

Meeting Date:  
November 9, 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

**Revised submittal:** Staff received a revised draft submittal on October 22, 2020 from Mr. Sheldon Berns and provided comment in a letter dated October 30, 2020. Staff had a phone call with Mr. Berns on November 2, 2020 and then received the formal revised submittal on November 3, 2020. The comments below update and/or supplement the Staff comments provided to both the Planning Commission and the Applicant in the previously issued Staff Report dated October 12, 2020 (See attached).

Staff notes the subject matter of the present application is a zoning map amendment request for the two subject parcels as well as a zoning text amendment. The submittal is not an application for development approval pursuant to the existing Land Development Code. Therefore, the comments below will only address those matters raised in the above referenced letter that relate to the Land Development Code's standards for review of proposed map and text amendments. While development financing and public park dedication are considerations for development approval applications, they are not applicable to evaluating conformance to the standards for zoning map or text amendment applications.

The following is attached to this staff report:

1. Revised applicant submittal dated November 2, 2020
2. Preliminary applicant correspondence dated October 22, 2020
3. Staff response to the October 22, 2020 correspondence, dated October 30, 2020
4. Staff report from the Planning Commission meeting of October 12, 2020.

**Revised Proposed Text Amendment**

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, as received November 2, 2020, 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. 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** feet, less than ~~one-quarter~~ **three quarters** a mile from 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.

**Considerations**  
**District Standards (Section 1204.01) Zoning Map and Text Amendments**  
 Comments below update/Supplement previous comments from "Considerations" Section (a) - (i) on pages 3-5 of the Staff Report Dated October 12, 2020)

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

Previous comment from October staff report:

1. Proximity to D9: The revised text amends "Adjacent District 9" to "Nearby Retail Services in District 9". The revised text shifts the focused intent of the Overlay which was to recognize the collective benefit of having both the trail and retail amenities adjacent rather than nearby.
2. Benefit of amenity retail/service available and permitted: The revised amendment proposes to strike "amenity retail allowed within the overlay zone offers". Staff notes amenity retail/service uses are currently permitted within the overlay district; however, are required to be within 1,000 feet of both the

Hike and Bike Trail and District 9. As such, retail/services uses would not be permitted on the subject property.

3. Health and Wellness Facilities: The applicant has removed the specific reference to Summa and established a broader reference to Health/Wellness facilities within District 8.
4. Proximity to Metro Parks Hike and Bike Trail: The revised text maintains the specific intent to be located near and accessible to the Hike and Bike Trail; however, the distance has been increased from 1,100 feet to 3,300 feet. The references to the Hudson Drive/Darrow Road Hike and Bike System have been removed. The applicant has expressed an intention to install a sidewalk connection to the Hike and Bike Trail; however, the proposed amendment does not mandate such. The applicant should clarify how the proposed amendment conforms with the purpose statements high priority on non-vehicular/pedestrian circulation while the subject property would be further removed from to the Hike and Bike Trail with no connectivity requirement.

Additional comment:

5. The applicant has added a statement that an overlay zone shall contain a minimum of 30 acres. Staff notes both the proposed acreage and the existing overlay boundary exceed 30 acres.

**(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);**

Previous comment from October staff report is still applicable:

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;**

Previous comment from October staff report is still applicable:

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;**

Previous comment from October staff report is still applicable:

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;**

Previous comment from October staff report is still applicable:

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;**

Previous comment from October staff report is still applicable:

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);**

Previous comment from October staff report has been revised per the below:

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.

**(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**

Previous comment from October staff report is still applicable:

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.**

Previous comment from October staff report still applicable:

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, consider the revised submittal and then proceed with a formal recommendation to City Council.

# BERNS, OCKNER & GREENBERGER, LLC

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

Attorneys at Law  
3733 Park East Drive – Suite 200  
Beachwood, Ohio 44122  
Telephone (216) 831-8838  
Fax (216) 464-4489

www.bernsockner.com

**Extension 205**  
sberns@bernsockner.com

Elizabeth Rothenberg, Of Counsel

\*Also admitted in New York and D.C.

