

**City of Huron
Planning Commission/DRB
February 15, 2023 5:00 P.M.**

The meeting was called to order at 5:00p.m. in the Council Chambers at Huron City Hall, 417 Main Street by Vice Chair, Bob Howell. Members in attendance: Jim Hartley, and Mark Claus. Members absent: Gary Boyle & Mark Cencer. Staff in attendance: Planning Director Erik Engle, and Administrative Assistant Christine Gibboney.

There were no minutes available for approval.

New Business

Public Hearing for Preliminary/Final Plan Review for the Planned Development Project of Two Rivers Phase 1- Sheltered Brook Drive.

Current Zoning: R-1 PPN 42-00119.001

Subject Matter/Background

Applicant is proposing a Planned Development Project/PUD of the remaining undeveloped land surrounding/integrated with the existing Two Rivers PUD Development of free-standing single-family condominium homes. As you may recall, the original Two Rivers PUD is no longer in existence and the undeveloped area has reverted back to R-1 Zoning. Refer to the site plan map of this parcel which reflects both the existing free-standing single-family condominium homes and the undeveloped areas that the owner is proposing to develop with the addition of 27 free-standing single-family condominium homes.

Mr. Howell swore in those who wished to provide testimony and called the public hearing to order at 5:01pm.

Mr. Engle reviewed the staff summary and application for the proposed Planned Development Project- Two Rivers Phase 1:

- 16.5 acres along Sheltered Brook Drive. Mr. Howell stated he believed it was 27 acres, referencing the multiple parcel numbers on the plans. Mr. Engle noted Phase 1 is comprised of 16.5 areas; and advised the developer can confirm. Conditionally Permitted Use (Planned Development Projects in an R-1) was approved by the BZA on 12-12-2022.
- Phase 1 will add 27 new free-standing, single-family condominium homes, same density, construction and exterior designs as previously approved by the original PUD and will complete the development along Sheltered Brook.
- Infrastructure is already in place as constructed under the original plan development (water, sewer, roadway, lighting)
- Setbacks being proposed: 25' front, 15' min. distance between units, rear yard setbacks flexed as proposed. 1-2 story, with max height 35'. These will be reviewed individually per lot.
- Minimal requirements for all other R-1 performance standards are indicated.
- No sidewalks in the original PUD, and no sidewalks are being proposed in this Phase. In lieu of a sidewalk along Sheltered Brook, a conceptual nature walk was discussed for the next phase of development which staff encourages as a prime amenity for the residents. Mr. Engle referenced the requirement of greenspace in 1126.05 (e).

- Three areas designated as Reserve Areas (Common Areas); no landscaping plan included for these common areas. The HOA can determine what they wish to do with this space.
- Riparian Buffer- 30' buffer easement along the Mudbrook Creek frontage as part of the new Flood Plain Regulations. Since certain parcels have already been subdivided, staff did flex some of that, as the majority of that 30' buffer has been met. Pursuant to the code, staff has the authority to flex this aspect.
- Landscaping for individual units to be installed upon construction and something that will be reviewed at the time.
- The applicant has included the current Declaration of the HOA and will be amending to include this proposed phase.
- Street lighting is already in place and denoted on the plat; no further action is required.
- Staff finds the design of the elevations to be appropriate and compatible with the existing housing.

Applicant has expressed the intention to commence the project as soon as possible and therefore would meet the requirement in 1126.05 (a) to start construction within one year of approval of the project by City Council. Staff would note that the city has received comments from neighbors concerned over completion of the project. Their concerns stem from the original PUD and the present state of the development. Specifically, neighbors have inquired about stipulation of a timeframe by which the 27 units in Phase 1 are to be completed.

Staff would recommend that the Planning Commission consider a condition to be added to specify a project completion date and/or get feedback from the developer as to their timeline. It is important to note, City Council will be requiring a development agreement upon their consideration of the approval of the development which can incorporate those requirements and noted that staff is working with legal on the development agreement at this time. Lastly, Mr. Engle noted that staff is in support of the proposed development and welcomes the completion of the Two Rivers Development Along Sheltered Brook Drive and would recommend approval.

Mr. Howell inquired about the proposed front setback and if this was approved by the BZA, adding that they are proposing 25', but R-1 zoning specifies 30'. Mr. Engle noted that Planned Development Projects provide flexibility to set their own setbacks and the proposed setbacks are consistent with the original PUD development and existing build outs. Mr. Howell added that since the area had reverted back to R-1, he feels any change from the setback regulations of an R-1 would need to be approved by the Commission and specified. Members discussed the need to specify the setbacks within the motion when made. A brief discussion on the issue of these homes being free standing condominiums ensued; Mr. Engle explained that he is not familiar with condominium law in Ohio, adding that this is not considered a true subdivision pursuant to the code, this is a Planned Development Project. Mr. Engle referenced the existing units, and members reviewed the setbacks of same. Mr. Engle noted the developer can speak to the condo law aspects.

