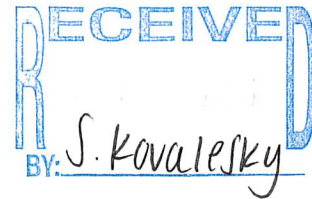


STARK & KNOLL

EXPECT EXCELLENCE

Terrence L. Seeberger
tseeberger@stark-knoll.com
(P) 330-376-3300 | (F) 330-572-1269



October 3, 2025

Via email: CityManager@hudson.oh.us **and hand delivery**

Hudson City Board of Zoning and Building Appeals
Thomas Sheridan, City Manager
City of Hudson
1140 Terex Road
Hudson, Ohio 44236

Re: Notice of Appeal – from September 24, 2025 Final Decision of Planning Commission on the Major Site Plan Request Id. No. 25-229 for Laurel Lake Retirement Community dated March 17, 2025 (the “Application”)

Dear Mr. Sheridan:

Please be advised that our firm represents Laurel Lake Retirement Community, Inc. 200 Laurel Lake Dr. Hudson, OH 44236 (“Laurel Lake”) in regard to Application identified as Id No 25-229 in the City of Hudson Website Portal. Laurel Lake is the owner of the property which is the subject of the Application identified as Case No. 25-229 (the “Application”). The Application concerned a site plan review for construction of seven (7) additional villa duplex units, which had previously received approval on an application for conditional use by a decision of the Board of Zoning and Building Appeals dated February 5, 2025. The Planning Commission held hearings on the Application on June 9, 2025 and September 8, 2025. The Planning Commission rendered its Final Decision on September 24, 2025 which acknowledged its prior approval of Buildings #3, #4, #8 and #9 in the Application but denied approval the application for Buildings #1, #2 and #5.

Pursuant to Hudson Ordinance §§1212.01 (c), 1202.03 (a) (1), 1202 (b)(4) and 1202 (b)(4), Laurel Lake appeals the Planning Commission’s written decision dated September 24, 2025, to the Board of Zoning and Building Appeals (“BZBA”). In that decision, the Planning Commission issued its Final Decision on Laurel Lake’s Revised Site Plan application, identified as Case No 25-229, in which it made findings of fact and denying Laurel Lake’s Application as to three buildings identified in Laurel Lake’s Application as Building Nos. 1, 2 and 5 in the attached decision. The Final Decision of the Planning Commission restated its prior approval as

to Buildings #4, #8, and #9. This appeal is only as to that portion of the final Decision which denied the requested plan for Buildings #1, #2, and #5.

The grounds for this appeal include but are not limited to the Planning Commission's improper application of the Comprehensive Plan as a basis to deny the site plan as to three of the seven buildings submitted. The Planning Commission conceded in its deliberation that the site plan submitted met all the requirements of the Land Development Code and that Laurel Lake had complied with all the requests the City and the Planning Commission made for the site plan of the three denied buildings.

The Planning Commission, however, denied the application on a basis which constituted an analysis for conditional use and not site plan review. In essence, the sole basis for the Planning Commission decision to disapprove the three denied buildings was the City's recently enacted Comprehensive Plan, Action Item 2.1.2 which states "*Limit large scale facilities based on emergency needs.*"¹ The Planning Commission failed to state how the site plan itself, or the three disapproved buildings were inconsistent with Action Item 2.1.2, when the other four approved buildings were not inconsistent. In its misplaced reliance on Action Item 2.1.2, the Planning Commission effectively made a conditional use review on a site plan application, even though, as the City Staff reports noted, Laurel Lake had already received conditional use approval in its prior appeal to the BZBA. The Planning Commission also did not find that Buildings #1, #2, and #5, comprising a mere six dwelling units, were "large scale facilities," or that their incremental impact on City emergency services would have been anything more than negligible.² In these regards, the Planning Commission's decision was arbitrary, unreasonable, and unsupported by the evidence.

Laurel Lake hereby requests that the Planning Commission's decision be reversed as regards Buildings #1, #2, and #5, which the Final Decision determined to remove from the

¹ The Comprehensive Plan was incorporated into the City's site plan review criteria in §1204.04. Action Item 2.1.2 is not an absolute prohibition on large scale facilities, and even the suggestion that they be "limited" is tied to emergency service needs."

² In this regard, it should be noted that the Planning Commission staff report noted that the Fire Marshall had reviewed the proposed site plan "with no comment." Further, no member of the Fire or EMS Departments appeared and testified as to the incremental effect, if any, that an additional six dwelling units would have had on the City's ability to furnish emergency services." From the testimony at the June 9, 2025 hearing, it is evident that Buildings #1, #2, and #5 would add only six dwelling units to a retirement community with 411 existing units (about a one percent increase), and the six dwelling units would probably constitute far less than a one percent increase in the total number of dwelling units in the City.

proposed major site plan. This appeal does not seek a review of the Planning Commission's determination as to Buildings #3, # 4, #8 and #9.

