

Meeting Date:
 March 8, 2021

Location:
 District 7 Office
 Overlay

Request
 Text Amendment to the
 Land Development Code

Applicant
 T. David Mitchell

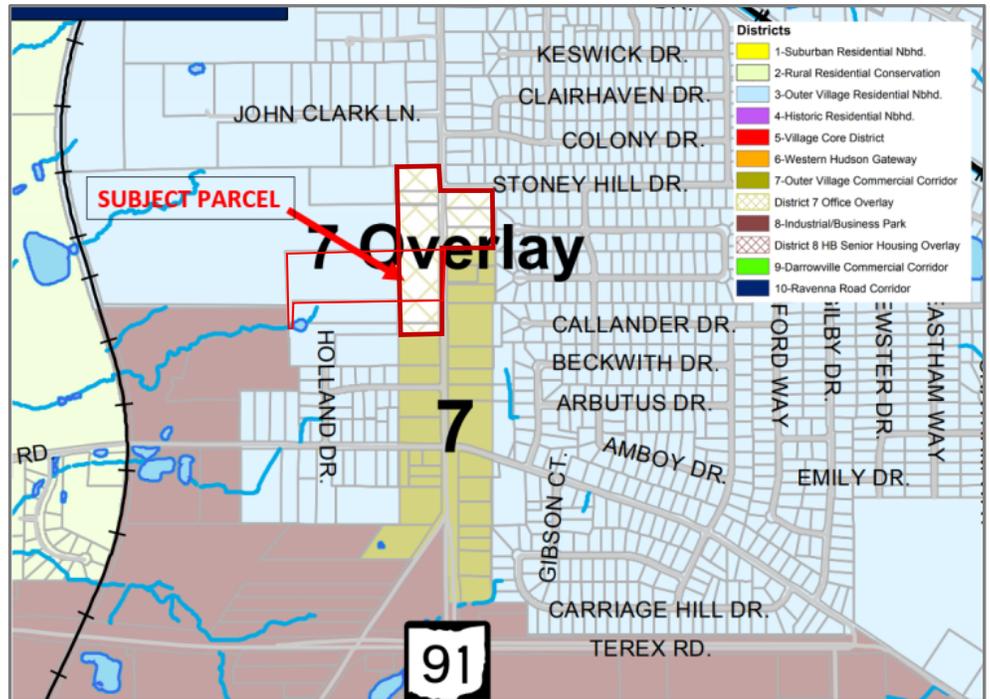
Property Owner
 Marilyn R. Sulentich,
 Trustee

Parcel
 3003001

Case Manager
 Nick Sugar

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- Conceptual Site Plan,
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- Signed Owner Affidavit,
 2.1.21



City of Hudson Zoning Map

Project Background:

The applicant has proposed a text amendment to the Land Development Code to allow residential planned developments as a permitted use in the District 7 Office Overlay Zone. Presently, residential uses and planned developments are not permitted in the D7 Overlay.

The applicant has submitted a concept plan for a 48-unit townhome development on a 12-acre parcel (3003001) that is partially zoned District 3 and partially zoning D7 Office Overlay. The text amendment has been proposed to allow for the townhome use across the full parcel. Currently, the proposed townhome planned development is only permitted on the portion of the parcel that is zoned D3.

D7 Overlay Zone Location:

The D7 Office Overlay is located along SR 91, south of Colony Drive. The D7 Office Overlay is surrounded by District 3: Outer Village Residential to the north, west, and partially to the east. The D7 Office Overlay is adjacent to the District 7: Outer Village Commercial Corridor to the south and partially to the east.

Background

District 7 Office Overlay Zone (existing regulations):

Purpose Statement:

The following District 7 purpose statement contains text specific to the office overlay in item (2) below:

- (1) *This district is intended to continue the existing land use pattern of the area, which is characterized by a predominance of retail and service establishments that serve both the immediate residential neighborhoods as well as the greater community. The commercial uses in this district are oriented toward State Route 91, but traffic congestion and difficulties with access plague existing commercial and retail users. The regulations set forth in this district are intended to reinforce existing commercial uses, and allow their compatible redevelopment as long as these uses continue to be oriented toward State Route 91, will not aggravate existing traffic and vehicular access problems. Accordingly, until the Route 91 Corridor Management Plan is implemented by the City, or its implementation is included as a condition of a site plan approval process severe traffic problems in this area prevent approval of any new or expanded use that generates more than 100 vehicle end-trips per peak hour.*
- (2) *The current uses and vacant land at the northern end of District 7 serve as a transition between existing community-oriented retail and the neighboring residential portion of South Main Street. Existing office uses and large parcel sizes make this area attractive for new office development. Offices, which by nature require fewer vehicle trips, can have suitable access provided given the heavy traffic volumes of this corridor. The Office Overlay Zone of the northern portion of District 7 will protect and buffer residential uses to the north and reinforce retail uses to the south.*
- (3) *Regulations set forth in this district are also intended to begin establishing a coherent design identity for the corridor, such as uniform setbacks and uniform height restrictions. At the same time, District 7 regulations will stress buffering and landscaping to protect adjacent residential development from any adverse noise, visual, or traffic impacts arising from new commercial/retail development.*

Special Conditions for District 7 Office Overlay Zone:

(d) Special Conditions for District 7 Office Overlay Zone.

- (1) *Only the following uses by right shall be permitted on parcels or lots fronting on Darrow Road and located on the west side of Darrow Road north of a point of Darrow Road 456 feet north of Faymont Drive (generally, a westerly line extended from Callander Drive) and parcels or lots located on the east side of Darrow Road south of a point of Darrow Road 494 feet south of Stoney Hill Drive in District 7, which area shall be known as the "District 7 Office Overlay Zone," and designated as such on the Official Zoning Map;*
 - A. *Banks or other financial institutions, except for drive through teller and ATM facilities;*
 - B. *Offices, business or professional;*
 - C. *Government administrative offices.*
- (2) *Only the following conditional uses shall be permitted in the District 7, Office Overlay Zone:*
 - A. *Artisan studios, photography shops or studios, and art galleries; provided the use does not exceed a gross floor area of 5,000 square feet.*
 - B. *Bed and breakfast inns.*
 - C. *Funeral homes.*
 - D. *Recording, radio or TV studios, provided that the gfa does not exceed a total of 2,500 square feet.*
 - E. *Business services provided the use does not exceed a gross floor area of 5,000 square feet.*
 - F. *Personal services provided the use does not exceed a gross floor area of 5,000 square feet.*
 - G. *Veterinary facilities or small animal clinics, including overnight indoor boarding.*

Text Amendment Request:

The applicant has proposed the following amendment to the Land Development Code:

Section 1205.10a(2): District 7 Purpose Statement

(1) Unchanged

(2) *The current uses and vacant land at the northern end of District 7 serve as a transition between existing community-oriented retail and the neighboring residential portion of South Main Street. Existing office uses and large parcel sizes make this area attractive for new office development. Offices, which by nature require fewer vehicle trips, can have suitable access provided given the heavy traffic volumes of this corridor. The Office Overlay Zone of the northern portion of District 7 will protect and buffer residential uses to the north and reinforce retail uses to the south.—**while providing the opportunity for transitional housing alternatives in a residential planned development, including one or more of the following dwelling types: duplexes, single-family, attached and townhomes.***

(3) Unchanged

Section 1205.10(d)(1) Special Conditions for District 7 Office Overlay Zone

- (1) *Only the following uses by right shall be permitted on parcels or lots fronting on Darrow Road and located on the west side of Darrow Road north of a point of Darrow Road 456 feet north of Faymont Drive (generally, a westerly line extended from Callander Drive) and parcels or lots located on the east side of Darrow Road south of a point of Darrow Road 494 feet south of Stoney Hill Drive in District 7, which area shall be known as the "District 7 Office Overlay Zone," and designated as such on the Official Zoning Map;*
- A. Banks or other financial institutions, except for drive through teller and ATM facilities;*
 - B. Offices, business or professional;*
 - C. **Residential Planned Developments, including one or more of the following dwelling types: duplexes (i.e. dwelling, duplex) single-family, attached (i.e. dwelling, single-family attached) and townhomes (i.e. dwelling, townhome), where located on the same parcel as property zoned District 3 Outer Village Residential Neighborhood.***
 - ~~*D. Government administrative offices*~~

Section 1206.01: Table of permitted and conditional Uses by zone district

The applicant has submitted the proposed change below to the Table of Permitted and Conditional Uses by Zoning District.