November 3, 2020

**VIA EMAIL** [ghannan@hudson.oh.us](mailto:ghannan@hudson.oh.us)

Greg Hannan, Community Development Director  
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 Mr. Hannan:

This letter replaces, in whole, the letter I sent you dated October 22, 2020. Please disregard that letter.

Pursuant to our discussion during the course of the Planning Commission meeting on October 12, 2020, we suggest the possible revision of the proposed amendment to the text of § 1205.11(f)(1)(A) as follows:

## Section 1205.11

- (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 3,300 feet, less than three-quarters of a mile from 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. Nearby retail services in District 9 and 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. 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.

Attached is a redlined copy of Section 1205.11(f)(A) and (B) showing the changes from the current text.

The Applicant will install sidewalks where they are missing on the easterly side of Hudson Drive between the northerly boundary on Applicant's property to the Metro Parks Hike and Bike Trail.

If the City is interested in taking advantage of the development through tax increment financing, the development can generate more than sufficient revenue to install a wide hike bike trail on Hudson Drive. The cost of such a hike bike trail as shown in the attached Trail Exhibit is estimated to be between \$350,000 - \$500,000. A 30-year *non-school* TIF would generate approximately \$6,100,370 dollars in TIF proceeds over 30 years with a net present value of \$2,589,249. A 10-year 75% TIF, which also does not require school approval, would generate \$6,050,079 in TIF proceeds over 10 years with a net present value of \$4,132,993. A 30-year TIF with 50% school participation would generate \$15,612,846 in TIF proceeds over 30 years with a net present value of \$6,626,738. Thus, while a hike bike trail on Hudson Drive would only require a portion of a non-school TIF, the proposed senior citizens housing development will generate significantly more dollars than necessary for the construction of the hike bike trail, which will make it possible for the City to use the excess dollars for additional public improvements, such as further extension of the Trail, for the benefit of the area.

Further, the Applicant proposes to donate to the Summit Metro Parks the parcel shown on the Trail Exhibit as "Proposed 32 Acre Park Parcel," a portion of which can be used for additional parking for the Metro Parks Hike and Bike Trail.

We believe that with the changes suggested to the HB Overlay District, the Applicant will have the opportunity, pursuant to its agreement with Petros Homes Enterprises, LLC and Petros Development Group, LLC, to convey its property to them so that they can develop it as an owner occupied senior citizens housing development. Greg Modic presented the Preliminary Plan drawings of Hudson Reserve prepared by Donald G. Bohning & Associates (the "Bohning

Greg Hannan, Community Development Director

November 3, 2020

Page 3

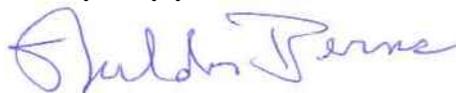
Drawing”) to the Planning Commission and explained it in detail in his testimony at the October 12, 2020 Planning Commission meeting. The proposal to amend the District 8 HB Overlay District regulations and to apply them to Applicant’s property will afford the property the opportunity to be developed in the manner already successfully applied to a nearby property with a use and configuration recognized as compatible with the existing uses in District 8 for which the District 8 HB Overlay District was written.

The Applicant has a constitutional right to the reasonable use its property. For all of the reasons set forth in the September 10, 2020 Zoning Opinion Report by Mark A. Majewski, AICP, of Northstar Planning and Design, LLC, and his testimony at the October 12, 2020 Planning Commission meeting, the Applicant does not have a reasonable use of its property as it is presently zoned due to the unique circumstances of the property and its surrounds which are not recognized by the zoning regulations. Further, as affirmed by the testimony of the Applicant, there is no market demand for District 8 uses on the subject property and, despite the Applicant’s best efforts over a period in excess of 40 years to find a buyer for its property, it has never been able to do so.

While the proposed senior citizens housing development will satisfy a demand for such use and will be of substantial benefit to the City, if Applicant’s proposal is not acceptable, the City is urgently requested to adopt such other amendment to its Zoning Code as will provide a reasonable use by the Applicant of its property, which, hopefully, will be consistent with the use of the property as shown in the Bohning Drawing.

We look forward to discussing this proposal with the Planning Commission at its November 9, 2020 meeting.

