

# CITY OF HUDSON

115 Executive Parkway . Suite 400 . Hudson, OH . 44236 . (330) 650-1799 . www.hudson.oh.us

DATE:

March 6, 2014

TO:

City of Hudson Planning Commission for March 10, 2014 Meeting

FROM:

Greg Hannan, City Planner

Mark Richardson, Community Development Director

SUBJECT:

**Public Hearing** 

Zoning Map Amendment Permanent Parcel #3009586

District 6 to District 3

PC Case No:

2013-23

# **Project Introduction**

Prestige Homes has applied for a proposed zoning map amendment of Parcel No 3009586 from District 6 Western Hudson Gateway to District 3 Outer Village Residential Neighborhood. The subject parcel contains 90.63 acres and is located on the south side of Boston Mills Road. The map amendment application has been submitted along with a preliminary site specific plan proposing to extend the adjacent The Reserve at River Oaks project into the subject parcel. The Compatibility Review of the revised subdivision plan is being presented to the Planning Commission per case 2014-01 at this meeting. The zoning map amendment application was before the Planning Commission for the project introduction on December 9, 2013.

Immediately east of the subject parcel is the 355 acre area which has received Preliminary Subdivision Plan approval for The Reserve at River Oaks Open Space Conservation Subdivision. Commercial office development within District 6 is to the north across Boston Mills Road. Hudson Crossing Commercial/Industrial Park within District 6 is adjacent to the south. The Village of Boston Heights and several multi-acre lots within the City of Hudson abut the western boundary of the subject parcel. The abutting development within Boston Heights contains large lot residential along Boston Mills Road and vacant business/industrial land.

The following information is attached to this report.

- 1. Project introduction staff report with attachments per case 2013-23 from the December 9, 2013 meeting.
- 2. Planning Commission minutes from the project introduction discussion on December 9, 2013.

- 3. Information provided to Council for its first reading February 2, 2014 not otherwise provided to PC: Staff Report, Referral to Council dated December 9, 2013.
- 4. Letter from Hudson City School District Business Manager Derek Cluse, dated January 16, 2014.
- 5. Annual Financial Report of the Hudson City School District, Fiscal Year 2012, page S24.
- 6. Letter from City of Hudson Economic Development Director, dated January 6, 2014.
- 7. Hudson Build-out Potential, an excerpt from the January 2013 analysis of commercial/industrial build out for the City of Hudson, prepared by the Hudson Economic Growth Board.
- 8. Background information concerning the establishment of District 6, prepared by Mark Richardson, dated March 10, 2014.
- 9. Map layouts prepared by the City of Hudson GIS Department depicting a general overview, the existing wetland/riparian corridors, and the City and Village of Boston Heights zoning.
- 10. Draft Ordinance No. 14-20 "AN ORDINANCE AMENDING PART TWELVE OF THE ORDINANCES OF HUDSON TO AMEND THE OFFICAL ZONING DISTRICT MAP TO REZONE SUMMIT COUNTY TAX PARCEL 3009586 WHICH IS SOUTH OF BOSTON MILLS ROAD AT THE CORPORATION LIMITS WITH THE VILLAGE OF BOSTON HEIGHTS FROM "DISTRICT 6 WESTERN HUDSON GATEWAY" TO "DISTRICT 3 OUTER VILLAGE RESDIENTIAL NEIGHBORHOOD ZONE"

# **Applicable Approval Procedure**

As a private-party initiated zoning map 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 three of the below process.

Step	Dates	Notes			
Step #1 Planning Commission	December 9, 2013	Preliminary review of the application was completed at a public meeting.			
Step #2 City Council	February 5, 2014	City Council conducted a first reading of the application and referred the case back to PC for a public hearing, review of the site specific plan, and recommendation.			
Step #3 Planning Commission	March 10, 2014	Planning Commission conducts a public hearing and reviews the site specific plan. Recommendation is forwarded to Council.			
Step #5 City Council	April, 2014	City Council conducts another public hearing and takes final action.			

### Section 1204.01 Zoning Map Amendments

Zoning map amendments are subject to the six standards set forth within Section 1204.01 of the Land Development Code (LDC). Staff provided comment based on applicable standards in the December 2013 staff report. These comments are still applicable and are attached to this report. Based on discussions at the December 9, 2013 meeting, staff has further reviewed the appropriateness of the proposed map amendment and prepared additional information in

response to requests from Planning Commission members. Staff provides the follow expanded findings on the requested map amendment:

