

Meeting Date:
 October 12, 2020

Location:
 5431 Hudson Drive

Parcel Number
 3001315, 3001316

Request:
 Zoning Map Amendment
 and Text Amendment to
 the Land Development
 Code

Applicant:
 Donald Bohning and
 Associates

Property Owner:
 Hudson Drive Realty

Zoning:
 D8-Industrial/Business
 Park

Case Manager:
 Greg Hannan



Existing Conditions, City of Hudson GIS

Project Background:

The subject property at 5431 Hudson Drive contains 31.10 acres. The applicant has submitted a map amendment request to revise the zoning of the property from the current D8 Industrial/Business Park designation to Hike Bike (HB) Senior Housing Overlay Zoning District 8. Additionally, the applicant has proposed a text amendment to modify the purpose statement of the overlay zoning district.

Adjacent Development:

All adjacent land within 500 feet of the subject property is zoned District 8 Industrial/Business Park. Adjacent uses include:

Directions	Zoning	Use
East	D8	Hudson Grande (assisted living)
South	D8	Industrial uses fronting Hudson Gate Drive
West	D8	Large lot Single family dwellings (non-conforming)
North	D8	Single family lots fronting Hudson Dr (nonconforming) & Summa Medical/Wellness facility

Background

Zoning Map Amendment Request: Proposal to revise parcels 3001315 and 3001316 from the current District 8 Industrial/Business Park to the proposed Hike Bike (HB) Senior Housing Overlay Zoning District 8.

Land Development Code Text Amendment Request: In addition to the map amendment request, the applicant has proposed to amend the purpose statement of Section 1205.11(f) the Hike Bike (HB) Senior Housing Overlay Zoning District 8. The proposed text amendment is as follows (proposed revision in bold and underlined):

(1) Purpose of the Overlay

*A. This overlay zone within District 8 recognizes the unique presence of the Metro Parks Hike and Bike (HB) Trail as a geographic feature and community amenity **in addition to other health and wellness amenities, including the Summa Healthcare Wellness Center (Summa) and the Hudson Drive/Darrow Road Hike and Bike System (HDHB) (all of which, collectively, the Health and Wellness Facilities).***

*The overlay zone is intended to house residents age fifty-five and over providing smaller yards for convenience and ease of maintenance within a larger subdivision that will maximize connections to the **Health and Wellness Facilities** ~~Hike and Bike Trail~~. All portions of the overlay zone are within 1,100 feet, less than one-quarter mile from the Hike and Bike Trail **or, alternatively, adjacent and with direct access to Summa and to HDHB.** This housing will assist the goal of providing diversity in housing options in the City with proximity to centers of employment and health/wellness with a variety of housing types and lot sizes.*

B. Adjacent District 9 and amenity retail allowed within the overlay zone offers a proximity of current and future facilities and services which especially benefit active adult seniors. It recognizes a community planning trend away from the isolation of uses given the changing nature of "industrial" and the desire for mixed and adjacent uses, such as housing, retail and offices. There is a specific intention to not offer a residential environment protected from the effects of usual and customary commercial and industrial business activity. Non-vehicular circulation is given a high priority and potential traffic impacts will be mitigated through implementation of the State Rt. 91 Traffic Corridor Study. The overlay zone supersedes the underlying industrial and business park zoning in District 8.

The applicant has submitted the following:

1. Cover letter dated September 14, 2020 from Donald Bohning and Associates noting they are applying on behalf of Petros Development Group.
2. Letter from Sheldon Berns, of Berns, Ockner, and Greenberger dated September 14, 2020.
3. Affidavit from Hudson Drive Realty and deed noting property ownership since 1975.
4. Zoning Opinion Report submitted by Mark S Majewski, AICP, of Northstar Planning and design LLC dated September 10, 2020.
5. Trip Generation Report submitted by Eric W. Smith, PE of Prime AE dated September 1, 2020.
6. Preliminary Plan submitted by Donald G. Bohning and Associates dated September 8, 2020.
7. Preliminary Aquatic Resource Map prepared by HzW Environmental Consultants, submitted September 22, 2020.
8. Cover letter and home product information submitted by Petros Homes, dated September 10, 2020.
9. Economic Impact Analysis completed by Project Management Consultants, dated October 6, 2020.

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). The current purpose statement references the benefit of allowing age targeted house in proximity to the Summit Metroparks Hike and Bike Trail. The amendment proposes the proximity to the Hike and Bike Trail or the proximity to the Summa Healthcare Wellness Facility and the Hudson Drive/Darrow Road Hike and Bike System.

Staff comments:

1. The map amendment and amendment to Paragraph A conflicts with the existing Paragraph B which describes the district as being adjacent to District 9. The subject parcel is not adjacent to District 9 and does not contain a connecting roadway or pedestrian pathway.
2. The existing Paragraph B references the benefit of amenity retail/service available and permitted within the overlay and within District 9. Within the overlay regulations, such retail/service is only permitted within 1,000 ft of both District 9 and the Hike Bike Trail. Placing the subject parcel into the overlay would conflict with the purpose statement as such retail/service/restaurants uses would not be permitted in the new acreage due to its separation from both District 9 and the Hike Bike Trail.
3. The purpose statement of the overlay references the benefit of the districts proximity to the Summit Metroparks Hike Bike Trail which bisects the existing district. The text amendment proposes to revise the community benefit to also reference the proximity to Summa Healthcare Wellness Center. This reference is problematic as staff is concerned with a privately owned identity being referenced in a zoning regulation. The Summa facility is not open to the general public (membership based facility) and does not have the longevity to remain operational in comparison to a governmentally owned multipurpose trail.
4. The proposed purpose statement amendment also describes the expanded wellness facilities to include land in proximity to the Hudson Drive/Darrow Road Hike and Bike System. This term is problematic as it is not defined within the text amendment. The submitted support documentation from the applicant references multiple unconnected segments of sidewalk and bike lanes along Hudson Drive and Darrow Road as well as proposed pedestrian improvements connecting the site to Darrow Road through private property.

(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:

1. Land Use Plan Map (Page 24): *The Land Use and Development Plan identifies the future land uses for all areas with the City and provides a framework to guide future planning and land use policy decision.*
 - a. The Land Use Plan Map depicts the southern subject parcel within the Industrial use category while the northern subject parcel within the Office category.
2. Residential Areas Framework Plan (page 28-33):
 - a. The map does not propose residential on the subject property nor any abutting parcels.
 - b. The plan does encourage consideration of higher density development; however, states these uses should be focused within the greater downtown area.
3. Commercial and Employment Areas Framework Plan (Page 34-39):
 - a. The commercial and employment areas framework map on page 34 depicts the subject property within the Established Industrial Areas category.
 - b. The surrounding lands are depicted for various office/commercial uses or for open space where significant wetlands exist.
 - c. The non-conforming residential uses along Hudson Drive are all depicted for office or open space.

Summary Comment: Staff notes the incorporation of residential uses on the subject property is in conflict with the Comprehensive Plan as the future land use of the subject property is proposed to be office/industrial, no future residential uses are proposed to adjacent parcels, and the plan states higher density or multi-family units should be focused within the greater downtown area.

(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 is not aware of an inequitable situation that the proposed request would respond to.

(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;

The proposed zoning map amendment is inconsistent with zoning classifications of the surrounding land. Staff notes that the abutting properties in all directions are within the District 8 Industrial/Business Park Zoning District. The subject property and abutting parcels have been within the existing zoning since the establishment of the Land Development Code in 1999. Staff notes the subject property was also listed as M-1 Industrial (similar to current LDC D8) in the former Hudson Township prior to 1995.

(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);

The applicant is proposing to revise the subject parcel zoning to the Hike Bike (HB) Senior Housing Overlay Zoning District 8. The proposed district permits age restricted residential dwellings and several institutional/civic/public uses. As a conditional use, the district allows several uses including assisted living, multi-family, office, recreational facilities, and restaurant/retail/service uses.

The existing two parcels would comply with the dimensional requirements of the proposed district. Site constraints do exist on the subject property including a riparian corridor and a suspect wetland area at the southeast portion of the site. Staff notes office, restaurant, retail, and service uses could not be accommodated on the subject parcel as the district regulations contain a special condition that such uses must be located within 1,000 feet of both the Metro Parks Hike and Bike Trail and District 9.

(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 desire to support additional housing types not prevalent in the community; however, the plan recommends that such occur within existing residentially zoned areas closer to downtown.

Required PC Action

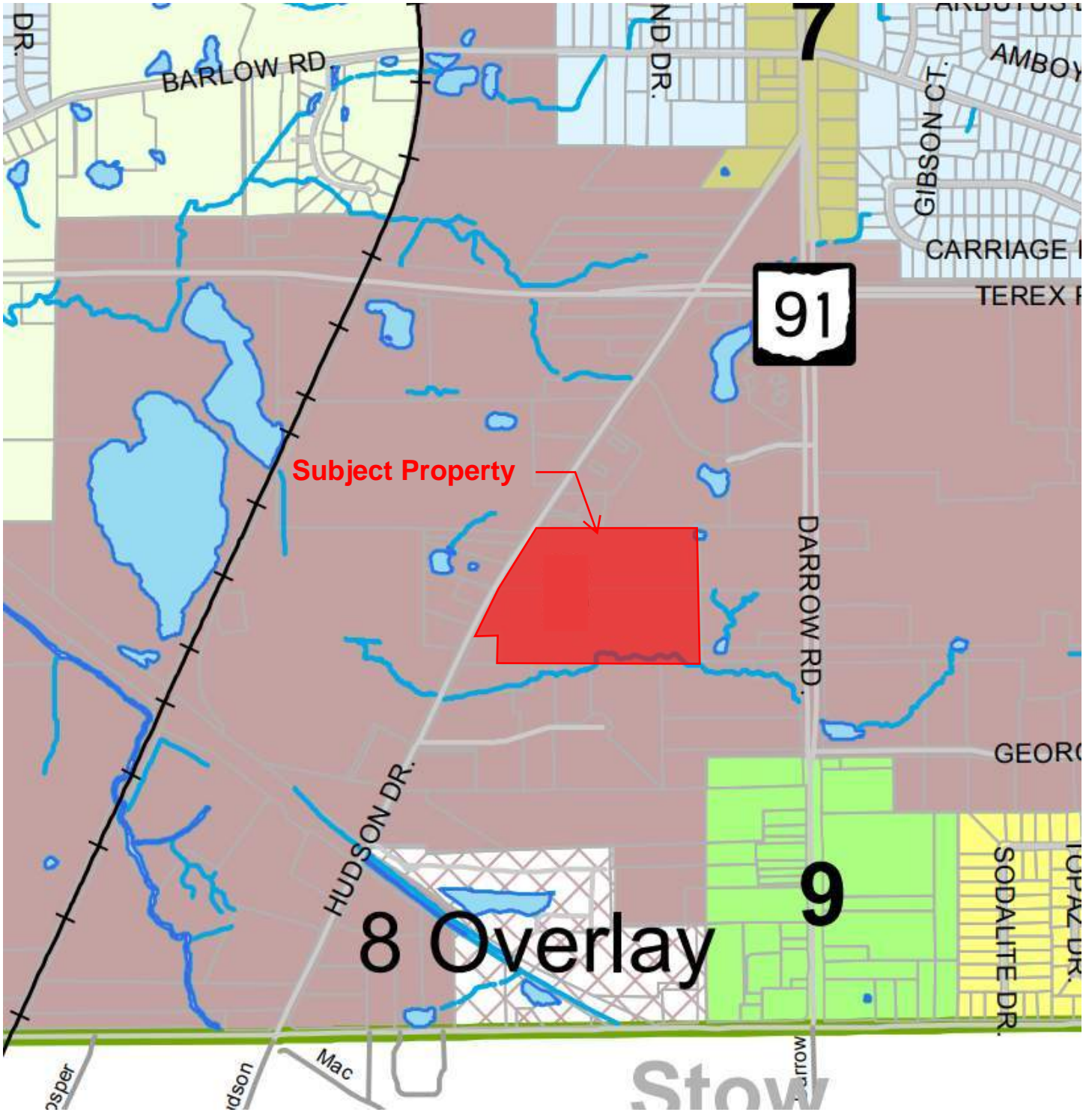
The PC shall conduct a public hearing, make specific recommendations to the City Council, and transmit the application to the City Council, together with the text and map amendments pertaining thereto, within 120 days from the date of initiation of the application for text or official zoning map amendments.

