

Meeting Date:  
November 14, 2022

Location:  
33 S. Oviatt, 35 S. Oviatt,  
parcel #3201170, parcel  
#3201843 (partial)

Request:  
Conditional Use and site plan  
application for Hudson  
Community Living, an  
institutional residential use  
that would serve individuals  
with special needs.

Applicant:  
Nate Bailey, Peninsula  
Architects

Property Owner:  
Hudson Community Living  
Company, City of Hudson

Zoning:  
D3-Suburban Residential  
Neighborhood District

Case Manager:  
Nick Sugar, City Planner

Staff Recommendation  
Approval subject to conditions  
on pgs. 10-11.

## Contents

- Applicant Response Letter, 11.2.22 (Revised)
- Site Plans, 10.17.22
- Renderings, 10.24.22
- Asst. City Engineer Review dated 11.2.22
- Trip Generation Study, 11.3.22 (Revised)
- Public Comments Received



Existing Conditions, City of Hudson GIS

## Project Background:

Hudson Community Living is proposing an institutional residential use serving individuals with special needs. The project area is approximately four (4) acres and includes multiple parcels. The site area was rezoned to District 3 on April 9, 2022 (Case 2022-1354). An existing nonconforming commercial building and an existing residence have been demolished to facilitate development of the site. The request includes constructing seven (7) residential buildings and a clubhouse. A portion of city owned property (parcel #3201843) has been conveyed to Hudson Community Living.

The request was presented to the Planning Commission at the September 12, 2022 meeting and was continued in order for the applicant to further study the overall site plan, provide additional information regarding the operations of the facility, and continue dialogue with the surrounding neighborhood.

**Adjacent Development:**

The property is adjacent to single family residential to the north and east (portion), commercial to the south, and city/civic uses to the north (portion).

### Use Standards (Section 1206)

The applicant states the development would accommodate individuals with developmental disabilities to allow them to work, socialize and age within the development. The applicant defines developmental disabilities as a group of conditions due to an impairment in physical, learning, language and behavior areas.

The applicant has applied for consideration as an *institutional residential* use which is permitted as a conditional use within District 3. The use is defined within the Land Development Code as:

*Residences for nine or more unrelated persons who are elderly or developmentally disabled and who may or may not require facilities and services including restorative care and treatment, nursing services, aid with daily living skills, meal service, regular or as-needed medical supervision, social care, or other services that are supportive, restorative, or preventive in nature. Institutional residential uses include, but are not limited to, long-term care facilities, nursing homes, group homes for nine or more clients, and intermediate care facilities. "Institutional residential uses" do not include assisted living facilities, group homes for eight or fewer clients, day care centers, or family day care homes.*

Staff has made the following determinations to confirm the proposed use is applicable to the *Institutional Residential* definition in detail:

- *Residences for nine or more unrelated persons who are elderly or developmentally disabled*  
Staff Comment: The proposed use, located under one parcel and ownership, would provide residences for developmentally disabled individuals and 4 resident assistants (staff).
- *Who may or may not require facilities and services including restorative care and treatment, nursing services, aid with daily living skills, meal service, regular or as-needed medical supervision, social care, or other services that are supportive, restorative, or preventive in nature.*  
Staff Comment: The definition notes the use is not required to provide services; however, the submitted application indicates the proposed use would provide the following:
  - Daily check-ins with residents
  - Coaching and guidance on personal, social, and living skills
  - Optional meal services
  - Regularly scheduled social, recreational, and extracurricular events
  - Point of contact for outside agencies regarding resident support.
- *Institutional residential uses include, but are not limited to, long-term care facilities, nursing homes, group homes for nine or more clients, and intermediate care facilities.*  
Staff Comment: Staff notes the definition provides descriptive information in this area by stating the uses *include, but are not limited to* the given examples.

- "Institutional residential uses" do not include assisted living facilities, group homes for eight or fewer clients, day care centers, or family day care homes.

Staff Comment: The proposed use is not one of the listed uses as noted below:

- **Definition of assisted living facility:** shall mean residences for the elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation.

Staff Comment: The proposed use would not be solely for the elderly.