- 1. <u>Impact on the Hudson City School District</u>: At the December 2013 meeting, Planning Commission requested the Hudson City School District be notified of the request. Staff discussed the case with Business Manager Derek Cluse. Mr. Cluse indicated the school district would not take a position either way on the zoning request; however, he noted the school district is ready and willing to accommodate families moving into the district. Mr. Cluse further noted that the school system has the capacity for additional students as their projected enrollment suggests a gradual and continuing decline over the next ten year period. The School District 2013 annual report (attached) shows a declining enrollment for nine of the past ten years.
- 2. Loss of commercial/industrial tax base: The 2004 Comprehensive Plan encourages the development of commercial/industrial land to build the commercial tax base and ease the residential tax burden. At the December 2013 meeting Planning Commission requested comment from the City of Hudson Economic Development Department, the Hudson Economic Growth Board (Growth Board) and the Hudson Economic Development Corporation (HEDC). Economic Development Director Charles Wiedie submitted a letter dated January 6, 2014. Mr. Wiedie stated he is not opposed to the proposed map amendment. In reference to the Growth Board, Mr. Wiedie referred to the 2013 commercial/industrial build out report completed by Mr. Matt Beesley on behalf of the Growth Board. The report determined the potential build out of all commercial and industrial zoned parcels within the city. For the subject property, the report did not indicate any potential development due to the wetland constraints on the site. Mr. Wiedie noted that the HEDC has not meet in six months and would not be able to provide constructive input.
- 3. <u>History of zoning for the parcel</u>: Mr. Richardson has prepared background information (attached) related to the previous zoning of the property and the establishment of District 6. Below is a brief timeline of the historical zoning:
  - a. The property was within Hudson Township prior to the 1995 merger and zoned R-2. The Township R-2 zoning permitted single family residential development with a minimum lot size of 20,000 square feet.
  - b. The Comprehensive Plan of 1995 proposed the District 6 zoning for the subject area and additional acreage to the east. In 1997 City Council adopted a modification to the Comprehensive Plan description of District 6 to include single family detached and cluster housing.
  - c. The Land Development Code was adopted in 1999 establishing the current District 6 boundary and excluded the residential uses suggested by the 1995 Comprehensive Plan.
- 4. <u>Viability of development under the present District 6 zoning</u>: City staff has reviewed the general viability of developing commercial/industrial property within the subject parcel:

- a. The 2013 build out report prepared by the HEDC did not propose any commercial/industrial development of the parcel due to the wetland/riparian corridor constraints of the property.
- b. Staff utilized the City of Hudson GIS databases to further determine potential developable areas within the parcel. Staff identified two potential developable areas on the subject parcel separated by a wetland corridor located 1300 feet south of Boston Mills Road discussed below as the northern section and the southern section.
  - i. Northern Section: This area contains approximately 7-10 acres of open land outside of the wetlands and wetland setbacks. Once the applicable abutting residential boundary and building setbacks are applied, approximately 3-4 acres of buildable area remains in an elongated strip restricting large scale development.
  - ii. Southern Section: The southern area begins south of the wetland stream corridor approximately 1300 feet south of Boston Mills Road. The City GIS layers depict wetland pockets throughout the property; however, these are rough estimates and are likely not accurate based on review of the existing topography. Significant wetland areas are present along the western and southern boundaries of the parcel. This section would be able to accommodate larger scale development as roughly 20-30 acres of area may exist that is developable. A road of at least 2,000 feet in length would need to be constructed to access this area making commercial/industrial development unrealistic.

Access to the southern section could also be achieved through the Village of Boston Heights via Petit Road. Petit Road is a 2,000 foot long public right of way that heads westward to connect with Chittenden Road. This right of way presently contains no improved road, is not maintained by the Village of Boston Heights, and is utilized as a driveway providing access to businesses fronting Chittenden Road and several gas wells.

## **Adjacent Development**

Three residual parcels along Boston Mills Road west of the subject property would create a pocket of District 6 zoning south of Boston Mills Road with a total acreage of 14.2 acres and 500 feet of frontage. The three parcels have been contacted regarding the request and have been incorporated into the applicable notices for the public hearing.

Parcel No.	Address	Acreage	Present Use
3001861	780 Boston Mills Rd	1.77	Office use in converted residential structure
3000920	Boston Mills Rd	1.89	Undeveloped
3000580	800 Boston Mills Rd	10.54	Single family residential

Staff recommends Planning Commission recommend City Council incorporate these three parcels within the map amendment to provide a more cohesive development pattern for the area.

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

PC shall proceed with formal consideration at a public hearing regarding the proposed map amendment. The Planning Commission shall make specific recommendations for final action to City Council. City Council shall then conduct a public hearing and take final action. An amendment before City Council for consideration shall take effect only if passed or approved by not less than five members of City Council.

## Recommendation

Pending testimony offered at the public hearing, staff recommends that Planning Commission recommend that Council approve the requested map amendment of Parcel No. 3009586 from District 6 Western Hudson Gateway to District 3 Outer Village Residential neighborhood Overlay. Staff further recommends Planning Commission request City Council to amend Ordinance #14-19 to include Permanent Parcel Nos. 3001861, 3000920, and 3000580 within the map amendment.

If Planning Commission agrees with this recommendation it may use the following as the basis for its recommendation to Council:

Based on the evidence and representations to the Commission by Prestige Builders, 17 West Streetsboro Street, Hudson, Ohio 44236, as applicant, City staff and other interested parties, at a public hearing of the Planning Commission held at its regular meeting on March 10, 2014, the Planning Commission in Case No. 2013-23 recommends that City Council approve draft Ordinance No. 14-19 "AN ORDINANCE AMENDING PART TWELVE OF THE ORDINANCES OF HUDSON TO AMEND THE OFFICAL ZONING DISTRICT MAP TO REZONE SUMMIT COUNTY TAX PARCEL 3009586 WHICH IS SOUTH OF BOSTON MILLS ROAD AT THE CORPORATION LIMITS WITH THE VILLAGE OF BOSTON HEIGHTS FROM "DISTRICT 6 – WESTERN HUDSON GATEWAY" TO "DISTRICT 3 – OUTER VILLAGE RESDIENTIAL NEIGHBORHOOD ZONE" and to amend the Ordinance to include Permanent Parcel Nos. 3001861, 3000920, and 3000580 within the map amendment ordinance.

Planning Commission notes the following in making this recommendation:

- 1. Hudson City School District has stated the ability to accommodate additional students and have experienced a sustained and further projected decline in enrollment.
- 2. Hudson Economic Development Corporation determined in the 2013 Commercial-Industrial Build-out analysis that the subject parcel does not represent a developable parcel for commercial-industrial development.
- 3. Staff analysis has determined the existing site constraints make commercial and industrial development impractical.
- 4. The submitted site specific development plan complies with or can be made to comply with the first five standards of Section 1204.01 of the LDC.
- 5. The submitted documentation provided by the Hudson School District and the Economic Development Department acknowledge the changing social and economic conditions per the sixth standard of Section 1204.01 of the LDC.