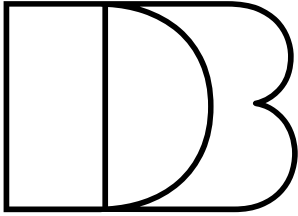
The City Council shall hold a public hearing and take final action within twenty days of said public hearing. An amendment before the City Council for consideration shall take effect only if passed or approved by not less than five members of the City Council.

Recommendation

Staff recommends the Commission receive testimony at the public hearing and then proceed with consideration of a formal recommendation to City Council.

City of Hudson Zoning Map





**Donald Bohning
& Associates**

7979 Hub Parkway
Valley View, Ohio 44125

T 216.642.1130

F 216.642.1132

September 14, 2020

City of Hudson
Mr. Gregory Hannan
Community Development Director
1140 Terex Road
Hudson OH 44236

RE: Hudson Reserve
LDC Amendment – P.P.N.'s 30-01315; -01316
DGB 4178-P

Mr. Hannan:

On behalf of Petros Development Group we are respectfully submitting the following items for the Proposed Zoning Code Map/Text Amendment:

- 1) PPN's 3001315 & 3001316 (Hudson Drive Realty) - Zoning Text Amendment.pdf
 - a. Zoning Code Text Amendment
 - b. Affidavit of Owner & Legal Description
 - c. Zoning Opinion Report
 - d. Trip Generation Report
 - e. Preliminary Plan (11x17)
- 2) Preliminary Plan – Hudson Reserve (24x36).pdf
- 3) Home Product – Single Family Attached (4 Unit).pdf
- 4) 4-Home Product - Single Family Detached (Newport Garage Court).pdf

If you have any questions, or if you require additional information, please don't hesitate to contact our office.

Sincerely,

DONALD BOHNING & ASSOCIATES

Tim Miracle

TM/clc

Enclosure

Cc: Gregory Modic, Pulte Development Group
File 4178-P

Zoning Code Text Amendment
Prepared by Berns, Ockner &
Greenberger, LLC

BERNS, OCKNER & GREENBERGER, LLC

Douglas V. Bartman
Jordan Berns
Sheldon Berns
Paul M. Greenberger
Majeed G. Makhlof*
Benjamin J. Ockner

Attorneys at Law
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Elizabeth Rothenberg, Of Counsel

www.bernssockner.com

*Also admitted in New York and D.C.

September 14, 2020

Members of the Hudson Planning Commission
Hudson City Hall
1140 Terex Road
Hudson, OH 44236

**Re: Hudson Drive Realty– PPNs 3001315 and 3001316 Containing 32.5 Acres
of Land on Hudson Drive (the “Property”)**

Dear Members of the Planning Commission:

This letter will serve as the application on behalf of our client, Hudson Drive Realty (the “Applicant”), for a text amendment to § 1205.11(f)(1)(A) of the Hudson Zoning Code (the Hike Bike (HB) Senior Housing Overlay Zoning District 8 (the “HB Overlay District”)), and a Zoning Code Map Amendment changing the zoning classification of the Property from District 8, Industrial/Business Park to the HB Overlay District.

Section 1205.11(f)(1)(A) presently states as follows:

- (f) Hike Bike (HB) Senior Housing Overlay Zoning District 8.
- (1) Purpose of overlay zone.

A. This overlay zone within District 8 recognizes the unique presence of the Metro Parks Hike and Bike (HB) Trail as a geographic feature and community amenity. The overlay zone is intended to house residents age fifty-five and over providing smaller yards for convenience and ease of maintenance within a larger subdivision that will maximize connections to the Hike and Bike Trail. All portions of the overlay zone are within 1,100 feet, less than one-quarter mile from the Hike and Bike Trail. This housing will assist the goal of providing diversity in housing options in the City with proximity to centers of employment and health/wellness with a variety of housing types and lot sizes.

The Applicant respectfully requests a text change to § 1205.11(f)(1)(A) as follows:

- (f) Hike Bike (HB) Senior Housing Overlay Zoning District 8.

(1) Purpose of overlay zone.

A. This overlay zone within District 8 recognizes the unique presence of the Metro Parks Hike and Bike (HB) Trail as a geographic feature and community amenity in addition to other health and wellness amenities, including the Summa Healthcare Wellness Center (Summa) and the Hudson Drive/Darrow Road Hike and Bike System (HDHB) (all of which, collectively, the Health and Wellness Facilities). The overlay zone is intended to house residents age fifty-five and over providing smaller yards for convenience and ease of maintenance within a larger subdivision that will maximize connections to the Health and Wellness Facilities. All portions of the overlay zone are within 1,100 feet, less than one-quarter mile from the HB Trail or, alternatively, adjacent and with direct access to Summa and to HDHB. This housing will assist the goal of providing diversity in housing options in the City with proximity to centers of employment and health/wellness with a variety of housing types and lot sizes.

The reasons for the requested text amendment and map change are fully and completely set forth in the September 10, 2020 Zoning Opinion Report by Mark A. Majewski, AICP, of Northstar Planning & Design LLC submitted herewith.

Attached hereto is the Affidavit of Anita M. Heller, a partner in Hudson Drive Realty attesting its ownership of the Property and that the information being provided to you is correct. The Affidavit includes a copy of the deed to the Property, which contains a full legal description of the Property.

The proposed use of the Property by Hudson Drive Realty meets all the requirements under the HB Overlay District except for the requirements of § 1205.11(f)(1)(A). The proposed text amendment change would expand that section to require, as an alternative to the Metro Parks Hike and Bike Trail (“HB Trail”), that the location of a property in the HB Overlay District be adjacent both to the Summa Healthcare Wellness Center (“Summa”) and the Hudson Drive/Darrow Road Hike and Bike System (“HDHB”). Summa provides healthcare and recreational activities indoors for seniors 12 months a year regardless of weather, which is not true of the Metro Parks Hike and Bike Trail. The use of the HDHB which, when combined with the Applicant’s Property, will form a loop approximately 2 miles in length that will be available for both walking and cycling use. Accordingly, the proposed text change will require, as an alternative to the HB Trail, health and wellness facilities that better serve the needs of the seniors who will occupy the Property.

The proposed use of the Property contains high quality dwellings consisting of 39 detached single family homes and 47 attached single family homes, which includes single family attached buildings, duplex buildings and multi-family buildings, to be constructed for sale by Petros Homes,

Members of the Hudson Planning Commission

September 14, 2020

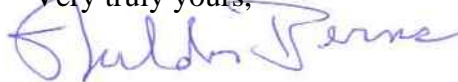
Page 3

and fulfills a need for such housing in Hudson. Given Petros Homes' reputation for quality, Hudson will be proud to have the proposed development.

We believe that our submittal meets all the criteria required for both the requested text change and map amendment.

If you have any questions concerning the application, please phone me at 216-407-1488. If you have questions concerning the engineering, please call Eric Kramer of Donald G. Bohning & Associates, Inc. at 216-536-4620. And if you have any questions concerning the proposed use of the Property, please call either Greg Modic at 440-525-1725 or Sam Petros at 440-823-6700.

Very truly yours,



Sheldon Berns

SB:rls

Encl.

Affadavit of Owner &
Legal Description

STATE OF OHIO

COUNTY OF CUYAHOGA

)
)
)


SS:

AFFIDAVIT OF ANITA M. HELLER


Anita M. Heller, being first duly sworn, deposes and says as follows:

1. I am a partner in Hudson Drive Realty.
2. The applicant Hudson Drive Realty, an Ohio general partnership, is the owner of PPNs 3001315 and 3001316 containing approximately 32.5 acres of land exclusive of legal highways (the "Property").
3. A copy of the deed conveying the Property to Hudson Drive Realty, which contains the full legal description of the Property, is attached hereto.
4. All information provided to the Hudson Planning Commission on behalf of the applicant regarding the Application of Hudson Drive Realty for a text amendment to the Zoning Code and a Zoning Map amendment is correct.

FURTHER AFFIANT SAYETH NAUGHT


 ANITA M. HELLER

Sworn to before me and subscribed in my presence this 11th day of September, 2020.


 Notary Public



BENJAMIN J. DCKNER
ATTORNEY AT LAW
NO EXPIRATIONAL DATE

Book 5686 and Page 11 - Notes: No marginal notation - Image reflects page in volume - Bleed through from previous page.

Know all Men by these Presents That THE HUDSON DEVELOPMENT COMPANY,
an Ohio general partnership the Grantor,
who claim title by or through instrument, recorded in Volume, Page, County
Recorder's Office, for the consideration of Ten - - - - - Dollars
(\$ 10.00) received to its full satisfaction of HUDSON DRIVE REALTY,
a partnership the Grantee,
whose TAX MAILING ADDRESS will be c/o William Keller, 1400 Central
National Bank Building, Cleveland, Ohio 44114
does
to give, grant, bargain, sell and convey unto the said Grantee, its successors
and assigns, the following
described premises, situated in the Township of Hudson
County of Summit and State of Ohio:

HOD
1/3
See Exhibit A attached hereto and made a
part hereof for legal description of
Parcels 1 and 2 comprising the premises.

10531

TRANSFERRED IN COMPLIANCE WITH
SEC. 319-202 REV. CODE
\$ 165.00
\$ 165.00 FEE
BY JOHN POBA JR. Deputy Auditor

SUMMIT COUNTY
No. 2957
Certificate of Partnership
Filed 7/31 1975
JAMES B. MCCARTHY
Clerk of Courts
7/31/75 By [Signature] Deputy

SUMMIT COUNTY
No. 2762
Certificate of Partnership
Filed 3/4 1974
JAMES B. MCCARTHY
Clerk of Courts
7/31/75 By [Signature] Deputy

be the same more or less, but subject to all legal highways.

