



CITY OF HUDSON

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COMMUNITY DEVELOPMENT

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DATE: June 5, 2013
TO: City of Hudson Planning Commission for
June 10, 2013 Planning Commission Meeting

FROM: Mark Richardson, Director
Department of Community Development

SUBJECT: Final Site Plan
Phases II and III of Hudson Station
A mixed-use development at the northeast corner of Atterbury Boulevard
and West Streetsboro Street
District 5

PC Case No. 2013-10

Project Introduction

Dana and Dean Hoover, representing Reveille II LLC, have applied for final site plan approval for Phases II and III of a mixed-use project to be located at the northeast corner of Atterbury Boulevard and West Streetsboro Street known as Hudson Station. Phase I included a 3,500 square foot retail space, the reconstruction of an existing office building into a 2,420 square foot restaurant, new parking east of the subject of this request, and a new drive and median cut at the north end of the development. Phase II will consist of 16,000 square feet of restaurant and retail use in a single story building. Phase III will consist of 16 townhome units in four three-story buildings. This site and its surroundings are located in District 5, except west of Atterbury Boulevard which is in District 4 – Historic Residential Neighborhood. North of the development are vacant City-owned land, Hudson Anglican Church, and the Versailles condominium development, east are the railroad tracks and First and Main, south is the West Streetsboro Street commercial corridor, and west is Hudson Common condominium development. In District 5 townhomes and the retail and restaurant uses are allowed by right.

The applicant is also seeking a Growth Management Allocation for a project or special merit or special hardship.

The following information is attached to this report:

1. Site plans from David Rapp Services dated as received April 30, 2013
2. Existing Conditions plan dated as approved July 19 showing the relationship of the project site to the Chipotle building

The mission of the Hudson City Government is to serve, promote and support, in a fiscally responsible manner, an outstanding community that values quality of life, a well-balanced tax base, historic preservation with a vision to the future and professionalism in volunteer and public service.

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3. Letter from the Community Development Department dated April 11, 2013
4. Letter from Thomas Sheridan, City Engineer, dated June 6, 2013
5. Email and letter from Hudson Fire Department (HFD) dated May 21, 2013

Redevelopment of this site began in 2007. PC may be interested in the various approvals that have been granted to date by referring to the Community Development Department's letter of April 11, 2013. Many of the latter approvals have expired. Because of this and the fact that the plan has been substantially revised the project is returning to PC.

We note that the existing lot will be split between the commercial and residential uses as illustrated on the site plans following final site plan approval. This will be done administratively through the City's Minor Subdivision approval process. Further we note that a Reciprocal Easement Agreement was recorded March 16, 2010 concerning utility maintenance and shared access and parking.

Applicable District Requirements, Section 1205.08, District 5

Approval of this site plan will complete development of Hudson Station. We use this opportunity to insure that collectively all phases have met or will meet City standards. Plans have been revised to address previous staff comments. We comment on the following standards:

1. Townhomes are limited to 20 units per acre. The 16 units proposed is less than the maximum permitted for the development.
2. Public open space is required for each of the 16 residential units. During approval of the original 36-unit multi-family residential component of the project PC adopted a method of addressing this obligation. Staff recommends adopting the same method for the townhomes as follows: cash in lieu of an open space dedication in the amount of \$1,500 per unit (\$6,000 per four-unit townhome building) shall be payable by the applicant. Payment for the applicable building(s) must be submitted before a zoning certificate can be issued for any such building(s).
3. The townhome units will be condominiums within a common parcel. The minimum lot width for townhomes therefore does not apply. The applicant must submit a copy of the Condominium Association Declarations (or equivalent) for review and approval".
4. Setbacks were extensively reviewed during the original Phase II approvals in 2008. The proposed setbacks are consistent with that plan. As for the residential use, in 2008 we noted that the standard setback for residential uses is 20 feet except when there is development on the two adjacent lots, in which case averaging is required. In this case Hudson Anglican Church is north of the site with zero setback and the Chipotle building is south of the site with a 24 foot setback. Staff believed this constituted development on the adjacent parcels; therefore the buildings were to be within 10% of the existing set back on either of the adjoining parcels; i.e. at the property line or 21.6 to 26.4 feet from the property line. The proposed plan shows the residential buildings set back 8'-6" to 10'-6" feet from Atterbury Boulevard with steps at the property line. Staff believes the proposed residential setback meets the intent of the LDC.