Very truly yours,



Sheldon Berns

SB:rls

Encl.

cc: Mayor Craig A. Shubert (via email [cshubert@hudson.oh.us](mailto:cshubert@hudson.oh.us))  
Nick Sugar, Senior Planner (via email [nsugar@hudson.oh.us](mailto:nsugar@hudson.oh.us))  
Matthew J. Vazzana, Esq. (via email [mvazzana@hudson.oh.us](mailto:mvazzana@hudson.oh.us))

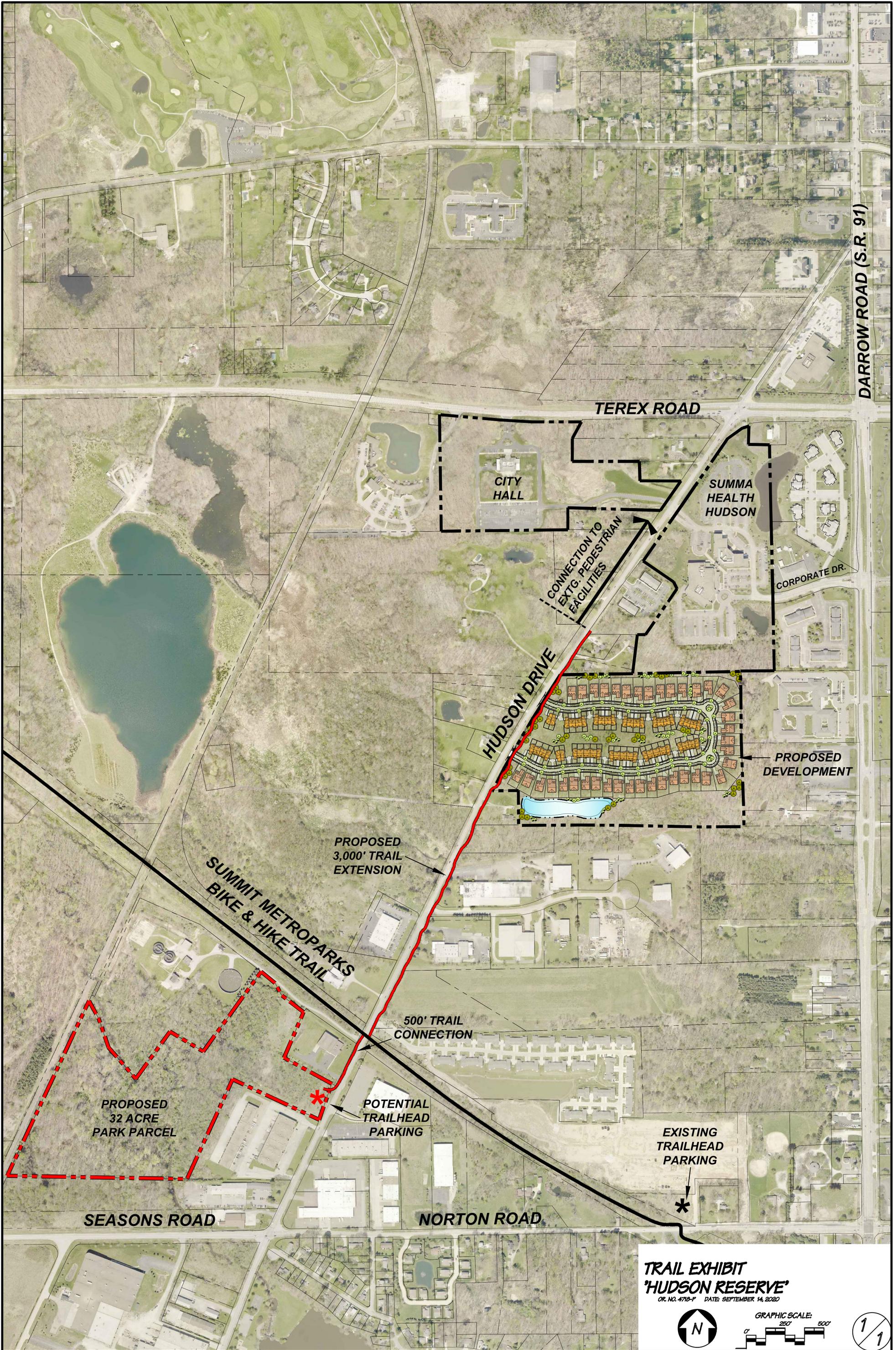
REDLINED SECTION 1205.11

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

(1) Purpose of overlay zone.

