

Meeting Date:
October 11, 2021

Location:
District 1

Request:
Land Development
Code Text
Amendment

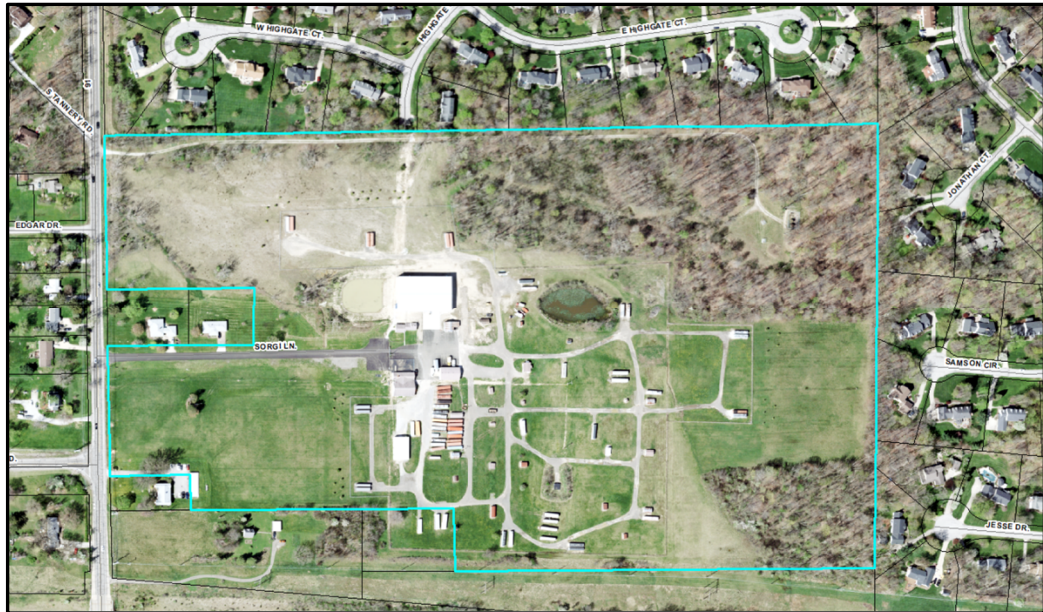
Applicant:
Diana Calta, Mansour
Gavin LPA

Zoning:
D1- Suburban
Residential
Neighborhood

Case Manager:
Nick Sugar

Contents

- Proposed text amendment (Revised 9.27.21)
- Previous packet from 9.13.21 meeting
- Previous packet from 7.26.21 meeting



Existing Conditions, City of Hudson GIS

Project Introduction:

Application has been received for a proposed LDC text amendment to establish *Fireworks Storage and Retail Facility* as a conditional use within District 1. The amendment has been proposed to accommodate future growth of American Fireworks which has been in operation at 7041 Darrow Road for over 100 years. The facility was regulated as a non-conforming use under the Hudson Township and City of Hudson Land Development Code (LDC) ordinances. The business has received several approvals for expansion under both the township and city regulations; however, is now limited for further expansion due to the current LDC restrictions on the percent growth permitted for a non-conforming use. If the LDC amendment is approved, the applicant could then apply to the Planning Commission for a conditional use request to expand the facility.

Adjacent Development to 7041 Darrow Road:

The subject property is surrounded by single family homes to the north in the Di Novi Acres Subdivision and to the east in the Woods of Western Reserve Subdivision. To the south is the Ohio Turnpike and to the west is single family development along Darrow Road.

Updates from the September 13, 2021 Planning Commission Discussion

Revised Text

The application was tabled at the September 13, 2021 meeting. The board requested the applicant continue to refine the proposed text. The applicant has submitted the following revisions for Section 1206.02 "Conditional Use Standards". The remaining proposed text amendments for Sections 1206.01, 1205.04, and 1213.02 remain unchanged. The full text amendment request, in its entirety, is attached:

(33) Special conditions for a Fireworks Storage and Fireworks Retail Facility in a D1 Suburban Residential District: Any such Facility shall be located on a lot having a minimum size of fifty (50) acres. Any storage container whether used for consumer fireworks (1.4G fireworks) or display fireworks (1.3G fireworks) while on site shall be painted a compatible color to blend with the landscape. Any storage container used for display fireworks (1.3G fireworks) shall be set back a minimum of three hundred (300) feet from the adjacent property line of any property put to a residential use. Any storage container used for display fireworks (1.3G fireworks) shall be set back a minimum of two hundred and thirty (230) feet from the adjacent property line of any non-residentially used property. Any existing storage containers for display fireworks (1.3G fireworks) (as documented to the City) may continue to be set back a minimum of two hundred and thirty (230) feet from the adjacent property line of any property put to a residential use. All storage containers for display fireworks (1.3G fireworks), adjacent to a residential use, shall be buffered by a mound equal in height to the height of the storage container, facing the residential use. Retail showroom space shall be limited to no more than twenty thousand (20,000) square feet. The maximum weight of display fireworks (1.3G fireworks) stored in any container shall not exceed the amount set forth in the following table as determined by the container's location to the nearest adjacent property line:

<u>Net weight of fireworks in pounds</u>	<u>Distance from property line</u>
<u>1,001 to 5,000</u>	<u>230</u>
<u>5,001 to 10,000</u>	<u>300</u>

Summary of Proposed Regulations

Based on the revised changes, the following regulations, in their entirety, would apply to *Fireworks Storage and Fireworks Retail Facilities*.

