

CITY OF HUDSON
PLANNING COMMISSION
REGULAR MEETING OF APRIL 9, 2012
7:30 P.M., TOWN HALL

MINUTES

CALL TO ORDER

The Vice Chair, Mr. Mulligan, called to order the Regular 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. Dostal, Mr. Drew, Mr. Kagler, Mr. O'Keefe, Mr. Mulligan
Absent: Mrs. Barone

Officials Present: Thomas E. King, Director, Mark Richardson, City Planner, Aimee W. Lane, Assistant City Solicitor

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

OATH OF TRUTHFULNESS

Mr. Mulligan, the Vice Chair, placed everyone under oath who would be giving any testimony during the meeting.

CASE NO. 2012-07, VACATION PLAT, ASHBROOKE PHASE III

Mr. Richardson reviewed the staff report in detail. He said the applicant was asking to vacate about 1,200 square feet of right-of-way off Norbury Drive. The property would transfer to private ownership and the vacated right-of-way would provide access for a home in the future. He said the City no longer needed access between Highwood Way and Norbury Drive. The reservation strip must be vacated by City Council.

Mr. Kagler asked about previous proposals for the property. Mr. Richardson said in about 2006 or 2007 a developer wanted to subdivide four or five lots but withdrew the application because of water and access concerns.

Mr. Kagler asked whether Block D was the former Blocks A and B. Mr. Richardson replied, yes. Mr. Kagler asked whether all the land would transfer to the property owner. Mr. Richardson replied, yes. Mr. Kagler asked whether the proposal was to build one house and was there anything to prevent the lot to be subdivided. Mr. Richardson said the applicant intended to build only one home at this time, but nothing prevents an application for subdivision in the future. Mr. King said Parcel A and B have been consolidated with Parcel D, however, only former Blocks A and B were within Ashbrooke subdivision, Parcel D was not part of the subdivision. Blocks A and B appear on the replat because the surveyor felt that the County wanted to see the subdivision lines. Mr. Richardson said they have already been combined. Mr. Kagler

asked whether the lot was in Ashbrooke but had access in the subdivision. Mr. King said he was not prepared to answer that at this time. He explained part of Parcel D was within Ashbrooke and he did not know whether there were any obligations to participate in the homeowners association.

Mr. Drew asked whether the original plan was for this road to connect through. Mr. Richardson replied it appeared to have been the intent years ago. He said this connection may still be possible but would be very difficult as explained in the staff report. He said there was a pond and wetlands there.

Bryan A. Weber, 36 East Streetsboro Street, the property owner, said when he originally purchased the land it was not part of the Ashbrooke subdivision. He said the former developer, Darryl Siebert, owned Blocks A and B so no one could have access to the land north of Norbury Drive. He said in discussing this issue with Mr. Siebert, Mr. Siebert said the wetlands were not reviewed as much at that time and his plan was to fill in the wetland and run the road through. He said now the lake and pond would have to be filled in. He said when talking with that developer to buy the land he was happy to sell it because he could not do that road.

Mr. Drew asked his reason to remove the stub street. Mr. Weber explained everybody goes back there and there are beer cans strewn around and the cabin has been ruined. He said it was a crime what was going on back there. He said people think that land is owned by the City. He said to have the stub end where it does does not make sense and would be a duplication of expense if he were to have to build another driveway.

Mr. Drew asked how many acres Mr. Weber owned. Mr. Weber replied 11.47 acres.

Mr. Drew asked what benefit there was to the City to retain the stub street. Mr. King replied staff could not think of any. He said when the lot split occurred there were four (4) lot owners between this stub street and Highwood Way. He said Mr. Weber has purchased the lot and now only his lot is impacted by the pond and the wetlands. The property to the north has frontage on Walters Road. He explained if the property to the north were to develop there is opportunity to take Highland Way out to Walters Road and if there is a subdivision in the future that could be looked at but to have a new street with lots on one side was not economically viable. He said no subdivision is proposed. He said because of those factors the stub street was not providing any beneficial purpose.