EXHIBIT A~~7-2-10~~
Parcel One:

Situated in the Township of Hudson, County of Summit and State of Ohio, and known as being part of Lot 15 in Hudson Township, and further described: Starting at the intersection of the South Line of Lot 15 with the center line to the Hudson Drive, County Highway #34, thence North 24 degrees 55' East 226.71 feet along the said center line to the P. C. of a curve; thence Northeasterly 277.34 feet along the arc of said 1 degree 15' curve to the Grantor's Southwest corner and the true place of beginning of the following described parcel; thence 408 feet along the arc of said curve, having a central angle 5 degrees 06' radius 4583.31 feet and a chord North 31 degrees 02' East 407.83 feet to the P. T.; thence North 33 degrees 35' East 217.80 feet along the said center line; thence North 89 degrees 38' 48" East 504.31 feet along the Grantor's North line to an iron pin; thence North 88 degrees 33' 15" East 633.11 feet to an iron pin at the Grantor's Northeast corner; thence South 1 degree 58' 45" East about 516.29 feet to an iron pin at the Grantor's Southeast corner; thence South 88 degrees 40' 28" West about 1484.40 feet along the Grantor's South line to the true place of beginning and containing 17.93 acres of land, be the same more or less, but subject to all legal highways.

Parcel Two:

Hud
3

Situated in the Township of Hudson, County of Summit and State of Ohio, and being part of Lot 15 in said Township, more fully described as follows: Beginning at a point where the South Line of Lot 15 intersects the center line of the Cuyahoga Falls-Hudson Road (Route #34); thence along the center line of said road North 24 degrees 55' East 226.71 feet to the P. C. of a curve in said Road; thence along the arc of a 1 degree 15' curve bearing to the right, the chord of which bears North 25 degrees 13' East a distance of 23.29 feet to the N. W. corner of a parcel of land now owned by H. Kuchenbecker the deed of which is recorded in Volume 2297, Page 187 of Summit County Records, said point being also the true place of beginning; thence along Kuchenbecker's North line North 88 degrees 50' East 209.35 feet to the N. E. corner of said parcel; thence along Kuchenbecker's East line South 1 degree 19' 38" East 224.18 feet to the S. E. corner of above mentioned parcel; thence along the South line of Lot 15 North 88 degrees 50' East 1394.32 feet to the S. W. corner of J. & M. Comeriato's 1.84 acre parcel; thence along the West line of Comeriato and of the 13.88 acre parcel of E. C. & M. F. Buskirk North 1 degree 18' West 449.08 feet to a point; thence South 88 degrees 50' West 1484.40 feet to a point in the center line of the Cuyahoga Falls-Hudson Road on the arc of a 1 degree 15' curve; thence along the arc of said curve bearing to the left, the chord bears South 26 degrees 43' 25" West 254.01 feet to the place of beginning. Containing 15.22 acres more or less as surveyed by E. A. Hand in March 1950, be the same more or less, but subject to all legal highways.

Book 5686 and Page 13 - Notes: No marginal notation - Image reflects page in volume - Bleed through from previous page.

HUD 7-31-75

TO HAVE AND TO HOLD the above granted and bargained premises with the appurtenances thereof, unto the said Grantee, its successors, heirs and assigns forever. And the said Grantor, for itself and its successors in interest, covenant with the said Grantee, its successors, heirs and assigns, that at and until the encroaching of these presents, it is well seized of the above described premises, as a good and indefeasible estate in FEE SIMPLE, and has good right to bargain and sell the same in manner and form as above written, and that the same are free from all incumbrances whatsoever, except: (1) taxes and assessments both general and special for the tax year 1974 and thereafter; (2) zoning ordinances; and (3) easements, conditions and restrictions of record. and that it will WARRANT AND DEFEND said premises, with the appurtenances thereunto belonging, to the said Grantee, its successors, heirs and assigns, against all lawful claims and demands whatsoever except as aforesaid

In Witness Whereof, we have hereunto set our hands, this 23rd day of July, in the year of our Lord one thousand nine hundred and seventy-five

Signed and acknowledged in the presence of THE HUDSON DEVELOPMENT COMPANY, an Ohio General Partnership By: CFC Capital Corp., an Ohio Corporation (sole remaining Partner) And: James W. Carey Vice President

STATE OF OHIO } ss. Before me, a Notary Public Cuyahoga County, in and for said County and State, personally appeared the above named THE HUDSON DEVELOPMENT COMPANY, by CFC Capital Corp., through Melvin J. Melle and James W. Carey, its authorized officers who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed, on behalf of said corporation as sole remaining partner. In Testimony Whereof I have hereunto set my hand and official seal, at Cleveland, Ohio this 23rd day of July, A. D. 1975

MARTIN A. TRABER, Attorney NOTARY PUBLIC - STATE OF OHIO My Commission has an expiration date Section 147.03 R. C.

This instrument prepared by: Martin A. Traber Arter & Hadden 1144 Union Commerce Building Cleveland, Ohio 44115 696-1144

WARRANTY DEED FROM THE HUDSON DEVELOPMENT COMPANY, an Ohio General Partnership to HUDSON DRIVE REALTY, a Partnership

RECEIVED FOR RECORD JUL 31 1975 at 1:50 o'clock P.M. Recorded AUG - 8 1975 In Summit County Records Volume 5686 Page 11-13

RECEIVED FOR TRANSMISSION JUL 31 1975 JOHN BODALINO OHIO PODA JR. COUNTY AUDITOR

The Ohio Land Bank Co. Cleveland 166305

Zoning Opinion Report
Prepared by Northstar

10 September 2020

Sheldon Berns, Esq.
Berns, Ockner & Greenberger, LLC
3733 Park East Drive, Suite 200
Beachwood, Ohio 44122

RE: ZONING OPINION REPORT
HUDSON DRIVE PROPERTY – HUDSON, OHIO
Parcel Numbers 3001315 and 3001316

Dear Mr. Berns:

In response to your request I have examined the Subject Property (Summit County Parcel Numbers 3001315 and 3001316) located on Hudson Drive in the City of Hudson, Ohio. I have also examined the zoning code of the City and other information relating to the Subject Property and its surrounds.

A summary of the information I have examined and my analyses of that information are attached as an Appendix to this letter.

This report has been updated today to reflect the current Preliminary Plan for Hudson Reserve .

It is my understanding that it is the intent of the Owner to use the Subject Property to construct dwellings as illustrated on the plan attached as the last page of the Appendix. This residential development would be constructed in conformance with the requirements of the District 8 HB Hike Bike Senior Housing Overlay District subject to text amendments, variances or other approvals relating to connections to hike/bike and other health and wellness facilities.

Opinion

Based on the information I have examined and with benefit of my professional training and experience, it is my opinion that:

1. The City of Hudson should rezone the Subject Property to permit the Owner to construct dwellings under the District 8 HB Hike Bike Senior Housing Overlay District as illustrated in the concept plan and authorize such other variances or approvals as may be required.
2. Construction of dwellings on the Subject Property would create a sizable new residential neighborhood compatible with the existing dwellings in the surrounds, with the abutting 115-unit assisted living facility and church, and with the extensive planned open space indicated in the City's Land Use Plan. This development would also be consistent with the City Plan's concepts for new

high-density developments and trail oriented development and consistent with the objectives and specific standards of the nearby Hike Bike Overlay District.

3. The owner's lack of success during years of attempts to market the Subject Property under the current District 8 zoning regulations make it clear that the use restrictions are not suitable for the location, surrounding circumstances, and market for District 8 principal uses. The lack of new development on the surrounding vacant sites – taken together with the fact that the two newest developments in the area are a large amount of Hike Bike housing (under an Overlay of District 8) and 115 assisted living units – make clear that housing is a viable and appropriate alternative for the Subject Property.
4. Approval for dwellings on the Subject Property would do justice by affording the owner reasonable use of the Subject Property, contribute to the function and value of its surrounds, and do no harm.
5. Given the foregoing, from a land use, zoning, and planning perspective, maintaining the present zoning on this site would be clearly arbitrary, capricious, unreasonable, confiscatory and fail to substantially advance a legitimate governmental interest.
6. It is my opinion from a land use, zoning, and planning perspective, that there would be no rational basis for and no legitimate governmental interest substantially advanced by denying residential use zoning and the continued application of the present zoning on this site while treating other similarly situated properties differently by allowing residential use zoning. From a land use, zoning, and planning perspective it is arbitrary, capricious, and unreasonable to treat the Subject Property differently than the other substantially similar sites.

Appendix

Please see the attached appendix to this letter which includes a summary of the information I have examined and my analyses of that information.

Qualifications

I am qualified to prepare these opinions as a result of my education and experience as a planning and zoning professional. I earned a Bachelor of Urban Planning Degree from the University of Cincinnati School of Design, Architecture and Art in 1977 and an Executive Master of Business Administration at Cleveland State University in 1985.

I have practiced in this field for over 40 years, serving public and private clients in a wide range of planning and zoning matters. I have extensive experience in writing, administering, and enforcing local zoning codes. I have been a member of the American Institute of Certified Planners (AICP) since 1982.

I offer the foregoing opinions in this case which I hold to a reasonable degree of certainty based on my professional expertise as a land use and zoning planner.

Thank you for requesting my assistance in this matter. Please do not hesitate to contact me with any questions.

Sincerely

NORTHSTAR PLANNING & DESIGN LLC

A handwritten signature in black ink that reads "Mark A. Majewski". The signature is written in a cursive style with a horizontal line at the end.

Mark A. Majewski AICP

Appendix to Letter from Mark A. Majewski, AICP
Addressed to Sheldon Berns, Esq.
Dated 10 September 2020

RE: ZONING OPINION REPORT
HUDSON DRIVE PROPERTY – HUDSON, OHIO
Parcel Numbers 3001315 and 3001316

Background Information

In preparing this report I have examined the following sources of information:

- Codified Ordinances of Hudson Ohio, Part Twelve – Planning and Zoning Code
- City of Hudson 2015 Comprehensive Plan
- Summit County Auditor records via website
- Google Maps images on line
- Field examination
- Websites of uses in the study area
- Discussion with Property Owner

1. Location and Ownership.

The Subject Property is comprised of two parcels in the City of Hudson on the east side of Hudson Drive south of Terex Road. It is identified in Summit County property records as Parcel Numbers 3001315 and 3001316. The parcels are in common ownership of Hudson Drive Realty.