Pursuant to Hudson Ord. §1202.03(b)(4)(C), please transmit a copy of this Notice of Appeal to the BZBA, together with all documents and other materials constituting the record upon which the action appealed from was taken. Please ensure that the record includes all materials for Planning Commission Case No 24-221 and Case No. 25-229, including minutes, agenda, staff reports, city staff comments, public comments, engineering reports, letters and all other relevant documents from the Planning Commission meetings of June 9, 2025 and September 8, 2025, including all transcripts. Also please include all materials for BZBA Case No. 2024-221. All such documents are incorporated herein and made part of this appeal.

Attached hereto please find:

- 1) Final Decision of Planning Commission in Case No. 25-229.
- 2) Application confirmation concerning Application identified as ID #25-229
- 3) BZBA Decision on Application for Conditional Use in Case No. 24-221

Please make this letter a part of the official record of proceedings in the above captioned matter and acknowledge your receipt of this correspondence and appeal via return email.

Sincerely



Terrence L. Seeberger (0010262)

TLS/

Cc: Marshall Pitchford, Esq. City Solicitor mpitchford@dpylaw.com
Gregory Hannan, Community Development Director communitydevelopment@hudson.oh.us
Nick Sugar, City Planner communitydevelopment@hudson.oh.us



COMMUNITY DEVELOPMENT • 1140 Terex Road • Hudson, Ohio 44236 • (330) 342-1790

PLANNING COMMISSION

CASE NO. 25-229
MAJOR SITE PLAN
LAUREL LAKE VILLAS
200 LAUREL LAKE DRIVE

FINAL DECISION

Based on the evidence and representations to the Commission by Jeffrey Jardine, Riverstone Survey, Anthony Berardi, Laurel Lake, and City staff at a public meetings of the Planning Commission held at the regular meeting on June 9, 2025, then continued to the regular meeting on September 8, 2025 the Planning Commission denies Major Site Plan Request for units #1, #2, and #5 from the application and approves buildings #3, #4, #8, and #9. Buildings #3, #4, #8, and #9 were previously approved at the October 14, 2024 Planning Commission meeting.

The Planning Commission makes the following Findings of Fact:

1. The proposal is in direct conflict with the site plan standards of Section 1204.04(a) stating *"The development shall be consistent with the purposes and intent of this Code, and with the policies, goals, and objectives of any applicable community plan, including the City Comprehensive Plan, as amended from time to time."*
2. The City of Hudson Comprehensive Plan, specifically Action Item 2.1.2 states *"Limit large scale facilities based on emergency service needs."*
3. Comprehensive Plan action item 2.1.2 directly refers to large scale Continuing Care Retirement Communities such as Laurel Lake.
4. Such facilities create a strain on local emergency services. Such facilities comprise approximately 41% of the total emergency services calls in 2025.
5. The City is currently making substantial investments to staffing and facility upgrades just to accommodate existing large-scale facilities.
6. The Comprehensive Plan was developed with extensive community engagement and is the guiding document for policies and land use.
7. This decision is consistent with the previous October 14, 2024 site plan determination approving buildings #3, #4, #8, and #9 located to the interior and rear of the site and denying buildings #1, #2, and #5 located around the front pond.

Dated: September 24, 2025

CITY OF HUDSON
PLANNING COMMISSION

Sarah Norman

Sarah Norman, Chair

Laurel Lake Villas
(/dashboard/projects/6064)
Major Development
25-229

Your Submission
Attachments
Guests (0)

- ✔ Fee
- ✔ Application Review
- ✔ Fire Department Preliminary Review
- ✔ Engineering Preliminary Review -- Engineer
- ✔ Hudson Public Power Preliminary Review
- ✔ Planning Preliminary Review
- ✔ Board Action
- Project Approved by Planning Commission
- Decision Issued
- Final Administrative Review
- Customer Survey

Your submission
Submitted Mar 17, 2025 at 1:49pm

Contact Information
Jeffrey Jardine
Email address
jjardine@riverstonesurvey.com
Phone Number
216-491-2000 ext. 211
Mailing Address
3800 Lakeside Avenue Suite 100, Cleveland, OH 44114