Mr. Mulligan opened the public hearing.

Greg McNeil, 987 Silverberry Lane, President of Ashbrooke Homeowner's Association, said a number of years ago there was flooding on Norbury Drive. He was concerned with the wetlands and moving forward with access. He questioned what was going to take place and how the intended plans of the developer could impact the neighborhood. He proposed to have an opportunity to talk further with Mr. Weber before these plans move forward so they can understand if additional homes could be built. He understood this may slow down the process and that it was a very sensitive issue but there were quite a few neighbors with flooding issues.

Mr. Cox asked what was the benefit of stalling the approval to have a discussion with Mr. Weber. Mr. McNeil responded the matter just came to his attention last week. He wanted to completely understand and insure everyone was happy with the outcome.

Mr. Weber said he could appreciate what the homeowners went through when that flood hit. He said the reason there was a problem with the water is the pipe that takes the water is undersized. He said it had nothing to do with one or two more houses. He said there was potential for flooding as long as the pipe is undersized and cannot handle the volume. He said the houses that flooded were part of the wetlands and were filled which is not done anymore. He said the water backed up and had nowhere else to go. He said the biggest problem for Ashbrooke was how to get a bigger pipe to take all that water out of there. He said his intention of vacating would cause no problem with that pipe and did not think it had any relativity to this. He said he would be happy to talk with anyone about it.

Kathy Mukherjee, 721 Norbury Drive, asked whether more homes could be developed on this property. She said she has lived there for 17 years and has seen this continue to be a problem and thought further development would contribute to the problem.

Mr. Mulligan closed the public hearing.

Mr. Mulligan said the issue in this case was very narrow. He said any future development would have to come back to the City and back to the PC for approval. Herecommended the homeowner's association monitor any proposed development.

Mr. Richardson said any subdivision of land may result in new lots. He said neighbors would not be given notice of the creation of one single family home. He said such an application would go to the Architectural and Historic Board of Review ("AHBR") and the site plan would be reviewed y staff but virtually anything else would have to come back to the Commission.

Mr. Kagler said this property was unusual in that the property owner owns the land on each side of the stub and the reservation strip. He said whether or not the stub was vacated, this property owner has 400 feet of frontage on Norbury Drive. Mr. Richardson said there were notes on the existing lot splits that require the applicant to return to this Commission even for a simple two lot split which usually can be done administratively.

Mr. Kagler questioned the two aerial pictures and the difference with the replat. Mr. Richardson replied that could be due to different sources since the wetlands change over the years. He said any development would have to do a delineation.

Mr. Kagler asked whether the wetland setback only applied to buildings. Mr. Richardson replied the wetland setbacks do apply to roads and any land disturbance. He said for a road here the developer would need to get variances.

Mr. Kagler asked whether there was any thought to relocating the stub street. Mr. King said staff did look at it but with the purchase of Blocks A and B providing frontage onto

Norbury Drive and the constraints of the wetlands the stub does not serve any purpose.

Mr. Kagler and Mr. Cox supported the staff's recommendations.

Mr. Cox moved to approve the Final Plat for the Ashbrooke Phase IIIA Replat for Case No. 2012-07 involving the vacation of 0.0279 acres of right-of-way for a stub street on the north side of Norbury Drive between Burntwood Lane and Ashbrooke Way according to the replat received February 29, 2012. Further Planning Commission recommends that Council approve the vacation of right-of-way, release of the reservation strip, and authorize the City Manager to deed these lands to the adjacent property owner. The following conditions must be met before the replat may be recorded.

1. The comments of City Engineer Thom Sheridan written in his letter of March 20, 2012 must be addressed.
2. Council must approve the vacation of the right-of-way and reservation strip, and authorize the City Manager to deed over the lands to be vacated.

Mr. Kagler seconded the motion.

Roll Call:

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

Nay: None

Motion carried.

