



City of Hudson, Ohio

Meeting Minutes - Final Planning Commission

Ronald Stolle, Chair
David Lehman, Vice Chair
Gregory Anglewicz
Michael Chuparkoff
Melissa Jones
David Nystrom
Erik Vaughan

Greg Hannan, Community Development Director
Nicholas Sugar, City Planner
Matthew Vazzana, City Solicitor

Monday, September 13, 2021

7:30 PM

Town Hall
27 East Main Street

I. Industrial Design Subcommittee (6:45 pm)

Mr. Lehman called the Industrial Design Subcommittee to order at 6:45 p.m.

Members of the Industrial Design Present: Ms. Allyn Marzulla, Mr. John Workley, Mr. David Lehman

Mr. Sugar introduced and described the 60,000 square-foot medical office building.

Mr. Jeffrey Torres, Design Group, and David Myers, Thorson Baker Engineering, described the building materials as: Brick veneer, glazed metal panels with the colors and textures to be determined and corrugated metal.

Regarding the staff comments Mr. Torres discussed: 1) The massing and proportions which he described as clean and simple. 2) The west side (back) of the building being designed to take advantage of the view of the wetlands. 3) The corrugated metal panel will make the mechanical systems and building seem 'as one' to eliminate the disjointed look of many buildings. The corrugated materials will also present opportunity for additional signage/branding. 4) Smooth brick is the choice of the owners. 5) There will be two different types of corrugated metal panels with even corrugations. 6) Mr. Myers discussed the grade drop of the property and a potential master plan of the entire property. 7) Mr. Carmine Russo, Realm Collaborative, described the promenade area and purposes.

The Subcommittee and applicants discussed: 1) The areas for future growth. 2) The orientation of the building and how each elevation would be viewed. 3) The design of the building allowing for emergency vehicles.

Ms. Marzulla made a motion, seconded by Mr. Workley, to approve the application with three conditions: 1) Signage be added on the south elevation. 2) A preference for smooth brick. 3) That the corrugated metal and glazed metal panels to match. The motion was approved by the following vote:

Aye: Ms. Marzulla, Mr. Workley, Mr. Lehman

II. Call To Order

Chair Stolle called to order the meeting of the Planning Commission of the City of Hudson at 7:30 p.m., in accordance with the Sunshine Laws of the State of Ohio, O.R.C. Section 121.22.

III. Roll Call

Present: 7 - Mr. Anglewicz, Mr. Chuparkoff, Ms. Jones, Mr. Lehman, Mr. Nystrom, Mr. Stolle and Mr. Vaughan

IV. Swearing In

Chair Stolle placed everyone under oath who would be giving testimony during the meeting.

V. Correspondence

Mr. Lehman thanked City Manager Jane Howington and staff for the Celebrate Hudson program over Labor Day weekend which showcased Hudson well.

VI. Public Discussion

Chair Stolle opened the meeting for anyone wishing to comment on any topic which is not on the agenda. Seeing no one wishing to speak, Chair Stolle close the public comments.

VII. Approval of Minutes

A. [PC 7-26-21](#) Minutes of Previous Planning Commission Meeting: July 26, 2021

Attachments: [PC Meeting Minutes July 26, 2021](#)

A motion was made by Mr. Lehman, seconded by Mr. Chuparkoff, that the July 26, 2021, Minutes be approved as amended. The motion carried by the following vote:

Aye: 4 - Mr. Chuparkoff, Mr. Lehman, Mr. Nystrom and Mr. Vaughan

Abstain: 3 - Mr. Anglewicz, Ms. Jones and Mr. Stolle

B. [PC 8-9-21](#) Minutes of Previous Planning Commission Meeting: August 9, 2021

Attachments: [PC Meeting Minutes August 9, 2021](#)

A motion was made by Mr. Anglewicz, seconded by Ms. Jones, that the August 9, 2021, Minutes be approved as amended. The motion carried by the following vote:

Aye: 4 - Mr. Anglewicz, Mr. Chuparkoff, Ms. Jones and Mr. Stolle

Abstain: 3 - Mr. Lehman, Mr. Nystrom and Mr. Vaughan

VIII. Old Business

A. [PC 2021-689](#) A Text Amendment request to Land Development Code Section 1206.01, "Table of Permitted and Conditional Uses by Zone District", 1206.02, "Conditional Use Standards", and 1205.04, "District 1: Suburban Residential Neighborhood" to allow "Fireworks Storage and Retail Facilities" as a conditional use in District 1: Suburban Residential Neighborhood.