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DARROW ROAD (S.R. 91)

TEREX ROAD

CITY HALL

SUMMA HEALTH HUDSON

CORPORATE DR.

CONNECTION TO EXTG. PEDESTRIAN FACILITIES

HUDSON DRIVE

PROPOSED DEVELOPMENT

PROPOSED 3,000' TRAIL EXTENSION

SUMMIT METROPARKS BIKE & HIKE TRAIL

500' TRAIL CONNECTION

PROPOSED 32 ACRE PARK PARCEL

POTENTIAL TRAILHEAD PARKING

EXISTING TRAILHEAD PARKING

SEASONS ROAD

NORTON ROAD

TRAIL EXHIBIT 'HUDSON RESERVE'  
OR. NO. 4718-F DATE: SEPTEMBER 14, 2020



# BERNS, OCKNER & GREENBERGER, LLC

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

Attorneys at Law  
3733 Park East Drive – Suite 200  
Beachwood, Ohio 44122  
Telephone (216) 831-8838  
Fax (216) 464-4489

www.bernssockner.com

**Extension 205**  
sberns@bernssockner.com

Elizabeth Rothenberg, Of Counsel

\*Also admitted in New York and D.C.

October 22, 2020

**VIA EMAIL** [ghannan@hudson.oh.us](mailto:ghannan@hudson.oh.us)

Greg Hannan, Community Development Director  
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 Mr. Hannan:

Pursuant to our discussion during the course of the Planning Commission meeting on October 12, 2020, we suggest the possible revision of the proposed amendment to the text of § 1205.11(f)(1)(A) as follows:

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- (f) Hike Bike (HB) Senior Housing Overlay Zoning District 8.
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The HDHB Trail will provide connectivity from Applicant's property and other properties on Hudson Drive to the HB Trail. It is proposed that the HDHB Trail, which can be constructed by the City or the Applicant, will be owned and maintained by the City, and that the cost of the construction of the HDHB Trail will be provided by Tax Increment Financing of Applicant's property. Critically, the development presents the City with the opportunity to capture TIF dollars that will enable it to do much more than simply construct the HDHB Trail.

The cost of the HDHB Trail is estimated to be between \$350,000 - \$500,000. Yet a 30-year *non-school* TIF would generate approximately \$6,100,370 dollars in TIF proceeds over 30 years with a net present value of \$2,589,249. A 10-year 75% TIF, which also does not require school approval, would generate \$6,050,079 in TIF proceeds over 10 years with a net present value of \$4,132,993. A 30-year TIF with 50% school participation would generate \$15,612,846 in TIF proceeds over 30 years with a net present value of \$6,626,738.

Therefore, while construction of the HDHB Trail would only require a portion of a non-school TIF, the development will generate significantly more dollars than necessary for the construction of the HDHB Trail, which will make it possible for the City to use the excess dollars for other associated public improvements, such as further extension of the Trail, for the benefit of the area.

In addition, the Applicant proposes to donate to the Summit Metro Parks the parcel shown on the Trail Exhibit as "Proposed 32 Acre Park Parcel," a portion of which can be used for additional parking for the HB Trail.

We believe that with the changes suggested to the HB Overlay District, the Applicant will have the opportunity, pursuant to its agreement with Petros Homes Enterprises, LLC and Petros Development Group, LLC, to convey its property to them so that they can develop it as a owner occupied senior citizens housing development as shown in the Preliminary Plan drawings of Hudson Reserve prepared by Donald G. Bohning & Associates (the "Bohning Drawing"), provided to the Planning Commission and explained in detail by Greg Modic in his testimony at the October 12, 2020 Planning Commission meeting. The proposal to amend the District 8 HB Overlay District regulations and to apply them to Applicant's property will afford the property the opportunity to be developed in the manner already successfully applied to a nearby property with a use and configuration recognized as compatible with the existing uses in District 8 for which the District 8 HB Overlay District was written.

