

## **Findings of Fact**

### **Ordinance No. 20-167 – Map and Text Amendment Hudson City Council**

On January 19, 2021 the Hudson City Council unanimously denied the following request: Proposal to amend the official zoning district map to rezone certain lands on Hudson Drive (Summit County Tax Parcels 3001315 and 3001316) from the District 8 Industrial/Business Park (“District 8”), to Hike Bike (HB) Senior Housing Overlay Zoning District 8 (“Hike Bike District”) and to amend Section 1205.11(f)(1), “Purpose of the Overlay Zone”, to accommodate the above zoning district map amendment (“Proposed Amendments”).

City Council hereby adopts the following findings of fact from evidence in the record of Council which supports its decision:

1. Hudson Drive Realty (the “Applicant”) owns the property located on the east side of Hudson Drive in the City of Hudson identified in the Summit County property records as parcel numbers 3001315 and 3001316 (the “Property”) which is comprised of approximately 31.1 acres and is located within District 8.
2. North of the Property there are three non-conforming single-family houses along Hudson Drive as well as the Summa Health and Wellness Facility at 5625 Hudson Drive, all within District 8.
3. East of the Property is the Hudson Grande senior living facility and the Block Christ Community Chapel facility, both within District 8.
4. South of the Property is commercial/industrial development fronting Hudson Gate Drive, all within District 8.
5. West of the Property there are five non-conforming single-family residential houses fronting Hudson Drive, all within District 8.

6. The Property is currently undeveloped, vacant land located within the City of Hudson's District 8 zoning classification. District 8 contains the overwhelming bulk of commercial and industrial development areas in the City. Permitted uses within District 8 encourage the development of office, industrial, and business parks as well as retail and restaurants. The following uses are currently permitted either by right or conditionally on the Property within the District 8 zoning classification:

- a. Adult businesses;
- b. Banks or other financial institutions;
- c. Medical Clinics;
- d. Office business parks;
- e. Offices, business or professional, not located in a business park;
- f. Recording, radio, or television studios;
- g. Restaurants;
- h. Retail uses;
- i. Services, business, personal or repair;
- j. Showrooms and salesrooms for wholesale distribution;
- k. Wholesale trade;
- l. Industrial business parks;
- m. Industrial uses light;
- n. Research laboratories, including but not limited to: theoretical and applied research in all the sciences; product development and testing; product engineering development or market development;
- o. Resource recovery operations conducted entirely within an enclosed structure;

- p. Warehousing, distribution, and/or storage;
- q. Workshops and custom small industry uses;
- r. Essential public utility and public services installations, including but not limited to bus shelters and bus stops, but not including power generating stations, or transfer stations;
- s. Government administrative offices;
- t. Government public works and service facilities;
- u. Public park or recreation facilities, including multipurpose trails;
- v. Public recreation facilities, indoor or outdoor;
- w. Public safety and emergency services;
- x. Planned developments (of uses that are expressly permitted by right or conditionally permitted within District 8);
- y. Assisted living uses;
- z. Assembly and meeting halls;
- aa. Automobile repair and services, but not including automobile wrecking or salvage;
- bb. Commercial nurseries;
- cc. Commercial operations that involve operation, parking, and maintenance of vehicles, cleaning of equipment, or work processes involving solvents, transfer stations, storage of goods, including self storage;
- dd. Day care centers, child or adult;
- ee. Lodging;
- ff. Recreational or sports training facilities, commercial;

- gg. Vehicle and equipment rentals;
- hh. Vehicle repair/services;
- ii. Wireless telecommunication facilities, including towers;
- jj. Industrial use, heavy;
- kk. Recreational vehicle, boat, or truck storage;
- ll. Continuing care retirement community;
- mm. Convention or conference center;
- nn. Government facilities, offices, and services;
- oo. Hospitals, including heliports as an accessory use;
- pp. Institutional residential for the handicapped or elderly;
- qq. Public safety and emergency services, including but not limited to police or fire stations, emergency medical service facilities, or similar uses; and
- rr. General agricultural operations.

7. Based on the record before the City Council, the Applicant desires to develop a residential housing subdivision marketed to individuals age 55 and over at the Property that would contain a mix of housing types including detached single-family homes and attached single-family homes which would include single-family attached buildings, duplex buildings, and multi-family buildings (collectively, the “Development”). The Applicant’s proposed Development is not a permitted use in District 8.

8. Because the Applicant’s proposed Development is not permitted in District 8, the Applicant filed an application with the City to: (1) change the zoning classification of the Property from District 8 to the Hike Bike District and (2) amend the zoning text of the Hike Bike District to accommodate the aforementioned change in zoning classification.