2. Site Characteristics.

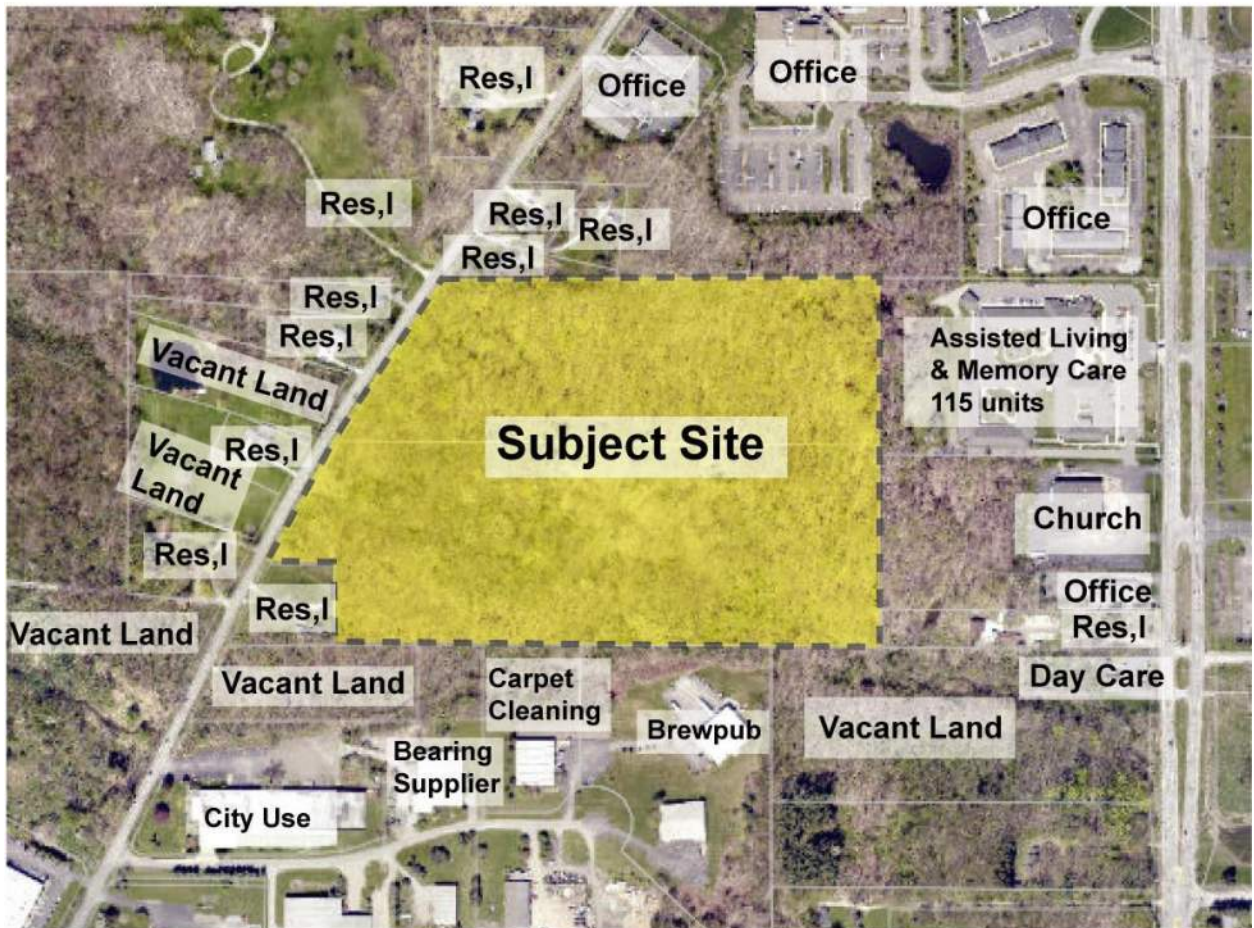
- **Dimensions.** Taking the two parcels together, the Subject Property contains approximately 30 acres. It has approximately 870 feet of frontage on the east side of the Hudson Drive right-of-way. Overall the Subject Property is approximately 960 feet wide and has average depth of approximately 1500 feet.
- **Topography.** The site is generally level and appears to be free of significant topographic limitations to development with the exception of a small area on the south line indicated on the Summit County Environmental maps as “wetlands”.
- **Existing Uses.** The site is 100% vacant with no buildings or other structures present.
- **West Side/Frontage on Hudson Drive.** The west side of the Subject Property has frontage on Hudson Drive. In this location, Hudson Drive has one thru lane in each direction for a total of two (2) lanes. Hudson Drive is a local road linking Terex Road in the northeast and Seasons Road to the southwest.

3. Adjacent Conditions and Uses.

The Subject Property is surrounded by a variety of existing use types as well as vacant land. In total, the Subject Property abuts or is directly across the street from the frontage of eighteen (18) properties. As illustrated on the map below, the existing uses on these properties are the following:

- 8 dwellings
- 1 assisted living and memory care campus
- 1 church
- 1 medical office complex
- 1 brewpub
- 1 carpet cleaning establishment
- 1 bearing supplier
- 4 vacant properties

Site and Abutting Uses



Note: "Res, I" means Residential Use

4. Area Use Pattern and Development Activity.

The Subject Property is located within a larger neighborhood of mixed uses and vacant properties. Shown on the map (on following page) are the properties bound by Terex Road on the north, Darrow Road on the east, Seasons/Norton Road on the south, and the rail right-of-way of the Metropolitan Transit Authority on the west.

On the map below, each property is marked with:

- a. Current use if apparent from field examination or other source or the structure type reported on Summit County Auditor records. The current use and structure type abbreviations are as follows:

RES = Residential use

OFC = Office use

COMCL = Commercial use

WHS = Warehouse structure

MFG = Manufacturing structure

Vacant = Vacant land

- b. Year of construction reported on Summit County Auditor records.

Example: RES/1950 = a dwelling constructed in 1950

The locations and types of new construction which have occurred in the past 10 years – since 2010 – are highlighted in yellow.

Area Use Pattern and Development Activity



RES = Residential use
 OFC = Office use
 COMCL = Commercial use
 WHS = Warehouse structure
 MFG = Manufacturing structure
 VAC = Vacant land

5. Zoning Classifications and Regulations Applied to Subject Site and Surrounds

The Hudson Map of Zoning Districts establishes and illustrates the zoning classifications of all properties in the City of Hudson. The subject property is classified in District 8 Industrial Business Park. District 8 extends across much of the southern end of Hudson and over nearly $\frac{3}{4}$ of the City's east-west width.

The map at right is a clipping from the City of Hudson [Community Development Map of Zoning Districts](#) (obtained from City of Hudson website on March 12, 2020; "Map compiled: March 2019").

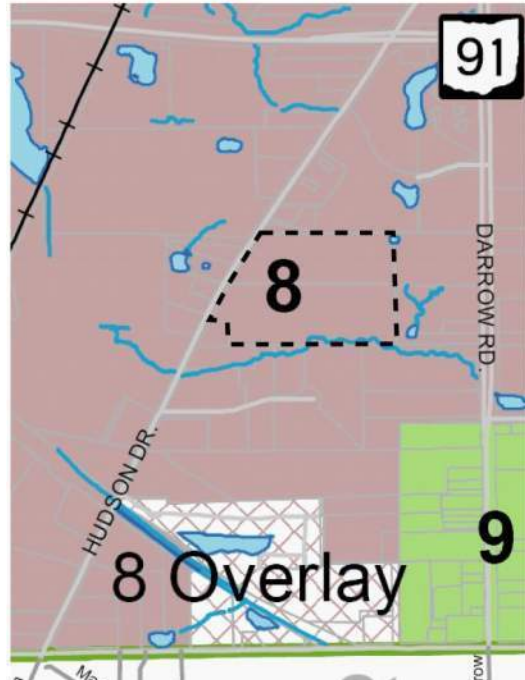
The Subject Property is highlighted with an added dashed line.

The Subject Property is classified in District 8 Industrial Business Park as are all parcels abutting the Subject Property.

District 8 covers most of the area bound by Hudson Drive, Terex Road, Darrow Road, Seasons/Norton Road, and the Metro Regional Transit Authority right-of-way with two exceptions:

- A portion of District 8 is covered by the District 8 HB Senior Housing Overlay.
- An area fronting along and in the intersection of Darrow Road and Norton Road is zoned in District 9 -Darrowville Commercial Corridor.

Hudson Map of Zoning Districts
Clipping Highlighting Subject Site
in District 8: Industrial/Business Park



The zoning regulations applicable to the Subject Property are found in the [Codified Ordinances of Hudson Ohio, Part Twelve – Planning and Zoning Code](#). Regulations specific to District 8 are set forth in Chapter 1205, Zoning Districts-City of Hudson Zoning Map, 1205.11 District 8: Industrial/Business Park.

The Purpose statement for this District (1205.11(a)) makes clear that the principal uses for this district are intended to be office and industrial uses. Retail and service uses are intended to be permitted "only to the extent necessary to serve employers and employees in the district" or accessory to principal office or industrial uses. The purpose statement concludes with mention of the District 8 Hike Bike (HB) Senior Housing Overlay Zone.

Uses by right are listed in 1205.11(b) and include categories of commercial/retail, industrial uses, institutional/civic/public uses, planned developments, and accessory uses. Conditional uses are listed in 1205.11(c) and include categories of residential uses (actually, one specific use, "assisted living"), commercial/retail uses, industrial uses, institutional/civic/public uses, agricultural uses, and accessory uses.

Of note are the following zoning regulations relating to residential and residential-compatible uses listed in District 8 and/or existing in the surrounds of the Subject Property:

- “Assisted living” is listed as a District 8 conditional use. This use is listed as a conditional use in seven (7) of the City’s twelve (12) zoning districts. In five (5) of those seven districts, attached and detached single family dwellings are also listed as permitted or conditional uses. It is apparent that assisted living is a use deemed compatible (subject to conditions) with single family dwelling use as well as with the uses in District 8.

At 1213.02 (27) "Assisted living" is defined: "Assisted living" shall mean **residences for the elderly** that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation. *(emphasis added)*

- “Continuing care retirement community” is also listed as a conditional use. This use is listed as a conditional use in three (3) of the City’s twelve (12) zoning districts. In one (1) of those three districts, attached and detached single family dwellings are also listed as permitted or conditional uses. It is apparent that continuing care retirement community is a use deemed compatible (subject to conditions) with single family dwelling use as well as with the uses in District 8.

At 1213.02 (74) "Continuing care retirement community" is defined: "Continuing care retirement community" shall mean a **residential and institutional complex containing dwelling units of any type permitted by this Code** for independent living, and assisted living or institutional residential uses or both, with each dwelling or room occupied by not more than two residents at least one of whom is fifty-five years of age or older. Said complex shall have available on site: passive and active recreational facilities; common dining facilities; and provide primarily non-medical resident services to individuals in need of personal assistance essential for sustaining activities of daily living such as assistance or supervision in matters such as dressing, bathing, diet, financial management, transportation, evacuation of a residence in the case of an emergency, or administered medication. *(emphasis added)*

- “Institutional residential for the handicapped or elderly” is also listed as a conditional use. This use is listed as a conditional use in three (3) of the City’s twelve (12) zoning districts. In one (1) of those three districts, attached and detached single family dwellings are also listed as permitted or conditional uses. It is apparent that Institutional residential for the handicapped or elderly is a use deemed compatible (subject to conditions) with single family dwelling use as well as with the uses in District 8.

This use is defined at 1213.02(159): "Institutional residential uses" shall mean **residences** for nine or more unrelated persons who are elderly or developmentally disabled and who may or may not require facilities and services including restorative care and treatment, nursing services, aid with daily living skills, meal service, regular or as-needed medical supervision, social care, or other services that are supportive, restorative, or preventive in nature. Institutional residential uses include, but are not limited to, long-term care facilities,

nursing homes, group homes for nine or more clients, and intermediate care facilities. "Institutional residential uses" do not include assisted living facilities, group homes for eight or fewer clients, day care centers, or family day care homes. (*emphasis added*)

- "Places of religious worship" is not listed as either a permitted or conditional use in District 8 although this use is listed as a conditional use in six (6) other of the City's twelve (12) zoning districts. In five (5) of those six districts, attached and detached single family dwellings are also listed as permitted or conditional uses. It is apparent that place of religious worship is a use deemed compatible (subject to conditions) with single family dwelling use.