As for the commercial building a minimum of 75% of the front wall of the building should be built to the edge of the front sidewalk or front property line except as averaging

may apply. The commercial building is setback 20 feet from Atterbury Boulevard. In addition to the applicable averaging requirements, staff noted in 2008 that the front wall of the Chipotle and adjacent commercial building were proposed to be at the edge of a patio that provided a continuous paved pedestrian surface between the building and street. Effectively then it was at the edge of the front sidewalk thus conforming to the requirement that the building was set at the edge of the sidewalk. The present situation is very similar to that in 2008 in that the building is set at a raised patio that provides a continuous paved surface between the building and the street. Broad steps connect the patio to the sidewalk.

In summary, staff finds the setbacks conform to the intent of the LDC, are consistent with previous approvals, and provide a progressive setback from the church at zero feet to the Chipotle building at 24 feet.

Zoning Development and Site Plan Standards, Section 1207

Staff examined the application against the applicable zoning development and site plan standards at Section 1207. Staff comments on the following factors:

1. Tree and Vegetation Protection and Landscaping. Most of the landscaping requirements were met with the construction of the Phase I buildings and the access drive. A landscape plan must be submitted to show new plantings, limited as they may be, including street trees. The plan will include the location of new trees and shrubs, a table listing their number and species, and typical notes and details. Staff recommends that a condition of approval be that Public Works Superintendent Tom Munn must review the landscape plan and approve the street trees before a zoning certificate may be issued.
2. Engineering. City Engineer Thom Sheridan and his staff examined the plans and provided comment to the applicant in a letter dated June 6, 2013. Most of the comments are very technical or routine. Of note is that the development is presently in a Special Flood Hazard Area according to FEMA maps in effect at this time. New construction must have the lowest floor, including a basement, elevated to or above the flood protection elevation. The flood protection elevation is the base flood elevation plus one and a half feet of freeboard. The FEMA Base Flood Elevation in the project area is approximately 1051.5 feet based on current mapping. Therefore the flood protection elevation is 153 feet. The lowest floor elevation is 1,050 feet.

That having been said, Mr. Sheridan reports that the City of Hudson has submitted a letter of Map Revision including or this area known as the Brandywine Creek Tributary Overflow Area. This development is anticipated to be removed from the special flood hazard area on the proposed map changes if approved by FEMA later this year. The tentative date in which these revised maps would go into effect should be October 2013. Staff recommends that PC add a condition of approval that a zoning certificate may not be granted until the FEMA map changes are effective or the applicant has been granted a variance.

Traffic impact was extensively reviewed during the initial approvals of the project including a Traffic Impact Study and a review of it by the City's consulting engineering firm in 2007. The drive and driveway layout is the same as what was previously approved. The proposal reduces that amount of development previously approved and thus the traffic impact.

3. Parking. Staff conducted a parking analysis in its letter of April 11, 2013. It found that 124 parking spaces will be provided for all phases of the project. If each land use's parking requirement was calculated separately using LDC ratios, 140 spaces would be required. However, PC may use the International Transportation Engineer's Parking Generation Manual in its review of parking requirements. Staff notes that for shopping centers of less than 30,000 square feet 4.1 parking spaces is needed for 1,000 square feet of floor area. The total commercial floor area is approximately 16,000 square feet requiring 66 parking spaces. Adding the 32 spaces required for the townhomes the total required parking would be 98. Staff notes that there is an existing restaurant and there may be another in the subject project, restaurants generally requiring more parking. Although 12 spaces less than required if the parking requirement for each land use is calculated separately, staff recommends that PC accept the 124 spaces provided considering ITE's Parking Generation Manual.
4. Emergency Access. Hudson Fire Inspector Shawn Kasson reviewed the project and recorded his comments in a letter dated May 21, 2013. These comments must be addressed.
5. Architectural Review. The applicant has presented building elevations to the Architectural and Historic Board of Review which gave the plans a favorable response.

Growth Management Allocation

Each dwelling unit constructed in the City of Hudson requires a Growth Management Allocation (GMA) before a zoning certificate for its construction may be issued. Each year City Council establishes the number of allocations that may be awarded during the allocation period of August 1 through July 31. Council approved the award of 100 GMAs during the next allocation period at its meeting of June 5, 2013, 50 at the first semi-annual award date of August 1, 2013 and 50 at the second semi-annual award date of March 1, 2014 as recommended by the City Manager and Planning Commission (PC). Also, PC will recall that on March 12, 2012 it adopted new administrative rules that permit the award of unused GMAs before the next award date.