The Applicant has a constitutional right to the reasonable use its property. For all of the reasons set forth in the September 10, 2020 Zoning Opinion Report by Mark A. Majewski, AICP, of Northstar Planning and Design, LLC, and his testimony at the October 12, 2020 Planning Commission meeting, the Applicant does not have a reasonable use of its property as it is presently zoned due to the unique circumstances of the property and its surrounds which are not recognized by the zoning regulations. Further, as affirmed by the testimony of the Applicant, there is no market demand for District 8 uses on the subject property and, despite the Applicant's best efforts over a period in excess of 40 years to find a buyer for its property, it has never been able to do so.

Greg Hannan, Community Development Director

October 22, 2020

Page 3

While the proposed senior citizens housing development will satisfy a demand for such use and will be of substantial benefit to the City, if Applicant's proposal is not acceptable, the City is urgently requested to adopt such other amendment to its Zoning Code as will provide a reasonable use by the Applicant of its property, which, hopefully, will be consistent with the use of the property as shown in the Bohning Drawing.

We look forward to discussing this proposal with you at the upcoming staff meeting.

Very truly yours,

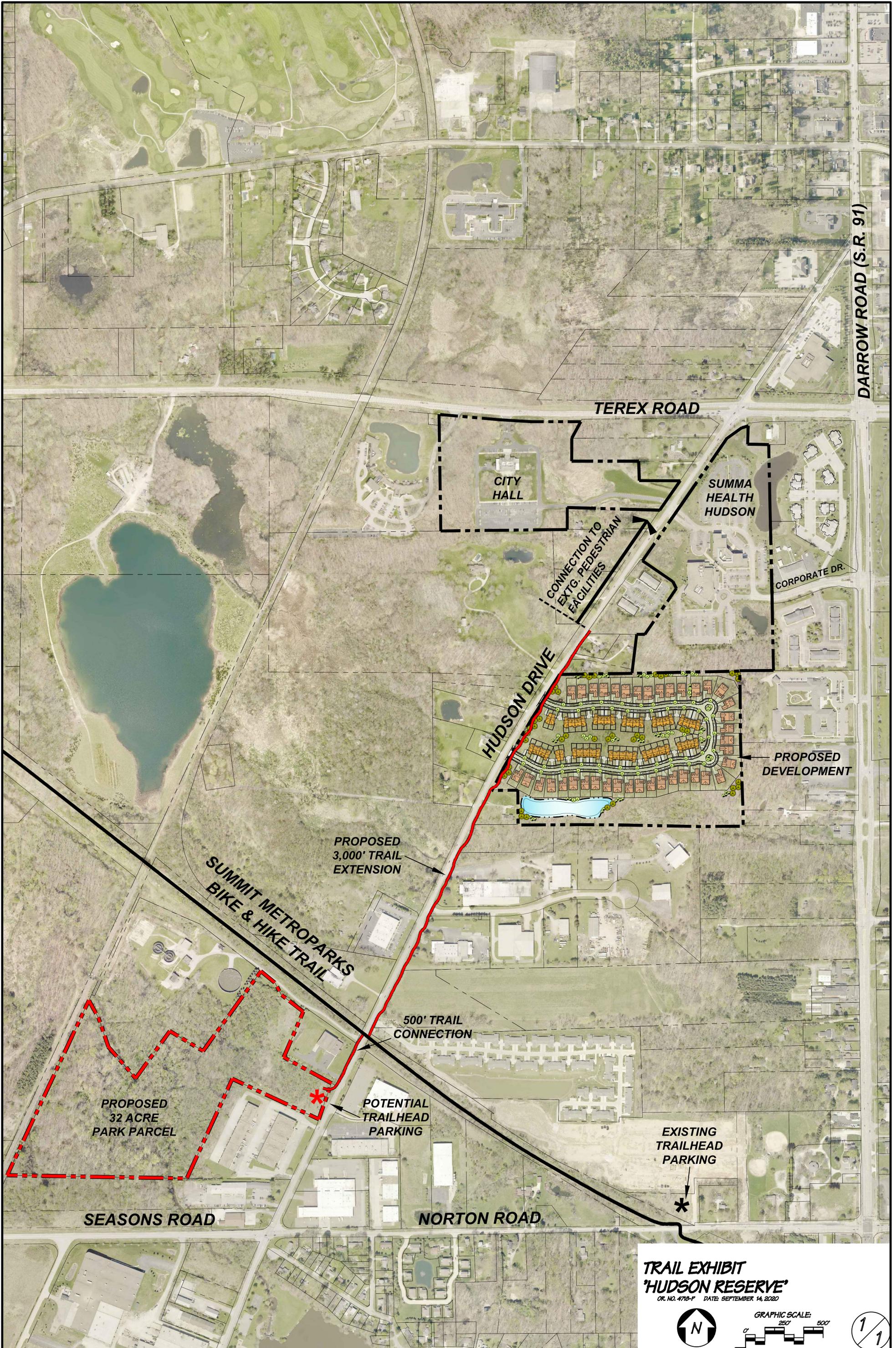


Sheldon Berns

SB:rls

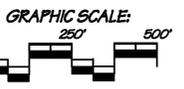
Encl.

cc: Mayor Craig A. Shubert (via email [cshubert@hudson.oh.us](mailto:cshubert@hudson.oh.us))  
Nick Sugar, Senior Planner (via email [nsugar@hudson.oh.us](mailto:nsugar@hudson.oh.us))  
Matthew J. Vazzana, Esq. (via email [mvazzana@hudson.oh.us](mailto:mvazzana@hudson.oh.us))



**TRAIL EXHIBIT**  
**'HUDSON RESERVE'**

OR. NO. 4718-F DATE: SEPTEMBER 14, 2020





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

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DATE: October 30, 2020

TO: Sheldon Berns, Esq. Berns, Ockner, and Greenberger, LLC

FROM: Greg Hannan, Community Development Director

SUBJECT: Updated Report re: Proposed Map Amendment and Text Amendment for Hudson Drive Property – PP#3001316 and 3001315; Planning Commission Case No. 20-822

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Please see the following comments in response to the application revisions submitted by Mr. Sheldon Berns on October 22, 2020 (See attached). The comments below update and/or supplement the Staff comments provided to both the Planning Commission and the Applicant in the previously issued Staff Report dated October 12, 2020 (See attached).