This use is defined at 1213.02 (225): "Places of religious worship" shall mean a building containing a hall, auditorium or other suitable room or rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. "Places of worship" shall include churches, synagogues and the like, but shall not include buildings used for commercial endeavors, including, but not limited to, commercial motion picture or stage productions.

- At 1205.11(f) regulations specific to the Hike Bike (HB) Senior Housing Overlay Zoning District 8 are provided. A lengthy purpose statement, list of uses by right and conditional, and property development design standards are included. The uses-by-right included in this Overlay of District 8 include: **duplexes, single-family attached, single family detached, residential group homes, and townhomes**. Of note in the HB Overlay text are the many references to **age-restricted dwellings**, proximity to bike/hike facilities, and a variety of listed commercial uses.

This Overlay is clearly intended to permit a residential development – with dwellings types as listed - in District 8 Industrial/Business Park

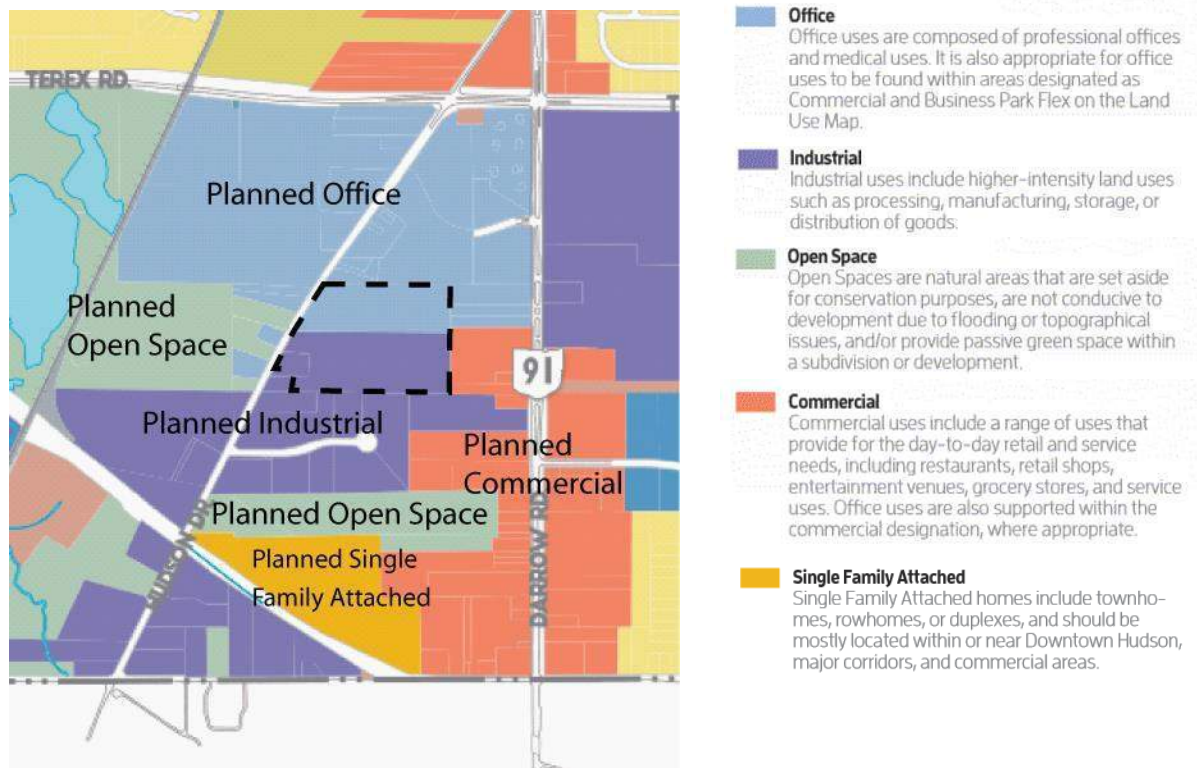
Beyond the list of uses, the text of 1205.11 District 8: Industrial/Business Park includes property development and design standards which address floor area to lot area ratios, minimum parcel sizes, setbacks, maximum height, architecture and design, and various site amenities.

6. City of Hudson Master Plan.

In 2016, the City adopted an update to the City's 2015 Comprehensive Plan which includes an updated Land Use Plan. The text of the Land Use Plan (p. 24) states that *"The Land Use and Development Plan identifies future land uses for all areas within the City of Hudson and provides a framework to guide future planning and land use policy decisions."*

Several clippings from the Land Use Plan Map are assembled below to highlight the planned uses for the Subject Property and surrounds. *The Map has been highlighted with a dashed line around the Subject Property and notations for the planned land uses.*

LAND USE PLAN



The Land Use Plan map splits the Subject Property into two *"...desired future land uses..."*. The north half of the site is planned for "Office". The south half of the site is planned for "Industrial".

The Land Use Plan further illustrates a diverse mix of planned land uses abutting and in the surrounds of the Subject Property. The Map indicates the City's intent to encourage large areas of land uses significantly different from the principal uses of the District 8 Industrial/Business Park for which the area is now zoned. These include:

- On the west side of Hudson Drive across from the Subject Site, "open space" encompassing large areas east and west of the proposed Veterans Trail.
- South of the existing Hudson Gate Park Drive development, another large area of "open space".
- On the east end of the Subject Site, fronting along Darrow Road and extending to the south, an enlarged area of "commercial".

- East, north and northwest of the Subject Site, a large area of “office uses” incorporating sites now occupied by offices as well as by a senior living facility and several residences.

The Land Use and Development Plan also includes a “Residential Areas Framework Plan” ...“detailing recommendations and policies for residential areas...”. Clippings from this map are shown below. “High Density Residential” sites are indicated in locations to the north of Terex Road and south of the Subject Property.

RESIDENTIAL AREAS FRAMEWORK PLAN



High Density Residential*

High density residential areas are composed of historic small lot single family detached homes, multi-family units, townhomes, and duplexes. New high density development should occur within or near Downtown Hudson, or proximate to regional trails, parks, or commercial areas.

* Code Enforcement

Consistent and effective code enforcement should be undertaken within all residential 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.

- 7. Planned and Existing Bikeway and Walking Facilities.** The subject site is in close proximity to two existing bike facilities and to a third planned trail.
- Designated Bike Lanes are located on Darrow Road approximately 770 feet from the east end of the Subject Property.
 - A biking and hiking trail crossing Hudson Drive is located approximately 1,700 feet southwest of the Subject Property.
 - The Summit County Trails Map (sections shown below) indicates that the vacant railway 2,000 feet west of the Subject Property is planned for an Off Road Trail.



*This map is for planning purposes only. Not a trail guide.
Map references plan as of 2013.*

The City of Hudson Land Use and Development Plan also indicates this planned off road trail as the “Proposed Veteran’s Trail”. The Land Use Plan also includes a map of “Trail Oriented Development” shown below. It recommends that “...desirable higher-density residential units that can appeal to seniors...should be positioned along the proposed Veterans Trail and Hike and Bike Trail to maximize recreational and transportation access...”.



TRAIL ORIENTED DEVELOPMENT

“Trail Oriented Development” leverages regional trail access to create desirable higher-density residential units that can appeal to seniors, young professionals, recreation enthusiasts, and young families. New high density development such as condominiums, apartments, townhomes, and duplexes should be positioned along the proposed Veterans Trail and Hike and Bike Trail to maximize recreational and transportation access for residents.

Analyses

- 1. Analysis of Existing Abutting Uses.** As noted in the background information, the Subject Property abuts a wide variety of uses. Most of these uses – while they may be legally nonconforming or special conditional uses - are not consistent with the intended character of District 8 as an office and industrial area.

The entire Hudson Drive frontage faces west side frontages of long-standing residential uses and small vacant sites - most of which do not meet the minimum 2-acre requirement (in District 8) for office or industrial uses. The likelihood of their conversion to conforming uses is limited and piecemeal at best. In addition, the larger areas of vacant land to the rear (west) of those small frontage lots are impacted by wetlands – and planned in the City’s Land Use Plan as “open space” as opposed to “industrial” or “office”.

The north boundary of the Subject Property abuts a cluster of three existing dwellings (roughly 500 feet of common boundary) and open space on abutting office development (roughly 700 feet). Thus 40% of that north boundary abuts a lot in residential use.

The east/rear boundary of the Subject Property abuts three properties whose frontages are on Darrow Road. One lot is the site of Hudson Grande Senior Living which is “...an assisted living and memory care community”. Hudson Grande provides 115 living units. It was constructed in 2013. The neighbor to Hudson Grande is a facility of Hudson Community Chapel. According to the organization’s website, this site includes “...a café’, gym, meeting spaces, student ministries.... counseling, support groups, and more.” The third lot is the site of a dwelling constructed in 1965.

The southern boundary of the Subject Property abuts roughly 300 feet of common line with a vacant property fronting on Darrow Road. Another 900 feet of this southern boundary abuts three developed lots in the Hudson Gate Drive subdivision. The warehouse type structures on these three lots were constructed in 1989, 1997, and 1997 respectively. They are occupied by a brewpub, carpet cleaning establishment, and bearing supplier. The remainder of this southern boundary abuts a vacant lot and another dwelling lot.

Despite the District 8 zoning classification of the Subject Property and its abutting neighbors, only one third of its total boundary abuts office and industrial uses. Almost all of the remainder of its boundary abuts lots with existing dwellings and residential-compatible uses such as assisted living and worship facilities.

- 2. Analysis of Area Use Pattern and Development Activity.**

Examination of the larger neighborhood of which the Subject Property is part reveals important patterns which impact the viability of the Subject Property. *(See illustration “Area Use Pattern and Development Activity” on earlier page.)*

Looking beyond the properties immediately adjacent to the Subject Property, the entire area is a complicated and inconsistent mix of uses – although for the most part located in the same zoning district.

Several large office buildings are located in the north end of the area along the Terex Road and Darrow Road frontages. Most were constructed in the 1990's with the most recent being a medical office complex in 2005. One of these office buildings (constructed in 1990 at 1140 Terex Road) was purchased by the City of Hudson in 2018 and is now the city hall. A small office condominium (2000) is the only true office complex with frontage focused on Hudson Drive.

Most of the north half of the Hudson Drive frontages – including the frontage of the Subject Property - are dominated by small residential and vacant lots. Much of the south half of the Hudson Drive frontages are vacant or occupied with scattered small office, warehouse, and manufacturing structures developed in the 1980's and earlier.

Hudson Gate Drive is located on the south boundary of the Subject Property. Hudson Gate Drive provides access to municipal uses (2 sites), warehouse and manufacturing buildings located on nine lots. One of these lots, fronting on Hudson Drive, is vacant. Two of the lots with existing buildings, constructed in 1985-1997 and 2000, were acquired by the City of Hudson in 2017 and 2019.

A more intensive cluster of mixed manufacturing and warehousing structures is located south of the Metroparks Bikeway. The newest was constructed in 1998.