Locations
1 location total

PRIMARY LOCATION

 200 LAUREL LAKE DR
Hudson, OH 44236

Project Information
Detailed Project Description: *
Construction of 7 buildings for a total of 14 units for senior living and the construction of a new access road with fire department turnaround for 2 of the 7 buildings.
Proposed Use *
Continuing Care Retirement Community
Gross Area of Proposed Building *
0.9443
Height of Building *
25
Estimated Cost of Project
\$1,500,000
Estimated total number of employees
no change

All Parcels Involved
with Application

Parcel Number
3203045

Site Improvement
Set-Backs and
Information

Front	Back
100	--
Left	Right
--	--
Open Space	Lot Coverage Percentage
117.97	16.9
Are there any wetlands on the property? *	Acreage of Wetland *
Yes	7.21

Engineer Information

Name *	Engineering Firm *
Jeffrey A. Jardine	The Riverstone Company
Mailing Address *	
3800 Lakeside Avenue, Suite 100 Cleveland, OH 44114	
Phone Number *	E-Mail *
2164912000 ext 211	jjardine@riverstonesurvey.com

**Architect
Information**

Name *
Eileen Nacht

Architect Firm *
RDL Architects

Mailing Address *
21111 Chagrin Blvd, Suite 110
Beachwood, OH 44122

Phone Number *
2167524300 ext 166

E-Mail *
eileen@rdlarchitects.com

**Contractor
Information**

Name *
To Be Determined

Company *
To Be Determined

Mailing Address *
To Be Determined

Phone Number *
To Be Determined

E-Mail *
To Be Determined

Attorney Information

Name
--

Law Firm
--

Mailing Address
--

Phone Number
--

E-Mail
--

**PC Meeting
Attendance
Authorization**

The following persons are authorized to represent this application with respect to all matters associated with it. *
Jeff Jardine, Tony Berardi

Choose a future Planning Commission meeting date for your application: *
04/14/2025

By checking this box, I do hereby certify that the information to the City of Hudson in and with this application is true and accurate and consents to employees and/or agents of the City of Hudson entering upon the premises of this application for purposes of inspection and verification of information pertaining to the application, and if this application is approved, to verify conformance to requirements and conditions of such approval. I acknowledge that City reviews or approvals do not absolve the subject property from deed restrictions, easements, or homeowner association covenants, restrictions, or regulations regarding structures and uses on the property. *

☒

City of Hudson, OH

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BOARD OF ZONING AND BUILDING APPEALS

**APPEALS DOCKET NO 2024-1306
APPEAL OF PLANNING COMMISSION DECISION
CASE NO 2024-221
200 LAUREL LAKE DRIVE**

**VIA CERTIFIED U.S. MAIL
DECISION**

Based on the evidence and sworn testimony presented to the Board by the Appellant Laurel Lake Retirement Community, Inc., 200 Laurel Lake Drive, Hudson, OH 44236, represented by Hamilton DeSaussure, Jr., Stark and Knoll Co. L.P.A., Attorney at Law, 3475 Ridgewood Rd, Akron, Ohio 44333, for the property at 200 Laurel Lake Drive (Permanent Parcel #3203045) in District 3 [Outer Village Residential Neighborhood], a public hearing was held in the 2nd Floor Meeting Room at Town Hall, 27 East Main Street, Hudson, Ohio, 44236 at 7:30 p.m., on Thursday, January 16, 2025. The Board of Zoning and Building Appeals considered an appeal of the Planning Commission Decision of November 6, 2024, regarding case 2024-221, for a Conditional Use application to construct additional villa duplex units without deference to the decision of the Planning Commission. The Board of Zoning Appeals in applying the evidence and law hereby reverses the final decision made by the Planning Commission to deny buildings #1, #2, and #5 on November 6, 2024, and affirms the Planning Commission's decision to approve buildings #3, #4, #6 and #7. The Board of Zoning and Building Appeals adopts the attached findings of fact which are incorporated herein.

Dated: February 5, 2025

**CITY OF HUDSON
BOARD OF ZONING AND BUILDING APPEALS**

By: Jane Davis
Jane Davis, (Chairwoman)

I certify that this is a true and accurate copy of the Decision reached by the Board of Zoning and Building Appeals at the January 16, 2025, meeting.