Applicant/Owner: Jim Murray.

Mr. Murray provided history of the family purchase and vision for the property and recapped the original Two Rivers PUD project. He referenced the original development took place around 2006-2007 and thereafter the housing market crashed. He explained he and his brother now have the opportunity to continue the legacy his parents began. He advised that they are proposing only Phase 1 at this time- with an additional 27 homes to be constructed. He noted there are 19 existing units in the Two Rivers development, an

established HOA, and a great neighborhood. He noted he believes that everyone wants to see this project completed and they propose to do so in a very timely manner with high quality homes. Mr. Murray introduced members of his team, who he referenced would be working on all Phases of the project: Civil Engineer, Dean Frederick; Kevin Cook and Joe Aleno of Corinthian Builders; Architect, Dave Johnson; and Bob Lockett of Alterra Real Estate. Mr. Murray referenced the experience and expertise this team brings and the quality of the homes to be constructed. Mr. Murray noted he had included the current HOA documents with the application and did explain that the existing and proposed homes are all free-standing, single family condominium homes.

Mr. Murray noted he and his team have discussed a timeframe, and asked that the period be 5 years for the expiration of the PUD, noting they hope to move much faster than this. He noted that there is much interest in the development, adding that there is attractive financing available. He acknowledged the development agreement, stating they are open to what the city wishes to include and expressed their desire and commitment to future phases of this development.

Board Questions/Comments

- **Park Areas:** Mr. Howell referenced the code requirement for parks when there is over 20 acres of land and noted that a park area is not reflected in the plans and inquired as to what would be included, tennis courts, other amenities? Mr. Murray confirmed that amenities are planned. He referenced the passive areas of community space around the water now that many people utilize. He stated that they intend to build a 2-acre lake in the middle of Two Rivers with walking areas, maybe swing sets, benches, or other amenities. He noted in Phase 2 or 3 they would be happy to dedicate a lot or two to be a traditional neighborhood park. Mr. Murray referenced the question about adding a tennis court, he noted he would be open to it, adding that Huron Lagoons Marina has amenities that that are available which many residents use. Mr. Howell noted that there may be additional discussion on this topic and specific amenities can be specified by the Commission. Mr. Claus asked for clarification of Phase 1 development, Mr. Murray confirmed that Phase 1 is comprised of 27 proposed units along Sheltered Brook Drive and referenced the site plan and parcels for future development phases. Mr. Murray noted that Phases 2 & 3 are TBD, but likely will utilize the same format. He noted the family also owns land across Laguna Drive which was not a part of the original PUD and added that they may like to look at park area or access to the Huron River on that side.
- **Mr. Howell asked for review of current setbacks of existing homes and proposed setbacks.** Mr. Murray noted that setbacks are a little different than those of single-family homes, adding that he knows this is R-1 zoning, but noted that he believes every existing home meets the R-1 restrictions. He explained some of the vacant lots are going to be narrow and they may need some flexibility on these. Mr. Howell suggested a minimum be established on the rear setback. Mr. Murray noted that some of the common space on the rear can be part of the setback to the river. Mr. Howell asked if the board specified a 30' rear setback and the developer couldn't comply on a certain lot what would result. Mr. Engle advised that any revision would then need to go to the BZA on a lot-by-lot basis and there was discussion that it may have to come back to this board as well. Mr. Frederick explained that because these are condos, the drawings presented are future declared parcel areas, and depending on the position of the house, if there is a setback, pursuant to Ohio condo law, prior to recording, they can move the back line of the property out behind the house further than what is shown on the plans to achieve a 30' lot. He noted everything outside 3' of the structure is common area. Parcels don't get created

until they are closed, so adjustments could be made by taking it out through the common area. Mr. Frederick noted the 30' setback would not be an issue. Discussion ensued on the existing side yard distances, Mr. Murray noted that they are 15' or more. Mr. Engle confirmed the Fire Department had no issues with the 15' minimum distance. Members reviewed the buildable areas designated on the plans. Mr. Frederick noted the variations of contours on some the parcels. Mr. Murray and Mr. Frederick referenced the 25' front yard setbacks. Mr. Engle noted that all setbacks being proposed are minimums and that staff has no issues with the setbacks as proposed.