# HUDSON CITY SCHOOL DISTRICT

2440 Hudson-Aurora Road Hudson, OH 44236-2322 330-653-1207 330-653-1366 FAX



January 16, 2014

Gregory P Hannan, AICP City Planner City of Hudson 115 Executive Parkway, Suite 400 Hudson, OH 44236

Re:

Proposed expansion of 144 lot Reserve at River Oaks subdivision to 232 lots

Mr. Hannan:

In response to your inquiry regarding the school district's opinion on the proposed expansion and zoning map amendment I offer the following statement.

The Hudson City School District stands ready and willing to provide a quality educational experience to school age children whose families move into the district. We are reluctant to infringe upon the role and responsibility of the city planning department, which is to advise city council on such matters, so the school district will not take a position either way on the proposed rezoning and expansion of the residential development. However, our projected enrollment trends suggest a gradual and continuing decline over the next 10 year period. Therefore, we are confident that the school district can accommodate any increased enrollment generated by the proposed residential development expansion.

We greatly appreciate the opportunity to evaluate the impact of proposed community development projects. If you have any additional questions please let me know and we will be happy to respond.

Thank you,

Derek Cluse, CPA SFO **Business Manager** 

Cc: Phil Herman, Kathryn Sines, Doreen Osmun

# HUDSON CITY SCHOOL DISTRICT SUMMIT COUNTY, OHIO

# DEMOGRAPHIC AND ECONOMIC STATISTICS LAST TEN FISCAL YEARS

Fiscal Year	Develotion (c)	Personal Income (a)	Per Capita Personal Income (a)		Median Age (a)	School Enrollment (b)	Unemployment Rates (c)		
<u> </u>	Population (a)	Income (a)		come (a)	Agran	Esti official (o)	Summit County	Ohio	United States
2012	22,182	\$ 1,074,141,168	\$	48,424	41.3	4,749	7.1%	7.2%	8.2%
2011	22,262	1,060,472,632		47,636	41.3	4,890	8.7%	8.8%	9.2%
2010	23,026	1,096,866,536		47,636	41.3	4,972	9.4%	10.5%	9.5%
2009	23,154	947,345,910		40,915	38.9	4,913	10.5%	11.1%	9.5%
2008	23,154	947,345,910		40,915	38.9	5,194	6.2%	6.6%	5.5%
2007	23,154	947,345,910		40,915	38.9	5,340	5.2%	5.7%	4.6%
2006	23,084	944,481,860		40,915	38.9	5,411	5.3%	5.6%	4.6%
2005	24,089	985,601,435		40,915	38.9	5,511	5.4%	5.9%	5.0%
2004	22,439	918,091,685		40,915 \	38.9	5,601	6.1%	5.7%	5.7%
2003	22,765	931,429,975		40,915	38.9	5,602	6.2%	5.5%	6.0%

#### Sources:

<sup>(</sup>a) U. S. Census Bureau; City of Hudson estimates for the calendar year prior to the fiscal year listed (information is available on a calendar year basis only)

<sup>(</sup>b) District records

<sup>(</sup>c) June Ohio Labor Market Information, Ohio Department of Job and Family Services

ECONOMIC DEVELOPMENT

(330) 342-1893 cwiedie@hudson.oh.us

January 6, 2014

To:

Mark Richardson

Community Development Director

Re:

River Oaks Zoning Map Change

The Hudson Planning Commission has requested comments from my office regarding this proposed map change which, if approved, would result in 90+ acres being rezoned from business/industrial to residential. I am familiar with the parcel(s) and the challenges that exist to significant commercial development. I have also discussed this proposal with Spencer Pisczak of Premier Development Partners, owners of the property directly south of this property. Based on my familiarity with this property and the input provided by Mr. Pisczak, I would not be opposed to this proposed change.

I further understand that the Planning Commission has asked for comments from the Economic Growth Board and the Hudson Economic Development Corporation (HEDC) on this matter. I would suggest that what input the Growth Board could provide is in a survey completed by one of its members, Matt Beesley, on the impact on the city if all available commercial/industrial property were built out. In Mr. Beesley's study of the property in question he determined that there were **zero** buildable acres at that site. In preparation of this letter I asked Matt what led to this determination and he responded that it was due to the wetlands and soil conditions that currently exist.

In regards to comments from HEDC I would offer that this organization has not met in approximately the last six months and therefore would not be in a position to offer constructive input on this issue.

If you require additional information please do not hesitate to contact me.

Best regards,

Charles E. Wiedie, EDFP

Economic Development Director



DATE: March 10, 2014

TO: Hudson Planning Commission

FROM: Mark Richardson and Greg Hannan

RE: Background Information Concerning the Establishment of District 6

Between the time the Village of Hudson and Hudson Township merged on January 1, 1994 and the adoption of the Land Development Code on December 31, 1999 the zoning of District 6 was a topic extensively discussed. The issues pertained to protection of the City's wellhead south of SR303, job creation, residential growth management, and balancing the residential/non-residential tax ratio.

The Comprehensive Plan of August 1995 shows District 6 significantly different than what exists today. Please find attached the Land Use Concept Map of the 1995 Comprehensive Plan and the description of District 6. Note that District 6 included what is proposed as the northern part of The Reserve at River Oaks and that residential development should not be permitted in District 6. However on November 19, 1997 Council adopted a modification to the Comprehensive Plan that changed the illustrative land use types to include single family detached and cluster homes in District 6. Design considerations included gross densities of one dwelling unit per acre (with a maximum of 145 dwelling units for the entire district).