By: Lauren Coffman
Lauren Coffman, Associate Planner
(Acting Executive Assistant)

FINDINGS OF FACT

This is an appeal from the Final Decision of the Hudson Planning Commission of November 6, 2024, their Case No. 24-221, approving, in part, a plan to construct seven new residential units at the Laurel Lake Retirement Community owned by Appellant Laurel Lake Retirement Community, LLC. Specifically, the Final Decision approved the construction of four units, conditioned upon the Appellant removing the other three residential units from the proposal. This Appeal seeks reversal of the Commission's denial of the Appellant's "Conditional Use" application and that portion of the decision that requires removal of those three units from the project proposal. Although our review of the decision below is plenary, we consider it appropriate to review the reasons given by the Commission for excluding the three contested units, and we assume that if these reasons are supported by evidence, then affirmance is proper, but if these reasons are not supported by evidence, then in the absence of other reasons to exclude these units from the approval, the appeal should be allowed and the denial reversed. Furthermore, while the Commission's decision does not distinguish between the "Conditional Use" and "Site Plan" portions of its analysis, in our review of the "Conditional Use" application, we will assume the Commission applied the standards outlined in Land Development Code ["LDC"] Section 1207 to its determination on Appellant's Conditional Use application. See §1206.02(b)(3).

The purpose of the requested additional seven units, as the testimony showed, was twofold: to help alleviate the long waiting list of people seeking to become residents of Laurel Lake; and, to provide enough units to make the expansion effort profitable. The testimony was that reducing the number of units to four would render the project non-viable from a financial perspective.

The Commission's decision listed four violations of LDC standards, one violation of the Building and Housing Code, and one compromise of community amenities, for a total of six objections to the three contested units. Not all of the three units were subject to all six objections. Nevertheless, the Board has considered each of the six objections seriatim rather than separating the units for individual treatment. No objections were raised to the size or structural plans for the units. All of the objections went to the locations of the three disapproved units within the Laurel Lake complex.

The principal objection, on which all of the six enumerated objections were based, reads as follows: "Buildings #1, #2, and #5 located adjacent to the jurisdictional pond are in violation of the following code standards and should be removed from the proposal." It is apparent that the Commission viewed the location of these units near a "jurisdictional pond" as problematical although only Buildings #1 and #2 were specifically cited as being in violation of a setback rule, as will be discussed below.

The first-numbered objection applies to Buildings #2 and #5, and recites that these units violate §1206.02(b)(5) of the LDC, which relates to conditional use applications, and provides,

(b) . . . all applications for a conditional use shall demonstrate that:

* * * *

(5) on-site and off-site traffic circulation patterns related to the use shall not adversely impact adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.

Since this provision contains no objective standards for its application, determining whether this provision has been met is a matter of discretion. The traffic in question traverses the property along the semicircular private drive having two exits onto Boston Mills Road near opposite ends of the property. Appellant submitted a traffic pattern study report showing that the average number of cars entering the property using the private drive is about one per minute, and the average number of cars leaving the property is also about one per minute. The report states that "the number of trips that are generated are quite low, which is to be expected from a retirement community." Since the Commission has approved the addition of four buildings without objections to the additional traffic they might cause, there seems to be no standard being applied to decide that three more buildings will nevertheless create hazardous conditions. Thus, the finding of a violation here has no evidentiary support, and a contrary conclusion is supported by the evidence.

Nevertheless, the Commission asserts that two of the units, Buildings #2 and #5, interfere with traffic circulation patterns "based on the proposed building separation from the drive." The nature of this objection is unclear because the Commission's decision does not recite any particular danger based upon proximity of the unit to the drive. To the contrary, the site plan shows that each of these units will have a side-facing garage and a turn-around apron allowing the resident to enter the drive frontwards. Since this is a matter of discretion, and no evidence is recited as the basis for the Commission's finding of a violation, the Board concludes that the decision is arbitrary and without evidentiary support. There is no violation of § 1206.02(b)(5).

The second numbered objection applies to Buildings #1 and #2, reciting that these units violate § 1207.03(c) and (f), which provide:

(c) No person shall engage in any activity that will disturb, remove, fill, drain, dredge, clear, destroy, or alter any area, including vegetation, within stream corridors, wetlands, and their setbacks, except as may be expressly allowed in this Code.

* * * * *

(f) All existing vegetation within the stream [sic] corridor or wetland setback area shall be preserved, and where necessary to provide adequate screening or to repair damaged riparian areas, supplemented with additional native planting and landscaping approved by the City Community Development Staff.

The Commission states that these buildings are in violation "relating to disturbance within a stream or wetland setback as disturbance would occur within the required fifty (50) foot setback of the jurisdictional pond." This conclusion is in error because there is no stream or wetland near these Buildings, and, therefore, no 50-foot setback is required. It appears that the Commission, and perhaps the staff also, has misconstrued the nearby south end of Lake Forest as being wetlands, but it is not. Wetlands are defined in 40 CFR § 230.41(a)(1) as follows:

(1) Wetlands consist of areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

There is no nearby stream either. The curious phrase “jurisdictional pond” seems to have no legal effect on the placement of these two buildings either. The record shows that the staff and the Appellant struggled to deal with a non-existent 50-foot setback, including pushing the three units closer to the road to get away from Lake Forest, a non-requirement. There is no violation of § 1207.03(c) and (f).