A notable interjection of new attached dwellings is located along the north side of the Bikeway extending east from Hudson Drive to Seasons Road. Approximately 160 attached dwellings have been built on 32 acres in two phases in 2013 and 2017. This residential development is the newest construction in the area and was made possible by creation of the District 8 Overlay discussed further below.

The dates of construction of the various structures in this area are significant indicators of the lack of business construction activity surrounding the Subject Property.

- The most recent construction projects are the attached housing development (2013 and 2017) and the Hudson Grande assisted living facility (2013).
- Based on examination of Summit County Auditor records, no new office, industrial, or commercial construction has occurred in this area since at least 2010.
- During the prior decade, between 2000 and 2010, only three new buildings were constructed. These include two office developments (2000 and 2005) north of the Subject Site and one warehouse (2000) on Hudson Gate Drive, now occupied by the City of Hudson.

It is apparent from the foregoing that the Subject Property is located in an area of diverse uses including long standing non-conforming dwellings, office developments aged 15-30 years, warehouse and manufacturing structures aged 20-40 years, recent municipal acquisitions of existing structures, and scattered vacant lots of varying sizes.

This milieu is clearly not a growing business development area, a reality reflected in the property owner's difficulty in selling the property for uses permitted under the current District 8 zoning regulations.

3. Analysis of Zoning Regulations

The continuity of zoning District 8 over the Subject Property and its surrounds belies the diverse mix of uses which are possible and which do in fact exist in this District.

As noted above, the Subject Site is surrounded by numerous dwellings which are likely legally nonconforming (that is, “grandfathered” due to their existence prior to the current zoning regulations). Legal or not, they have a right to remain and have remained in a loose residential neighborhood along Hudson Drive. The pattern of homes and small lots makes their disappearance unlikely. They impact and will be impacted by use of the Subject Property.

The District 8 regulations list three conditional uses which are residential in nature: “assisted living”, “continuing care retirement community”, and “institutional residential for the handicapped and elderly”. As noted previously, these three uses are also listed in zoning districts of the City which are predominantly or significantly residential in nature. It is therefore reasonable to presume that these uses are deemed compatible with residential use and set some precedent for dwellings in District 8. In fact, the Subject Property abuts one such substantial assisted living facility (Hudson Grande) which contains 115 units. One or more of these specified residential uses could be developed on the Subject Property subject to approval as conditional uses.

The HB Overlay District permits residential development and has been applied in one location in District 8 where it “supersedes” the underlying industrial and business park zoning and its regulations. The housing recently developed in this overlay district is surrounded by District 8 zoning.

As will be discussed later in this report, the owner has interest in developing senior-restricted dwellings on the Subject Property. The three residential-related conditional uses listed in District 8 suggest that the District is a suitable location for dwellings occupied by senior residents. The HB Overlay District has specifically permitted senior-restricted dwellings surrounded by District 8.

4. Analysis of City Plan

As discussed in previous pages, the updated Hudson Comprehensive Plan and its component Land Use Plan propose a future pattern of development surrounding the Subject Property which significantly differs from the present. These changes have significant implications for viable use of the Subject Property.

First, the Land Use Plan assigns different future land uses to the two parcels which comprise the Subject Property. The north parcel is planned for “Office” and the south parcel for “Industrial”. The dimensions of these parcels are such that they can only be efficiently developed in one of two ways.

(a) Developed individually, the parcels are excessively deep for efficient use by most potential office or industrial businesses.

(b) Developed jointly as a new re-subdivision with a common central road (similar in layout to Hudson Gate Drive), land use complying with the Land Use Plan would face office buildings on

the north side across from industrial uses on the south side. This is not a feasible land use pattern. It is likewise unlikely that the market will invest in such subdivision improvements when apparent demand for office and industrial is limited, particularly in this area.

Second, either development pattern would require significant investments in office and/or industrial development which is isolated in the midst of longstanding residential uses, residential-compatible uses, non-conforming lots, the substandard Hudson Gate subdivision, extensive planned open spaces (wetlands), and planned expansion of the Darrowville Commercial Corridor. Taken together with the forgoing discussion about the obvious ongoing lack of development interest in this area (as evidenced by the development pattern and dates of construction), these conditions make it clear that planning office and industrial use for the Subject Property is impractical.

5. Alternative Residential Land Use and Zoning Concept.

Given the many conditions and limitations imposed on the Subject Property limiting development under the current zoning regulations, it is appropriate to consider an alternative development which would result in viable use of the Subject Property and contribute to the function and value of its surrounds. Development of this site for residential uses would contribute to an improved land use and zoning pattern for the site and its surrounds.

The surrounds and dimensions of the Subject Property make it suitable for development with small footprint housing. The characteristics of such development could include:

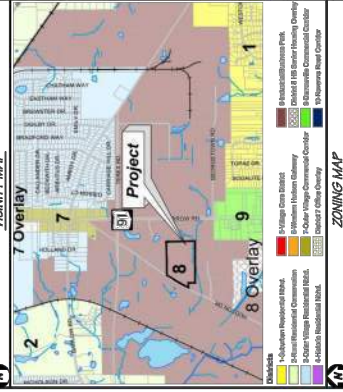
- **Housing Types.** Acreage is sufficient to support a sizable, cohesive and complete new residential neighborhood. Appropriate housing types could be one or more of the following: small lot detached single-family dwellings (perhaps cottage clusters); attached single family dwellings; townhouses; apartments; assisted living units.
- **Amenities.** External maintenance program (HOA), on-site walking facilities, open spaces, other.
- **Access to nearby medical services and Darrowville Commercial District.** Note that the Commercial District is planned for significant northward expansion (see Land Use Plan) to about 450 feet of the east property line of the Subject Property.
- **Proximity to nearby existing and planned hike and bike facilities.**
- **Compatibility with Surrounds.** Adjacent to several existing dwellings and to assisted living and worship facility. Proximity to large planned open spaces. Buffer areas on abutting business uses sufficient to protect new residential development.

Precedent for Residential Use. A significant precedent for dwellings on the Subject Property has been set in this District 8 by the HB Hike Bike Overlay District and its successful housing development constructed in recent years. The HB District and its dwellings are surrounded by District 8 zoning with the exception of the small boundary shared with District 9. Many if not all of the standards and conditions established for the HB overlay district could be accommodated on the Subject Property. Notably, the Subject Property is proximate to hike/bike facilities and will abut compatible and supportive business districts and uses.

Proposed Plan. The Preliminary Plan for Hudson Reserve (next page at top) documents the Owner's intended use of the Subject Property. In addition to the homes and subdivision improvements, the Plan includes a direct walking connection from the Subject Property north to the Summa Health Wellness Center (described on its website as a "medically based fitness facility").

Illustrated on the following sketch (next page bottom) are additional walking/biking connections east and west to the existing walking/biking facilities on Darrow Road and on Hudson Drive. Construction of these connections will complete a walk/bike loop from Hudson Reserve to Darrow Road, to Terex Road, to Hudson Drive and a return to Hudson Reserve. This will be a significant addition to the City's walk/bike system as well as providing excellent access to this wellness system for the residents of Hudson Reserve.

- SOIL LEGEND**
- ChLLoAM
2 TO 6 PERCENT SLOPES
 - CnB
CHILLICAUPE LAND COMPLEX
ROLLING
 - EB
EELNORTH SILT LOAM,
2 TO 6 PERCENT SLOPES
 - Mp1
MAHONING SILT LOAM,
0 TO 2 PERCENT SLOPES
 - Mp5
MAHONING SILT LOAM,
2 TO 6 PERCENT SLOPES
 - Pg
PITS, GRAVEL
 - Ms5
MEEBING SILT LOAM,
2 TO 6 PERCENT SLOPES
- NOTE:**
SOIL TYPE DATA FROM NATURAL
RESOURCES CONSERVATION
SERVICE (USDA-N)
<http://websoilsurvey.sc.egov.usda.gov/>



PROPOSED SITE DATA

ITEM	CODE	PROPOSED
ZONING	PROJECT B	AREAS (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39)
DEVELOPER	100' MAX	REZONED
CONTRACTOR	REZONED	NOA
OWNER	4 IN. / 1/2" SINGLE FAMILY ZONED	28 IN. / 1/2" CIP WALL
FRONT SETBACK	4 IN. / 1/2" SINGLE FAMILY ZONED	28 IN. / 1/2" CIP WALL
REAR SETBACK	4 IN. / 1/2" SINGLE FAMILY ZONED	28 IN. / 1/2" CIP WALL
SIDE SETBACK	4 IN. / 1/2" SINGLE FAMILY ZONED	28 IN. / 1/2" CIP WALL
LOT AREA	60,000 SQ. FT. (1.38 AC.)	80,000 SQ. FT.
LOT WIDTH	100' MAX	100' MAX
LOT DEPTH	100' MAX	100' MAX
FRONT YARD SETBACK	4 IN. / 1/2" SINGLE FAMILY ZONED	28 IN. / 1/2" CIP WALL
REAR YARD SETBACK	4 IN. / 1/2" SINGLE FAMILY ZONED	28 IN. / 1/2" CIP WALL
SIDE YARD SETBACK	4 IN. / 1/2" SINGLE FAMILY ZONED	28 IN. / 1/2" CIP WALL
MAXIMUM HEIGHT	100' MAX	100' MAX
MINIMUM HEIGHT	100' MAX	100' MAX
MINIMUM SETBACK	4 IN. / 1/2" SINGLE FAMILY ZONED	28 IN. / 1/2" CIP WALL
MINIMUM FRONT SETBACK	4 IN. / 1/2" SINGLE FAMILY ZONED	28 IN. / 1/2" CIP WALL
MINIMUM REAR SETBACK	4 IN. / 1/2" SINGLE FAMILY ZONED	28 IN. / 1/2" CIP WALL
MINIMUM SIDE SETBACK	4 IN. / 1/2" SINGLE FAMILY ZONED	28 IN. / 1/2" CIP WALL