- The use would be conditional in D1- Suburban Residential Neighborhood.
- The use would be defined as: *Fireworks Storage and Fireworks Retail Facilities: Any building, land area, or other premises, or portion thereof, used for the retail sale of fireworks (1.4G fireworks) and/or the storage of fireworks for display (1.3G fireworks) as are more fully defined by Ohio Revised Code 3743.01.*
- Special Condition #4 would apply (existing section in LDC), requiring *licensing by the sponsoring state or federal government agency. A copy of the annual report with evidence of continuing certification shall be submitted to the Community Development Director in January of each year.*

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- Special Condition #17 would apply (existing section in LDC): *All property lines that adjoin a residential use or district shall be screened with a bufferyard that is equivalent or exceeds screening provided by Bufferyard E.*
- Special Condition #33 would apply (new condition specific to Fireworks Storage and Fireworks Retail Facilities):
 - Minimum lot size: 50 acres.
 - All storage containers for both consumer fireworks (1.4G) and display fireworks (1.3G) would be painted a compatible color to blend with the landscape.
 - Minimum setback for display fireworks (1.3G) from adjacent residential use: 300 feet from property line
 - Minimum setback for display fireworks (1.3G) from adjacent non-residentially used property: 230 feet. from property line.
 - Minimum setback for existing containers of display fireworks (1.3G) from adjacent residential uses: 230 feet from property line.
 - All storage containers for display fireworks (1.3G) would be buffered by a mound equal to the height of the container.
 - Maximum retail showroom space would be 20,000 sq. ft.
 - The setback for a storage container with a net weight between 1,001 and 5,000 pounds is 230 feet.
 - The setback for a storage container with a net weight between 5,001 and 10,000 pounds is 300 feet.

Staff Review Comments:

- The draft regulations do not propose setbacks for consumer fireworks (1.4G).
- Question how staff would monitor and enforce regulations regarding the weight of each storage container? At a minimum, suggest a requirement for annual reporting if this regulation is considered.
- The Special condition #33 text is unclear if the applicant is proposing that all existing containers are subject to all proposed requirements except for the proposed setback regulation. If the applicant has proposed for the existing containers to be subject to the proposed regulations, question why they have been excluded from the proposed setbacks. The text is also unclear how the pre-existing containers would be documented and/or if they can be relocated from their current locations.
- The retail use is proposed at a maximum size of 20,000 square feet. This proposed retail size would be significantly beyond the standard maximum permitted square footage for retail uses in Districts 5, 7, and 9, which establish a standard maximum threshold of 10,000 sq. ft.
- The retail facility and any additional non-storage containers would be subject to the minimum setbacks of District 1 which would permit the retail and other buildings to be at 30 foot side yard and 50 foot rear yard setbacks. The retail facility would also be subject to Section 1207 “Zoning Development and Site Plan Standards”, which includes requirements for exterior lighting, stormwater, and impervious surface coverage.
- Special Condition #33 consists of a large amount of text and a small table. Overall, the organization makes the text difficult to comprehend (For example: Is the maximum permissible weight of a container on a site 10,000 pounds? While the text seems to suggest a maximum weight of 10,000 pounds, it is unclear.). Suggest moving the majority of the text into an outline layout to match the current Land Development Code format and/or implementing a more robust table that speaks to setbacks with text addressing the other items including maximum container storage.
- Revise phrasing to be consistent with the Land Development Code. For example, when referencing setbacks, the proposed text uses the phrase *from the adjacent property line of any property put to a*

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residential use, where the Land Development Code commonly uses the phrase from the lot line of any adjacent residentially used property.

Considerations

District Standards (Section 1204.01) Zoning Map and Text Amendments

All applications for text or zoning map amendments shall be reviewed by the PC and City Council for compliance with the nine standards set forth within Section 1204.01 of the Land Development Code (LDC).

- (a). Whether or not the proposed amendment is in accordance with the basic intent and purpose of the Land Development Code;**
- (b). Whether or not the proposed amendment furthers the long-range planning goals of the City (as outlined in the City's Comprehensive Plan's goals and objectives);**
- (c). Whether or not conditions within the City have changed since the Land Development Code was last adopted/amended, or there was a mistake in the Land Development Code, that justifies the amendment;**
- (d). Whether or not the amendment corrects an inequitable situation created by the Land Development Code, rather than merely grants special privileges;**
- (e). Whether or not the amendment avoids unlawful exclusionary zoning;**
- (f). With respect to zoning map amendments, whether the proposed zoning map amendment is consistent with the zoning classifications of the surrounding land;**
- (g). With respect to zoning map amendments, whether all of the new requirements attendant to the proposed zoning classification can be complied with on the subject parcel(s);**
- (h). Does the amendment affect the city's ability to provide adequate services, facilities, or programs that might be required if the application were approved; and**
- (i). Whether or not the amendment is necessary to address changed or changing social values, new planning concepts, or other social or economic conditions in the areas affected.**

Staff has provided comments on the applicable criteria of Section 1204.01 as part of the July 26, 2021 staff report.

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Required PC Action

The PC shall conduct a public hearing, make specific recommendations to the City Council, and transmit the application to the City Council, together with the text and map amendments pertaining thereto, within 120 days from the date of initiation of the application for text or official zoning map amendments. The initial application date was June 22, 2021 allowing for Planning Commission consideration to be forwarded by October 20, 2021.

The City Council shall then hold a public hearing and take final action within twenty days of said public hearing. An amendment before the City Council for consideration shall take effect only if passed or approved by not less than five members of the City Council.

Recommendation

Staff recommends the Commission receive testimony at the public hearing and then proceed with consideration of a formal recommendation to City Council.