According to Section 1211.04(h) City Council may upon the advice of the City Manager and PC award up to thirty GMAs in addition to the normal yearly GMA for projects of special merit or special hardship including housing for the elderly, a downtown mixed use development, an approved subdivision to be redesigned to lessen impacts, and other projects with exceptional or unusual circumstances.

Applications for GMAs may be submitted only for legal lots or, in the case of this project, an approved site plan. The application deadline was May 15 for the August 1 award. Obviously approval of the final site plan will occur after the May 15 GMA application deadline yet the applicant wishes to begin construction prior to the next award date of March 1, 2014. Sixteen

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GMA's are required for this project. The applicant is requesting GMA's of Special Merit or Special Hardship in order to acquire the allocations necessary to begin construction.

Staff received applications for 33 allocations at the May 15 deadline leaving 17 available for award before August 1. Staff notes that all but four of the allocations to be awarded will be for the Trails of Hudson. This award will fulfill the Trails of Hudson's need for allocations for both Phases I and II. Staff awards applications for unused allocations on a first come, first served basis. As of this writing applications for three unused allocations have been submitted. Staff believes another application is imminent leaving 13 available. Although PC may wish staff to award all unused allocations to Hudson Station leaving only three allocations to be obtained through special merit or special hardship, staff suggests leaving some allocations available for other lots. For example the unused allocations and the needs of Hudson Station could be distributed as follows: award eleven unused allocations to Hudson Station, reserve two unused allocations for future use, and award five special merit allocations to Hudson Station.

Staff recommends that PC make the following recommendation to Council:

Hudson City Council finds that Hudson Station is a project of special merit as a mixed-use commercial/industrial development that will contribute substantially to the preservation, enhancement, and revitalization of the downtown area of the City and that as such it qualifies for Growth Management Allocations for Special Merit or Special Hardship. Council authorizes staff to issue allocations of special merit or special hardship in an amount equal to the difference between the number of unused allocations, some of which may be issued to Hudson Station, at the time the final site plan is approved less two, and the number required for the townhomes at Hudson Station. This number is estimated to be between five and eight allocations.

Findings: Section 1204.04 Site Plans

Staff finds that the project is in substantial compliance with Land Development Code requirements and Engineering Standards.

Required PC Action, Section 1203.09(g)(3) Site Plans

The PC shall consider the development application, the staff report, and the evidence from the public hearing, and then take final action. PC shall approve, approve with conditions, or deny the application based on its compliance with the appropriate review standards.

All decision of the Commission shall be based on written findings of fact related to the relevant standards of the Code.

Recommendation

Approve the Final Site Plan for Case No. 2013-10 for Phases II and III of Hudson Station located northeast of the intersection of West Streetsboro Street and Atterbury Boulevard according to plans dated March 14, 2008 with the following conditions:

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1. Cash in lieu of an open space dedication in the amount of \$1,500 per townhome unit or \$6,000 per building shall be payable by the applicant. Payment for the applicable building(s) must be submitted before a zoning certificate can be issued for any such building(s).
2. Public Works Superintendent Tom Munn must review the landscape plan and approve the street trees before a zoning certificate may be issued.
3. The comments of City Engineer Thom Sheridan as written in his letter of June 6, 2013 must be addressed.
4. The comments of Fire Inspector Shawn Kasson as written in a letter dated May 21, 2013 must be addressed.
5. A copy of the Condominium Association Declarations (or equivalent) must be submitted for review and approval.
6. No construction of any kind shall commence prior to the issuance of a Zoning Certificate. A zoning certificate may not be issued until the FEMA map changes are effective or the applicant has been granted a variance.

Further, staff recommends that Planning Commission make the following recommendation to Council:

Hudson City Council finds that Hudson Station is a project of special merit as a mixed-use commercial/industrial development that will contribute substantially to the preservation, enhancement, and revitalization of the downtown area of the City and that as such it qualifies for Growth Management Allocations for Special Merit or Special Hardship. Council authorizes staff to issue allocations of special merit or special hardship in an amount equal to the difference between the number of unused allocations, some of which may be issued to Hudson Station, at the time the final site plan is approved less two, and the number required for the townhomes at Hudson Station. This number is estimated to be between five and eight allocations.