- **Definition of group home:** shall mean a residence operated as a single dwelling, licensed by or operated by a governmental agency, for the purpose of providing special care or rehabilitation due to homelessness, physical condition or illness, mental condition or illness, elderly age, or social, behavioral or disciplinary problems, provided that authorized supervisory personnel are present on the premises.

Staff Comment: The proposed use would not be operated as a single dwelling and would not be operated or licensed by a governmental agency.

- **Definition of day care center:** shall mean a building or structure where care, protection, and supervision are provided for individuals on a regular basis away from their primary residence for less than twenty-four hours a day, with or without compensation and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, and centers for mentally retarded children, but specifically excludes any family day care home or group home as defined in this chapter.

Staff Comment: The proposed use would provide a place of primary residency.

- **Definition of family day care homes:** shall mean a facility for child care in the permanent residence of the provider for the purpose of providing day care and training for a child under the age of sixteen years who is not related to the provider and in which no more than three children are under two years of age, including the children of the provider. A family day care home shall provide care, protection, and supervision to no more than twelve children at one time, including the children of the provider.

Staff Comment: The proposed use would not provide childcare.

Deed Restriction: Staff notes the applicant has stated a deed restriction would be placed on the property stating no owner shall use the property for any purposes other than to house adult persons with Developmental Disabilities. Staff recommends additional text be added to state the deed restriction cannot be released without the approval by City of Hudson Planning Commission.

*Institutional residential* uses are permitted as a conditional use in District 3 subject to compliance with the general conditional use standards of Section 1206.02. Staff has reviewed the proposed improvements in relation to the conditional use standards:

*(1) The use is consistent with the policies and intent of the Comprehensive Plan*

The Comprehensive Plan identifies the project area as Public/Semi-Public. Here the plan outlines an *Oviatt Street Civic Campus*, which would be made up of the existing Barlow Community Center (with added EMS offices), existing Police Station, existing Post Office, existing Fire Station (possibly expanded), and a new Municipal Services Center. The plan is further outlined in the accompanying map exhibit (Figure 1).

Staff Comment: When the Comprehensive Plan was written, the City was temporarily leasing office space at 115 Executive Parkway to carry out administrative operations. The City subsequently performed a cost analysis study and determined purchasing an existing building would be more cost effective than new construction. In 2017, The City purchased the property at 1140 Terex Road and renovated to the present City Hall. Additionally, City Council authorized the sale of .3 acres of land located at the southeastern corner of the parcel containing the municipal parking lot per Ordinance 22-27.

While the City currently has no plans to move the existing Fire/EMS building, Police Station, and Barlow Community Center, it is now highly unlikely a new Municipal Services Center would be built at the S. Oviatt Street location. Staff notes the Land Use and Development Plan is a *general guide and remains flexible enough to allow creative approaches to land development.*

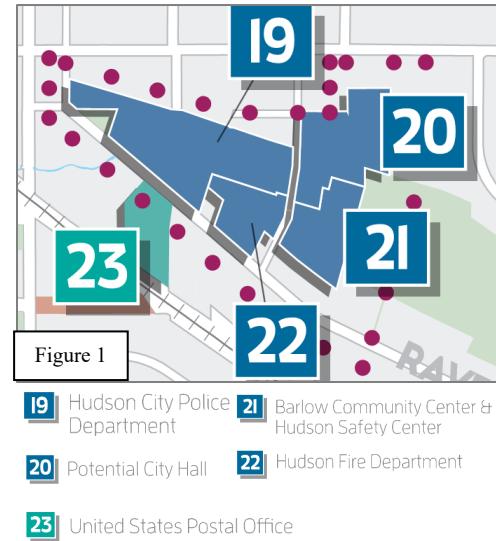
(2) *The use is physically and operationally compatible with the surrounding neighborhood. Conditions may be imposed on a proposed conditional use to ensure that potential significant adverse impacts on surrounding existing uses will be reduced to the maximum extent feasible, including, but not limited to, conditions or measures addressing:*

- *Potential adverse impacts such as noise and glare*
- *Hours of operation and deliveries*
- *Location of loading and delivery zones*
- *Light intensity and hours of full illumination*
- *Litter control*
- *Placement of trash receptacles*
- *On-site parking configuration and facilities*
- *On-site circulation*
- *Privacy concerns of adjacent uses.*

Staff notes the applicant has submitted a letter with responses to each of the above criteria. Staff offers the following comments:

Potential adverse impact such as noise and glare: Staff acknowledges the site would be illuminated via 2-foot-tall path lights and 5-foot-tall decorative light posts. The applicant has submitted a photometric lighting plan that is compliant with the lighting standards in Section 1207.14.