- **Timeline for completion of Phase 1:** Mr. Howell inquired as to the consequences of not completing the project within the proposed 5-year time frame. Mr. Murray acknowledged that he believed 5 years to completion would be able to be accommodated, adding that he believed they would have to come back before this commission if they were not able to meet the timeline. Mr. Howell asked Mr. Engle if there have been any discussions with legal about this. Mr. Engle noted in his experience, a developer would not be allowed to move forward with any other phases, which is usually incentive enough to complete the project on time. Mr. Engle added that the developer would have to start over and go through complete process again. Mr. Howell asked Mr. Murray, what would happen if he just couldn't sell the lots. Mr. Murray replied that they would have to plat remaining lots and sell these off individually, adding that this would not be desired as they want to keep the development consistent with what is being proposed. **Future Phases:** Mr. Murray explained that they envision Phases 2 & 3 not being condos, but they would have the same look, feel and quality of Phase 1. Mr. Murray advised he was confident that 5 years from Council approval would be realistic. He also noted that they would like the next phases in process prior to completion.
- **Maintenance of vacant lots during construction:** Mr. Engle noted this will be included in the development agreement. Mr. Murray referenced they currently utilize landscaping contractors to maintain these areas and some areas have been left natural.
- **Interest/Pre-Sales:** Mr. Howell inquired about interest or pre-sale of lots. Mr. Lockett noted he is working with local realtors (Hensel family) and have 31 hot leads; noting interest is strong for these units. He explained that the first-year activity will be the most important. He noted the goal is after 2 years, they would like Phase 2 to be underway. Mr. Claus inquired about Transient Rentals and if the HOA currently allows them. Mr. Murray noted that all units are owner-occupied, no rentals, and no Transient Rentals currently, but he would let Mark Fenwick of the HOA speak to the bylaws. Mr. Murray did add that they are open to different suggestions or opportunities, particularly across Laguna if they did Townhomes. He added that he didn't believe the declarations speak to limitations as they were created before the transient market exploded. He noted that his family does operate a transient rental and it has been a positive experience with no issues.

Audience Comments

- **Mark Fenwick, VP of Two Rivers HOA.** Mr. Fenwick noted they have an active HOA, and noted they have established several rules and regulations. He stated he believes the by-laws do not allow rentals, as they are homeowner occupied and visitors have parking requirements. He noted this is a private street (Sheltered Brook) and recognized that there will be construction traffic and potentially road repairs needed. He referenced a shared agreement between the HOA and Mr. Murray noting that they have resealed the roadway once already. He noted they do have concerns with the construction traffic and with the increased traffic that will come with adding 27 new owners. He stated he assumes that the builders would have to make any repairs if any damage is incurred. Mr. Fenwick stated that they

are considering/proposing a plan to get new homeowners/existing purchases to include a \$10,000 allowance in the price of the house that would be payable to the HOA and deposited into a fund just for the maintenance of the roadway. Mr. Howell asked if there is a current specified fee that HOA members pay for the roadway maintenance. Mr. Fenwick replied there is not a fund just for the roadway. Mr. Howell asked about cuts in the pavement for utilities; Mr. Frederick noted that sewer and water are in place, so there are no street openings anticipated. It was noted this is a private roadway. Mr. Fenwick noted that they are anxious to see this project move forward and from a design aspect, support the project and timeline. Mr. Howell asked the HOA if they had concerns or comments on park space. Mr. Fenwick said no as far as park conversations; but stated the lake/pond has been discussed for some time and noted he understands that will be done as part of Phase 2. He commented the lake/pond is biggest interest they have with a walk area around, tennis courts would be nice, and the 5-year timeline is not objectionable.

- George Collins, resident Sheltered Brook Drive. Mr. Collins commented on the 5-year timeline, noting the pond/lake has been talked about for years and he is glad to hear of park area. As to the amenities mentioned at Huron Lagoons Marina, he noted that membership is required. He referenced the agenda packet and the timeline on the plans, which reflected a two-year period of completion, and also referenced on page 45 of the agenda packet a 14-year time frame. Members advised Mr. Collins the 14-year reference were on documents from the original PUD. Mr. Murray responded the timeframe on the engineering plans references a start date of October 2022 and a two-year timeframe, noting this is outdated. Mr. Collins noted his concern with allowing for 5 years to complete the construction and what leverage there is. Mr. Collins referenced a two-story design in the elevations, Mr. Murray stated just like the homes that are existing, the 2 story are drop offs in the rear, there are windows in front, but not 2 story in the front. Mr. Collins asked about open dimensions and bylaw regulations. Developers noted that min. square footage for the first floor is around 2000sf and the home would have to be built within the area shown. Mr. Collins asked questions pertaining to the HOA bylaws, relative to four lots on the south side with rear surveys not being clean. Mr. Murray noted he would talk to Mr. Collins about this, but he may be looking at the original PUD or it may be a reference to an area outside the development. Mr. Collins noted he is not impressed with the water pressure in the development and has concern when the 27 new homes come in. Members noted that this would be a topic that the Service Department would have to look in to.

