



City of Hudson, Ohio

Meeting Minutes - Draft Planning Commission

Ronald Stolle, Chair
David Lehman, Vice Chair
Andrew Furbee
Melissa Jones
Sarah Norman
David Nystrom
Erik Vaughan

Greg Hannan, Community Development Director
Nicholas Sugar, City Planner
R. Todd Hunt, Special Counsel
Marshal Pitchford, City Solicitor

Monday, November 14, 2022

7:30 PM

Town Hall
27 East Main Street

I. 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.

II. Roll Call

Present: 6 - Ms. Jones, Mr. Lehman, Ms. Norman, Mr. Nystrom, Mr. Stolle and Mr. Furbee

Absent: 1 - Mr. Vaughan

III. Swearing In

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

IV. Correspondence

Chair Stolle noted Commission members have received many communications regarding the agenda items, they will become part of the public record.

V. Public Discussion

Chair Stolle opened Public Discussion for any item not on the agenda. There was no Public Discussion.

VI. Approval of Minutes

A. [PC 10-10-22](#) Minutes of Previous Planning Commission Meeting: October 10, 2022

Attachments: [PC Meeting Minutes October 10, 2022](#)

A motion was made by Mr. Lehman, seconded by Mr. Nystrom, that the October 10, 2022 Minutes be approved. The motion carried by the following vote:

Aye: 5 - Mr. Lehman, Ms. Norman, Mr. Nystrom, Mr. Stolle and Mr. Furbee

Abstain: 1 - Ms. Jones

VII. Old Business

- A. [PC 2022-822](#) A Conditional Use and Site Plan review request for Hudson Community Living, an institutional residential use that would serve individuals with special needs. The request would include constructing seven (7) residential buildings, a clubhouse building, and a private drive. The request was continued from the September 12th Planning Commission meeting.

Attachments: [Staff Report 2022-822 Hudson Community Living](#)
[Applicant Response Letter](#)
[Site Plans](#)
[Site Plan Revision 11.14.22 - Response to Staff Report](#)
[Engineering Review](#)
[Trip Generation Report](#)
[Renderings](#)
[Public Comments Received - Letters and E-Mails](#)
[Public Comments Received - Petition](#)

Chair Stolle noted on Feb 14, 2022, the Commission recommended rezoning a portion of the property in question to Zone District 3, Outer Village Neighborhood, this recommendation was subsequently approved by City Council.

Mr. Sugar introduced the application by displaying the site plan, property outline, the history of the application before Planning Commission and noting items the Commission requested the applicant to further study. Mr. Sugar then noted updated documents have been submitted and commented regarding: 1) The use of the facility as an Institutional Residential use. 2) The required special services for an Institutional Residential facility. 3) The types of Institutional Residential facilities permitted. 3) Permitted density per the Land Development Code for this type of facility and how Conditional Use may affect the density.

Mr. Chris Gurreri, applicant, noted that the applications of potential applicants will be reviewed by professionals to exclude individuals who will be a threat to the community and will encourage individuals to grow and age in Hudson. Mr. Gurreri also noted that when only the front two parcels were owned, the plan for sixteen living units was presented, however, when PC ultimately reviewed the full proposal, including the additional acreage, the site plan with forty residents was presented. Other plans, which were shown to the Commissioners at various meetings, were also displayed along with the rational for the plans. Mr. Gurreri then reviewed the site plan being presenting at this meeting.

Mr. Gurreri presented the General Use Criteria, operating hours of the community center, deliveries, lighting, the sign in, sign out process, landscaping, trash, parking requirements, traffic circulation, fencing and landscape buffering. Also reviewed were: Uses of the property, needed approvals from AHBR, the access points of the property, revised trip generation reports with expanded criterion, public services to be used and density issues.

Regarding the residents use of outside agencies to assist with continuing care, Mr. Gurreri noted the individual plans residents may have, the limitations of Hudson Community Living (HCL) to control those plans and that no licenses of this facility are required. Mr. Gurreri also commented on: The 24-hour staffing, the limits on the number of residents per unit

and for the facility and the design of the buildings is to mimic a single-family home.