Attachments:[Staff report 10.11.21 meeting](#)[Updated Text Amendment redline for 10.11.21 meeting](#)[Packet from 9.13.21 meeting](#)[Packet from 7.26.21 meeting](#)

Mr. Sugar introduced the application by reviewing the staff report and informing the Commission that their recommendation will be sent to City Council for a final decision. Mr. Sugar also reviewed the five topics which the Commission requested further information be supplied and referenced the revised Text Amendment which is attached to the staff report.

Mr. Anthony J. Coyne, Mansour Gavin, LPA; Mr. Roberto Sorgi, American Fireworks; Ms. Diane Calta, Mansour Gavin, LPA, were present for the meeting.

Mr. Coyne and Mr. Sorgi discussed:

1. The proposed a 200-foot setback as opposed to the 300-foot setback proposed by staff and using the property line for the setback standard instead of a dwelling. However, the 200-foot setback would be increased if the weight of fireworks is increased. Mr. Sorgi displayed the staff property line map with the comparison of 200-feet as opposed to 300-feet.
2. The lack of any current limitation on retail sales changing to a limitation of 20,000 square feet for future retail space and allowing Ohio regulations to limit the amount of fireworks.
3. A 265,000-pound weight limit on fireworks.
4. The proprietary nature of other American Fireworks facilities and not wanting employees and state regulators to receive public records requests.

Mr. Coyne noted the successful history of American Fireworks and the lack of Hudson regulations as the motivation for creating this Text Amendment which will give guidance for now and the future.

Mr. Sugar and Mr. Hannan discussed the role of the Hudson Fire Department at American Fireworks.

The Commission, applicants and staff discussed:

1. Limiting cell phone use at American Fireworks is to facilitate the flow of people, Mr. Sorgi stated this is still done; however, not so much for the danger of cell phones but to keep people moving throughout the store.
2. The danger of fireworks as compared to military weapons.
3. The organizations who regulate American Fireworks.
4. The lack of major issues at American Fireworks facilities over the past 119 years.
5. The neighboring subdivisions were built beginning in the 1980s and 1990s.
6. The non-conforming use going back to Hudson Township in the 1950s.
7. The current on-site poundage being approximately 200,000 pounds with the Text Amendment allowing an additional 30,000 to 50,000 pounds. The additional poundage is achieved by moving pods to different locations, not adding additional pods.
8. That if the City applies ATF guidelines, five more pods will be allowed.
9. The neighboring property owners believing that the 200-foot property line setback will limit the use of their property.
10. The 200-foot setback limit is not in the proposed Text Amendment or conditions.
11. When discrepancies arise over regulations between the various agencies, the more stringent regulation applies, which in this situation is the Hudson Land Development Code.
12. The other American Fireworks facility in Ohio follows ATF regulations.
13. Over the past 25 years the storage capacity has increased by 25 percent.
14. The intent to keep the blast zone completely within the property line.
15. Comparisons with other Ohio fireworks facilities is difficult because of their rural or commercial zoning.
16. The difficulty of enforcement with Mr. Sorgi stating Hudson Fire is on site numerous times per year.
17. The possibility of expanding towards the west and south. Mr. Sorgi stated for safety and the rest of the City,

- moving south has not been contemplated.
18. The effect of mounding for the sake of safety.
 19. Safety being the overriding concern of all in the room.
 20. The current pods are shipping containers placed in such a way that the blast is directed in a particular direction.
 21. The potential size of the retail store.
 22. The growth of the business while being landlocked.
 23. The difficulty of regulating by poundage and the changing amount on site from time to time.
 24. The maximum weight in any pod being 10,000 pounds.
 25. Government regulators must approve the movement of pods.

Chair Stolle opened the meeting for public comment and noted correspondence received, which are included in the staff report.

Mr. Matthew Vansuch, attorney with Brouse/McDowell, representing the neighbors of American Fireworks, said he will be commenting on the text as presented to the Planning Commission. Mr. Vansuch stated the neighbors are requesting American Fireworks be treated as all other businesses, and given no special treatment. The request of the neighbors is that the promises of previous years be honored. Mr. Vansuch then reviewed the legal standards by which this application should be judged, including:

1. This is single family housing area.
2. Does it further the good of the City of Hudson? He stated it does not.
3. Have conditions in the city changed or was there a mistake in the LDC? He stated have not changed nor was there a mistake in the LDC.
4. Is it exclusionary zoning?
5. That the request is for special uses to accommodate only American Fireworks.
6. That this is not a zoning map amendment which is consistent with the surrounding area.
7. That the fire department does not enforce this zoning.

