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June 8, 2021

VIA EMAIL

The Honorable Craig A. Shubert
Mayor, City of Hudson
1140 Terex Road
Hudson, OH 44236

Members of City Council
City of Hudson
c/o Elizabeth Slagle, Clerk
1140 Terex Road
Hudson, OH 44236

Re: Ordinance 21-54: Proposed Text Amendment to District 7 Office Overlay Zone

Dear Mr. Mayor and Council members:

On behalf of PHN Realty, LLC ("Applicant"), the sponsor/proponent of the proposed text amendments to the District 7 Office Overlay Zone, we wanted to respond briefly to some of the comments voiced at the June 1, 2021 Council meeting.

Assertion 1: The proposed amendments will change the character of District 7 and the City.

Response 1: As indicated in our presentation, the Sulentich property and three other parcels within the District 7 Office Overlay Zone are zoned both District 3 (Outer Village Residential Neighborhood) and District 7 Office Overlay Zone. District 3 currently permits planned developments as a use by right and townhomes as a permitted conditional use (See Section 1205.06(b) and (c), respectively). We are simply requesting that such uses be permitted on the frontage of the property (subject to the applicable 100-foot front setback) instead of behind office/retail uses. The net effect of this change will be to allow the uses currently permitted in District 3 to be "moved up" 260 feet closer to Darrow Road than currently permitted. All but two of the properties located in the District 7 Office Overlay Zone (the Sulentich and Falcone properties) are already developed. Contrary to the assertion, the proposed text amendments will not substantially alter the character of District 7 or the City and are consistent with and promote the objectives of the City's Comprehensive Plan.

Assertion 2: Applicant could/should have sought a map change or variance affecting only the Sulentich property.

Response 2: A map change affecting only the Sulentich property would have created a peninsula of District 3 along the Darrow Road frontage where the adjacent properties are zoned District 7 Office Overlay District. As indicated by Staff, this could also be viewed as “spot zoning” or as granting a special privilege to this property owner, both of which the Land Development Code seeks to avoid. Moreover, this potentially could have allowed single-family residential use by right along such frontage, which would clearly not be as compatible with the existing adjacent uses as a townhome development. As previously discussed during the Planning Commission proceedings, Section 1204.03(g) prohibits the granting of a use variance in this case.

Assertion 3: The proposed use/development will create unwanted traffic.

Response 3: As discussed above, planned developments are currently an allowed use by right and townhomes are an allowed conditional use in District 3. Currently, over 9 acres of the Sulentich property are zoned District 3. Therefore, under the current zoning and subject to applicable review standards, Applicant could construct approximately 40 townhomes on the portion of the property zoned District 3. In addition, Applicant could also construct approximately 60,000 s.f. of office space (three-story building) on the portion of the property zoned District 7 Office Overlay Zone. Applicant has provided the results of a trip generation study performed by TMS Engineers, Inc. indicating that the peak hour trips generated by such currently-permitted townhome/office combined use far exceeds (by approximately three times) the peak hour trips generated by the proposed single-use townhome planned development.

Assertion 4: Applicant and its principals have no connection to Hudson.

Response 4: The underlying premise of this assertion is that “if you’re not from Hudson, you don’t care about Hudson.” Assuming for the sake of argument that this premise is true, Applicant has significant ties to Hudson. Stephen Krutowsky, a resident of Hudson for over 40 years, is the principal owner of Applicant. He only recently moved out of Hudson because he could not find a maintenance-free living option suitable to his lifestyle in the City. His stepson, Jason Rice, graduated from Hudson High School and resides in nearby Stow. Jason’s wife is a teacher in the Hudson School District. Trevor Stewart, Mr. Krutowsky’s son-in-law, is a resident of Hudson. All have a personal as well as financial vested interest in seeing the proposed townhome development be successful in Hudson. Mr. Krutowsky has successfully completed several other projects in Hudson as well (e.g. The Hunt Club, Simon Lane, Meadowood Lane, Lost Woods Lane).

Notwithstanding that Applicant has substantial ties to Hudson, the principals of Applicant have also developed numerous successful projects outside of Hudson, including in Brecksville, Cuyahoga Falls, Seven Hills, Twinsburg, Green and Aurora, where they, if one subscribes to the underlying premise, have no vested interest or concern.

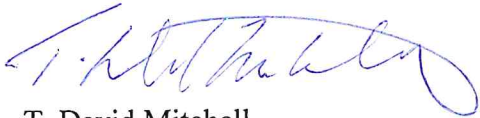
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Assertion 5: Hudson lacks housing diversification, the inventory of available houses for sale is low, and there is little/no demand for new office space.

Response 5: Accurate on all accounts. The Comprehensive Plan recognizes the need for housing diversification, the current inventory of houses for sale is extremely low and the office vacancy rate is relatively high.

We hope you will consider the forgoing in advance of the June 15, 2021 meeting and would be pleased to address any additional questions or concerns you may have at the meeting.

Very truly yours,



T. David Mitchell

cc: J. Rice (via email)
T. Stewart (via email)
S. Krutowsky (via email)
M. Wohlwend (via email)
M. Sulentich (via email)
J. Sabroff (via email)
G. Hannan (via email)
N. Sugar (via email)