CASE NO. 2012-08, GROWTH MANAGEMENT ANNUAL REPORT

Mr. King presented this matter to the Commission since the City Manager was unavailable. He thanked Mrs. McMaster for running the program and doing the report. He said the Commission makes a recommendation to City Council and City Council must act by June. He gave a brief history of the Growth Management Ordinance and said in the last five years growth has been under 2%, and under 5% for the past ten years. He said there has been close conformance with the Comprehensive Plan and reviewed items in the report. He explained there was projected income decline in the next few years and infrastructure spending was down for the current five year period. He said with a ten year history of slow growth, the City Manager recommended the number of allotments be established at 100 for the 2012-2013 period.

Mr. Cox asked whether there were any allotments left over that could be transferred. Mr. King replied that as of today there were approximately 40 left over. He said last year at this time the Commission and City Council felt the community could absorb 85 units.

Mr. Kagler asked whether the development deadlines that Council extended due to the economy applied to growth management allocations as well. Mr. King replied it did not apply to growth management but did apply to site plans and variances.

Mr. Kagler asked whether Middleton Park Estates would have to reapply for allocations

for many of the same lots since only two homes were built, including the model and one under construction, and it had 27 allocations. Mr. King replied, generally yes.

Mrs. McMaster said they had an additional two houses on the next AHBR agenda and they were moving quickly. She explained the allocations do expire after two years and most developers will re-up since they do not know when they will be needed. She said there were 83 that will expire if they are not used. She said an applicant is allowed six months to start and two years to complete a project from the date a zoning certificate is issued.

Mr. Kagler asked whether there are many complaints about the process. Mrs. McMaster thought everyone was used to the process. She said if there are allocations available there is no need to wait anymore. She said they only have questions when there is not enough allocations such as with The Trails of Hudson because of their circumstances.

Mr. Drew asked about declining City revenues due to the loss of the estate tax and the correlation of building allocations. Mrs. McMaster replied there was development happening including the Estates of Canterbury and Middleton Park Estates so the need was there. Mr. King explained growth management was adopted in order to give the City time to catch up with the infrastructure shortage and the operating systems such as police and fire. He said there is less revenue coming in and the City cannot do as good a job of catching up addressing storm water and sanitary sewers and under these conditions the City would not be able to maintain the systems it has.

Mr. Drew thought loss of revenue would indicate fewer allocations. Mr. King said the City can absorb some reductions in that revenue. He said it would be compromised if it was down for 3 or 4 years. He said the amount has been set at 85 most recently and propose it to be 100.

Mr. Drew asked where the Trails of Hudson stood and what was their impact. Mr. King said as an apartment development that project would generate 82 units in the first phase and then 90 units in the next phase. He said if they were a subdivision those buyers would have priority but by building apartments they do not qualify for the one automatic allocation property owners get. He said based upon the fact that there has not been population growth, it would probably have a favorable impact and stated that for many years the growth management number was 100.

Mr. Dostal said he looked at other cities, at the infrastructure and also the impact of the school enrollment, and since 1998 the City has had two schools open so the environment has changed and it makes sense to go back to 100. He said when growth management was established the City had to do something to slow down growth and nobody contemplated that apartments would be developed. He did not think the Trails of Hudson was something that should be discouraged and thought since it was not a big subdivision, the burden was less. He thought it was good to increase the number and hoped with a turnaround in the economy, the City may see some population growth. He thought it was a good strategic response to manage growth.

Mr. Mulligan opened the public hearing. Hearing no comments, he closed the public hearing.

Mr. Mulligan agreed with Mr. Dostal and thought it was advantageous to prepare the Growth Management Report every year rather than every five years.

Mr. Dostal moved to recommend City Council establish the number of Residential Allotments at one hundred (100) dwelling units for the allotment year August 1, 2012 through July 31, 2013 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 one hundred (100) allotments to be awarded in the first and second semi-annual allocation periods should be distributed so that fifty (50) allocations are available in the first semi-annual allocation period and fifty (50) allocations are available in the second semi-annual allocation period.

Mr. Cox seconded the motion.

Roll Call:

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

Nay: None

Motion carried.