Privacy concerns of adjacent uses: The proposed site plan depicts a 6-foot privacy fence situated adjacent to residential properties. Staff notes that portions of the proposed fence at the northwest and southeast areas of the property are located at the bottom of a slope. Staff recommends revising the fence placement so that it be located closer to the private drive near the top of this slope to maximize privacy relative to surrounding uses and to block potential headlight glare.



*(3) The use can generally be accommodated on the site consistent with any architectural and design standards set forth in the applicable district regulations of this Code, and in conformance with all dimensional, site development, grading, drainage, performance, and other standards for the district in which it will be located.*

Staff comment: Staff notes the applicant presented the project to the Architectural and Historic Board of Review (AHBR) on September 28, 2022, to discuss design standards on an informal basis. Of note, the proposed garage door orientation was discussed. Feedback was generally favorable from the AHBR. The AHBR noted that this is not a typical residential development and therefore the proposed garage orientation would not set precedent. The Board also noted that the inset garage design and the curve of the proposed drive would help obscure direct sightlines of the garage doors.

*(4) To the maximum extent feasible, access points to the property are located as far as possible, in keeping with accepted engineering practice, from road intersections and adequate sight distances are maintained for motorists entering and leaving the property proposed for the use.*

Staff Comment: The property would be served by a looped private drive. The two entry points would be separated by a distance of approximately 115 feet. The closest public street, Maple Drive, would be located approximately 100 feet from the nearest entrance.

*(5) On-site and off-site traffic circulation patterns shall not adversely impact adjacent uses.*

Staff Comment: The applicant has submitted a revised trip generation study performed by TMS Engineers. The study provides information on the specific traffic patterns of the use, stating:

- The typical resident would not own a vehicle.
- Many residents would be collectively carpooling to work and trips rather than making single occupant vehicle trips.
- Residents typically leave the facility after the morning rush and return home prior to the evening rush for work and care assignments.

The study acknowledges that the Institute of Transportation Engineers (ITE) Trip Generation Manuel does not have a classification for this specific type of facility, however, the study compiled the expected daily trips from the proposed facility and used the closest equivalent classification of Assisted Living Facility in order to calculate the weekday AM and PM peak hour traffic. The report also calculates estimated trip generation for the Townhome use classification.

The study concludes that the use would be expected to generate 7 total trips in the AM peak hour and 10 trips in the PM peak hour per the recommended Assisted Living calculation. Per the Townhome use classification, the use would be expected to generate 16 trips in the AM peak hour and 21 trips in the PM peak hour. The study states that neither of these anticipated changes in traffic would have an impact on the surrounding street network system.

*(6) The use will be adequately served by public facilities and services.*

Staff Comment: The use would be served by Summit County Sanitary and City of Hudson water. A proposed sanitary lift station would be built onsite to access the sanitary line along Oviatt Street.

Additionally, staff notes the applicant has communicated with both the Police and Fire departments regarding emergency response and regarding opportunities to collaborate on training and education. Both Police and Fire stated they are supportive of the overall proposal.

*(7) The use provides adequate off-street parking on the same property as the use.*