<i>P= Permitted by Right C= Conditional</i>												
<i>*Size or Other Limits Apply – See Zone District Regulations, Chapter 1205</i>												
Zoning Districts												
<i>Use Type</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>7ol</i>	<i>8</i>	<i>8ol</i>	<i>9</i>	<i>10</i>
Planned Development	P	P	P		P	P	P	<u>P*</u>	P	P	P	P

Considerations

District Standards (Section 1204.01) Zoning Map and Text Amendments

All applications for text or zoning map amendments shall be reviewed by the PC and City Council for compliance with the nine standards set forth within Section 1204.01 of the Land Development Code (LDC). The following provides a list of each applicable standard and brief staff comment:

(a). Whether or not the proposed amendment is in accordance with the basic intent and purpose of the Land Development Code;

The purpose and intent of the Land Development Code is stated in Section 1201.03. The purpose statement indicates the regulations of the Land Development Code are intended to implement the City of Hudson Comprehensive Plan. Item (b) on page four of the staff report further discusses the Comprehensive Plan.

Zoning District Purpose Statement: In addition to the purpose statement of Section 1201.03 each zoning district contains a specific purpose statement. The applicant has proposed to amend the purpose statement of the overlay district (page two above) to reference dwelling types, including duplexes, single-family, attached and townhomes.

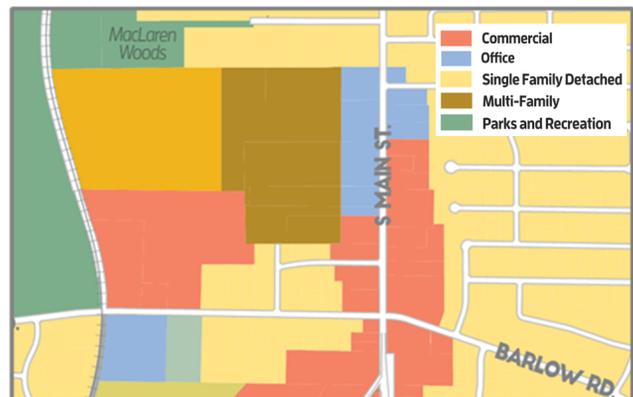
Staff comments: The purpose of the D7 Office Overlay is to *serve as a transition between existing community oriented retail and the neighboring residential portion of South Main Street (District 3)*. Staff notes Planned Developments are a permitted use within District 3 and duplexes, single-family attached, and townhomes are conditional uses in District 3 with no special conditions. Adding the proposed uses to the D7 Office Overlay does not conflict with the intent of the overlay serving as a transition between retail and single family housing uses.

Staff notes the proposed text above could be reduced by removing the specific references to housing types as all permitted uses would be listed in the Section 1206.01 Permitted Use Table.

(b). Whether or not the proposed amendment furthers the long-range planning goals of the City (as outlined in the City's Comprehensive Plan's goals and objectives);

The City of Hudson Comprehensive Plan was adopted January 19, 2016. Staff notes the following:

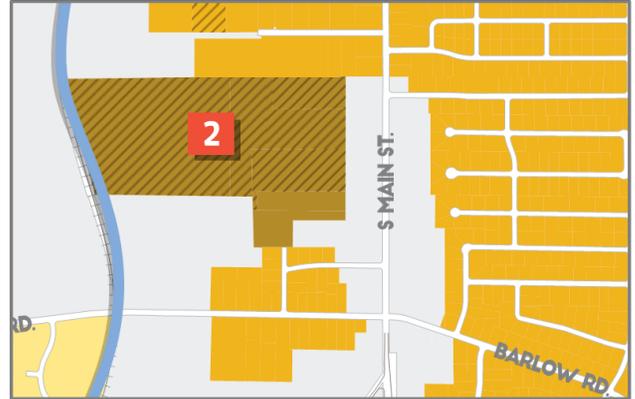
- Land Use Plan Map (Page 24): *The Land Use and Development Plan identifies the future land uses for all areas within the City and provides a framework to guide future planning and land use policy decision.*
 - The Land Use Plan Map depicts the D7 Office Overlay as the Office land use category. Staff notes parcels previously referenced with dual zoning are depicted as Office use along SR 91 within the D7 Office Overlay and Multi-family and Single Family Attached within portions zoned District 3.



- Residential Areas Framework Plan (page 28-33):

Staff notes the Residential Areas Framework Plan does not reference housing within the D7 Office Overlay; however, the parcels with split zoning on the west side of SR 91 are identified as suitable locations for housing to address an unmet demand for young professionals, young families, empty nesters, and seniors. Page 32 of the Comprehensive Plan discusses the need for housing diversification and notes flexibility with development that may not be in accordance with the Land Use Map, including *incorporating multi-family development along with commercial development along Route 91.*

Page 29 of the Comprehensive Plan summarizes Residential Goals and Recommendations. Staff notes one of the recommendations is to *Evaluate changes to the Land Development Code that can allow greater flexibility in designing and developing higher-density homes such as duplexes and townhomes, in appropriately targeted areas.*



1 2 Proposed Sites for New Higher Density Developments (see page 32 for more detail)
Several specific locations suitable for small-lot single family detached, new townhome, duplex, multi-family, condominium, or senior housing units have been identified. An unmet demand for such units exists among young professionals, young families, empty nesters, and seniors.

- Commercial and Employment Areas Framework Plan (Page 34-39):

The Commercial and Employment Areas Framework Plan categorized the District 7 Office Overlay as the South Main Corridor Character Area. This designation is described as: *Development should maintain a balance between the automobile and the pedestrian, and sidewalks should connect to the Downtown and nearby neighborhoods. The addition of multi-family and single family detached units on the western side of the corridor, behind office and retail frontage, would be desirable. Office uses on the northern end of the corridor could provide consumers for neighboring retail.*

Summary Comment:

- The Comprehensive Plan places a strong emphasis on redeveloping the adjacent D3 acreage to provide an unmet housing demand, going as far as to specifically highlight these parcels as one of two areas in the city.
- The Comprehensive Plan acknowledges the need for housing diversification and notes flexibility in accordance with the Land Use Map, specifically mentioning the SR 91 Corridor.
- The unique nature of the dual zoned lots on the west side of SR 91 suggests common links between the D7 Overlay and the adjacent D3 should be considered. Adding residential uses to the D7 Overlay could act as a meaningful bridge between the two districts.