The Commission, staff and applicant discussed: The deed restriction and desired wording, the 20-foot separations between buildings, sidewalks, the impervious surface numbers, needed Army Corps of Engineers wetlands mitigation plans, the revised landscaping plans and the desire to keep as many existing trees as possible. The staffing of the facility, police and fire approvals and the community engagement were also discussed.

Questions from the community meeting, which had approximately 85 in attendance, were displayed and discussed, including: Admission to the facility, financial ability to pay into the future, a planned for foundation that may assist residents with financial hardships, security personnel, density, traffic concerns including a van to take residents to a daycare type facility, safety of individuals walking and crossing streets, ages of 21 and up, how discipline be handled, the .2 acres of wetlands, the changing of the plans and the nature of the community.

Mr. Nate Bailey, Peninsula Architects, discussed the deed restrictions, the 25-foot buffer yard that wraps around the residents and complies with the LDC along with a fence on the outside of the buffer yard, the removal of a three-unit building and reorienting of the driveway, the setbacks from the property lines, the sidewalk connection, ADA accessibility, a BZBA variance for the wetlands, the fact that facilities are not located in floodplains and the comments from the Hudson Assistant City Engineer were addressed. Mr. Bailey also reported on the AHBR informal discussions quoting the September 28th minutes.

Revisions from the September PC meeting were displayed and discussed including impervious surfaces requirements and the density of the buildings being reduced in the area closer to the residential side of the property. Mr. Bailey then displayed and described the clubhouse and residences which he believes enhance the neighborhood.

The Commission, applicant and staff discussed: The current living conditions of potential residents, potential shortages of staff, similar existing facilities, the makeup of the HCL Board, the hiring process for staff and that fundraising will not begin until PC approval is given.

Staff noted the lighting plan is in compliance with applicable standards, the comments from AHBR regarding the garage orientations, the looped drive and the overall function of the facility. Staff also noted the 115-foot distance between access points is acceptable, the trip generation study revision with a consideration for townhome use, the buffer yard meeting code and the LDC comment regarding District 3 stating protecting wetlands are a high priority.

Concerning the density of the site plan, the Commission noted the definitions of LDC 1213.02 for residents and dwellings and the permitted dwelling units per acre per.

The applicant noted the 4 million dollar increase in cost as being driven by ADA requirements and materials costs, how graduate students will be used at the facility, how fair housing laws will be complied, how finances will be determined for future residents, if a video security system will be installed, if the non-profit status will be endangered by board members having relatives at the facility, that there is no relationship between the foundation and Mr. George Roth except as a contractor, and process of developing the plan with City Staff for the facility.

Mr. Bailey discussed the retention ponds fencing and slopes, the outdoor recreation areas, the elevations and building heights varying with the clubhouse at approximately 35-feet being the tallest, the food delivery area and if the fencing will block vision of the road. Staff noted the LDC does not prohibit a water retention pond in the front yard and they have been permitted in the past, the various looks of a intuitional residential building, the open space requirements applying to residential or institutional residential development as related to LDC 1205.06 D2, the reason the staff report notes a 75-foot setback, the LDC requirement of garage doors not facing a public road, the parking requirements, how 1205 D applies to the proposed development, that the road inside the facility is not a public road, the required number of parking spaces and the authority for imposing this number and the possibility of land banking parking stalls.

The Board and applicant discussed the difficulty of working with Medicare and the finances of the project, contingency

plans for financing the building, the plan to build debt free and the possibility of reduced parking which might allow preservation of the wetlands. Mr. Bailey noted the intuitional residential facility, as proposed will look like the neighboring houses and the path of vehicles through the neighborhood.

Mr. Pat and Ms. Sherry Walsh, 7519 Warren Point Lane, spoke of their son with autism and their desire for him to be able to live independently in the city he grew up in with lifelong friends. Ms. Walsh also spoke to the Fair Housing Act and the lack of criminal activity by the intended population.

Ms. Julie Ann Hancsak, 60 Division Street, noted as a teacher she has known many of the future residents of the facility for years and described their involvement in the Hudson community and encouraged the Commission to see them not as disabled but as contributors to Hudson.