The district boundaries achieved their present form in August and September of 1999 when the eastern district boundary was moved west to enlarge District 3. Although this residential zoning district was enlarged, the District 6 text was revised to remove residential when the LDC was adopted in 1999. In August 2009 Council approved amendments to the District 6 zoning regulations that adopted changes recommended by an Ad Hoc Committee appointed to examine regulations and procedures as they relate to Districts 6 and 8 which target office and industrial development.

For your information we supply the following:

- The 1995 Comprehensive Plan Land Use Concept map and related description of District 6
- Ordinance 97-156 modifying the Comprehensive Plan
- Amendments to District 6 regulations as adopted in August 2009.



# Land Use Concept Map

- 1. Suburban Residential Neighborhood
- 2. Rural Residential Conservation Area
- 3. Outer Village Residential Neighborhood
- 4. Village Residential Neighborhood
- 5. Village Commercial Core
- 6. Western Hudson Gateway
- Outer VIIIage Commercial Corridor
   Industrial/ Office Park Development Area
- 9. Darrowville Commercial Corridor

City of Hudson Village Comprehensive Plan

Hudson Village, Ohio

August, 1995

0 800 1600 3200

North ▲

MAP 4

Illustrative Land Use Types

Single family detached homes, single family attached homes, low density multifamily dwelling units, professional home office, parks and multiuse open space, institutional uses, and public service uses.

**Design Considerations** 

Residential: Compact densities reflective of existing neighborhood pattern; open space dedication requirements; bicycle/pedestrian access requirements to maintain village core connections; design compatibility with historic character of community; road characteristics to conform to the recommendations of Transportation Policies; professional home offices.

Nonresidential: Professional home office; parks and open space uses, institutional uses, and low intensity public service uses.

### 5. Village Commercial Core

**Existing Community Character** 

- · Current and historic center of Hudson Village.
- Concentration of office, retail and institutional land uses around intersection of State Routes 91 and 303.
- Village scale commercial core dominated by Village Green and Village Green extension.
- High volumes of traffic congestion along State Routes 91 and 303 detrimental to overall accessibility.
- Commercial strip center development (Hudson Plaza) maintains architectural theme of village.
- Core provides retail and service needs for surrounding Village Residential Neighborhood.

**Illustrative Land Use Types** 

Existing single family dwelling units, existing two family dwelling units, second story apartment units above business uses, bed and breakfast establishments, village scale retail uses, village scale restaurants, personal services, speciality retail, professional offices, institutional uses, public service uses, and park and multi-use open space uses.

**Design Considerations** 

Residential: Compact densities reflective of existing building pattern; overall appearance and design to maintain historic architectural quality; bicycle and pedestrian requirements to increase overall accessibility.

Nonresidential: Compact densities reflective of existing building pattern; overall appearance and design to maintain historic architectural quality; maintain Village Green as focal point of Com-

mercial Core by protecting its integrity; provide adequate, accessible and coordinated parking program.

#### 6. Western Hudson Gateway

**Existing Community Character** 

- Combination of existing zoning classifications allows a variety of residential densities and business uses.
- Large number of Potential Development Areas.
- Adjacent to S.R. 8 interchange and S.R. 303 and acts as a western gateway to the City.
- In close proximity to City's wellfield.
- Significant amount of environmentally sensitive areas representing potential wetlands, hydric soils, streambanks and wooded areas.
- High degree of development pressure.

**Illustrative Land Use Types** 

Professional offices, industrial park-type uses, active recreational uses, open space uses, and parks.

**Design Considerations** 

Residential: No new residential development should be permitted.

Nonresidential: Professional offices; industrial park/complex developments required to submit overall site development plan; commercial developments a minimum of 5 acres in size, requiring development master plan; tax increment financing district for the area; recreational uses; require development impact analysis study for traffic, public services, and wellfield impacts; road characteristics to conform to the recommendations of the Transportation Policies. New development should be sensitive to conforming residential development existing in adjacent residential use areas. Development should incorporate buffer areas, protection of open space and the protection of natural environmental features. Land uses within one-fourth (1/4) mile of existing conforming residential uses located in residential use areas should be limited to professional office and other uses compatible with transitional land development.

### 7. Outer Village Commercial Corridor

**Existing Community Character** 

- Primarily a combination of retail and service establishments.
- Businesses are oriented toward S.R. 91, with parking to the front and side of the business establishments.
- · Commercial Corridor lacks strong identity due

ORDINANCE NO: 97-156 OFFERED BY: Mayor Bayless

AN ORDINANCE TO APPROVE A MODIFICATION TO THE CONTINUING COMPREHENSIVE PLAN TO AMEND LAND USE CONCEPT AREA 6, "WESTERN HUDSON GATEWAY", AND AMENDING PLANNING CODE SECTION 1205.01.

