



CITY OF HUDSON

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DATE: December 4, 2013

TO: City of Hudson Planning Commission for December 9, 2013 Meeting

FROM: Greg Hannan, City Planner
Mark Richardson, Community Development Director

SUBJECT: Preliminary Review
Zoning Text Amendment

ZONING: District 8: Hike and Bike Senior Housing Overlay

PC Case No: 2013-25

Project Introduction

Pride One Builders has applied for a proposed zoning text amendment of the District 8 Hike and Bike Senior Housing Overlay standards. Pride One is presently developing the first phase of the Trails of Hudson development accessed off of Hudson Drive containing 82 units. The applicant has proposed amendment to several standards within the overlay district to remove the age restrictions for the overlay district. The applicant has submitted a redline version of the proposed text amendments in addition to a PowerPoint presentation describing difficulties marketing the development to potential tenants.

The Trails of Hudson development was approved by the Planning Commission per case 2011-36 under the District 8 Hike Bike Senior Housing Overlay standards. The Overlay District purpose statement acknowledges the overlay is intended to:

- House residents age 55 and over providing smaller yards for convenience and ease of maintenance within a larger subdivision.
- Assist the goal of providing diversity in housing options in the city with proximity to centers of employment and health/wellness with a variety of housing types and lot sizes.
- Offer a proximity of current and future facilities and services which especially benefit active adult seniors.

The following information is attached to this report

1. Proposed Text Amendment, submitted by Patricia Rakoci of Pride One Construction, received December 2, 2013.
2. PowerPoint slides submitted by Luke Frazier of Redwood Management Inc., received August 7, 2013.

3. Select pages from the Ad Hoc Committee Report and Recommendation to Hudson City Council dated May 18, 2007.
4. Ordinance 07-64 creating the Hike Bike Senior Housing Overlay district in the LDC.
5. Ordinance 07-66 creating the Hike Bike Senior Housing Overlay district on the City's Official Zoning Map.

Creation of the Senior Housing Overlay

The District 8 Hike Bike Senior Housing Overlay was born out of an Ad Hoc Committee that was convened by Council in 2007 to evaluate and make recommendations concerning development regulations in Districts 8 and 9. Select pages from the committee's "Report and Recommendations to Hudson City Council" dated May 18, 2007 are attached to this report including the report overview, purpose and background of the committee, committee members, and Hike Bike Senior Housing Overlay recommendations.

On June 25, 2007 Planning Commission recommended that Council adopt the recommendations of the Ad Hoc Committee with very minor changes. On August 1, 2007 Council adopted six ordinances that in essence accepted all of the committee's recommendations, two ordinances specific to the Hike Bike Senior Housing Overlay (copies attached):

- 1) Ordinance 07-64 inserting the Hike Bike Senior Housing Overlay text in the LDC
- 2) Ordinance 07-66 creating the Hike Bike Senior Housing Overlay District on the City's Official Zoning Map

Proposed Amendment

The applicant has proposed to amend several portions of Section 1205.11(f) related to the age restrictions. Staff briefly summarizes the proposed text amendments as follows:

1205.11(f)(1) Purpose of Overlay Zone Proposal to revise the purpose statement to state the overlay zone is *designed to accommodate* residents age 55 and older rather than current statement that the overlay zone is *intended to house* residents age 55 and older.

1205.11(f)(2) Uses by Right Revise the title from *Age Restricted Residential* to *Senior Housing Residential*

1205.11(f)(4)(A) Residential Occupant Restriction on Years of Age Revise the title to *Senior Housing Residential Requirements*. The amendment would remove the homeowners association restrictions related to monitoring and reporting the age of community residents and would remove the following:

- Supporting text related to 80% of households needing at least one resident age 55 or older
- Restrictions that persons under the age of 19 shall not occupy the site for more than 90 consecutive days or more than 120 cumulative days in a calendar year
- Statement that the homeowners association has some limited abilities to review variances to the age restrictions.

1205.11(f)(4)(A)(ii) Covenants and Restrictions Remove statement that grantor of property must state in any deed or title that the property is an adult dwelling unit and subject to the restrictions of the overlay district.

1205.11(f)(4)(A)(iii) Covenants and Restrictions:

Delete the text related to developer/association requirement to indemnify the city against all claims and litigation which may arise directly or indirectly as a result of the age restrictions of the overlay district

Applicable Approval Procedure

As a private-party initiated zoning text amendment application, this case is subject to the procedure set forth in Section 1203.03(c)(2). The applicant is before the PC for step one of the below process.

Step	Tentative Dates	Notes
Step #1 Planning Commission	December, 2013	Preliminary review of the application at a public meeting. After preliminary review, the applicant shall forward submittal to City Council.
Step #2 City Council	January, 2014	City Council shall conduct a first reading of the application and refer the case back to PC for a public hearing and recommendation.
Step #3 Planning Commission	March, 2014	Planning Commission conducts a public hearing. Recommendation is forwarded to Council
Step #4 City Council	April, 2014	City Council conducts another public hearing and takes action.

Section 1204.01 Zoning Text Amendments

Zoning text amendments are subject to the six standards set forth at Section 1204.01 of the LDC. Four of the standards relate to a site-specific development plan, which in this case is not applicable. The applicant does not anticipate site changes to the development in connection with the requested text amendments. The fifth standard relates to public utilities which are present at the development. The last standard relates to the need to address changed or changing social values, new planning concepts, or other social or economic conditions in the areas affected.

Staff Comments for Further Consideration:

- 1) The proposed zoning text amendments would be applicable to all parcels within this or any other overlay created. Several parcels along Norton Road are within the overlay district but outside of the Trails of Hudson development.
- 2) The 2007 Ad Hoc Committee on Districts 8 and 9 placed a strong emphasis on the need to incorporate age restrictions on the housing within the overlay district after multiple public meetings.
- 3) The project was awarded 30 growth management allocations as special/merit hardship in April 2012. Planning Commission discussion at the March 12, 2012 meeting supporting this request included discussion that the allocation was acceptable due in part to the age restrictions applicable to the overlay district.
- 4) The proposed text amendments fully remove any age restrictions from the overlay district. A

larger review of the overlay text would be appropriate as the remaining text still contains some references to seniors and applicable restrictions which would longer be applicable under the proposal.

- 5) The current overlay district was established to comply with Federal Fair Housing requirements. A removal of all regulations related to seniors may in concept be compatible with FHA regulations; however, changes to the text would need further review to confirm such.
- 6) The applicant has stated the text amendment is requested due to the low leasing to date. Additional analysis would be appropriate related to other factors impacting leasing including the age restrictions and rental rates.

Required PC Action, Chapter 1203.03(c)(2)(A)

PC action shall first consist of a preliminary review of the application at a public meeting. Within thirty (30) days for the date of the PC's public meeting, the applicant shall incorporate any changes or modifications required or suggested by the PC at the preliminary review. Council will then conduct a first reading and refer the matter back to PC for a public hearing and recommendation for final action.

Recommendation

Staff Recommends the Planning Commission forward to City Council the zoning text amendment request regarding District 8 Hike Bike Senior Housing Overlay.