access road for Norton Road. Mr. Richardson said it could be gravel. Mr. King thought it would be coarse gravel for emergency vehicles.

Mr. Mulligan asked whether in Phase 1 there was going to be a good linkage to the hike path. Mr. Richardson said the applicant has been talking with the MetroParks who will be the recipient of the dedication, not the City.

Mr. Mulligan asked the extent of the recommendation shifting R and F westward on the northeast corner of the site. Mr. Richardson explained the shifting was to get the development away from the north-south property line if possible. Mr. Mulligan asked whether there needed to be some limit in the recommendation. Mr. King explained that in a District 8 project the philosophy was to sign off on the site plan without all the details of the engineering and grading. He said staff could work with the developer. He said there needed to be 20 feet of parking space in front of the garage and that limited some of the constraints of the buildings and the right of way. He said the storm pond design was not yet finalized and staff would have them prove why the building could not shift over. Mr. Mulligan was satisfied with that.

Mr. Mulligan asked about the mail gazebo and trash toward Hudson Drive. Mr. Conwill explained the residents take trash to the shelters. Mr. Mulligan said there would not be any other trash facilities anywhere else in the development. Mr. Conwill said that was correct.

Mr. Mulligan thought the open space requirement value should not be that far apart and asked about a different number. Mr. Conwill thought they would get credit for the higher value land and were negotiating cost sharing with the seller. He said they would go with no trailhead if they were looking at \$100,000 check and would come back with a new plan. He said the project had to be economically viable and they would not break ground and go bankrupt. He urged some consideration for the acreage.

Mrs. Barone asked whether the sidewalk on Hudson Drive and Norton Road was just a small section on their property. Mr. Richardson replied yes, just the frontage they did on the trailhead. He said they were asking them to connect property to the trailhead within the right-of-way on Hudson Drive.

Mrs. Barone asked if there was a parking lot existing on Hudson Drive outside of the property line would that get credit as an amenity. Mr. King replied yes.

Mrs. Barone asked about sidewalk on the Norton Road roadside from the trailhead to Lawnmark Drive. Mr. King thought the property would develop. Mr. Richardson said the City was working with the City of Stow on improvements to the Darrow Road/Norton Road intersection and presumed it would include sidewalk too.

Mrs. Barone asked whether the sidewalk was monolithic with the pavement. Mr. Conwill said it would be pavement coming right up to the sidewalk.

Mrs. Barone asked about the northwest area being a bio retention area. Mr. Conwill said it was just a small detention pond, the majority of the site drained to the middle of the pond.

Mrs. Barone asked whether there would be parking on Lawnmark Drive. Mr. King did not anticipate that having on street parking.

Mr. O'Keefe was concerned whether Streets B and C on Phase 2 drawing did not get built how would there be turnaround access for cars coming to get back. Mr. Conwill replied if Phase 2 did not happen they would provide a turnaround. Mr. Richardson said the fire department would review the final plans. Mr. Conwill explained they could increase the size of the stalls at the end if a truck turnaround was needed. He said people do not like to drive on a gravel road, typically the gravel is used so big truck tires could go over it, he said the City would prefer not to have bollards. Mr. Conwill said tenants sign a lease agreement which includes the rules and regulations for access

Mrs. Barone opened the public hearing.

Warren Brown, 34 Wellgate Drive, asked that whatever could be done help to preserve the wooded areas along neighboring property lines would be appreciated. He thought the staff recommendation seemed to be along those lines.

Mrs. Barone closed the public hearing.

Mr. Drew said he would like to see sidewalk remain on the deadend street. He asked whether the temporary road was required to meet City standards for weight and widening of access. Mr. Richardson replied the fire inspector did provide comments on this plan and the plan as proposed is satisfactory. He explained all City departments would review the plans again when the site plans are submitted.

Mr. Drew asked if Phase 2 were not built would there be some provisions for turnaround possible. Mr. Richardson said there would be a permanent second means of access if phase 2 is built or not. Mr. King said the need for turnaround access in residential areas is reduced since there will be hydrants in this development.

Mr. Drew asked if this temporary road would be constructed to City standards. He also asked whether Lawnmark Drive would be constructed within two years of the first building of Phase 1 whether or not Phase 2 is built or not. Mr. Richardson replied yes, Lawnmark would be built within a two year time limit.

Mr. Drew asked about the Architectural Historic Board of Review approval. Mr. Richardson said the project hoped to be on AHBR agenda this week but would be in February.

Mr. Drew asked where the age restriction stood between the City and the developer. Mrs. Lane said that document was sent to the developer's attorneys for review and he confirmed receipt of it but had not yet commented. Mr. Drew asked if a determination was made tonight could the staff determine if the language was acceptable on behalf of the City. Mr. Richardson replied he thought so, it was very simple. Mrs. Lane said she drafted the agreement and it did track the Code provisions regarding age restriction.

Mr. Drew asked what if the property should become condominiums, how would the City determine age with the private ownership of individuals. Mrs. Lane replied that would be a homeowner's association obligation. She said it was in the deed restrictions but it would be a requirement of the Code that could be enforced on a homeowners association. Mr. Drew asked whether this was something that needed to be addressed if it should change in the future. Mr. Mulligan thought they would have to come back to subdivide. Mr. King thought they would have to come back but it would not be a subdivision process since the underlying land would still be under one ownership. Mr. Dostal said he had a condo conversion project a few years ago and they had to go back and create a new condo overlay before beginning the process of the sale of the units. He did not think it could be done in isolation without getting appropriate zoning. Mr. King said it was something that could be looked at as to whether it should be added to this agreement.

Mr. Drew was surprised with the traffic report summary providing only 25 vehicle trips with 172 units and two vehicles per household. Mr. Richardson said the engineering department and consultant reviewed the documents and found it satisfactory. He explained this project was designed for age 55+ and trips were spread throughout the day. He had confidence in the City engineering department and staff who did not raise any concerns in their report.