WHEREAS, Section 9.03 of the Charter of Hudson requires the Municipal Planning Commission ("MPC") to formulate, review, and make timely modifications to a "Continuing Comprehensive Plan" for the physical development of the Municipality and to make recommendations to Council on this Plan; and

WHEREAS, Section 1220.04, "Interpretation; Definitions", of the Zoning Code provides in item (25) thereof that the Continuing Comprehensive Plan also known as the "Land Use Plan", be amended from time to time; and

WHEREAS, since this Council's approval of the current Comprehensive Plan by Ordinance 95-146, the City has performed a study of the City's wellfield and the protection thereof which is located in Land Use Concept Area No. Six, known as "Western Hudson Gateway", and the City has also performed a study known as the "Index of Ecological Integrity" which has revealed that said area 6 has significant environmental features which will be more appropriately protected by a mixture of both residential and light industrial and office uses, which will also continue to enhance the City's tax base; and

WHEREAS, Charter Section 9.03 requires Council to conduct a public hearing on the Plan, which public hearing has been held, and to adopt, reject, or modify the amendment proposed by the Municipal Planning Commission; and

WHEREAS, Council has reviewed the recommendation of the MPC to modify the Continuing Comprehensive Plan and desires to officially adopt and approve the modification to the Plan as presented by the MPC and to amend Planning Code Section 1205.01 to reflect such adoption.

NOW, THEREFORE, Be It Ordained by the Council of Hudson, Summit County, Ohio, that:

Section 1: The existing Continuing Comprehensive Plan as approved by Ordinance 95-146, and as amended by Ordinance No. 96-127, of the Council of Hudson be, and the same is hereby, amended to replace the language on page 23, after "6. Western Hudson Gateway" with the following language:

# "Existing Community Characteristics

- A small number of large lot single family detached residential units with frontage on either Boston Mills Road or S.R. 303.
- According to the Index of Ecological Integrity, the undeveloped portions of this District are composed of several types of forests, shrub thickets, old fields, and marsh lands, including one of the City's prime wetlands.
- Approximately 20% of this District is found within the Five-Year Time of Travel underground recharge area for the City's municipal wellfield.
- Adjacent to S.R.8 interchange and S.R. 303 and acts as a western gateway to the City.

# Illustrative Land Use Types

 A combination of Single Family Detached and Cluster Homes, Industrial, Professional, Corporate, Research and Technology Office Park Uses and preserved wetland and woodland features.

# **Design Considerations**

Residential: Gross densities of one (1) dwelling unit per acre (with a maximum of 145 dwelling units for the entire District); open space dedication requirements of environmentally sensitive land; prohibition of development on environmentally sensitive land; deep setback requirements from environmentally sensitive land. Road characteristics will conform to the recommendations of the Transportation Policies for Rural Residential Conservation Standards, with the addition of sidewalks on one side of the street.

Nonresidential: Industrial uses, Professional, Corporate, Research and Technology Office Park uses including campus developments designed with an overall site development plan; uses identified by Ohio EPA as Category 1, High to Medium Pollution Risk, and Category 2, Medium Pollution Risk, are prohibited within this District. Development prohibited on delineated wetlands, deep setback requirements from wetlands; office arterial road characteristics to conform to the recommendations of the Transportation Policies connecting Boston Mills Road to the north with S.R. 303 to the south. The design for the District reflects its Gateway nature with design considerations including: landscaped entrance features, large setbacks from S.R. 303 and Boston Mills Road.

Environmentally Sensitive Land: The land identified as environmentally sensitive should be protected from disturbance in perpetuity. This area may be used as a local wetland mitigation bank, wildlife preserve, conservancy area, or other use that both protects the significant features and benefits the community. Besides the intrinsic ecological value of preserving wildlife habitat and natural open space, the preservation of these features is useful because the preservation of natural drainage systems and wetlands provides for low cost effective storm water management and the prevention of future flooding problems. Wetlands function as sponges that absorb water, delaying its downstream release, and serve as biological filters by purifying water before it proceeds downstream. Wetlands are also important for aquifer recharge, for stream bank stabilization during high flows and as wellhead protection areas."

Section 2. The existing Continuing Comprehensive Plan, as approved by Ordinance No. 95-146 of the Council of Hudson, be, and the same is hereby, amended at "Map 2" on page 6 and at Tables 3 and 4 on pages 26 through 29 to accommodate the amendment in Section 1 hereof to Land Use Concept Area "6. Western Hudson Gateway" to read as set forth in the amended "Map 2" and Tables 3 and 4 attached hereto as Exhibit A.

Section 3: The existing Section 1205.01, "Adoption", of Chapter 1205, "Comprehensive Master Plan", of Part Twelve, "Planning and Zoning Code", of the Codified Ordinances of Hudson, be and the same is hereby, amended to read as follows to reflect the modification of the Plan set forth in Sections 1 and 2 hereof:

#### "1205.01 ADOPTION.

The revised Master Plan, also known as the Continuing Comprehensive Plan, for land use of the City of Hudson, the text of which has been submitted by the Municipal Planning Commission to the Council of the City of Hudson in July, 1995 and approved as amended by the Council on August 2, 1995, pursuant to Ordinance No. 95-146, and modified by Council action on September 18, 1996, pursuant to Ordinance 96-127, and in November 1997, pursuant to Ordinance No. 97-156, is hereby approved and adopted as a guide to all further Council action concerning land use, development regulations and growth management measures within the City of Hudson."

Section 4: The existing Section 1205.01, "Adoption", of Chapter 1205, "Comprehensive Master Plan", of Part Twelve, "Planning and Zoning Code", of the Codified Ordinances of the City of Hudson be, and the same is, hereby repealed.