(c). Whether or not conditions within the City have changed since the Land Development Code was last adopted/amended, or there was a mistake in the Land Development Code, that justifies the amendment;

Staff is not aware of conditions within the city that have changed since the code was last adopted/amended nor an error in the LDC related to justification of the proposed amendment.

(d). Whether or not the amendment corrects an inequitable situation created by the Land Development Code, rather than merely grants special privileges;

Staff notes multiple parcels within the D7 Office Overlay (including the subject parcel 3003001) have dual zoning where the frontage of property along SR 91 is zoned D7 Overlay while the back portion of the parcel is zoned District 3. Such individual parcels are within two zoning districts and simultaneously subject to two sets of different zoning regulations. Any development applications for such dual zoned parcels will need to fully comply with two different (and potentially conflicting) sets of allowed uses and development regulations.

(e). Whether or not the amendment avoids unlawful exclusionary zoning;

Staff is not aware of this application creating unlawful exclusionary zoning.

(f). With respect to zoning map amendments, whether the proposed zoning map amendment is consistent with the zoning classifications of the surrounding land;

Staff notes the request is for a text change and not a zoning map amendment; therefore, this consideration is not applicable.

(g). With respect to zoning map amendments, whether all of the new requirements attendant to the proposed zoning classification can be complied with on the subject parcel(s);

Staff notes the request is for a text change and not a zoning map amendment; therefore, this consideration is not applicable.

(h). Does the amendment affect the city's ability to provide adequate services, facilities, or programs that might be required if the application were approved; and

Staff notes the amendment is not anticipated to significantly impact the ability to provide adequate services, facilities, or programs that might be required.

(i). Whether or not the amendment is necessary to address changed or changing social values, new planning concepts, or other social or economic conditions in the areas affected.

Staff notes the comprehensive plan documents the intent to support additional housing types in this area not prevalent in the community.

Required PC Action

The PC shall conduct a public hearing, make specific recommendations to the City Council, and transmit the application to the City Council, together with the text and map amendments pertaining thereto, within 120 days from the date of initiation of the application for text or official zoning map amendments.

The City Council shall hold a public hearing and take final action within twenty days of said public hearing.

Recommendation

Staff recommends the Planning Commission receive testimony at the public hearing and then proceed with consideration of a formal recommendation to City Council. Staff notes the following items that should be addressed as part of a recommendation.

Hudson Planning Commission	ZONING TEXT AMENDMENT
Case No. 2021-106	March 8, 2021

- Dimensional and siting/orientation standards: Districts which currently allow residential uses contain setback and siting/orientation standards which are currently not present within District 7. Such standards would need to be incorporated or the adjacent District 3 standards referenced as applicable.
- Proposed text amendments should be considered to ascertain if they are applicable across the entire D7 Overlay. The applicant has proposed several text amendments to attempt to narrowly define where such is applicable creating expanded text and qualifiers. If the incorporation of the proposed housing types is determined to be appropriate in the entire district, then the expanded text with its narrow qualifications would not be needed.
- Planned developments are not a use type per se but a review/approval process mechanism to allow an integrated review of uses, site plan, and subdivision standards. A planned development incorporates underlying uses that are separately permitted within an applicable district. Therefore, any use proposed under a planned development should also be a permitted use in the district as noted in the 1206.01 table of permitted uses. The proposed duplex, single family attached, and townhome uses would need to be specifically listed under the overlay districts allowed conditional uses.

CITY OF HUDSON
ZONING TEXT CHANGE

To allow residential planned developments as a permitted use in the District 7 Office Overlay Zone

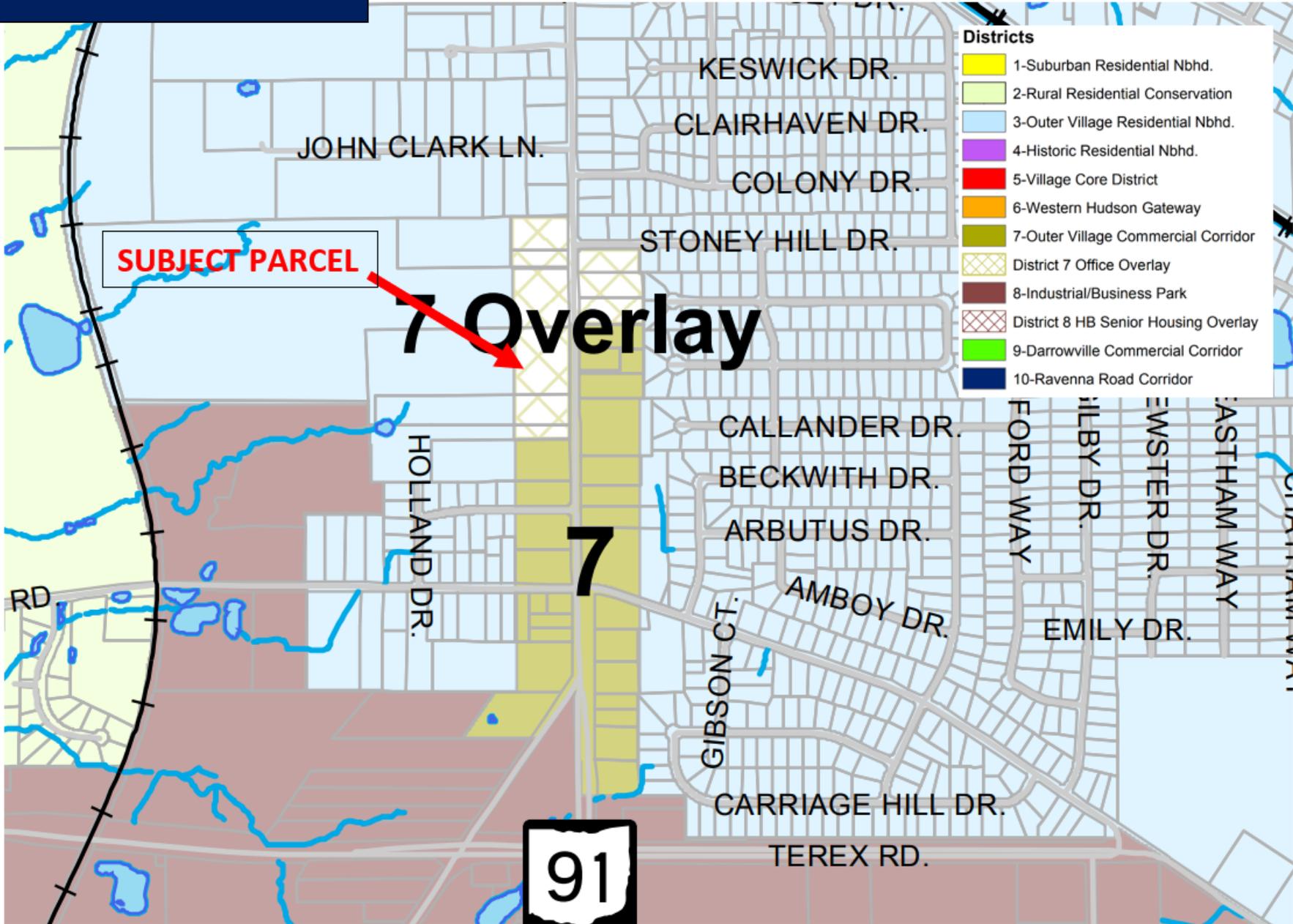
PHN REALTY, LLC
2251 Front Street
Suite 202
Cuyahoga Falls, OH 44221

SUPPORT FOR TEXT AMENDMENT

The District 7 Office Overlay Zone is meant to provide a transition between the commercial properties to the south and residential to the north.