Mr. Drew asked whether there was a left turn lane added to Norton Road for Lawnmark Drive. Mr. King said maybe at some point but not initially with Lawnmark Drive. There was further discussion about left turn lanes to be added with so many units. Mr. King said he relied on the traffic report and the City Engineer's review of it.

Mr. Dostal said he had a similar reaction to the traffic count and trusted the City Engineer. He thought it would be unusual to see a turn lane.

Mr. Dostal thought the trash compactor dedicated area seemed larger because of the depth of this site but it may require two dumpster areas. Mr. Conwill believed one was appropriate but once it gets built and they would find it was an issue they would take care of it. He said it may require additional loading and unloading. He agreed the location may be too far to walk for all the residents.

Mrs. Barone asked whether they spoke to the MetroParks regarding the shape of the land donation.

Travis Crane, PE, TGC Engineering, LLC, 387 Medina Road, Medina, Ohio, said the intent of the peninsula was to be for a connection from Lawnmark Drive and MetroParks.

Mr. Cox thought a connection to the hike trail should be encouraged. He thought there should be an allowance for the easement as the development of an amenity. He thought it should be separate from the motion.

There was further discussion regarding having two motions, adding a sidewalk on Street C adding to the value, what would be a reasonably acceptable MAI appraisal value, allowing for greater valuation for the land that fronts on Norton Road, a bank initiated appraisal, and letting staff have discretion.

Mr. Mulligan moved to approve the final site plan in Case No. 2011-36 for the Trails of Hudson to be located northeast of the intersection of Norton and Darrow Roads according to plans dated January 5, 2012 provided the following conditions are met.

1. An agreement must be executed between the owner and the City setting forth the terms requiring that this development is to be for persons 55 years of age and older as stated at Section 1205.11(f)(4)(A) in lieu of the homeowner's association and covenants and restrictions. Said agreement shall be binding upon the current owner and upon any other person or entity (i) having a present interest in the property, or (ii) acquiring an interest in the property in the future.
2. The applicant must submit a proposal acceptable to staff that demonstrates compliance with the public open space requirement for both Phases I and II, including the fair market value of the land and the estimated cost to install the trail head amenities, which may include but shall not be limited to, sidewalks along Norton Road and Hudson Drive. The fair market value of the donated land shall be presumed to be the value set forth in a MAI appraisal submitted by the applicant, absent a disagreement by City staff, acting reasonably, as to the validity of the appraisal's findings. The public open space requirement may be met with a land dedication, public amenities, and/or cash to equal the fair market value of 2.8 acres of land for Phase I and 3.08 acres of land for Phase II prior to the issuance of a zoning certificate for the first dwellings of each phase. MetroParks must approve any land dedication and the trailhead improvements. In any case, the open space dedication must include at least approximately 1.35 acres of public park land and a parking lot providing 14 parking spaces and a trail connection to the hike and bike trail.
3. A sidewalk link must be added along the east side of Buildings T and C2. Further, sidewalk must be added in the right-of-way along Hudson Drive to connect the development to the MetroParks path and along the Norton Road right-of-way along the public open space dedication.
4. The comments of City Engineer Thom Sheridan in his letter of January 14, 2012 must be addressed.
5. Plans must illustrate how steep slopes will be stabilized or if retaining walls will be used. All grading must be within property lines.
6. Concerning the construction of the temporary emergency access and the permanent second means of access:
 - a. The applicant must construct an emergency access drive to provide a second point of access to Norton Road. The drive may be gravel, but must meet Fire Department standards. No dwelling unit beyond 600 feet from Hudson Drive may be occupied until the City Engineer approves the

- installation of the emergency access drive. The City will suspend the issuance of Zoning Certificates until this condition is met.
- b. An easement for the access drive must be acceptable to the Solicitor's office and must contain requirements for snow removal and other maintenance to keep the drive serviceable.
 - c. Lawnmark Drive and a permanent second means of access to Lawnmark Drive must be constructed within two years of the issuance of the zoning certificate for the first dwellings. Zoning certificates for no more than 82 dwellings will be issued until construction of the permanent second means of access is complete.
 - d. A bond or financial security in the amount of the cost to construct the permanent second means of access in a form acceptable to the Solicitor's office and in accordance with City standards must be submitted.
7. The applicant must work with staff to preserve natural features of the site to the maximum extent feasible as follows:
 - a. The grading plan should be revised to reduce or avoid impacting the grades within as much of the north buffer yard as possible. Changing the drainage plan to avoid a large swale would help. Preservation of large trees should be evaluated further by field staking both the property line and the proposed building line, and the grading plan should be reevaluated prior to issuing a zoning certificate.
 - b. The barn stones and field stones should be saved and used in the final site landscaping.
 - c. Moving the alignment of a segment of Street "A" and the abutting buildings west should be pursued to reduce the loss of the old growth trees along the shared north/south property line with Brown. The applicant should evaluate sliding buildings west along Street "A".
 8. The final plan must meet all applicable landscaping requirements. Either twenty feet of existing vegetation should be maintained against the Bike and Hike property line or Buffer yard B must be achieved with new plantings. Although street trees will not be required, the front yards of all buildings must be landscaped with a mixture of trees, shrubs, and perennials.
 9. Street names and signs, and the location and size of dwelling addresses must be approved by the City.
 10. The design of street lights and other exterior lighting must be approved by the City.

Mr. Drew seconded the motion.

Roll Call:

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

Nay: None

Motion carried.

The Chair, Mrs. Barone, adjourned the meeting at 9:00 p.m.

Jennifer Barone, Chair

Nora La Lomia, PC Clerk