Section 5: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: November 19, 1997

Harold L. Bayless, Mayor ()

ATTEST:

Mary Ann George, Clerk of Council

First Reading: 10-15-97

# CHAPTER 1205 ZONING DISTRICTS

# Section 1205.09 District 6: Western Hudson Gateway

(a) Purpose

District 6, together with District 8, is intended to provide key development opportunities for future employment growth in the City of Hudson. Permitted uses encourage the development of high-quality planned office and industrial business park developments. District 6 also serves as the key western gateway to the City of Hudson and district regulations, including heightened landscaping standards and application of industrial design/architectural guidelines, are intended to create attractive entryways into the City along Route 303 (Streetsboro Road) and Boston Mills Road. In addition, in order to better manage traffic generation patterns in the City, District 6 is intended to encourage relatively more intense traffic-generating uses to concentrate at the western edge of Hudson in order to benefit from easy access to Route 8. At the same time, district regulations will require new development to contribute its fair share toward construction of a Terex Road extension north to Boston Mills Road to facilitate north/south traffic through the area.

District 6 also contains significant natural wetlands and features. Accordingly, a primary purpose of these District 6 regulations is to preserve and protect the district's critical environmental and wetlands features, while integrating them into planned projects as valuable open space amenities. New development is encouraged to respect existing land forms and to limit grading and site disturbance adjacent to wetlands.

In addition, with large land areas that fall within the boundaries of the City's designated wellhead protection area, the District 6 regulations are intended to advance the goals of the Hudson Wellhead Protection Study (dated February 13, 1997), the Ohio EPA Wellhead Protection Program (dated May 1992), and the Spill Prevention Plan.

- (b) Uses By-Right, except as limited by subsection (d) below:
  - (1) Commercial/Retail:
    - (A) Banks, subject to the conditions set forth in subsection (d) below;.
    - (B) Office business parks.
    - (C) Offices, business or professional, not located in a business park;
    - (D) Recording, radio, or television studios;
    - (E) Restaurant, subject to the conditions set forth in subsection (d) below;
    - (F) Retail uses, subject to the conditions set forth in subsection (d) below;
    - (G) Services, business personal or repair, subject to the conditions set forth in subsection (d) below;
    - (H) Showrooms and salesrooms for wholesale distribution;
    - (IH) Wholesale trade.
  - (2) <u>Industrial Uses</u>:
    - (A) Industrial business parks.
    - (B) Industrial use, light Industrial uses, except for the following:
      - (i) All establishments included in the uses or activities listed by the Ohio Environmental Protection Agency, as part of the agency's Ohio Wellhead Protection Program, that fall within Category I,

- "Medium to High Pollution Risk," or Category II, "Medium Pollution Risk."
- (ii) Wholesale or retail-distribution or storage of scrap, waste-material, auto-bodies/parts, or hazardous materials.
- (C) Research laboratories, including but not limited to:
  - (i) Theoretical and applied research in all the sciences;
  - (ii) Product development and testing;
  - (iii) Product engineering development; or
  - (iv) Market development.
- (D) Warehousing, distribution, and/or storage; within a completely enclosed structure, subject to the conditions of Section 1206.03(b)(15).
- (E) Workshop and custom small industry uses.

# (3) <u>Institutional/Civic/Public Uses:</u>

- (A) Public park or recreation areas, including multipurpose trails.
- (B) Public recreational facilities, indoor or outdoor.
- (C) Essential public utility and public services installations, including bus shelters and bus stops, but not including water towers, power generating stations or transfer stations or outdoor storage.

# (4) <u>Planned Developments</u>:

- (A) Commercial planned developments, subject to the standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.
- (B) Industrial planned developments, subject to the standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.

## (5) Accessory Uses:

- (A) Storage of goods, non-hazardous materials and equipment is permitted in the side and rear yard. Storage shall be screened from view on the front by Bufferyard B and shall be screened from view of the side lot lines by Bufferyard A as described in Section 1207.04(g).
- (B) See Section 1206.03, "Accessory Uses".

## (c) Conditional Uses

The following uses shall be conditionally permitted in District 6 subject to meeting all applicable requirements set forth in this section and Section 1206.02, "Conditional Uses."

- (1) Residential
  - (A) Assisted Living
- (2) Commercial:
  - (A) Day care centers, child or adult.
  - (B) Lodging, provided a sit-down restaurant with no external entrance is included as an accessory use to the lodging (See Section 1206.03(b)(13) below.).
  - (C) Medical clinics.
  - (D) Recreational or sports training facilities, commercial.
  - (E) Vehicle and equipment rentals.
  - (F) Vehicle repair and service.
  - (G) Wireless telecommunications facility.

- (3) Institutional/Civic/Public Uses:
  - (A) Continuing care retirement community.
  - (B) Convention or conference center.
  - (C) Government facilities, administrative offices, and services, including but not limited to police or fire stations, emergency medical service facilities, post office, library, or similar uses.
  - (D) Hospitals, including heliports as an accessory use.
  - (E) Institutional residential for the elderly and handicapped (for 9 or more people).
- (d) Special Conditions for Permitted Uses in District 6

As applicable, all by-right or conditional uses shall satisfy the following conditions:

- (1) Wholesale uses or warehousing, distribution, and/or storage uses shall not occupy more than 40 60 % of the gross floor area of any structure located on any parcel or lot with frontage on Route 303 or Boston Mills Road.
- (2) Each permitted principal building shall have at least 15% of its total gross—floor area devoted to permitted office or industrial uses.
- Only office, office business park, day care center, medical clinic or research laboratory uses shall be permitted as the principal use of each building on parcels or lots located north of Boston Mills Road.
- Only office or office business park uses shall be permitted as the principal use uses by right on parcels or lots that front Route 303 and that are located 600 or more feet east of the intersection of Route 303 and the planned Terex Road extension Hudson Crossing Parkway. All other uses shall be allowed conditional uses.
- (45) The primary purpose of commercial or retail use is to serve employees of industrial/office development located in the District. Commercial and retail uses permitted by right or conditionally and that reference this subsection shall not be permitted in District 6 unless all of the following conditions are met: Commercial and retail uses permitted by right or conditionally and that reference this subsection shall not be permitted in Districts 6 and 8 unless the following conditions are met:
  - (A) the commercial or retail use shall not be the principal use in any free-standing building; the principal use shall be determined as the use occupying the majority of the gross floor area; and—The commercial or retail activity is part of a Planned Development and the commercial or retail use does not exceed 10,000 gross square feet in any one building and the total commercial or retail use does not exceed 40,000 gross square feet within any Planned Development; or
  - (B) the floor area occupied by the commercial or retail use shall not exceed 10,000 square feet in any one building; for office or industrial parks with 67,000 square feet or less of total gross floor area, the floor area occupied by the commercial or retail use shall not exceed 10,000 square feet; for of fice or industrial parks over 67,000 square feet of total gross floor area,