9. The Hike Bike District is a zoning district within the City which currently permits age-restricted residential housing as well as amenity retail that is within close proximity (1,100 feet) of the Metro Parks Hike and Bike Trail within the City of Hudson. The Applicant's Property is more than 1,100 feet from the Metro Parks Hike and Bike Trail.

10. Pursuant to the Land Development Code, the Applicant submitted its application to the Hudson Planning Commission for the Commission to conduct a public hearing on and make a recommendation on the Proposed Amendments to City Council. The Planning Commission held a public hearing on October 12, 2020 and the public hearing was continued to November 9, 2020, at which the Applicant's representatives made presentations supporting the Proposed Amendments. On November 9, 2020, the Planning Commission recommended that City Council approve the Proposed Amendments (Planning Commission Recommendation for PC Case No. 20-822, attached hereto as Exhibit "A").

11. Upon receipt of the Planning Commission's recommendation, City Council considered the Applicant's Proposed Amendments via Ordinance No. 20-167 and held public hearings on January 5, 2021 and January 19, 2021, at which the Applicant's representatives made presentations supporting the Proposed Amendments.

12. Section 1204.01 of the Land Development Code sets forth nine general criteria that must be met in order for City Council to approve an application for a text or zoning map amendment.

13. As to the first criterion, the City Council finds and concludes that the Proposed Amendments are not in accordance with the basic intent and purpose of the Land Development Code as follows:

a. Section 1201.03, “Purpose and Intent” – The purpose and intent of the Land Development Code is to implement the City of Hudson Comprehensive Plan, as amended (“Comprehensive Plan”). The Proposed Amendments do not implement and are in conflict with the Comprehensive Plan (See Paragraph 14 below).

14. As to the second criterion, the City Council finds and concludes that the Proposed Amendments do not further the long-range planning goals of the City as outlined in the City’s Comprehensive Plan (adopted in 2016) as follows:

a. Chapter 5, Land Use & Development Plan – The Land Use & Development Plan identifies future land uses for all areas within the City and provides a framework to guide future planning and land use policy decisions. The Comprehensive Plan’s Land Use Plan is composed of three main parts: (1) The Land Use Plan which details community-wide land use; (2) the Residential Areas Framework Plan which details policies and recommendations for residential areas of the City; and (3) the Commercial & Employment Areas Framework Plan which details policies and recommendations for the City’s commercial and employment areas including commercial corridors, office areas, business parks, and industrial areas. The Applicant’s Proposed Amendments are in conflict with and do not further the goals and recommendations contained within all three of the aforementioned parts of the Land Use & Development Plan as follows:

i. Chapter 5, Land Use & Development Plan, Land Use Plan – The Land Use Plan identifies desired future land uses for all areas within the City and provides a framework to guide future planning and land use policy decisions. Pursuant to the Land Use Plan, the Property is identified as an area that should be

developed as, with respect to the northern parcel of the Property, office uses and, with respect to the southern parcel of the Property, industrial uses. Neither of the two parcels that constitute the Property are identified as future residential areas. Currently, the Property is zoned District 8 which is consistent with the recommendations contained in the Comprehensive Plan's Land Use Plan. The Applicant's Proposed Amendments seek to convert the Property's zoning classification to the Hike Bike District zoning classification which would introduce residential uses to the Property and eliminate the multitude of industrial and office uses currently permitted on the Property. Residential uses on the Property would not be consistent with and would be in direct conflict with the recommendations contained in the Comprehensive Plan's Land Use Plan.

ii. Chapter 5, Land Use & Development Plan, Residential Areas Framework Plan – Based on public input solicited in drafting the Comprehensive Plan and the recommendations subsequently adopted via the Comprehensive Plan's Land Use Plan, the Residential Areas Framework Plan provides policies and recommendations to enhance the City's established neighborhoods while diversifying housing options available to residents at varying stages of life. The Residential Areas Framework Plan recommends that the Property be non-residential. The Proposed Amendments seek to introduce residential uses to the Property which is in direct conflict with the specific recommendations contained in the City's Comprehensive Plan concerning the location of residential development within the City.

iii. Chapter 5, Commercial & Employment Areas Framework Plan –

The Commercial & Employment Areas Framework Plan details policies and recommendations to maintain and enhance the City’s major commercial and employment areas. Pursuant to the Commercial and Employment Areas Framework Plan, the Property is located in an area where it is recommended that the established office and industrial uses should be supported by more new office and industrial development – not new residential development as proposed by the Applicant. Furthermore, the Commercial & Employment Areas Framework Plan recommends that the area to the west of the Property be treated as an expansion area for conversion from undeveloped or current non-conforming older single-family use to future employment-based uses.