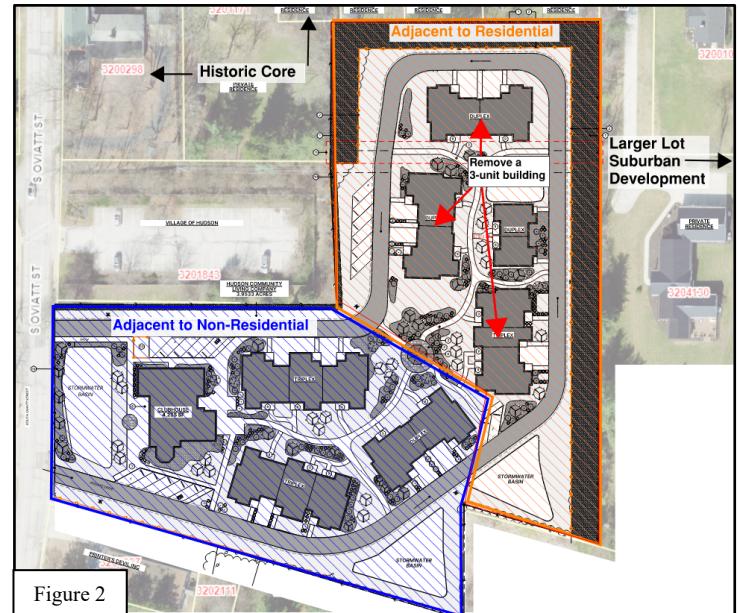
Staff Comment: The use would most closely align with group homes, which require 1 parking space per every 4 beds. Therefore, the development would require 10 parking spaces. Staff notes that the proposal is acceptable as the site plan depicts 17 off-street parking spaces in addition to 10 single-car garages and driveways serving most units.

*(8) The use will be screened with fencing and/or landscaping in excess of what is required in of this Code if the use may otherwise result in an adverse impact.*

Staff Comment: The Land Development Code requires a landscape Bufferyard D (25ft) adjacent to single family residential. Staff notes single family residential is located to the east (Edward Drive – Private), north (E. Streetsboro Street), and partially to the west (E Streetsboro Street). The site plan appropriately depicts a Bufferyard D and has incorporated an additional wood privacy fence.

*(9) The residential use is proposed at a density consistent with that of the existing neighborhood density or is compatible by its use of architecture, orientation of structures and parking, and landscape buffer.*

Staff Comment: Staff notes the Land Development Code references to residential net density requirements are not applicable to the proposed Institutional Residential use classification. The Institutional Residential use is a separate classification category than residential uses. Net density requirements are applicable to residential uses as listed in Section 1205.06 (d)(1), (single-family detached and duplexes, single family attached, and townhomes).



The Conditional Use criteria, however, does speak to compatibility with the surrounding area, which could be achieved through consideration of density, architecture, orientation, and landscaping. Staff notes that the surrounding neighborhood density changes from smaller lots to the north and west (within District 4) to larger lot single family development to the east. This pattern transitions from the historic neighborhood core to the more suburban development that followed.

At the September 12, 2022, Planning Commission meeting, staff noted that the proposed development should better transition between these two development patterns, specifically, the portion of the site adjacent to residential properties highlighted in orange in the accompanying figure (Figure 2). Staff notes that the area highlighted in blue in Figure 2 is adjacent to non-residential uses and should have less of an emphasis on compatibility with surrounding single family residential development.

Staff has prepared the accompanying tables to compare the overall changes made to the site plan since the September 12, 2022, meeting. When looking at the area adjacent to residential, staff notes that the revised site plan shows a decrease in building footprint of 2,683 square feet but no reduction in total units. This is attributed to upper, half-story units being introduced into buildings #3 and #2.

Staff recommends the applicant remove a 3-unit building within the orange highlighted area (area adjacent to residential). Staff also recommends the applicant study the feasibility to have the loop drive connect at the pergola and run a secondary drive down the center of the units located in the northwest portion of the property, orienting these driveways to the interior. The result would be an overall reduction in building square footage, unit count, impervious surface, and would allow for an increased landscape bufferyard adjacent to surrounding residential development.

**Full site Comparison (four acres)**

	Sept. 12 Meeting Site Plan	Nov. 14 Meeting Site Plan	Staff Recommendation Site Plan
<b>Number of buildings</b>	8	8	7
<b>Number of units</b>	20	20	17
<b>Number of residents/staff</b>	37	37	31
<b>Total building footprint</b>	33,669 sq. ft.	31,454 sq. ft.	27,584 sq. ft. approx.
<b>Total unit Summary</b>	5 units/acre	5 units/acre	4.25 units/acre

**Partial site Comparison of Area Adjacent to Residential  
(two acre Orange Highlighted Area)**

	Sept. 12 Meeting Site Plan	Nov. 14 Meeting Site Plan	Staff Recommendation Site Plan
<b>Number of buildings</b>	4	4	3
<b>Number of units</b>	11	11	8
<b>Number of residents/staff</b>	20	17	11
<b>Total building footprint</b>	16,524 sq. ft.	13,841 sq. ft.	9,971 sq. ft. approx.
<b>Total unit Summary</b>	5.5 units/acre	5.5 units/acre	4 units/acre