the area occupied by the commercial or retail use shall not exceed 15% of that area; and—The commercial or retail use does not exceed 10,000 gross square feet in any one building and there exists at least 30,000 square feet of office or industrial space on the same property parcel. The commercial or retail use shall not exceed 25% of the area of the existing office or industrial space on the same property parcel, to a maximum of 40,000 gross square feet of commercial or retail use.

- (C)—no free standing sign shall be allowed in connection with such commercial or retail use.
- (e) Property Development/Design Standards
  In addition to compliance with all applicable standards set forth in Chapter 1207.18
  "Zoning Development and Site Plan Standards, for Districts 6 and 8" including but not limited to Section 1207.08, "Wellhead Protection Area Standards," 1207.10, "Performance Standards," and 1207.18(e), "Industrial Design Guidelines," development in District 6 shall comply with all of the following development/design standards (all standards are minimums unless otherwise noted).
  - (1) <u>Maximum Floor Area-to-Lot Area Ratio</u>:
    - (A) Office Uses:
      - (i) Stand-Alone: .40 to 1.0
      - (ii) As Part of a Business Park: 1.0 to 1.0
    - (B) Industrial and Warehouse Uses:
      - (i) Stand-Alone: .40 to 1.0
      - (ii) As Part of a Business Park: 1.0 to 1.0
    - (C) Mixed Office and Industrial Uses: 1.0 to 1.0
  - (2) Minimum Parcel Size:
    - (A) Office Uses: 1 acre 2 acres.
    - (B) Office or Industrial Park: 5 acres.
    - (C) Industrial Uses: 2 acres.
  - (3) <u>Minimum Setbacks</u>: Setbacks in District 6 shall be:
    - (A) <u>Determined on Case-by-Case Basis</u>. Because of the pervasiveness of sensitive environmental areas within District 6, building setbacks and yard requirements for development shall be determined on a case-by-case basis by the City Manager or Planning Commission either during the subdivision approval process or during the site plan approval process. All determinations of setbacks and yard requirements shall use as a starting point the setbacks set forth in paragraphs (B)-(C) below, which may be modified pursuant to the criteria set forth in Section 1207.18(B)(3) 1207.01(b), "Criteria for the Establishment of Maximum Impervious Surface Coverage." The determination shall also be based on setbacks of existing buildings on adjacent lots and parcels and protection of any adjacent residential uses.
    - (B) <u>Minimum Front yard setbacks</u>: 25 50 feet for principal and accessory buildings and 25 feet for parking areas/lots, except the minimum setback for principal and accessory buildings and parking lots shall be 100 feet on the south side of State Route 303 and on Boston Mills Road.
    - (C) Minimum Side and Rear yard setbacks: 25 feet

(D) <u>Setbacks from Adjacent Residential Uses</u>: Notwithstanding <del>paragraph</del> (C) the provisions above,

(i) all buildings and structures, shall be located at least one-hundred (100) feet from the lot line of any adjacent residentially zoned property.

(ii) all materials, and vehicles, whether such vehicle is parked or stored, shall be located at least fifty (50) feet from the lot line of any adjacent residentially zoned property.

(iii) all buildings and structures shall be located at least fifty (50) feet from the lot line of any adjacent residentially used property.

(iv) all materials, and vehicles, whether such vehicle is parked or stored, shall be located at least twenty-five (25) feet from the lot line of any adjacent residentially used property.

(E) <u>Arterial Setbacks</u>: Except as provided above, see arterial setback and landscaping requirements in Section 1207.04(1), "Landscaping/Buffering."

# (4) Minimum Wetlands Setback:

- (A) Notwithstanding the minimum wetlands setback set forth in Section 1207.03(e)(2) below, all buildings, accessory structures, parking areas or lots, and other paved areas in District 6 shall be setback a minimum distance of 100 feet from the delineated edge of any wetlands that contains 2 acres or more of contiguous area.
- (B) As set forth in Section 1207.03(c), such 100 foot setback area shall remain undisturbed, except that limited grading may be permitted as set forth in paragraph (4)(C) below provided that in no circumstance shall any building, accessory structure, parking area, or other paved area be located within 100 feet of the delineated edge of the wetlands.
- (C) In order to accommodate exceptional site conditions, the Planning Commission may permit limited grading, on a case by case basis, to within a distance of 50 feet from the delineated edge of any wetlands that contains 2 acres or more of contiguous area. All disturbed areas shall be restored with native plantings and landscaping. This exception may be allowed only if the proposed activity or development submits to the site plan review procedures as set forth in Section 1203.09 of this Code.
- (45) Route 303 Western Gateway: Landscaped Front Yard Setbacks. Notwithstanding subsection (3)(B) above, the following front yard setback areas shall be established and maintained:
  - (A) Route 303 From Terex Road Extension west to the city boundary: A front yard setback with a minimum width of 300 feet shall be required on the north side only of Route 303;
  - (B) Route 303 From Terex Road Extension east for 600 feet: A front yard setback with a minimum width of 200 feet shall be required on the north side only of Route 303; and
  - (C) Route 303 from 600 feet east of Terex Road Extension east to the eastern District 6 boundary: A front yard setback with a minimum width of 100 feet shall be required on the north side only of Route 303.