Mr. Howell asked his opinion of the park area, Mr. Collins noted he is more interested in the pond/lake. Mr. Fenwick noted he did speak to the Water Department a couple years ago about the pressure, as it is very low, and was told there was no provision/project planned at that time and if a pump were to be added, then all areas in the city would be requesting pumps for more pressure.

Commission members noted this is a topic that would need to be considered and reviewed with the impending future phases. Mr. Claus recommended that Engineering and the Water Superintendent should review.

- Mr. Howell noted as far as design review, he feels the proposed units are consistent. Someone in the audience commented that after 30 units are built, a gate is to go in. Mr. Murray noted that a gate was in the original plans, but the HOA did not want to do this. Mr. Howell noted that the commission needs to address setbacks, park, and timelines. Members discussed specifying 25' front setbacks, 30' rear setback, and 15' distance between units. Mr. Howell stated that a 2-year timeframe to completion seems to be too short, and suggested that 5 years seems fair. Commission members and Mr. Engle agreed. Mr. Howell asked about the park issue,

noting that the 20-acre development is required to have a park per the code. He noted this could be something cited in Phase 2 or in the current reserve area. Mr. Murray noted that there is an area, near the mailbox area on the south side that could be a community space, but referenced there will be flat areas near the pond that could provide for pickle ball areas or other things. He noted that he is open to ideas, but doesn't want to spend money on something that the community is not interested in or will not utilize. He noted several hundred thousand dollars will be invested in the 2-acre pond with a walking path and benches, and believes this would be the primary attraction and what homeowners would desire. He referenced having another common space which may be able to have a gazebo, picnic tables, swing sets, or a pickle ball court and this is something that they would entertain, but noted that there are not a lot of other natural spots that are flat enough to do that. He noted that he did speak to the builders about sacrificing a lot and/or to have the home situated differently so as to allow an access point with a dock to launch kayaks/canoes, and while not a park, it would provide a nice amenity. He noted they talked about a pool years ago, but due to the expense associated with pools, this is not being considered.

Mr. Frederick noted that back in the 1990's a park may not have been required in the code, adding that if a park needs to be included in Phase 1, that will have to be budgeted for maintenance. Developers noted that the actual buildable area is 15-16 acres, referencing the large water areas within the parcel. Mr. Howell referenced the code (1126.05 (e) (6) "If the site contains less than twenty acres, the required area of play lots shall be 2,000sf for the first fifty dwelling units plus thirty sf for each additional dwelling unit in excess of fifty". Mr. Engle noted the vagueness of the code with regard to what a "playground or play lot" is and also pointed out the code makes reference to a Policies Plan as to the source for the park area, however, he notes a Policies Plan document has not been found. Members discussed these issues and referenced that per the code and the buildable area of the parcel, a 2,000sf space would be required to be dedicated as playground. Mr. Murray noted that if this is what is required and members want this in Phase 1, they can do that, but advised that if they are looking at an area that is flat, that would be in the pond/lake area.

Mr. Howell closed the public hearing at 6:06pm.

Motion by Mr. Hartley to approve the Planned Development Project of Two Rivers Phase 1, as submitted with the following stipulations:

- **2000sf - committed to a playground area as referenced in the ordinance.**
- **25' Front Yard Setback, 30' Rear Yard Setbacks, 15' minimum distance between units.**
- **Construction of Phase 1 to be completed 5 years from the date of City Council approval of the project.**

Motion seconded by Mr. Claus. Roll Call on the motion:

Yeas: Claus, Howell, Hartley (3)

Nays: (0)

Abstain: (0)

With the majority in favor, motion passes and approval of the Planned Development Project for Two Rivers Phase 1 as specified.

Motion by Mr. Hartley to adjourn. Motion seconded by Mr. Claus. All in favor, meeting adjourned at 6:08p.m.


Christine M. Gibboney
Administrative Assistant-Planning & Zoning

Adopted: 6/21/23