Ms. Sherry Jeffries, 62 South Hayden Parkway, introduced her son Cole who is a potential resident of the future development, attends Christ Community Church, volunteers in many positions, works at Kohl's and represents a communications company at various colleges. Ms. Jeffries noted Cole has grown up in Hudson and would like to spend the rest of his life with his friends in his community.

Ms. Giannetti, 205 Ravenna Street, noted her family has lived in Hudson for 14 years and that Hudson Community Living will allow her special needs brother to live as independently as possible while being close to their family and friends.

Mr. Ross Babbit, 27 Rosylen Ave, expressed his concern that this will be an unlicensed residential care facility in Hudson and noted that the Ohio Administrative Code does require permits. Mr. Babbit also expressed concern that the development is not permitted to operate in the intended way.

Ms. Diane Calta, Attorney Mansour Gavin, on behalf of Don and Lisa Kurdziel, noted the following observations regarding HCL, that the Land Development Code may not address the HCL as written and the Code may need to be rewritten. Ms. Calta also mentioned difficulties with the Fair Housing Laws and ADA allowing discrimination solely on the basis of the described disabilities.

Mr. Wellborn Jack, 28 Fox Trace Lane, noted issues with the stormwater from the development and the priority and need to preserve the trees and wetlands in District 3. Mr. Wellborn also described the water problems at his house and requested an independent investigation of water issues be undertaken.

Mr. Renee Commarato, 35 Pinewood Lane, noted all federal laws regarding the disabled should be followed including diverse housing. Ms. Commarato also noted the changing plans and claims regarding what Summit County DD has stated, the possibility that information has not been completely and accurately given, that the Fair Housing Act may be being disregarded and large size of the proposed buildings.

Ms. Charlotte Barton, 142 E. Streetsboro Street, believes the location proposed for HCL is wrong and it should be built in compliance with all laws and somewhere else.

Lisa Kurdziel, 7 Fox Trace Lane, noted her experience as a social worker in various populations, the importance of the clients right of self-determination and the right for housing of those with disabilities, so long as the housing is integrated with the general population. Ms. Kurdziel also noted concerns about increasing traffic and the sidewalk on Streetsboro Street having no tree lawn.

Mr. Ken Haneline, 42 Fox Trace, spoke regarding Dr. Nofsingers comments and experience is important for the Commission to consider, "While noble, this project is misguided and a recipe for bad outcomes".

Mr. Dan Wright, representing numerous families spoke of a physically challenged family member whom his family arranged care for. Mr. Wright also noted the needed respect for the neighbors and the LDC, which is not taking place in this application with public comment running approximately fifty to one opposing this development, especially regarding

density and residential use. Mr. Wright also noted the square footage number have changed with each application, light traffic use is not guaranteed and the number of caregiver trips has been underestimated along with ancillary other workers. Mr. Wright also noted the young age of the residents is not comparable to a senior living development, and the transportation needs of this population may generate additional trips. Mr. Wright concluded by quoting from a letter sent opposing the development.

Ms. Mary Beth Miller, 68 Fox Trace Lane, noted the number of people wishing to speak to this agenda who cannot fit into the meeting room. Ms. Miller also stated her opposition to the development since it is not being in keeping with the neighborhood, the water issues in the area and the residents' concerns.

Mr. Dave Faiman, 7577 Hudson Park Drive, urged the Commission to support the work of HCL while recognizing much bad information has been given at the meeting.

Seeing no one else coming to make Public Comment, Chair Stolle closed Public Comment.

The Commissioners, applicant and staff discussed whether or not licensing of this facility is required and opinions regarding how the Fair Housing Act will affect the development as proposed, the allowable density, whether or not the open space requirements are being met, the possibility of granting Conceptual Approval but not Conditional Approval, definitions in the LDC, that the building are attached single family dwellings, the design standards need to be met, the two cars per garage requirement, that HCL has no experience in developing or running a proposed community as proposed, that a deed restriction be written for 25 years and renewable for another 25 years which requires notice regarding changes of status, transfer to another owner and the right of first refusal for the City to purchase the land and the requirement of the demolition of two of the buildings if the land is transferred. That HCL is not prepared at this point to build.

The Commissioners asked the City Solicitor his opinion regarding page six, item nine, of the staff report. City Solicitor Pitchford stated he agrees with the staff opinion and believes it is in the Commission's prevue to make the decision.