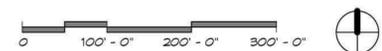
- The project consists of 12, 4-unit townhomes (48 total units)
- This project provides that transition by offering a residential buffer of townhomes between the single family residential and the commercial properties – as intended, while meeting the current needs of the community.
- The project meets the needs of the future land use map, which calls for multi-family to be developed on this parcel
- Developing office in the current District 7 Office Overlay Zone would impact the viability of a residential development in the R-3 section of the parcel by cutting it off from SR-91 access and visibility.
- The project serves an incredible need in the City of Hudson – a lack of housing stock and diversity
 - Less than 50 homes available for sale
 - Home sales drive local economic activity
 - Project frees up existing home supply by providing housing diversity options for empty-nesters and young professionals,
- Supports Hudson Schools: estimated annual property tax to Hudson Schools and City of Hudson: \$288,000 (est. \$6,000x48)
- The request only affects two undeveloped parcels all of which are surrounded and touching residential-use zoning

ZONING MAP & SUBJECT PARCEL



CONCEPTUAL ELEVATION







4 EXTERIOR ELEVATION
1" = 10'-0"



3 EXTERIOR ELEVATION
1" = 10'-0"



2 EXTERIOR ELEVATION
1" = 10'-0"



1 EXTERIOR ELEVATION
1" = 10'-0"

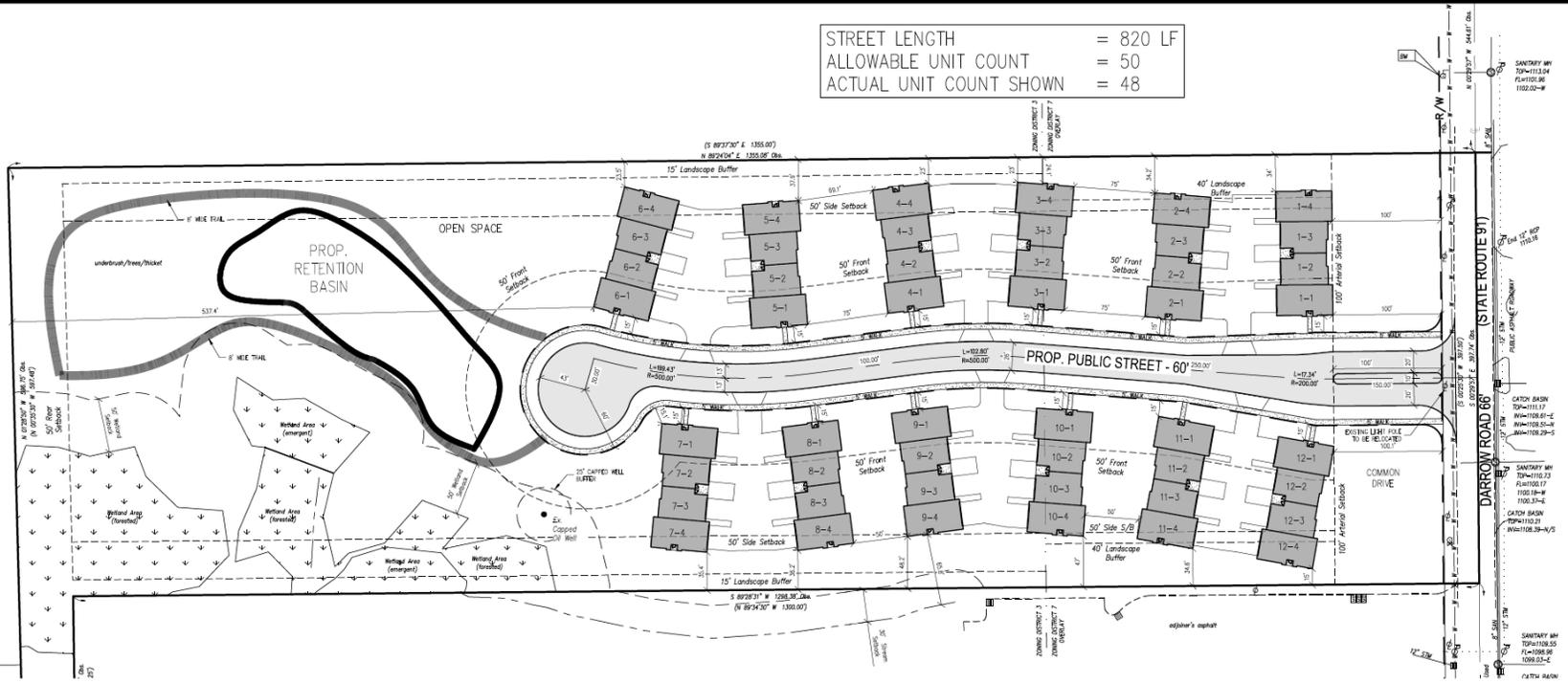






PROPOSED SITE PLAN

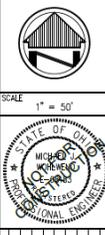
STREET LENGTH = 820 LF
 ALLOWABLE UNIT COUNT = 50
 ACTUAL UNIT COUNT SHOWN = 48



CITY OF HUDSON ZONING INFORMATION				
SITE INFORMATION	PLAN VALUE	CODE DATA	SOURCE	COMPLIANCE
CURRENT ZONING DISTRICT	DISTRICT 3 AND DISTRICT 7	DISTRICT 3 AND DISTRICT 7	ZONING MAP	COMPLIANT
ZONING USE	PLANNED UNIT DEVELOPMENT		SEC. 1205.06(B)3	COMPLIANT
MINIMUM PROJECT AREA	12.038 ACRES	5 ACRES	SEC. 1204.02(B)3A	COMPLIANT
PROPOSED USES	TOWNHOMES	TOWNHOMES	SEC. 1205.06(C)10	COMPLIANT
MAXIMUM DENSITY	48 UNITS SHOWN	5 UNITS PER ACRE (50 UNITS)	SEC. 1205.06(C)10	COMPLIANT
REQUIRED OPEN SPACE	65%	25% OF PROJECT AREA	SEC. 1205.06(C)12	COMPLIANT
MINIMUM LOT SIZE	1203 SF	2,500 SF	SEC. 1205.06(C)3(B)	REQUIRES PC APPROVAL
MINIMUM LOT WIDTH	28.25 FEET	24 FEET	SEC. 1205.06(C)4(C)	COMPLIANT
REAR SETBACKS				
FRONT - NON-ARTERIAL STREET	15 FEET	50 FEET	SEC. 1205.06(C)5(C)1	REQUIRES PC APPROVAL
FRONT - ARTERIAL STREET	100 FEET	100 FEET	SEC. 1205.06(C)4(C)3	COMPLIANT
SIDE SETBACKS				
FRONT	15 FEET	15 FEET	SEC. 1205.06(C)5(C)1	COMPLIANT
REAR	VARIES PER PLAN	50 FEET	SEC. 1205.06(C)5(C)1	REQUIRES PC APPROVAL
MAXIMUM UNITS PER BUILDING	4	8	SEC. 1205.06(C)7(B)	COMPLIANT
MAXIMUM HEIGHT OF BUILDING	40 FEET	40 FEET	SEC. 1205.06(C)7(B)	COMPLIANT
MIN. DISTANCE BETWEEN BUILDINGS	50'	20 FEET	SEC. 1205.06(C)8	COMPLIANT
BUILDING SETBACKS				
FRONT PARALLEL TO STREET	FRONT PARALLEL TO STREET	FRONT PARALLEL TO STREET	SEC. 1205.06(C)8(A)2	COMPLIANT
LANDSCAPE BUFFER				
AGAINST COMMERCIAL USE	VARIES PER PLAN	TYPE D BUFFER 40 FT	SEC. 1207.04(C)12	REQUIRES PC APPROVAL
AGAINST RESIDENTIAL USE	VARIES PER PLAN	TYPE B BUFFER 15 FT	SEC. 1207.04(C)2	COMPLIANT
STREET DESIGN				
LANE WIDTH	13 FEET	12 FT+1 FT CURB EXT.	ENG. STD. SEC. 7.1	COMPLIANT
ROADWAY AND SIDEWALK CROSS SLOPE	1/4" PER FT	1/4" PER FT	ENG. STD. SEC. 7.3	COMPLIANT
CURBS AND UNDERDRAINS	TYPE G CURB W/ 6" DRAIN	TYPE G CURB W/ 6" DRAIN	ENG. STD. SEC. 7.4	COMPLIANT
MAXIMUM DEGREE OF HORIZONTAL CURVE	200 FEET	200 FEET	SEC. 1207.03(C)18(A)	COMPLIANT
STOPPING DISTANCE (20 MPH)	175 FEET	150 FT MIN. 175 FT PREFERRED	ENG. STD. SEC. 7.16(B)	COMPLIANT
CURB RADIUS				
LOCAL TO LOCAL	25 FEET	25 FEET	ENG. STD. SEC. 7.17	COMPLIANT
LOCAL TO COLLECTOR	35 FEET	35 FEET	ENG. STD. SEC. 7.17	COMPLIANT
MAXIMUM AND MINIMUM GRADES	PER CODE	1% MIN. AND 8% MAX	ENG. STD. SEC. 7.18	COMPLIANT
INTERSECTION PROFILE GRADE	PER CODE	2% WITHIN 60' OF RW	ENG. STD. SEC. 7.19	COMPLIANT
TANGENT REQUIRED BETWEEN CURVES	100 FEET	100 FEET	ENG. STD. SEC. 7.20	COMPLIANT
MAXIMUM CUL-DE-SAC LENGTH	600 FEET	600 FEET	SEC. 1207.03(C)20(B)	COMPLIANT
UTILITY EASEMENTS	PER CODE	5' SIDE & REAR, 10' FRONT	SEC. 1207.13(C)5	COMPLIANT
WETLAND BUFFER	> 50 FEET	50 FEET	SEC. 1207.03(C)13	COMPLIANT
STREAM BUFFER	> 30 FEET	30 FEET	SEC. 1207.03(C)17	COMPLIANT

DEVELOPER

PHN REALTY, LLC.
 C/O TREVOR STEWART
 2251 FRONT STREET, SUITE 202
 CUYAHOGA FALLS, OH 44221
 (330) 425-4696



NO.	DATE	REVISIONS
1	11/27/2021	REV. PER. CITY OF HUDSON

ELLSWORTH PLACE
 CITY OF HUDSON
 SUMMIT COUNTY, OHIO



4215 KANG INDUSTRIAL PKWY