*Continuing care retirement communities are also subject to the following special conditions:*

(4) *Where applicable, certification or licensing by the sponsoring state or federal governmental agency shall be a prerequisite to issuance of a zoning certificate by the City. A copy of an annual report with evidence of continuing certification shall be submitted to the Community Development Director in January of each year.*

Staff Comment: The applicant has stated that the Summit County Board of Developmental Disabilities (SCBDD) would not require a license from Hudson Community Living, though the individual residents would have an Individual Service Plan (ISP) on file who are assigned to and followed by a Service and Support Administrator from SCBDD.

A license from Summit County Public Health (SCPH) would be required for the food operation.

(14) *Adequate provisions shall be made for access by emergency medical and fire vehicles on two sides of the building.*

Staff Comment: Staff notes that, per the previous comments from the Fire Department, the applicant has revised the site plan to designate the private drive as a fire lane and would install appropriate signage. A master key system would also be provided via a Knox Box to provide fire access to the entire development.

*(22) Special conditions for group homes and institutional residences*

- *A plan for security of the premises shall be prepared if the facility is a transitional group home. The PC may require full-time security personnel on the premises at all times if the PC finds that the facility poses a potential security threat to the surrounding neighborhood.*

Staff Comment: Not applicable as the proposed use would not be a transitional group home; however, the applicant has stated that HCL would provide 24-hour staff presence, an electronic surveillance system, and a sign in/sign out process to supervise visitors and residents.

- *Twenty-four-hour supervision shall be provided by qualified staff at all transitional group homes, group homes for the handicapped, and institutional residences for the handicapped or elderly.*

Staff Comment: The applicant has verified 24-hour staff presence within the community.

- *No kitchen facilities shall be located in any bedroom.*

Staff Comment: The applicant has stated that no kitchen facilities would be located in any bedroom.

- *The use shall comply with any maximum occupancy standards and off-street parking requirements set forth in this Code or in any other applicable City ordinance, code, or regulation.*

Staff Comment: Staff acknowledges compliance per the discussion on page 6.

- *If active and continuous operations are not carried on for a period of twelve consecutive months in a group home or institutional residence that was approved pursuant to this Code, the group home or institutional residence use shall be considered to be abandoned. The use may be reinstated only after obtaining a new conditional use approval.*

Staff Comment: Based on previous public comments received during the previous rezoning process, staff recommends that the use be required to obtain a new conditional use approval if proposed for sale or transitioned to new operators.

## District Standards (Section 1205)

**Property Standards** The proposed improvements comply with the following dimension standards.
 

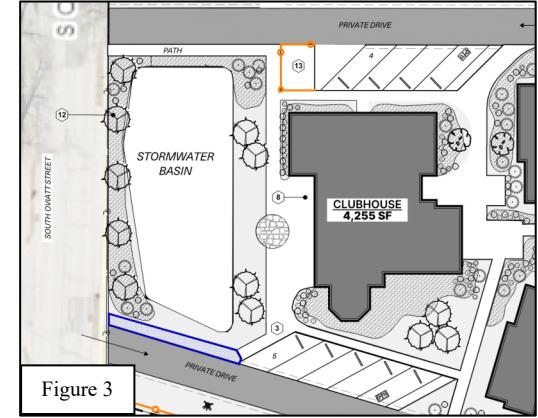
- Front Yard Setback: seventy-five (75) feet
- Side Yard setback: thirty (30) feet
- Rear Yard Setback: fifty (50) feet

**Distance between buildings** Staff notes that the site plan has been revised to meet the separation requirement of 20 feet between buildings.

**Building Siting and Orientation** Staff notes that only the Clubhouse building would be subject to building, siting, and orientation standards. The other buildings are exempt as they would be located more than 130 feet from a public street. The applicant has presented to the Architectural and Historic Board of Review on an informal basis to discuss design standards. The Board is generally in favor of the proposed design.