The third numbered objection applies to Buildings #1 and #2, and claims a violation of § 1207.02(b)(2), “relating to tree preservation as significant mature trees would be removed.” This section provides as follows:

Whenever practicable, significant trees and existing vegetation within the limits of disturbance of disturbance should be preserved.

Notably, this provision does not prohibit the removal of trees. Further, the introductory phrase, “Wherever practicable,” signals that this provision is a matter of discretion. Yet the Commission’s ratio decidendi assumes that removing mature trees is prohibited. What if it is not practicable to preserve the trees? According to the plain meaning of this statutory language, in that case it is not necessary to preserve the trees. But there is another option that was not addressed by the Commission. A mature tree of at least nine inches diameter at breast height can be removed upon cash payment of \$200 to a conservation escrow account, pursuant to § 1207.02(c)(2). Furthermore, the four units that were approved by the Commission’s decision require the removal of 19 trees. The statute contains no bright line for how many trees are too many. Thus, without more, the approval of removing 19 trees but disapproving removal of 25 trees appears arbitrary. No reason is given for approving 19 trees but not 25 trees. There is no violation of § 1207.02(b)(2).

The fourth numbered objection applies to Buildings #1 and #2, and claims a violation of § 1207.02(b)(3), which provides as follows:

Priority Areas for Retention. Priority areas for retention of existing trees and vegetation shall include, but not be limited to riparian areas, wetlands, wildlife habitat, aquifer or wellhead protection areas, areas falling within the two (2) highest quality ecological integrity classifications for any of the individual metrics or composite as set forth in Appendix B to this code, and other sensitive natural areas. Streets, buildings, and lot layouts shall be designed to minimize disturbance to all trees nine (9) inches DBH or larger.

The only portion of this provision that the Commission recites for its finding of a violation is that the Buildings would occur “within a sensitive natural area.” The term “sensitive natural area” is not defined in the LDC. Again, this provision is not a prohibition on tree removal, but is a directive to minimize disturbance of large trees at least nine inches in diameter at breast height. The Commission made no findings as to the size of any trees designated for removal. The option to pay cash for removing large trees was not addressed either. The term “sensitive natural area” is a very general, imprecise term, subject to discretionary interpretation. There is no bright-line standard for determining the presence of a sensitive natural area. While this provision could be argued as impermissibly vague, it is more fitting at this juncture to determine that there is no evidence to support a conclusion that the area around Buildings #1 and #2 is a “sensitive natural area.” The Appellant is not required to prove affirmatively that this area is not a sensitive natural area; it was up to the Commission to show that it is, in order to support its finding. The Appellant need not prove a negative. There is no violation of § 1207.02(b)(3),

The fifth numbered objection applies to Building #2 only. The Commission finds a violation of § 1419(6.6) of the Building and Housing Code, which provides:

A detention/retention pond easement conveys the right to construct and maintain a pond and its appurtenances (i.e., outlet structure, etc) which is used for the detention/retention of storm water runoff and includes the right of ingress and egress. The detention/retention pond easement shall be a minimum width of 30 feet outside the entire perimeter of the pond or as approved by the City.

The City stated in its January 16 response to the Appellant's statement in this Appeal that it would accept a 10-foot easement for this purpose, and it should be incorporated into the drawings. This will meet the statutory language "or as approved by the City." There is no violation of § 1419(6.6).

The sixth objection applies to all three buildings. The Commission asserts that these buildings "would compromise existing community amenities including the pavilion and East Loop Trail." First, testimony was presented that "East Loop Trail" was a path created by an individual resident for walking through the site, and he kept it clear of overgrowth for a while. Other residents used this trail for exercise on occasion. In at least the past year the creator has become insufficiently mobile to maintain the trail, and it has become clogged with overgrowth and unused. The evidence shows insufficient reason to block a project because of this moribund trail.

As to the pavilion, the Commission's recitation of this amenity is baffling. The pavilion along the edge of Lake Forest is not being moved, and these units will not be interposed between the pavilion and the remainder of the residential units. Building #5 will be closer to the pavilion than the rest, but there is no requirement that a large area around the pavilion be preserved. Indeed, there is nothing in the LDC that requires the owner of the property to preserve the pavilion at all. Owners of multi-family developments are not required to fashion or to preserve amenities that are not called out in the rental contracts. Property owners are entitled to develop their properties as they wish, subject only to the requirements of the LDC, and there is no provision protecting these amenities in the LDC. There is no violation here because there is no code provision to violate.