 KENT, OH 44240
 (330) 673-2400

PROJECT ARCHITECT:

SURVEY PERFORMED BY:

DATE: 02-01-2021
 PROJECT NUMBER: 2020083

CONCEPTUAL SITE PLAN

**SUPPLEMENT TO APPLICATION FOR TEXT AMENDMENT
TO DISTRICT 7
OUTER VILLAGE COMMERCIAL CORRIDOR AND
OFFICE OVERLAY ZONE**

February 5, 2021

I. Applicant

Marilyn R. Sulentich, Trustee under Declaration of Trust dated July 8, 1999 (“Sulentich”), is the owner of approximately 12.8 acres located on the west side of Darrow Road known as Summit County PPN 30-03001 (the “Subject Property”). SMK10 Delaware, LLC, a Delaware limited liability company (“SMK”), entered into a Real Estate Purchase Agreement with Sulentich dated August 19, 2020 (the “Purchase Agreement”), pursuant to which it agreed to purchase the Subject Property, subject, among other things, to obtaining zoning approval for its proposed development. SMK has designated PHN Realty, LLC, an Ohio limited liability (“PHN”), to assume its obligations under the Purchase Agreement and to seek the required approvals for a residential planned development on the Subject Property. Sulentich supports and has joined in the filing of the Application. (Sulentich and PHN are collectively referred to herein as the “Applicant”).

II. Current Zoning

The Subject Property is one of only (a) nine (9) parcels located on Darrow Road which are zoned (at least partially) District 7 Office Overlay Zone, (b) four (4) parcels on the west side of Darrow Road which are dually-zoned, with the frontage along Darrow Road being zoned District 7 Office Overlay Zone and the rear of the property being zoned District 3 Outer Village Residential Neighborhood, and (c) two (2) parcels that are dually-zoned District 3 and District 7 Office Overlay Zone which remain undeveloped. A table indicating all of the parcels zoned District 7 Office Overlay Zone, as well as those parcels zoned both District 7 Office Overlay Zone and District 3 Outer Village Residential Neighborhood, is attached hereto as **Exhibit A**. Attached hereto as **Exhibit B** is an aerial map depicting the nine (9) parcels within the District 7 Office Overlay Zone, as well as the four (4) parcels dually-zoned District 3 Outer Village Residential Neighborhood and District 7 Office Overlay Zone.

A. District 3: Outer Village Residential Neighborhood

Section 1205.06(a) of the Hudson Land Development Code (“LDC”) describes the purpose of District 3 Outer Village Residential Neighborhood and provides, in part, that “District [3] regulations are intended to continue the predominant single-family detached use, while providing for the addition of attached single family, duplexes, and townhomes, into the housing mix, as well as additional parks, open space, and trail/bikeway linkages to the Village Core.” Residential planned developments constitute a recognized use-by-right in District

3, subject to standards and procedures set forth in Sections 1203.04 and 1204.02 of the LDC (see LDC Section 1205.06(b)(3)).

B. District 7: Office Overlay Zone

Section 1205.10 of the LDC describes the purpose of District 7 and, more specifically, the District 7 Office Overlay Zone, as follows: “The Office Overlay Zone of the northern portion of District 7 will protect and buffer residential uses to the north and reinforce retail uses to south.” At the same time, Section 1205.10 acknowledges current issues with traffic congestion and seeks uses which will generate less than 100 vehicle end-trips per peak hour.

It is apparent from the dual zoning of the Subject Property and other properties along the west side of Barlow Road that Hudson’s zoning authorities clearly believe that commercial, retail and office uses can be mixed with, located adjacent to, and, in the case of the four (4) dually-zoned parcels on the west side of Darrow Road, including the Subject Property, co-exist on the same parcel as residential uses. If that were not the case, the dual zoning on parcels such as the Subject Property would not exist. Applicant merely seeks to allow residential uses (including various forms of attached dwellings) in a planned development along the frontage of properties zoned District 7 Office Overlay Zone as a transition between traditional detached single-family dwellings and commercial/office/retail. Given the extremely limited number of parcels impacted by the proposed amendment and the even smaller number of those parcels that remain undeveloped, the proposed amendment is unlikely to have any far-reaching or unintended consequences in the future.