Mr. Vansuch then reviewed the Hudson LDC regarding Conditional Uses with regard to the proposed Text Amendment stating many items discussed during the meeting, are not part of the proposed Text Amendment.

Seeing no one else wishing to speak, Chair Stolle closed the public comment portion of the meeting.

The Commission, applicant and staff discussed:

1. The criteria of the LDC regarding Text Amendments with Ms. Calta reviewing the June 14, 2021 submittal.
2. Ms. Calta noted the Text Amendment removing limiting provisions of previous decisions. Mr. Coyne also commented on the evolution and growth of American Fireworks necessitating the Text Amendment, which will result in a clear set of regulations.
3. How changing setbacks affect neighbors and potential property additions.
4. The willingness of American Fireworks to adjust the weight in pods in the future should a neighbor desire a house addition that infringes on the proposed setbacks.
5. The City reviewing the nine LDC criterion in regard to the proposed Text Amendment.
6. The October 20, 2021, date by which a recommendation is due to City Council.
7. Requesting the applicant reconsider changing the 200-foot setback to 300-feet on the sides adjacent to residential neighborhoods.
8. The existing regulations, which are determined by experts, that govern American Fireworks and the difficulty of Planning Commission determining stricter regulations than experts recommend. Mr. Hannan noted the staff proposed 300-foot setback is the same as some other businesses.
9. Whether Fire Marshal Kasson has the right to information regarding weight in pods on any given date.
10. The effect of 200-feet verses of 300-feet on the future growth of the business and the weight allowed in a pod.
11. Mr. Vansuch stated the 300-foot setback is fine with the neighbors but would like this in the proposed Text Amendment.
12. Mr. Sorgi proposed mounding and a 230-foot setback on borders along the neighborhood.

13. The 200-foot setback will create inconsistencies in the LDC.

The Commission decided to continue the application to the October meeting.

Staff requested all revisions be submitted by September 27, 2021.

Mr. Hannan requested information regarding the State Fire Marshal's authority over setbacks.

The discussion was continued to the October 13, 2021 PC meeting.

- B. [PC 2021-827](#) A Text Amendment request to Land Development Code Chapters 1201, "General Provisions," 1205, "Zoning Districts-City of Hudson Zoning Map", 1206, "Use Regulations," 1207, "Zoning Development and Site Plan Standards," 1213, "Definitions," and Appendix D, "Architectural Design Standards" to implement certain updates to the City of Hudson Land Development Code associated with agricultural uses**

Attachments: [Staff Report 21-827](#)
[Draft Ordinance 9.7.21](#)
[Public Comments](#)

Mr. Sugar highlighted the proposed changes to the LDC subsequent to the previous Planning Commission meeting.

The commission and staff discussed: 1) Case Barlow Farm having an allowance for a roadside stand. 2) Any potential dangers of bee keeping. 3) Minimum acreage requirements for various uses of animals. 4) The Districts where hobby farms are permitted.

Mr. Hannan noted City Council will review the proposed LDC revisions.

Chair Lehman opened the meeting for public comments.

Ms. Michelle Colopy, Executive Director of League of Pollinators, noted her constituents are pleased with the recommendations as presented. Ms. Colopy also answered the Commission members questions regarding bees and pollinators.

Mr. Nystrom made a motion, seconded by Ms. Jones, based on the evidence and representations to the Commission by City staff at a public hearing of the Planning Commission held at the regular meeting of August 9, 2021 and continued to the meeting of September 13, 2021, the Planning Commission finds the proposed text amendment to be in substantial compliance with the appropriate review standards of Section 1204.01 and recommends approval of the amendment to City Council with the following conditions:

- **Section 1206.03(a)(15) "Hobby Farms": Amend to also allow hobby farms for all uses within residentially zoned districts (rather than just residential uses). This would include schools, parks, cultural facilities, and places of religious worship.**
- **Section 1206.03(a)(15)(E) "Beekeeping": Amend the following:**
 - o **Increase number of permitted hives from four (4) to eight (8).**
 - o **Remove maximum volume of a hive.**
 - o **Increase maximum height from six (6) feet to seven (7) feet**
 - o **Remove requirement that hives be kept in good condition as the requirement is already codified in the ORC and overseen by the Summit County Inspector.**

- o Remove requirement for a water source as it would be part of the County inspection.
- o Remove requirement for hives to face the interior of the lot as the 25ft setback would ensure bees are not being dispersed directly on adjacent properties.
- Section 1606.03(a)(15)(F) “Farm and Roadside Stands”: Amend text to require items to be removed or secured at the end of each day. The change would allow items to be secured within the roadside stand.
- Section 1213.02 “Definitions”: Add a reference to Hobby Farms (accessory use) within the definition for general agricultural operations (primary use).