**Pedestrian/bicycle pathways and linkages** Staff notes that the site plan has been revised per previous staff recommendations to add a sidewalk connection to S. Oviatt Street and to remove the proposed sidewalk connection to the city parking lot to the north.

Staff suggests that an additional sidewalk connection be made as depicted in the accompanying figure to provide adequate access to residents traveling south from the site.



## Site Plan Standards (Section 1207)

**Impervious Surface** The maximum impervious surface coverage shall not exceed sixty (60) percent of the total gross area of the underlying lot or lots. The submittal indicates the proposed impervious surface coverage would be 45.6%

**Wetlands** Wetlands: Section 1207.03(c) prohibits the disturbance within any wetland area or its associated fifty (50) foot setback. The applicant has submitted a current wetland delineation. Three (3) separate wetlands areas have been identified on the site, totaling .2 acres in area. The applicant has stated they intend to pursue a variance to Section 1207.03(c) to fill the identified wetlands.

**Landscape/Buffering** Staff notes the applicant has made the following changes to the landscape plan:
 

- Included street tree plantings along S. Oviatt Street

- Revised the proposed bufferyards to include a 5-foot bufferyard adjacent to the city owned parking lot.

Staff Comment: Staff notes that a detailed planting plan would be required to be submitted and verified by staff prior to issuing a zoning certificate.

- Privacy fence has been moved to be located inside the proposed landscape buffer, as required by code.

Staff Comment: Fencing in the northwest and southeast corners of the site would be located at the bottom of a slope. Staff recommends revising the location of the fence to follow the access drive.

#### City Departments:

##### Engineering

Assistant City Engineer David Rapp has submittal the attached comment letter noting:

- Technical stormwater design requirements
- Other agency approvals including DSSS and Summit County Soils and Water
- Landscaping and fencing relative to grading and stormwater design

Staff notes that Mr. Rapp has met with the applicant's Engineer to discuss these items and is confident they can be resolved through the final zoning certificate review.

##### Fire Department

Fire Marshal Shawn Kasson has reviewed the revised submittal and found all previous comments to have been addressed. Staff notes that the applicant met with members of the Fire and Police Department to discuss emergency response and opportunities to collaborate with HCL on training and education in the future.

##### Hudson Public Power

Dave Griffith, Assistant Public Works Superintendent, has prepared an electric distribution plan with the following comment: *We are currently working with the developer and do not foresee any issues at this time. Please note landscaping should not be placed directly over any conduit installation or in close proximity to electrical equipment*

#### Findings:

The staff finds that the application is in substantial compliance with the conditional use standards contained in Section 1206.02 per the staff recommendation below. A final site plan review would be required if the staff recommendations are to be incorporated.

#### Required PC Action

The PC shall consider the development application, the staff report, and then take final action. PC shall approve, approve with conditions, or deny the application based on its compliance with the appropriate review standards. All decisions of the Commission shall be based on findings of fact related to the relevant standards of the Code.

#### Recommendation

Staff recommends that the Planning Commission approve the Conditional Use request for Hudson Community Living, a proposed institutional residential use, per Case 2022-822, according to plans received October 17, 2022, provided a separate site plan is submitted subject to the following conditions:

1. A deed restriction shall be placed on the property prior to the issuance of a zoning certificate limiting the use to serve adult persons with Developmental Disabilities. The deed restriction shall be subject to approval by the City Solicitor and shall include a requirement that it cannot be released without approval by City of Hudson Planning Commission.
2. Site plan shall be revised to incorporate the following:
  - a) The repositioning of fencing in the northwest and southeast portions of the site so as to be located closer to the private drive on a higher slope;
  - b) The removal of a three unit building as depicted in figure 2 of this report with consideration of reorienting the drive along the center of the northwest buildings.
  - c) The addition of a sidewalk connection at the south side of the clubhouse as depicted in figure 3 of this report.
3. Submit a landscape planting plan in compliance with the applicable standards of Section 1207.04.
4. The use be required to obtain a new conditional use approval if sold or transitioned to new operators.
5. A variance shall be obtained from the Board of Zoning and Building Appeals from Section 1207.03 Wetland/Stream Corridor Protection to fill the approximate .2 acres of delineated onsite wetlands.
6. The comments of Assistant City Engineer David Rapp shall be addressed per the November 2, 2022 correspondence.