The Board finds no reason to distinguish the characteristics of these three units from the four approved units for the purpose of applying the same reasons given for approving those four units. Accordingly, Conditional Use for all seven units is hereby awarded to Laurel Lake Community, LLC. While the portion of the Commission's Final Decision approving the first four units is affirmed, the portion making the removal of other three units a condition to the Conditional Use approval is reversed.

For the Board,

Jane Davis

Jane Davis, Chairwoman

Concur:

Lydia Bronstein

Robert Kahrl

Louis Wagner

PRE-HEARING MEMORANDUM
SUBMITTED BY LAUREL LAKE RETIREMENT COMMUNITY
City of Hudson Board of Zoning and Building Appeals
Matter No. 25-1322
Hearing Date November 20, 2025

Introduction.

This is an appeal by Laurel Lake Retirement Community from the Planning Commission decision of September 24, 2025, that in essence denied site plan approval for three of seven proposed two-unit residential buildings. This decision was notwithstanding that this Board previously, in February, 2025, approved a site plan that was substantially similar to the one at issue herein, albeit on a conditional use appeal¹.

The Planning Commission denied approval for three of the seven proposed buildings, on the purported basis that they are large scale living facilities that must be limited (not prohibited) because they would cause a purported *strain [on] emergency services needs*. This decision was based solely on the City's Comprehensive Plan, or rather on an interpretation of an unclear and vague portion of the Comprehensive Plan, and on a singular factual finding that is neither supported by the record before the Planning Commission or a legitimate basis on which to deny Laurel Lake its right to develop its own property. The decision was not based on any other part of the City's land use code.

Standard of review

As the Planning Commission was acting in an administrative capacity in reviewing the proposed site plan, the standard of review should be that which is normally used, which (in relevant part) is whether the decision is arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable, and probative evidence in the record. Ohio Revised Code, Sec. 2506.04. Further, the Hudson zoning code provides that the hearing on this appeal is limited to the record that was before the Planning Commission.

As the Planning Commission decision necessarily is a restriction on the use by an owner of its own real property, the admonition of the Ohio Supreme Court, in *Saunders v. Clark County Zoning Department* (1981), 66 Ohio St. 259 applies, to wit: "*Restrictions on the use of real property by ordinance, resolution or statute must be **strictly construed**, and the scope of the restrictions cannot be extended to include limitations not **clearly prescribed**.*"

¹ The prior appeal involved a site plan review undertaken on Laurel Lake's conditional use application. In its February 2025 decision, the BZBA made findings that would permit Laurel Lake to revise its site plan so as to avoid moving Laurel Lake Drive. Thus, Laurel Lake revised its site plan which was then submitted to Planning Commission, leading to the most recent Planning Commission decision now being appealed.

The applicable portion of the Comprehensive Plan, on which the Planning Commission decision was based, is vague and does not provide any ascertainable standard by which it is to be applied.² “*Large scale living facilities*” is an undefined term that logically should apply only to facilities larger than the two-unit buildings at issue. Further, the Comprehensive Plan says “*limit*” with respect to such facilities, not “*prohibit*,” the degree of limiting is not described, other than to say “*based on emergency services needs*.” What degree of impact on emergency services is required as a pre-requisite to such limiting is not stated therein. (Presumably, the degree of impact ought to be *material strain* on such services.) Thus, the applicable portions of the Comprehensive Plan are not clear and all lack of clarity must be resolved in Laurel Lake’s favor.

A further part of the problem with the Planning Commission decision was that no evidence in the record supports the Planning Commission’s factual assertions (particularly regarding any purported strain on City emergency services). Where there is no evidence on an issue, it can hardly be said that the decision on appeal is supported by a *preponderance of the evidence*.

In summary, the Planning Commission was wrong in asserting that the three disallowed structures were “large scale facilities” and in inferring that they would materially strain City emergency services. Either of the foregoing, by itself, is sufficient to reverse the decision of the Planning Commission.

Procedural history.

Laurel Lake Retirement Community is a 150-acre campus containing a range of senior living facilities, ranging from independent living units to skilled nursing care units. These total 411 in all. Laurel Lake is a non-profit organization that nevertheless pays property taxes to support the community within which it is located.

In 2024, Laurel Lake, to accommodate growing demand, sought permission to add seven small villa style structures, each with two living units, intended for use as independent living units. To accommodate comments from the City of Hudson planning commission staff, one of the structures was modified to contain but one living unit. An application for a conditional use certificate for three of the seven structures was initially rejected by the Planning Commission, essentially on a site plan analysis, which denial was ultimately reversed by this Board, on a unanimous vote. As part of the prior February 5, 2025 hearing before this Board, the site plan was extensively discussed and this Board found no basis on which the site plan and conditional use could be rejected.