Staff notes the subject matter of the present application is a zoning map amendment request for of the two subject parcels as well as a zoning text amendment. The application is not an application for development approval pursuant to the existing Land Development Code. Therefore, the comments below will only address those matters raised in the above referenced letter that relate to the Land Development Code's standards for review of proposed map and text amendments. While development financing and public park dedication are considerations for development approval applications, they are not applicable to evaluating conformance to the standards for zoning map or text amendment applications.

### **Revised Proposed Text Amendment by Applicant:**

#### (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. 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 feet, less than one-quarter mile from the Hike and Bike Trail **or (b) adjacent and with direct access to the Hudson Drive Hike Bike (HDHB) Trail as shown on the Trail Exhibit attached hereto.** 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.
-

**Staff Comments to Applicant's Proposed Revisions** (Comments Below Update/Supplement Previous Comments from "Considerations" Sections (a) – (i) on pages 3-5 of Staff Report dated October 12, 2020):

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

Staff comments:

1. Proximity to D9: Previous comment from October staff report is still applicable
2. Benefit of amenity retail/service available and permitted: Previous comment from October staff report is still applicable
3. Health and Wellness facilities: text removed, previous comment from October staff report no longer applicable.
4. Proximity to Metro Parks Hike and Bike Trail: The revised text references a trail that does not currently exist (the "Hudson Drive Hike Bike Trail"). Staff notes that the District 8 overlay was originally adopted to highlight the connection between the unique presence of the Summit County Metro Parks Hike Bike Trail and possible residential access thereto.

**(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);**

Previous comment from October staff report is still applicable

**(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;**

Previous comment from October staff report is still applicable

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

Previous comment from October staff report is still applicable

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

Previous comment from October staff report is still applicable

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

Previous comment from October staff report is still applicable

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

Previous comment from October staff report is still applicable

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

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