CASE NO. 2012-09, ORDINANCE 12-51 entitled "An Ordinance Amending Section 1206.04, "Temporary Uses", of the Land Development Code to Add New Subsection 1205.04(d) Establishing Restrictions on the Use of Portable Storage Units in Residential Districts"

Mr. Richardson reviewed the staff report. He thought registration would be helpful so people understood that portable storage units were only permitted for a brief time. Staff recommended adoption of the ordinance.

Mr. Cox said he did some research about PODS and commented other cities had ordinances and said it would not be difficult. He asked whether in the proposed legislation this temporary use would be limited to residential. He asked since it was temporary why did it need to be placed on a paved surface and if it could be put on gravel or grass. He was unsure if the type of surface should be regulated. He said he did not have any problem with the ordinance.

Mr. O'Keefe did not have a problem with the ordinance, but asked whether the size should be restricted. Mr. King replied the units would be restricted by their construction and reality of being portable. He said it had not occurred to him that was necessary or needed. Mr. O'Keefe asked how big they come and could it be a semi-trailer size. Mr. King thought the length was 10' x 18'. Mr. Mulligan said a standard stall size was 18' or 20'.

Mr. King explained that the legislation came about originally from a complaint that a unit had been used for several months and it was a situation where someone was not

responsive to the concern from the neighborhood.

Mr. Kagler liked the time limitation and setback limit but thought it would be difficult in the historic district. He said it would prohibit smaller lots from having one at all. He questioned registration being required and thought it was overly onerous. He said dumpsters can be there for months. He understood something should be required and thought it should not be limited to residential districts since some small businesses may have a need.

Mr. Drew read the Code section about temporary uses and thought temporary housing standards were more specific. He was concerned about dwellings in PODS and thought there could be another clause to prohibit any dwelling use. With regard to residential versus business, he thought it should be kept to only residential use.

Mr. Mulligan was opposed to time frames and thought of it like a construction trailer. He thought 30 days was too tight and would be burdensome for staff. He said there was a 60 - 90 day time period for other temporary uses. He also had concern about pavement restriction being necessary and keeping it limited to a residential application. He stated that when this issue came up at Council there were only 4 of 7 members present. He would not dictate a time frame and would err on the side of leniency.

Mr. Cox thought less legislation was better in most cases. He said they were debating surfaces and registration and suggested leaving it alone to see whether another piece of legislation was really needed. He said he would vote to not have it at all and not recommend an ordinance unless really pushed.

Mr. Mulligan opened the public hearing. Hearing no comments, he closed the public hearing.

Mr. King responded that staff did not believe this ordinance applied to dumpsters. Mr. Kagler said he understood there was no limitation on dumpsters.

Mr. King said the motivation to place the units on a paved surface was so it would be placed in an expected spot where vehicles would typically be and so grass could not grow around it. He said a gravel surface should be permitted.

Mr. King said comments about being limited to residences and not commercial structures was that in a commercial application parking areas could be impacted and there was a potential for advertising for businesses. He said with a shorter time period and being registered it would be regulated like temporary signs and provide a better method of tracking.

Mr. Drew said there were over 400 pages of code and he did not think one more page was a concern; but some tweaking of the ordinance was needed. He thought staff could revise the ordinance.

Mr. Cox moved to table the ordinance in order to revise the language. Mr. Drew seconded the motion.

Roll Call:

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

Nay: None

Motion carried.

OTHER BUSINESS

TINKERS CREEK WATERSHED PRESENTATION

A Power Point presentation was given by Babette Oestreicher, Tinker's Creek Watershed Coordinator and Amy Holtshouse Brennan, Chagrin River Watershed Partners, Inc., Director with respect to Hudson's codes.

APPROVAL OF MINUTES

Mr. Cox moved to approve the minutes of the March 12, 2012 Regular Meeting, asamended. Mr. Drew seconded the motion.

Roll Call:

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

Nay: None

Motion carried.

The Vice Chair, Mr. Mulligan, adjourned the meeting at 9:40 p.m.

Joseph Mulligan, Vice Chair

Nora La Lomia, PC Clerk