III. Proposed Text Amendment

Applicant seeks to amend Sections 1205.10(a), 1205.10(d)(1) and 1206.01 to allow residential planned developments as a permitted use in the District 7 Office Overlay Zone. The proposed revisions are as follows:

A. Proposed Revision to Section 1205.10(a):

(a) Purpose

This District is intended to continue the existing land use pattern of the area, which is characterized by a predominance of retail and service establishments that serve both the immediate residential neighborhoods as well as the greater community. The commercial uses in this District are oriented toward State Route 91, but traffic congestion and difficulties with access plague existing commercial and retail users. The regulations set forth in this District are intended to reinforce existing commercial uses, and allow their compatible redevelopment as long as these uses continue to be

oriented toward State Route 91, will not aggravate existing traffic and vehicular access problems. Accordingly, until the Route 91 Corridor Management Plan is implemented by the City, or its implementation is included as a condition of a site plan approval process severe traffic problems in this area prevent approval of any new or expanded use that generates more than 100 vehicle end-trip per peak hour.

The current uses and vacant land at the northern end of District 7 serve as a transition between existing community oriented retail and the neighboring residential portion of South Main Street. Existing office uses and large parcel sizes make this area attractive for new office development. Offices, which by nature require fewer vehicle trips, can have suitable access provided given the heavy traffic volumes of this corridor. The Office Overlay Zone of the northern portion of District 7 will protect and buffer residential uses to the north and reinforce retail uses to the south, while providing the opportunity for transitional housing alternatives in a residential planned development, including one or more of the following dwelling types: duplexes, single-family, attached and townhomes.

Regulations set forth in this District are also intended to begin establishing a coherent design identity for the corridor, such as uniform setbacks and uniform height restrictions. At the same time, District 7 regulations will stress buffering and landscaping to protect adjacent residential development from any adverse noise, visual, or traffic impacts arising from new commercial/retail development.

...

B. Revision to Section 1205.10(d)(1)

(d) Special Conditions for District 7 Office Overlay Zone

- (1) Only the following uses by right shall be permitted on parcels or lots fronting on Darrow Road and located on the west side of Darrow Road north of a point of Darrow Road 456' north of Faymont Drive (generally, a westerly line extended from Callander Drive) and parcels or lots located on the east side of Darrow Road south of a point of Darrow Road 494' south of Stoney Hill Drive in District 7, which are shall be known as the "District 7 Office Overlay Zone", and designated as such on the Official Zoning Map;

- (A) Banks or other financial institutions, except for drive through teller and ATM facilities;
- (B) Offices, business of professional; and
- (C) Residential planned developments, including one or more of the following dwelling types: duplexes (i.e. dwelling, duplex), single-family, attached (i.e. dwelling, single-family attached) and townhomes (i.e. dwelling, townhome), where located on the same parcel as property zoned District 3 Outer Village Residential Neighborhood.

C. Revision to Section 1206.01

Section 1206.01 provides a table summarizing land uses allowed either by-right or conditionally in each zoning district. Based upon the proposed revisions to Sections 1205.10(a) and (d)(1) discussed above, Applicant proposes to revise the table in Section 1206.01 as follows:

-Under the sub-heading “Planned Developments,” a “P*” would need to be inserted under the column “7o1” in the table indicating that planned developments would be a use by-right in District 7 Office Overlay Zone. The * references the proposed revision to Section 1205.10(d)(1) discussed above limiting planned developments in the District 7 Office Overlay Zone to residential planned developments.

Applicant submits that the forgoing proposed text amendments are the most narrowly-tailored means of permitting residential planned developments in the District 7 Office Overlay Zone.

IV. General Review Standards Under Section 1204.01

All applications for text or zoning map changes are to be reviewed by the Planning Commission and Council for compliance with the following guidelines:

- (a) Whether or not the proposed amendment is in accordance with the basic intent and purpose of the LDC;

The 2015 Comprehensive Plan adopted in January, 2016 identifies the rear portion of the Subject Property as a potential site for townhomes and similar residential development to satisfy unmet housing demand and to provide diversity in housing choices within the City, although it states that the addition of these housing types behind office and retail frontage is desirable. A residential planned development would allow a mixture of diverse housing types, including duplexes, single-family, attached dwellings and townhomes, attractive to various age groups at differing price points.

The Plan also contains numerous references to the City's desire to diversify the housing stock (see Chapter 1, Page 1; Chapter 3, Page 17; Chapter 5, Page 23), add more senior-friendly housing stock, including townhomes (see Chapter 3, Page 11; Chapter 5, Pages 23, 25), to evaluate changes in the LDC to allow greater flexibility in designing and developing higher density homes such as duplexes and townhomes in appropriately targeted areas (see Chapter 5, Page 29), and accommodating residential development that may not be entirely in accordance with the Official Zoning Map, but remains in keeping with the general spirit of the Plan and would help achieve the community objectives of diversifying housing stock (see Chapter 5, Page 32).

(b) Whether or not the proposed amendment furthers the long-range planning goals of the City (as outlined in the City's Comprehensive Plan's goals and objectives);

As described above, Applicant believes that the proposed amendments promote the long-range planning goals of the City by creating opportunities for diversifying the housing stock for varying age groups in terms of style, density, amenities, price point, etc., and improving pedestrian and bike connectivity, especially in areas that serve as transitions between zoning districts.

(c) Whether or not conditions within the City have changed since the LDC was last adopted/amended, or there was a mistake in the LDC, that justifies amendment;

If nothing else, the COVID-19 pandemic has illustrated how basic assumptions about the size, location and use of live and work spaces can change in a heartbeat. For example, with fewer people working in traditional office settings, people have adapted their homes to accommodate home offices. The demand for traditional office space has declined. With social distancing requirements reducing the ability to attend traditional gathering spaces, small retail locations in proximity to housing have seen higher demand. Allowing higher density housing in close proximity to existing office and retail locations with added connectivity via pedestrian and bike access has become even more appealing.

(d) Whether or not the amendment corrects an inequitable situation created by the LDC, rather than merely grants special privileges;

District 7, and more particularly, the District 7 Office Overlay Zone, is perhaps the single smallest zoning district affecting the fewest number of parcels in the City. Looking at the Official Zoning Map, it is an island unto itself in the south-central portion of the City along the Darrow Road corridor. With an expressed desire to create new and diverse housing alternatives in already-developed areas of the City, Applicant cannot think of a better use for the Subject Property than for a residential planned development, including duplexes, attached

single-family homes and/or townhomes. Given the small number of parcels affected and the even smaller number of those parcels that remain undeveloped, the proposed text amendments would have no impact whatsoever on other zoning districts or other parts of the City.

(e) Whether or not the amendment avoids unlawful exclusionary zoning;

The proposed text amendment merely seeks to add a permitted use in the District 7 Office Overlay Zone. It does not create exclusionary zoning.

(f) [Only applies to zoning map amendments]

(g) [Only applies to zoning map amendments]

(h) Does the amendment affect the City's ability to provide adequate services, facilities, or programs that might be required if the application were approved; and

No additional services, facilities or programs would be required by the proposed text amendments. Because the rear of the Subject Property is already zoned District 3 allowing residential planned developments, the LDC already contemplates residential development of the property (albeit behind commercial/retail/office) and the infrastructure already exists to support it. The proposed sidewalks and walking trails will serve to connect the Subject Property to the surrounding area and sidewalks along Darrow Road. Preservation of green space and existing wetlands is an added benefit.

(i) Whether or not the amendment is necessary to address changed or changing social values, new planning concepts, or other social or economic conditions in the areas affected.