Aye: 7 - Mr. Anglewicz, Mr. Chuparkoff, Ms. Jones, Mr. Lehman, Mr. Nystrom, Mr. Stolle and Mr. Vaughan

IX. New Business

- A. [PC 2021-919](#) A Site Plan Request for construction of a new medical office building, approximately 60,000 square feet, at 231 Seasons Road, Parcels 3000016, 3009880, and 30460401 located in Zoning District 8 (Industrial/Business Park).

Attachments: [Staff Report 2021-919](#)
[Site Plans](#)
[Elevations-Floor Plan](#)
[Wetland Setback Response](#)
[Engineering and Fire Dept. Reviews](#)
[Site Photos](#)

Mr. Sugar introduced the application by describing the 60,000 square foot medical center and the prior Planning Commission approved tree clearing. Mr. Sugar also reviewed the staff comments regarding sidewalks, wetlands, traffic study results, lighting and parking.

Mr. David Myers, engineer, stated his agreement with the staff comments.

The Commission, staff and applicant discussed: 1) The consultant’s report regarding the half-acre wetlands to be filled in, which is the maximum that may be filled in per the Army Corp of Engineers. Planning Commission is to determine the merits of a wetland setback modification using the five-criterion presented in the staff report. 2) The banking of land for future growth, the number of parking spaces and the City Engineer’s and the Fire Marshal’s recommendations being agreed to by the applicant. 3) The 650-feet of sidewalk at approximately \$5 per square foot which is approved by the applicant.

Mr. Carman Russo, landscape architect, noted no grading will take place, at this time, outside of the green hashed line on the map.

Staff noted: 1) The recommendation from the City Engineer that the retention basin be placed within the City of Hudson for ease of inspection. 2) The applicant’s purpose of deferring the sidewalk being there is no bus line or other pedestrian traffic in the area.

Mr. Lehman reported the Design Subcommittee recommendations regarding the corrugated facing is to match stylistically, the brick color and smoothness and signage.

Based on the evidence and representations to the Commission Mr. Chuparkoff made a motion, seconded by Mr. Nystrom, to approve the Site Plan for a medical clinic in Case 21-919 for 231 Seasons Road according to plans received August 9, 2021 with the following conditions:

1. The roadway improvements referenced in the submitted traffic impact study, including applicable turn lanes, be incorporated subject to the approval of the Engineering Department.
2. Proposed parking lot lighting be reduced to a maximum height of twenty-five (25) feet.
3. The comments of Assistant City Engineer, Nate Wonsick shall be addressed per the August 31, 2021 correspondence.
4. The comments of Fire Marshal Shawn Kasson shall be addressed per the August 31, 2021 correspondence.
5. The applicant shall install silt fencing and/or polypropylene fencing to mark and protect the approved clearing limits, which shall be maintained by the applicant. Satisfaction of the above conditions prior to scheduling of a preconstruction meeting with City Officials and no clearing or construction of any kind shall commence prior to the issuance of a Zoning Certificate.
6. There shall be no delay or deferral to install public sidewalks or internal pedestrian connections.
7. The recommendation of the Industrial Design Subcommittee be accepted and include the following:
 - ☐ Signage to be incorporated along the south elevation at the corrugated metal wall panels.
 - ☐ A preference for smooth brick where brick veneer is shown on plans.
 - ☐ Glazed metal panels and corrugated metal panels to match.

Aye: 7 - Mr. Anglewicz, Mr. Chuparkoff, Ms. Jones, Mr. Lehman, Mr. Nystrom,
Mr. Stolle and Mr. Vaughan

X. Public Hearings

- A. [PC 2021-688](#) Final subdivision request of an 11-lot, single family development including multiple parcels along Norton Road, located in Zoning District 1 (Suburban Residential Neighborhood).