² During one of the two hearings, Planning Commission members were advised that they could interpret the Comprehensive Plan. This is part of the problem. Restrictions on use of land (which zoning codes and comprehensive plans are) should be clear enough that interpretation is not required.

Subsequently, with a conditional use permit in hand, Laurel Lake slightly modified the site plan, most notably to convert the single living unit structure into a two living unit structure and reduce the degree of street relocation in the first site plan. Laurel Lake made the changes as they would save Laurel Lake significant funds while being consistent with the grounds stated by this Board in its decision with respect to the first site plan.

The Planning Commission staff evaluated the new site plan and noted that it was almost the same as the prior site plan that had been considered by this Board at its February 5, 2025, hearing. The staff recommended only minor changes, including a suggestion that one of the two-unit structures should be converted back to a single living unit structure.

Hearings were conducted before Planning Commission that resulted in a decision of September 24, 2025, rejecting the site plan as to three of the seven proposed two living unit structures. The singular basis of denial was that the three buildings were in “direct conflict” with “*the policies, goals, and objectives of ... the City Comprehensive Plan.*”³ The singular stated basis for this assertion was Comprehensive Plan Action Item 2.1.2 stating “*Limit large scale living facilities based on emergency service needs.*” Without support from the Comprehensive Plan, the Planning Commission added that “*action item 2.1.2 directly refers to large scale Continuous Care Retirement Communities such as Laurel Lake,*” and “*(S)uch facilities create a strain on local emergency services. Such facilities comprise approximately 41 % of the total emergency services calls in 2025.*”

The Planning Commission’s above assertions were notwithstanding that no concern over emergency services was raised in any of the Planning Commission staff reports, one of which stated “*Fire Marshall Shawn Kasson has reviewed the proposal with no comments,*” and that no member of the City’s emergency services departments (or any other person) appeared and testified as to any such concern on their part. No documents or studies were introduced before the Planning Commission substantiating any concern about strain on emergency services. The issue of purported strain appears to have been raised for the first time during Planning Commission comments and deliberations, which afforded Laurel Lake no opportunity of rebuttal.

The Comprehensive Plan is too unclear to support the Planning Commission decision.

The City’s Comprehensive Plan, though approved by City Council, is not itself the equivalent of an ordinance or other legislation. It is a compilation of goals, objectives, and recommended actions. (Pg. 74 of Plan) The individual “action items” appear to be suggestions as to how City “goals” and “objectives” can be attained. All of them are supported and based upon a number of community surveys that are part of the Plan. While Action Item 2.1.2 does refer to “*large scale living facilities*” (an otherwise undefined term in the Plan), a survey in the 2023 Executive Summary to the Plan says “*Other actions that residents support include: providing a*

³ Notably, the Comprehensive Plan version relied upon was not approved until October 1, 2024.

mix of housing to attract people at various life stages (55%) and encouraging senior housing options (50%).”⁴ This implies community support for senior living facilities **notwithstanding** their purported potential impact on City emergency services.

The Comprehensive Plan is not a black and white document, but rather a somewhat (and perhaps purposefully) vague set of guidelines, or even a community “wish list.” Contrary to the Planning Commission’s statement, Action Item 2.1.2 does not “directly” (or even indirectly) refer to Laurel Lake in particular or “continuing care retirement communities” in general as being the large scale facilities referred to in that action item. Nor do such references appear to be anywhere else in the Comprehensive Plan.

Planning Commission factual assertions are unsupported by record.

Any Planning Commission inference that the three disallowed buildings are “*large scale facilities*” is unsupportable, as two living unit structures simply cannot be considered to be such facilities. Thus, Action Item 2.1.2 does not apply to such smaller scale facilities. (In any event and as stated above, Action Item 2.1.2 is not an absolute prohibition, but rather an admonition to “*limit*” such facilities, without any guidance in the Comprehensive Plan as to what is meant by “*limit*.”)

The assertion that “such facilities” create a strain on local emergency services, irrespective of whether they are large scale facilities or smaller facilities like the three disallowed buildings, was not supported by any evidence in the record before the Planning Commission. Support for the assertion that “*such facilities*” give rise to 41 percent of emergency services calls in the community is not in the record (other than an unsupported nonspecific comment by one of the Planning Commission members during deliberation) and must have been obtained outside of the Planning Commission hearings; in any event, the Planning Commission didn’t advise as to what percent of the 41 percent was attributable to Laurel Lake itself, given that there are at least another six sizable such communities within the City.⁵ *There was no evidence in the record that retirement communities (Laurel Lake in particular or such communities in general) are a strain on the City’s safety forces.* If they were, the Fire Marshall or other knowledgeable City official could have so testified.