All the front yard setback areas set forth above shall be landscaped to meet, at a minimum, the planting requirements set forth in Section 1207.18 04(1)(B) (D). Landscaping plans for these setback areas may incorporate treatments ranging from natural and undisturbed to a highly formalized landscaped design; in all cases, however, existing topography shall be respected to the maximum extent feasible through limited site grading.

(6) Impervious-Surface Coverage:

- (A) Notwithstanding the provisions for maximum impervious surface coverage set forth in Section 1207.01, on all parcels located within 400 feet of the delineated edge of any wetlands that contain 2 acres or more of contiguous area, the maximum impervious surface coverage shall not exceed 60%.
- (B) Notwithstanding the provisions for maximum impervious surface coverage set forth in Section 1207.01 the maximum impervious surface coverage on all other parcels shall not exceed 75%.
- (57) Maximum Structure Height: 45 50 feet.
- (68) Architecture and Design Standards/Industrial and Business Park Uses: All industrial uses in District 6 shall comply with the industrial design standards set forth in Section 1207.18(e) of this Code. All other uses shall comply with the Architectural Design Standards.
- (79) <u>Underground Storage</u>: No underground storage shall be permitted in District 6.
- (810) Vehicular Access:
  - (A) Through Access. Hudson Crossing Parkway shall be extended as a public street to connect Terex Road through to either Boston Mills Road directly or indirectly using Chittenden Road. If this street extension turns west to intersect with Chittenden Road, the right-of-way shall be dedicated with 60 feet of width and constructed to City standards. Prior to approval of any development in District 6, right of-way (80 feet wide) for a north/south arterial street connecting Route 303 and Boston Mills Road shall be either dedicated or constructed, or an agreement to construct shall be executed with the applicant, for such portion of the right of way necessitated by the proposed development. Such north/south arterial street shall be constructed to city standards, and the reafter, through truck traffic shall be prohibited on eastbound Boston Mills Road at Terex Road Extended.
  - (B) <u>Local Access</u>. Notwithstanding provisions set forth in Section 1207.<del>13</del> **18(f)** cul-de-sac access drives in District 6 shall have a 60-foot right-of-way with a minimum 120-foot diameter turnaround.
  - (C) <u>Driveway Curb Cuts</u>. To the maximum extent feasible, the number of curb cuts shall be minimized by consolidation, shared driveways, or other means. Notwithstanding the policies of Section 1207.13(e)(5) 18(f) regarding curb cuts to arterial and collector streets shall remain the basic policy but may be altered within this District through a Development Agreement.
- (911) Location of Parking: In addition to the standards for off street parking set forth in Section 1207.12 of this Code, for new development in District 6, to the maximum extent feasible, Oeff-street parking shall should be located at the rear or side of buildings, on the interior of the lot and shall be accessed by means of

shared driveways, however, Pparking may be located in the building front yard setback shall be if limited to 25% of the required off-street parking, or a one aisle parking bay across the front of the building, whichever is greater. There is no maximum amount of parking in the building front yard if the parking is screened with trees and/or mounding in addition to parking lot perimeter landscaping.

(1012) <u>Loading Areas</u>: Loading docks and other loading areas shall be sited at the rear or to the side of buildings, except that this standard may be modified or waived to preserve sensitive environmental features in unusual circumstances. All loading areas shall be screened in compliance with Section 1207.12 18 of this Code.

(1113) Pedestrian Amenities/Linkages:

# (A) Sidewalks:

- (i) Sidewalks or paved paths at least five (5) feet wide shall be provided on one side of an abutting public street.
- (ii) Sidewalks at least five (5) feet wide shall be provided along the full length of a building facade that features a customer entrance and along any building facade abutting a public parking area.
- (iii) All internal pedestrian walkways shall be designed to be visually attractive and distinguishable from driving surfaces through use of durable, low-maintenance surface materials such as pavers, brick, or scored concrete to enhance pedestrian safety and comfort.
- (iv) unless the The Planning Commission, based upon the prior approval of an industrial park or for environmental reasons, determines to site specific circumstances including but not limited to, topography, storm water management, and the effect on utility systems may waive this these requirements.
- (B) <u>Linkages</u>: To the maximum extent feasible, provision shall be made in the design of developments for connections with existing or future pedestrian systems on adjoining properties, including but not limited to connections to existing or planned future sidewalks, bikeways, walkways, or trail systems. To the maximum extent practicable, a multi-purpose trail connector shall provide north-south access south of Boston Mills Road.

Section 22 Existing Section 1205.09 "District 6: Western Hudson Gateway" of the Land Development Code is hereby repealed.

Section 23. Subsections (b) through (e) of Section 1205.11 "District 8: Industrial/Business Park" of the Land Development Code of the City of Hudson are amended to hereinafter read as follows:

### Section 1205.11 District 8: Industrial/Business Park

(a) Purpose
District 8 contains the bulk of prime, potential commercial development areas in the City of Hudson, and is intended to provide sites to accommodate the majority of future job growth in the community. The District enjoys good access to both rail and key arterial highways, and will be the focus of several significant interchange improvements. Accordingly, permitted uses encourage the development of large-scale office, industrial, and business parks. Only clean manu-