As discussed with respect to Item (c) above, and as contemplated throughout the Comprehensive Plan, Hudson is a desirable place to live with limited housing types/options for its aging and declining population. Without additional types of housing options in walkable proximity to retail and service amenities, the City will continue to lose residents to neighboring communities that offer such options.

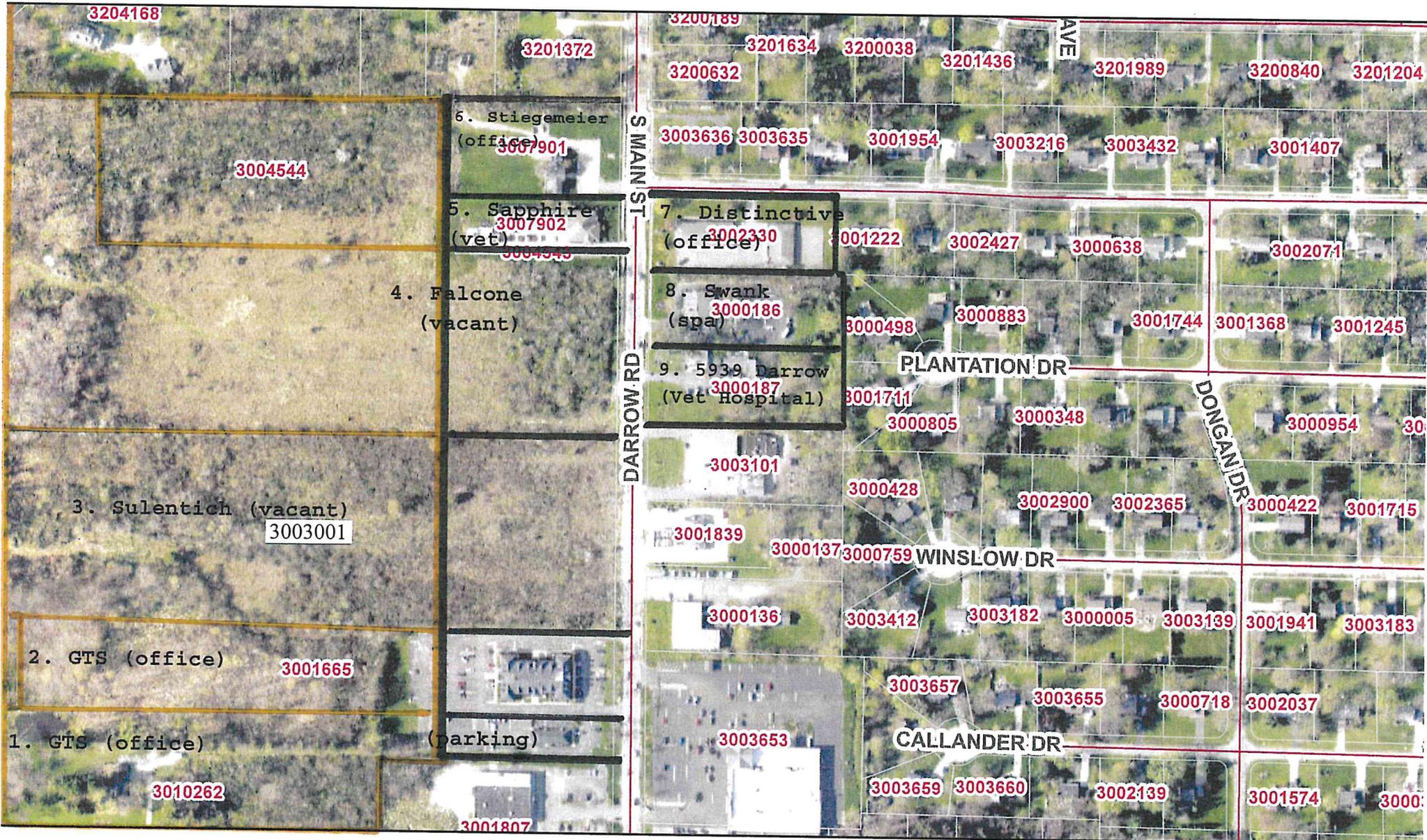
V. Conclusion

Applicant submits that its proposed text amendments to Sections 1205.10(a), 1205(d)(1) and 1206.01 allowing residential planned developments as a permitted use-by-right in the District 7 Office Overlay Zone would be a beneficial and favorable addition to the LDC and respectfully requests approval of the proposed text amendments.

EXHIBIT A

	Parcel No.	Owner	Address	Zoning (District 7 only or District 3 & 7)	Side of Darrow Rd. (East or West)	Developed or Undeveloped
1	3010262	GTS Services LLC	5860 Holland Dr., Hudson	District 3 & 7	West	Developed
2	3001665	GTS Services LLC	5874-5876 Darrow Rd, Hudson	District 3 & 7	West	Developed
3	3003001	Sulentich Marilyn R Trustee	Darrow Rd	District 3 & 7	West	Undeveloped
4	3004543	Falcone Joseph P & Edith B	Darrow Rd.	District 3 & 7	West	Undeveloped
5	3007902	Sapphire & Associates LTD	5980 Darrow Rd., Hudson	District 7	West	Developed
6	3007901	Stiegemeier Land Co LLC	5992 Darrow Rd., Hudson	District 7	West	Developed
7	3002330	Distinctive Spaces LLC	1790 Stoney Hill Dr., Hudson	District 7	East	Developed
8	3000186	Swank Properties LLC	5951 Darrow Rd., Hudson	District 7	East	Developed
9	3000187	5939 Darrow LLC	5939 Darrow Rd., Hudson	District 7	East	Developed

EXHIBIT B

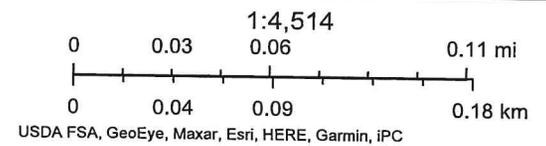


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- Parcels
- RoadCenterlines2019
- Summit County Municipal Outlines

— : DISTRICT 3

— : DISTRICT 7



1694

SA 2
Plat
of



54463246

Page: 1 of 2
09/18/2000 08:18A
DE 14.00

JAMES B MCCARTHY SUMMIT CO AUDITOR

↑RECORDER'S USE ONLY↑

QUIT-CLAIM DEED

Know All Men By These Presents

That Marilyn R. Sulentich, Trustee, the Grantor, ^{Under Trust agreement 5-19-92}

who takes title by or through instrument recorded at Official Record 1401, page 303, Summit County Records, for diverse good causes and considerations thereunto moving, and especially for the sum of Ten and No/100^{ths} Dollars (\$10.00) received to her full satisfaction of

Marilyn R. Sulentich, Trustee under Declaration of Trust dated July 8, 1999, whose tax mailing address will be 35201 Glen Kyle Lane, Willoughby Hills OH 44094, the Grantee,

has Given, Granted, Remised, Released, and forever Quit-Claimed, and docs by these presents absolutely give, grant, remise, release, and forever quit-claim, unto the said Grantee, all such right and title as she, the said Grantor, has or ought to have in and to the following described pieces or parcels of land:

Description Approved By
TAX MAP DEPARTMENT

Real property situated in the City of Hudson, formerly the Township of Hudson, County of Summit, and State of Ohio: and known as being part of Lot 35 in Hudson Township and further described as follows:

Beginning at the Southeast corner of Lot 35 and in the centerline of State Route 91;

Thence North 0°25'30" East along the centerline of State Route 91 and the East lot line of said Lot 35, 227.32 feet to the true place of beginning for the parcel herein described;