⁴ Interestingly, in a principal survey attached to the Plan (pg. 25 of General Public Survey Results), 44.6 percent of the respondents were 65+ years old. While this is not the percentage of Hudson’s residents who are senior citizens, it indicated that senior citizens are a large part of the City’s population.

⁵ From testimony at the June 9, 2025 hearing, approximately 1,043 of the City’s 8,638 housing units are located at one of the senior living communities (independent, assisted, and skilled nursing units). Thus, by simple math, it can be inferred that approximately sixteen percent of all City emergency service calls go to Laurel Lake. It is probably common knowledge that of the three types of units at senior living communities, independent living units (which the three proposed buildings are) require few emergency service calls per unit than the other types of units).

The undersigned did some factual research, via public record request to the City of Hudson, and the response is attached hereto as Exhibit A. In relevant part, they show that during 2024-2025 (to date), fire calls to the Laurel Lake community constituted about 1.9 percent of all fire calls in the City, and about 9.6 percent of all EMS call in the City. Simple math suggests that the addition of six independent living units to the 411 existing units at Laurel Lake might cause a 0.03 percent increase in fire calls, and a 0.14 percent increase in EMS calls. This suggests 0.2 additional fire calls annually and three to four additional EMS calls annually. (For context, the City's safety services currently respond to more than 2,500 EMS calls annually).

This contradicts any suggestion that addition of six independent living units to Laurel Lake's 411 living units would have added materially, if at all, to the "strain" on the City's fire and emergency services. And, there was no evidence as to why the other four structures were acceptable in this context but the three disallowed structures were not.⁶

Finally, nothing in any reports submitted to the Planning Commission by its staff indicated that Action Item 2.1.2 of the Comprehensive Plan and the so-called impact on City emergency services was an issue to be considered at the Planning Commission hearing(s), and when the subject was brought up during the Planning Commission's deliberations at the September 8, 2025 meeting, it was too late for Laurel Lake to prepare and submit evidence to meet that objection.

Policy consideration.

The logic and breadth of the Planning Commission application of the Comprehensive Plan compel reversal. "*Large scale living facilities*" in Action Item 2.1.2, if broadly interpreted, can conceivably apply to any proposed residential building with two or more units. (Whether that was the intent of the Comprehensive Plan can't be deciphered from therein). Necessarily, any new residential structure may contribute to some additional usage of emergency services. If any **fractional** increase in the usage of emergency services is enough to disallow development (or even expansion) of large scale facilities (whatever those are) within the City, then most residential development within the City will necessarily grind to a halt.⁷

Conclusion.

The Comprehensive Plan is no more than a guide to City development, and no evidence supports a finding that the three disallowed buildings conflicted with the Plan. Two living unit structures are not "large scale facilities;" there was no evidence that the three disallowed buildings were large scale facilities, or that they would constitute an unacceptable strain on City emergency services. Simple math suggests that the three disallowed structures might create

⁶ This also goes to the arbitrary and capricious element of review of an administrative decision.

⁷ Other policy considerations are (a) "*large scale facilities*" is not a defined term, and (b) the Comprehensive Plan offers no guidance as to the degree of increase in usage of emergency services that would be disqualifying.

about a one percent increase in the calls for such services (for the Laurel Lake community), and a mere fraction of one percent increase in the calls for such services City-wide. Further, allowing four of the seven proposed structures but not all seven is unsupported by any credible evidence in the record and can thus be characterized as arbitrary and capricious.

The Planning Commission decision must be reversed.

Respectfully submitted

/s/ Terrence L. Seeberger

Nov. 13, 2025

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Community



CITY OF HUDSON – Fire Department

40 South Oviatt Street Hudson, Ohio 44236 330 342 1860



Information collected re. public records request dated October 3, 2025

All Fire Department calls for service within the City of Hudson for all of 2024 = 715

All Fire Department calls for service within the City of Hudson from 1/1/25 through 10/15/25 = 535

All Fire Department calls for service within the Laurel Lake Retirement Community for all of 2024 = 15

All Fire Department calls for service within the Laurel Lake Retirement Community from 1/1/25 through 10/15/25 = 9

All EMS calls for service within the City of Hudson for all of 2024 = 2,525

All EMS calls for service within the City of Hudson from 1/1/25 through 10/15/25 = 2,084

All EMS calls for service within the Laurel Lake Retirement Community for all of 2024 = 241

All EMS calls for service within the Laurel Lake Retirement Community from 1/1/25 through 10/15/25 = 203

Fire/EMS Chief Jerry Varnes