15. As to the third criterion, City Council finds and concludes that conditions within the City have not changed since the Land Development Code was last adopted and/or amended or that there was a mistake in the Land Development Code that justifies the Proposed Amendments.

16. As to the fourth criterion, City Council finds and concludes that the Proposed Amendments do not correct an inequitable situation created by the Land Development Code and, if approved, would grant special privileges as follows:

a. The Property is currently zoned in conformance with the recommendations outlined in the City’s Comprehensive Plan. To permit the Property to be rezoned in conflict with both the City’s Comprehensive Plan and the surrounding properties current zoning classifications would result in the granting of special privileges



to the Applicant that are not supported by the City's Comprehensive Plan and/or any evidence in the record.

17. As to the fifth criterion, City Council finds and concludes that the Proposed Amendments would not result in unlawful exclusionary zoning.

18. As to the sixth criterion, City Council finds and concludes that the Proposed Amendments are not consistent with the zoning classifications of the surrounding land as follows:

a. The zoning classification of the surrounding land is the same as the Property's current zoning classification – District 8. The Proposed Amendments would introduce a zoning classification that is inconsistent with the surrounding land creating an island of residential uses within District 8. The Property and the surrounding land have been zoned District 8 since the establishment of the Land Development Code in 1999, and for commercial industrial uses long before 1999.

19. As to the seventh criterion, City Council finds and concludes that the new requirements attendant to the proposed zoning classification contained within the Proposed Amendments could be complied with on the Property.

20. As to the eighth criterion, City Council finds and concludes that the Proposed Amendments would not affect the City's ability to provide adequate services, facilities, or programs if approved.

21. As to the final criterion, City Council finds and concludes that the Proposed Amendments are not necessary to address changed or changing social values, new planning concepts, or other social or economic conditions in the areas affected as follows:

a. The Proposed Amendments are in direct conflict with the City's Comprehensive Plan which sets out the City's official policy for future growth and development (See Paragraph 14).

b. The Proposed Amendments are not necessary to address any of the foregoing criteria because of the plethora of permitted and conditionally permitted uses in District 8. (See Paragraph 6.)

22. Also, this Council finds and concludes that based on the multitude of different permitted and conditionally permitted uses currently allowed in District 8 and the current zoning classification comporting with the recently adopted Comprehensive Plan, the current zoning classification is neither clearly arbitrary nor unreasonable and has a substantial relation to the public health, safety and general welfare of the Hudson community that provides economically viable uses of the Property.

APPROVED BY:

**Hudson City Council**  
City of Hudson, Ohio

Date: February 2, 2021

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Craig A. Shubert, Mayor

ATTEST:

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Elizabeth A. Slagle, Clerk of Council

**Exhibit A – Planning Commission Recommendation**  
**Case No. 20-822**



**PLANNING COMMISSION**

**CASE NO. 20-822**

**City of Hudson Zoning Map Amendment and Land Development  
Code Text Amendment to Section 1205.11(f)(1)**

**RECOMMENDATION**

Based on the evidence and representations submitted to the Planning Commission by Sheldon Berns of Berns, Ockner, and Greenberger, LLC, Greg Modic and Sam Petros of Petros Homes, Property Owner William Heller, City staff and other interested parties at public hearings of the Planning Commission held at the regular meeting on October 12, 2020 and continued to the regular meeting of November 9, 2020 the Planning Commission recommends that City Council approve the following:

1. Proposal to revise permanent parcels 3001315 and 3001316 from the current District 8 Industrial/Business Park to the proposed Hike Bike (HB) Senior Housing Overlay Zoning District 8.
2. Proposal to revise the Land Development Code Section 1205.11(f)(1) of the Hike Bike Overlay (HB) Senior Housing Overlay Zoning District 8 as follows (applicant request in strike out and underline, Planning Commission recommendation in bold underline):

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. 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 (a) within ~~1,100-3,300~~ **1,100-3,300** feet, less than ~~one-quarter~~ **three quarters** a mile from **and with a direct pedestrian access via sidewalk to** the Hike and Bike Trail. **An overlay zone shall contain a minimum of 30 acres.** 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~~ **Nearby retail services in** District 9 and ~~amenity retail allowed within the overlay zone offers~~ **nearby medical and health services in District 8 offer** 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~~ **Pedestrian** 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.

Dated: November 11, 2020

CITY OF HUDSON  
PLANNING COMMISSION

*C.T. Harvie*

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C. Thomas Harvie, Chair