The Board noted the expertise of the City of Hudson Engineering Department on water issues, the testimony of Attorney Diane Calta that it is the Commissioners role to define the LDC when issues are not clearly defined nobbily in the application the Residencial Institutional classification, the strong polarization of the community regarding this application, the status of traffic control at Oviatt Street and East Streetsboro Street.

The Commission discussed regarding offering Conceptional Approval requesting the applicant return with a site plan of less density, a deed restriction that delineates clearly what happens if the project does not go forward. The Commission the discussed whether this would be a Conceptional Approval or Conditional Approval, with a Conceptional Approval allowing further public consideration and Conditional Approval going only before staff with a proposed timeline between three and six months to allow time for the issues raised during the meeting. The Commission then reviewed the proposed staff conditions, staff noted a BZBA variance may be given prior to PC approval of the project.

The Commission discussed staff's definition of Institutional Residential Facility, the allowable density, the need for HCL to have an understanding of the path forward for approval or rejection, a legal opinion that HCL relies on that they may discriminate on who may be excluded from residence and the potential of allowing a maximum of sixteen units.

Mr. Gurreri noted that the units are now two bedrooms, if this is changed to four bedrooms, it will meet the desire of the residents and Commission, however, not be beneficial to anyone landscaping plan.

Ms. Norman made a motion, seconded by Mr. Lehman, that the Public Hearing be continued to the December 12, 2022 PC meeting, with the following conditions: 1) Applicant to submit a draft deed restriction for review by the City Solicitor. 2) Applicant to submit a legal opinion for review by the City Solicitor regarding: A) Developers' ability to restrict tenants to those with disabilities. B) Determination per the Ohio Revised Code regarding licensing by the State of Ohio. C) Applicant to submit a detailed landscaping plan. D) Reduce the project

density - specific number of units not dictated at the continuance due to the need to first confirm institutional use per the legal opinion. The motion was approved by the following vote:

Aye: 6 - Ms. Jones, Mr. Lehman, Ms. Norman, Mr. Nystrom, Mr. Stolle and Mr. Furbee

- B.** [PC 2022-823](#) **A Conditional Use request for Laurel Lake, a continuing care retirement community, to construct seven (7) additional duplex buildings, for a total of fourteen (14) units. The request was continued from the September 12th Planning Commission meeting**

Attachments: [Staff Report 2022-823 Laurel Lake](#)
[Site Plan](#)
[Applicant Response Letter](#)
[Engineering Dept. Comments](#)
[Fire Dept. Comments](#)
[Trip Generation Study](#)
[Wetland Delineation Report](#)
[Public Comments](#)
[Site Photos](#)

Chair Stolle announced he was advised the building must be vacated by midnight because the alarm system cannot be reset past that time.

Mr. Lehman made a motion, seconded by Mr. Furbee, that a meeting be held on November 28, 2022, for only the Laurel Lake application. The motion was approved by the following vote:

Aye: 6 - Ms. Jones, Mr. Lehman, Ms. Norman, Mr. Nystrom, Mr. Stolle and Mr. Furbee

IX. Other Business

Chair Stolle noted an email from Ms. Norman regarding the operation of Planning Commission and notice of changes to the application being given to interested parties, Chair Stolle further noted that discussions often continue until the meeting. The Commissioners also noted the importance of the application being considered complete prior to the staff report being distributed to the Commissioners, also discussed was the difficulty of cutting off discussion two weeks prior to PC meeting. Solicitor Pitchford reviewed the application process from the LDC and the Commissioners discussed possible deadlines for changes to the application prior to the PC meeting. Solicitor Pitchford noted the applicant may bring additional evidence to a meeting.

This matter was discussed

- A.** [PC 2023 SCHED](#) **2023 Planning Commission Meeting Schedule**

Attachments: [PC Schedule 2023 \(DRAFT\)](#)

This item was continued to the next meeting.

X. Staff Update

There were no staff updates.

XI. Adjournment

A motion was made by Mr. Lehman, seconded by Ms. Norman, that the meeting be adjourned at 11:55 p.m. The motion carried by an unanimous vote.

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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