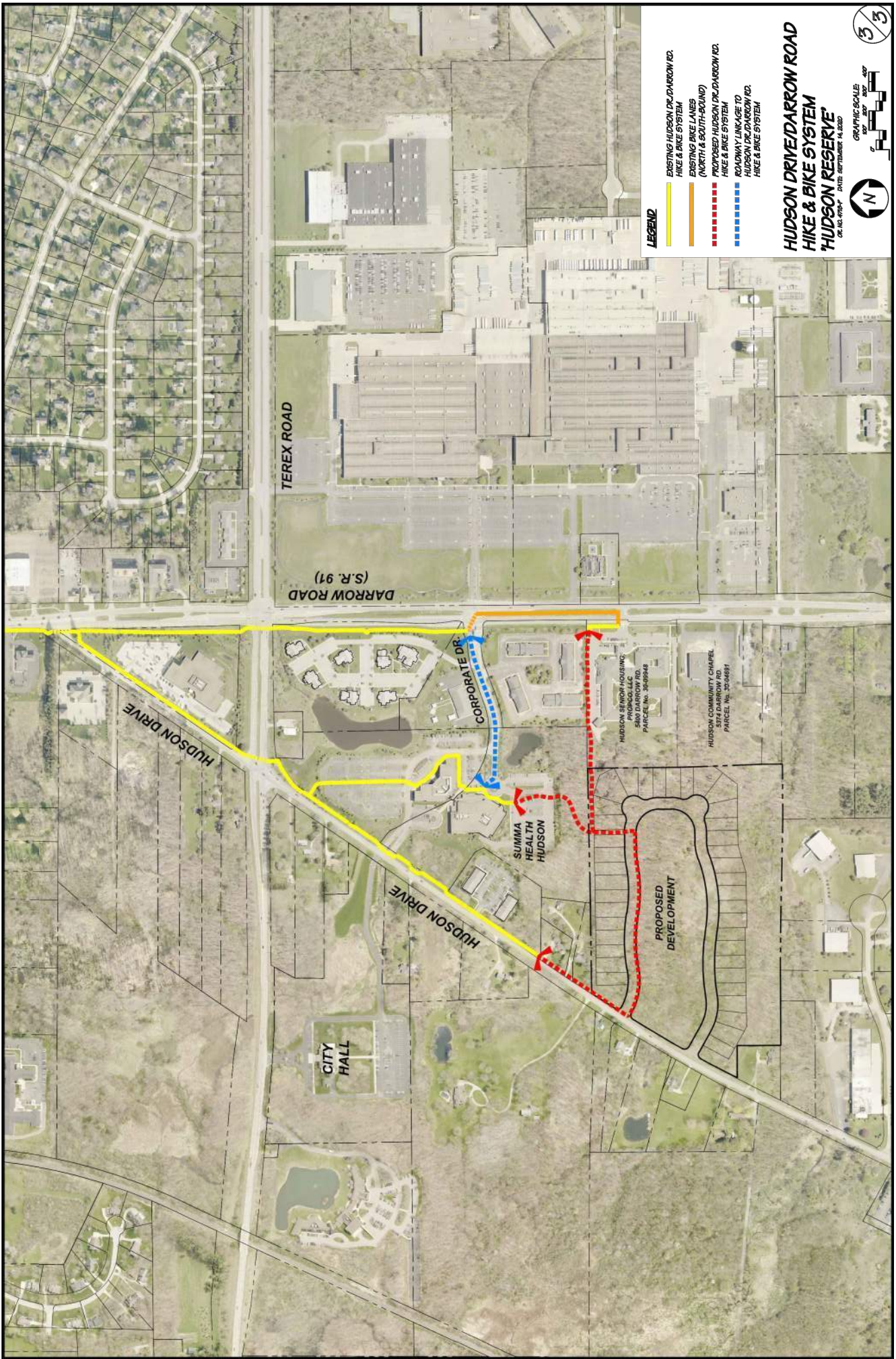
PRELIMINARY PLAN
"HUDSON RESERVE"
 BEING P.P. No. 30-01815 & -01816
 OWNER, HUDSON DRIVE REALTY
 DEED VOL. 73663, PG. 196
 NOW IN THE CITY OF HUDSON, SUMMIT COUNTY, OHIO

Prepared By: **SHAWING & ASSOCIATES, INC.**
 2700 HUB PARKWAY
 SUITE 200
 COLUMBUS, OHIO 43260
 PHONE: (614) 251-0000
 FAX: (614) 251-0001
 EMAIL: info@shawing.com

Developer:
PECO DEVELOPMENT GROUP
 1200 BROADVIEW AVENUE, SUITE 200
 COLUMBUS, OHIO 43260
 PHONE: (614) 251-0000
 FAX: (614) 251-0001
 EMAIL: info@peco.com

Additional Information Provided By:
JOHN ENVIRONMENTAL CONSULTANTS, LLC
 1100 W. BROADWAY, SUITE 200
 COLUMBUS, OHIO 43260
 PHONE: (614) 251-0000
 FAX: (614) 251-0001
 EMAIL: info@johnenv.com

PROPOSED WETLAND IMPACT: 0.28 ACRES
 DATE: SEPTEMBER 8, 2020
 DC NO. 678-P



LEGEND

- EXISTING HUDSON DR./DARROW RD. HIKE & BIKE SYSTEM
- EXISTING BIKE LANES (NORTH & SOUTH-BOUND)
- PROPOSED HUDSON DR./DARROW RD. HIKE & BIKE SYSTEM
- ROADWAY LINKAGE TO HUDSON DR./DARROW RD. HIKE & BIKE SYSTEM

HUDSON DRIVE/DARROW ROAD HIKE & BIKE SYSTEM HUDSON RESERVE

DATE: SEPTEMBER 14, 2020



Trip Generation Report
Prepared by Prime



Akron Office

540 White Pond Drive | Suite E | Akron, Ohio 44320
P: 330.247.0928

September 1, 2020

Mr. Greg Modic, PE
President of Land Development
Petros Development Co., LLC
10474 Broadview Road
Broadview Heights, OH 44147

**Subject: Trip Generation Report
Petros Development Co., LLC – The City of Hudson, OH**

Dear Mr. Modic:

PRIME AE Group, Inc. (PRIME) has completed this Trip Generation Report for your proposed development project in the City of Hudson, Ohio. This report will provide a trip generation comparison for two separate land uses: residential and light industrial.

Study Area

The proposed development will be located on approximately 30 acres of land on the east side of Hudson Drive, north of Redwood Boulevard, and south of Terex Road, in the City of Hudson, Ohio. There are two full access drives being proposed into the development. Both access points are located on Hudson Drive.

Site Traffic Generation

The Institute of Transportation Engineer’s (ITE) 10th Edition of the Trip Generation Manual, specifically Land use Code 210 – Single Family Detached Housing and Land Use Code 220 – Multifamily Housing (Low-Rise), was used to generate the anticipated site trips assuming a residential use. 39 Single Family and 47 Multifamily units are proposed in your latest site plan. Assuming the parcel were to be used for light industrial development as is currently zoned, Land Use Code 110 – General Light Industrial would be most applicable to generate the anticipated traffic. In this case, 1,000 square feet per acre was used as a general guide to estimate the development size. See Table 1 below for the results:

LAND USE	SIZE	UNITS	ITE CODE	WEEKDAY	AM PEAK		PM PEAK	
					Enter	Exit	Enter	Exit
Multifamily Housing (Low-Rise) [1]								
Petros Homes	47	Dwelling Units	220	314	5	18	19	11
Single Family Detached Housing [1]								
Petros Homes	39	Dwelling Units	210	437	8	24	26	15
Total:	86			751	13	42	45	26

LAND USE	SIZE	UNITS	ITE CODE	WEEKDAY	AM PEAK		PM PEAK	
					Enter	Exit	Enter	Exit
General Light Industrial [1]								
	300	1000 5F	110	1488	185	25	25	164



As demonstrated, assuming a residential use, a total of 751 trips would be expected to occur during a typical weekday. Of those 751 weekday trips, 55 are expected to be generated in the AM Peak Hour and 71 during the PM Peak Hour. Assuming a light industrial use, the total weekday anticipated trips are 1,488. The AM Peak Hour would expect to see 210 of those trips while the PM Peak hour will expect 189.

Conclusion

According to the current site plan, land use assumptions and the ITE Trip Generation Manual, the proposed residential use will generate approximately 49% fewer average weekday trips than a general light industrial use of the property for which it is currently zoned. Therefore, the proposed residential development would have a lesser traffic impact to the surrounding road network than that of a site allowable under the current zoning.

Respectfully,
PRIME AE Group, Inc.



Eric W. Smith, PE, PTOE
Vice President – Traffic Engineering

Preliminary Plan
Prepared by Donald G. Bohning &
Associates

SOIL LEGEND:

CnB CHILI LOAM,
2 TO 6 PERCENT SLOPES

CuC CHILI URBAN LAND COMPLEX,
ROLLING

EIB ELLSWORTH SILT LOAM,
2 TO 6 PERCENT SLOPES

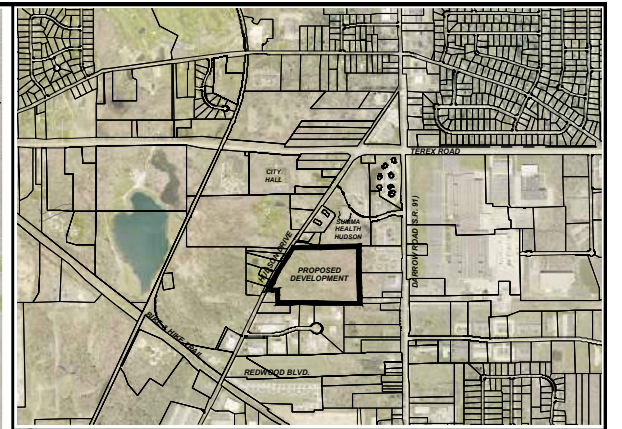
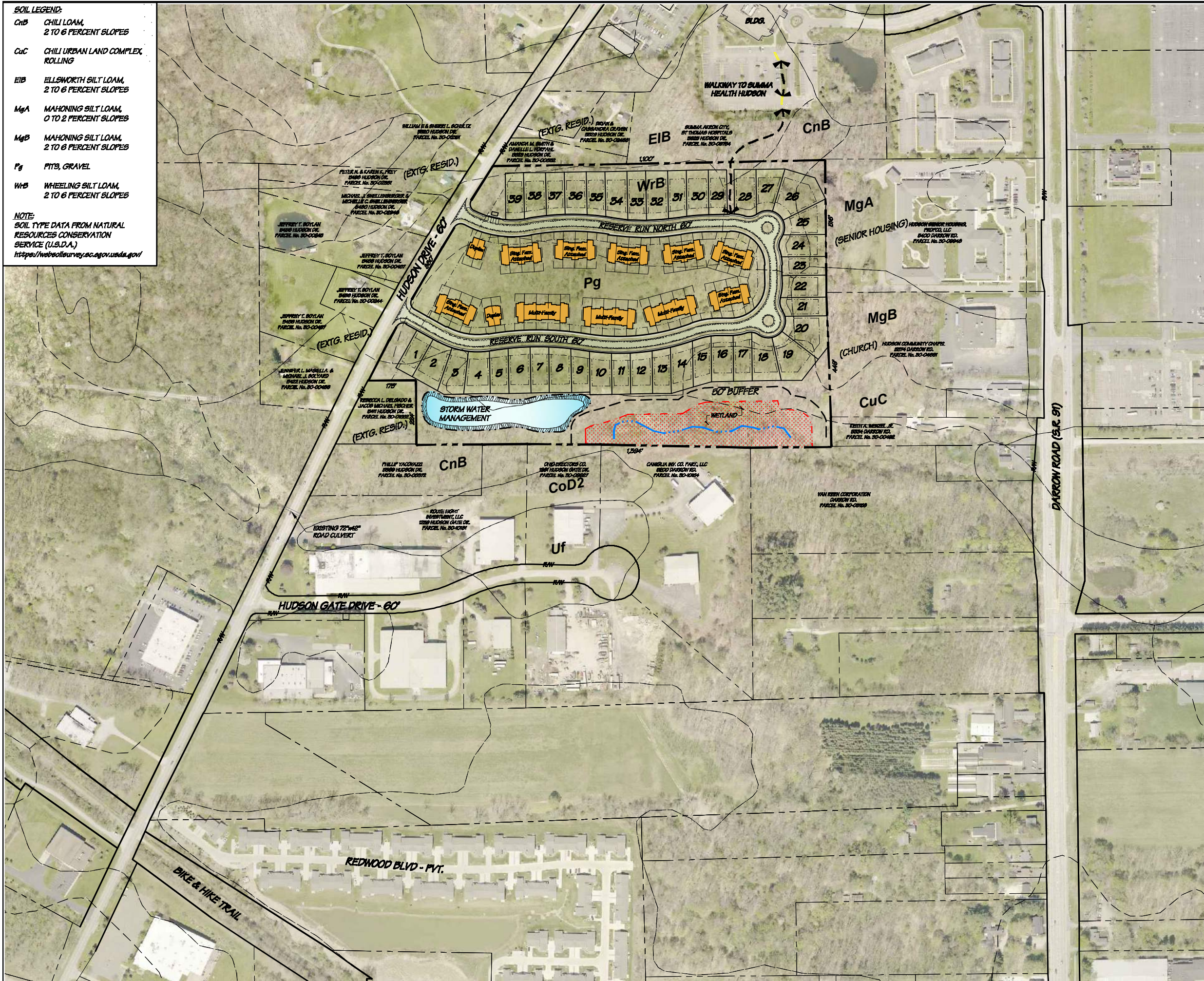
MgA MAHONING SILT LOAM,
0 TO 2 PERCENT SLOPES