Attachments: [Staff Report 21-688](#)
[Plat & Improvement Plans](#)
[Department, County, BZBA, PC Reviews](#)
[Pond exhibits submitted by applicant](#)

Mr. Sugar introduced the application by reviewing the history of this eleven-lot subdivision and stated the preliminary approval's eight conditions are in the staff report with unmet conditions noted.

Mr. Tony Lunardi, builder, discussed: 1) The area between the retention pond and the house on lot one was provided with six-feet of additional space while noting the code does not determine the distance between a retention pond and a house. Mr. Lunardi also mentioned the possibility of moving the house on lot one back five feet to increase the retention pond spacing. 2) The cost of combining two of the lots might make the current design plan not feasible. 3) The buffer yard in yellow is ten-feet wide and will not be encroached on by the retention pond. 4) Discussions with Hudson Public Power regarding electric utility easements are ongoing.

The Commission, staff and applicants discussed: 1) Access to easements and the associated problems. 2) The 20,000 square foot minimum lot size making it difficult to reduce the size of lot two. 3) The need to keep the front setbacks of the houses consistent. 4) Staff reviewed the lot and retention pond per the LDC. 5) The City Engineer's 36 points.

Mr. Dennis Stoffer, Spagnola and Associates, reviewed the City Engineer's 36 points and the Fire Marshall's report and stated he expects no sticking.

Chair Stolle opened the meeting for public comment. There were no public comments.

The Commission and applicant came to agreement regarding the conditions as proposed by staff.

Based on the evidence and representations to the Commission, Mr. Chuparkof made a motion, seconded by Mr. Vaughn, to approved the Final Subdivision request for Hudson Preserve in Case 21-688 for an 11-lot subdivision at Norton Road according to plans received June 22, 2021 with the following conditions:

- 1. The Final Subdivision Improvement Agreement must be accepted and signed by the City and Developer.**
- 2. A performance bond or other financial guarantee shall be posted by the applicant for the purpose of assuring the installation of improvements at or before a time the Final Subdivision Improvement Agreement is executed.**
- 3. Construction fencing be placed along the limits of disturbance to ensure applicant complies with approved variances and no additional disturbance occurs.**
- 4. House footprint on Lot #1 shall be moved a minimum of five (5) feet to the north, providing addition separation from the adjacent pond.**
- 5. Submit public open space funds in lieu of dedication. The amount must be based on a per acre value determined by a recent appraisal of the subject property.**
- 6. Final landscaping plan to be submitted showing:**
 - a. All proposed planting species.**
 - b. Plantings identified along areas identified within Bufferyard B.**
- 7. Plans must address the Engineering comments noted within the September 2, 2021 letter.**
- 8. Verify the owner of proposed open space areas with city staff. If open space or other common areas are to be owned and maintained by a homeowner's association, the developer/subdivider shall file a declaration of covenants and restrictions that will govern the association. The declaration of covenants shall be approved by the City Solicitor prior to recording the plat.**
- 9. Revise footprint of Lot #9 to comply with the City of Hudson Architectural Design Standards for massing.**
- 10. No clearing or grading of any kind shall commence prior to the issuance of the zoning certificate.**
- 11. Combine .04 acre open space parcel and .09 acre open space parcel located along the east side of Preserve Lane.**
- 12. Driveways at sublots 5 and 6 shall be relocated outside the open space easement.**

Aye: 7 - Mr. Anglewicz, Mr. Chuparkoff, Ms. Jones, Mr. Lehman, Mr. Nystrom,
Mr. Stolle and Mr. Vaughan

XI. Staff Update

It being 11:30 p.m., there were no Staff Updates.

XII. Adjournment

A motion was made by Mr. Nystrom, seconded by Mr. Lehman, that this be adjourned. The motion carried by an unanimous vote.

Aye: 7 - Mr. Anglewicz, Mr. Chuparkoff, Ms. Jones, Mr. Lehman, Mr. Nystrom, Mr. Stolle and Mr. Vaughan

Ronald H. Stolle, Chair

Joe Campbell, Executive Assistant

Upon approval by the Planning Commission, this official written summary of the meeting minutes shall become a permanent record, and the official minutes shall also consist of a permanent audio and video recording, excluding executive sessions, in accordance with Codified Ordinances, Section 252.04, Minutes of Architectural and Historic Board of Review, Board of Zoning and Building Appeals, and Planning Commission.

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