Thence North 89°34'30" West, 1,300 feet to an iron pin;

Thence South 0°23'30" West, 201.25 feet to an iron pin;

Thence North 89°34'30" West, 44.73 feet to an iron pin in the West line of land now or formerly owned by Adeline Troyan;

Thence North 0°35'30" West along the said Adeline Troyan's West line, 597.48 feet to an iron pin at the said Adeline Troyan's Northwest corner;

Thence South 89°37'30" East along the said Adeline Troyan's North line, 1,355.00 feet to the East line of Lot 35 and centerline of State Route 91;

TNN Hu/S
9-13-2000
PAT

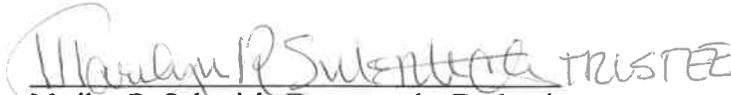
AFFIDAVIT

STATE OF FLORIDA)
) ss
COUNTY OF LEE)

The undersigned, Marilyn R. Sulentich, Trustee under Declaration of Trust dated July 8, 1999, certifies that she is of sound mind and is authorized to execute and deliver this Affidavit. The undersigned further certifies that:

1. I am over the age of eighteen (18) years and believe in the obligations of an affirmation.
2. I am a citizen of the United States of America and a resident of the State of Ohio.
3. I am the sole owner of the real property consisting of approximately 12.8 acres located on the west side of Darrow Road and known as Summit County PPN 30-03001 (the "Property") pursuant to a Quit Claim Deed filed September 18, 2000 in Reception No. 54463246, Summit County Records, a copy of which is attached hereto as **Exhibit A**.
4. The Property is subject to a Real Estate Purchase Agreement dated August 19, 2020 (the "Purchase Agreement") with SMK10 Delaware, LLC, a Delaware limited liability company ("SMK"), and SMK has designated its affiliate, PHN Realty, LLC, an Ohio limited liability ("Applicant"), to assume its obligations under the Purchase Agreement and to seek the required approvals for a residential planned development on the Property.
5. The information provided to the Hudson Planning Commission on behalf of the Applicant in connection with the application for a text amendment to the Land Development Code is true and accurate, to the best of my knowledge and belief.

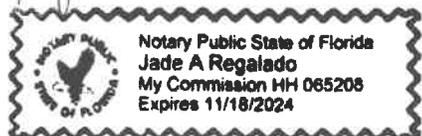
FURTHER AFFIANT SAYETH NAUGHT.


Marilyn R. Sulentich, Trustee under Declaration
of Trust dated July 8, 1999

BEFORE ME, a Notary Public in and for said County and State aforesaid, personally appeared Marilyn R. Sulentich, Trustee under Declaration of Trust dated July 8, 1999, who acknowledged that she did sign the foregoing instrument and that the same was her free act and deed. This is an acknowledgment clause. No oath or affirmation was administered to the signer.

GIVEN, under my hand and Notarial Seal this 1st day of Feb, 2021.


NOTARY PUBLIC



1694

EXHIBIT A

SA 2
Plat
10/20

54463246
Page: 1 of 2
09/18/2000 09:15A
DE 14.00
JAMES B MCCARTHY SUMMIT CO AUDITOR

↑RECORDER'S USE ONLY↑

QUIT-CLAIM DEED

Know All Men By These Presents

That Marilyn R. Sulentic, Trustee, the Grantor
Under Trust agreement 5-19-92

who takes title by or through instrument recorded at Official Record 1401, page 303, Summit County Records, for diverse good causes and considerations thereunto moving, and especially for the sum of Ten and No/100th Dollars (\$10.00) received to her full satisfaction of

Marilyn R. Sulentic, Trustee under Declaration of Trust dated July 8, 1999, whose tax mailing address will be 35201 Glen Kyle Lane, Willoughby Hills OH 44094, the Grantee,

has Given, Granted, Remised, Released, and forever Quit-Claimed, and does by these presents absolutely give, grant, remise, release, and forever quit-claim, unto the said Grantee, all such right and title as she, the said Grantor, has or ought to have in and to the following described pieces or parcels of land:

Description Approved By
TAX MAP DEPARTMENT

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Thence South 89°37'30" East along the said Adeline Troyan's North line, 1,355.00 feet to the East line of Lot 35 and centerline of State Route 91;

TANN
Hul/s
9-13-2000
PAT

Thence South 0°25'30" West along the said lot line and centerline, 397.50 feet to the place of beginning and containing 12.746 acres as surveyed by R. A. Weinkauff, R.S. 3859.

AKA LDT 35 WEST OF DROWN ROAD

PPN 30-03001

Routing no. HU-00008-04-008.000

To Have and to Hold the premises aforesaid, with the appurtenances thereunto belonging, unto the said Grantee, her successors and assigns forever, so that neither the said Grantor, nor her successors, nor any other persons claiming title through or under them, shall or will hereafter claim or demand any right or title to the premises, or any part thereof; but they and every one of them shall by these presents be excluded and forever barred.

In Witness Whereof, we have hereunto set our hands and caused our signatures to be affixed this 22nd day of August, 2000.

Signed and acknowledged in the presence of

Patricia Sheek
Witness
Jancy Stancombe
Witness

Marilyn R. Sulentic (Trustee)
Marilyn R. Sulentic, Trustee



State of Ohio, Lake County, ss. Before me, a Notary Public in and for said County and State, personally appeared the above-named Marilyn R. Sulentic, Trustee, who acknowledged that she did sign the foregoing instrument and that the same is her free and voluntary act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal at Willoughby, Ohio this 22 day of August, 2000.

Patricia Sheek
NOTARY PUBLIC

PATRICIA L. SHEEK, Notary
Residence Co. - Cuyahoga
State of Ohio
My Commission Exp. April 24, 2005

Prepared by/return to:
Missis H. Vaselaney, Attorney at Law
Schottenstein, Zox & Dunn
1375 East Ninth Street - Suite 950
Cleveland, Ohio 44114
(216)-621-6501

18099

TRANSFER NOT NECESSARY
SEC. 319.202 REV. CODE COMPLIED WITH

James B. McCarthy
Consideration
JAMES B. MCCARTHY
County Auditor
BY Mark H.
Deputy Auditor



TRANSFER NOT NECESSARY
9-14-00
James B. McCarthy County Auditor

Thence South 0°25'30" West along the said lot line and centerline, 397.50 feet to the place of beginning and containing 12.746 acres as surveyed by R. A. Weinkauff, R.S. 3859.

AKA LOT 35 WEST OF DAKROW ROAD

PPN 30-03001

Routing no. HU-00008-04-008.000

To Have and to Hold the premises aforesaid, with the appurtenances thereunto belonging, unto the said Grantee, her successors and assigns forever, so that neither the said Grantor, nor her successors, nor any other persons claiming title through or under them, shall or will hereafter claim or demand any right or title to the premises, or any part thereof; but they and every one of them shall by these presents be excluded and forever barred.

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Witness
Nancy Starcombe
Witness

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Marilyn R. Sulentic, Trustee



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Schottenstein, Zox & Dunn
1375 East Ninth Street - Suite 950
Cleveland, Ohio 44114
(216)-621-6501

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Residence Co. - Cuyahoga
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James B. McCarthy
County Auditor
BY Nancy H
Deputy Auditor



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Page: 2 of 2
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TRANSFER NOT NECESSARY
9-14-00
James B. McCarthy County Auditor