MgB MAHONING SILT LOAM,
2 TO 6 PERCENT SLOPES

Pg PITTS, GRAVEL

WtB WHEELING SILT LOAM,
2 TO 6 PERCENT SLOPES

NOTE:
SOIL TYPE DATA FROM NATURAL
RESOURCES CONSERVATION
SERVICE (U.S.D.A.)
<https://websoilsurvey.sc.egov.usda.gov/>



PROPOSED SITE DATA:

ITEM	CODE	PROPOSED
ZONING:	DISTRICT 8	HIKE BIKE (H-B) SENIOR HOUSING OVERLAY ZONE
DISTANCE TO HIKEBIKE TRAIL:	1,500' MAX	8,200' (ACTUAL)
COVENANTS/RESTRICTIONS:	REQUIRED	N/A
MAX. NET DENSITY:	4 UN. / AC. SINGLE FAMILY DETACHED 8 UN. / AC. ATTACHED	2.8 UN. / AC. OVERALL (240 UN. + 240 AC. = 2.8)
PERMITTED RESIDENTIAL USE:	(MAX) 80% - SINGLE FAMILY DETACHED (MIN) 20% - ATTACHED	40% SINGLE FAMILY DETACHED (80) 60% ATTACHED (40)
OPEN SPACE:	20% OF GREEN AREA (240 AC. @ 20% = 48 AC. MIN.)	12.0 AC. (50%) APPROX.
LOT SIZE (SINGLE FAMILY DETACHED):	6,000 SQ. FT. (MIN.) 9,000 SQ. FT. (MAX.)	19,708 SQ. FT.
MINIMUM LOT WIDTH (SINGLE FAMILY DETACHED):	30'	60' W. LOTS 17' W. LOTS TOTAL (60 EA.) + (19 EA.) = 89 LOTS
FRONT YARD SETBACK:	20' MIN. 20' MAX.	20', 30' & 35'
SIDE YARD SETBACK:	0' MIN./0' TOTAL (SINGLE FAMIL DETACHED) 10' BETWEEN BLDGS. (ATTACHED)	0' MIN./0' TOTAL (SINGLE FAMIL DETACHED) 24' BETWEEN BLDGS. (ATTACHED)
REAR YARD:	30' MIN.	30'
WETLAND BUFFER (100' W/20) :	50' MIN.	50' MIN.
STREAM SETBACK:	50' EACH SIDE (10' TO 200 AC.)	50' MIN.

**PRELIMINARY PLAN
'HUDSON RESERVE'**
BEING P.P.No. 30-01315 & -01316
OWNER: HUDSON DRIVE REALTY
DEED VOL. 7365, PG. 186
NOW IN THE CITY OF HUDSON, SUMMIT COUNTY, OHIO

Prepared By:
DONALD G. BOHNING & ASSOCIATES, INC.
7879 HUB PARKWAY
VALLEY VIEW, OHIO 44125
PHONE: (216) 648-1150
EMAIL: THAIRACLE@BOHNING.COM

Developer:
PETROS DEVELOPMENT GROUP
16474 BRICKVIEW ROAD
MIDDLEBURY HEIGHTS, OHIO 44130
CONTACT: GREG MOON
PHONE: (440) 823-1728
EMAIL: GREG@PETROSDHOMES.COM

Wetland Information Provided By:
H2V ENVIRONMENTAL CONSULTANTS, LLC
3900 HESLEY ROAD
MENTOR, OHIO 44080
PROPOSED WETLAND IMPACT: 0.50 ACRES

OR. NO. 4718-P DATE: SEPTEMBER 8, 2020

GRAPHIC SCALE:
0 75 150 225 300

1/3

LEGEND		DESCRIPTION
EXISTING	PROPOSED	
		RIGHT-OF-WAY
		CENTERLINE OF RW
		CONTOUR LINE
		BLDG. SETBACKS
		GENERIC HOUSE BOX
		PROPERTY LINE
		RIGHT-OF-WAY
		26' WIDE PAVEMENT
		SAN. SEWER & MANHOLE
		STM. SEWER/MH/INLET
		CURB INLET BASIN
		WATER MAIN & HYD.
		WETLAND
		STREAM

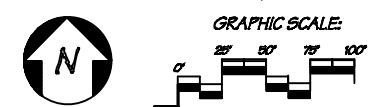
NOTES:
 1) EXTG. SITE CONDITION - UNDEVELOPED TREES & BRUSH
 2) NO GAS WELLS ON-SITE

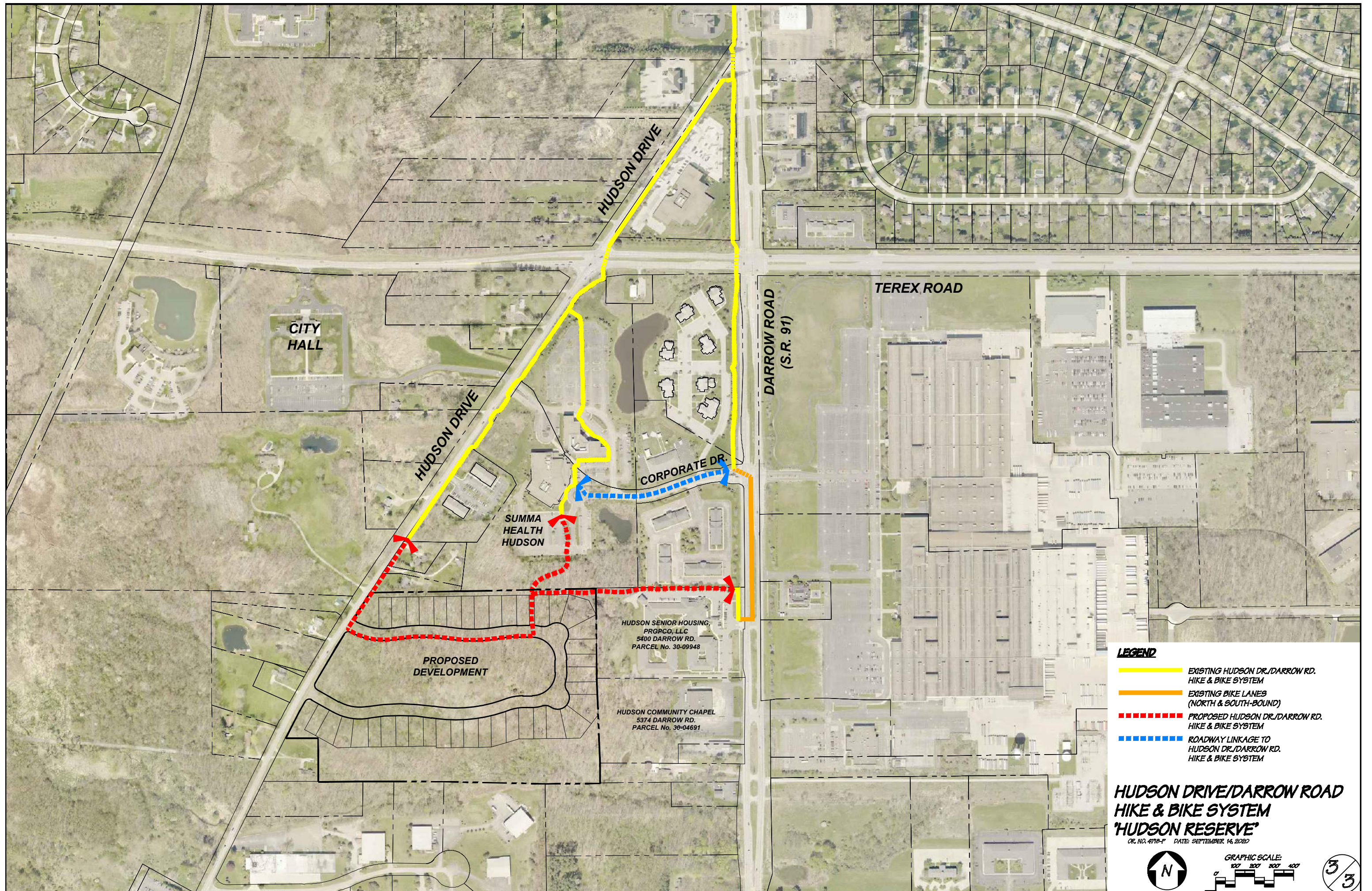


CONSTRUCTION PHASING:

NO.	SUBLOTS	ATTACHED	DEVEL. YEAR
1	(1-9) + (33-39) = 15	25	2021
2	(9-32) = 24	22	2022

**PRELIMINARY PLAN
 'HUDSON RESERVE'**
 OR. NO. 4718-P DATE: SEPTEMBER 14, 2020





CITY HALL

HUDSON DRIVE

HUDSON DRIVE

DARROW ROAD
(S.R. 91)

TEREX ROAD

CORPORATE DR.





SUMMA HEALTH HUDSON

PROPOSED DEVELOPMENT

HUDSON SENIOR HOUSING,
PROPCO, LLC
5400 DARROW RD.
PARCEL No. 30-09948

HUDSON COMMUNITY CHAPEL
5374 DARROW RD.
PARCEL No. 30-04691

LEGEND

-  EXISTING HUDSON DR./DARROW RD. HIKE & BIKE SYSTEM
-  EXISTING BIKE LANES (NORTH & SOUTH-BOUND)
-  PROPOSED HUDSON DR./DARROW RD. HIKE & BIKE SYSTEM
-  ROADWAY LINKAGE TO HUDSON DR./DARROW RD. HIKE & BIKE SYSTEM

HUDSON DRIVE/DARROW ROAD HIKE & BIKE SYSTEM 'HUDSON RESERVE'

OR. NO. 4718-P DATE: SEPTEMBER 16, 2022

