



City of Hudson, Ohio

Meeting Minutes - Draft 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, July 26, 2021

7:30 PM

Town Hall
27 East Main Street

I. Call To Order

Acting Chair Lehman 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: 4 - Mr. Chuparkoff, Mr. Lehman, Mr. Nystrom and Mr. Vaughan

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

III. Swearing In

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

IV. Correspondence

There was no correspondence.

V. Public Discussion

There was no public discussion.

VI. Approval of Minutes

This being a special meeting, there were no minutes to approve.

VII. Old Business

[PC 2021-726](#) **A Text Amendment to the Land Development Code Chapters 1201, “General Provisions,” 1202, “Administrative and Review Roles,” 1203, “Development Review and Administrative Procedures,” 1205, “Zoning Districts-City of Hudson Zoning Map”, 1206, “Use Regulations,” and Appendix D, “Architectural Design Standards” to implement certain updates to the City of Hudson Land Development Code.**

Attachments: [2021 LDC Update - PC Memo 7.20.21](#)

[Staff Report 21-726](#)

[Text Amendment](#)

Mr. Sugar introduced the application by describing the Text Amendment Conditional Use within District 1 and the accompanying requirements.

Mr. Anthony J. Coyne, Mansour Gavin, LPA, described the history of American Fireworks in Hudson, the number of employees, the growth of the company and that five pods are part of the requested text amendment. Mr. Coyne also noted that American Fireworks is regulated by the State Fire Marshall and ATF which require at least 300-feet from adjoining residences. In regard to the staff comment regarding being 300-feet from adjoining properties, Mr. Coyne stated he does not feel it is necessary because of safety improvements. Mr. Coyne also noted that a development agreement could describe the landscaping improvements.

Ms. Diane Calta, Mansour Gavin, LPA, described the proposed Text Amendments which is detailed in the Staff Report and noted: 1) The proposed setback requirements, buffer yards, distances from the property lines, gas wells and adjoining residences. 2) The proposed amendments to the table. 3) The Conditions where the proposed containers are described.

Mr. Coyne, Ms. Calta and Mr. Roberto Sorgi, American Fireworks, explained and displayed photos of the proposed spacing of the existing ATF approved storage pods.

Mr. Sugar presented an overview timeline of events, a summary of the proposed text amendment and a background of the setbacks as well as the difficulty of monitoring the weight in the storage pods. Mr. Sugar also noted the staff recommendations.

The Commissioners, applicant and staff discussed the number of storage pods

The Commissioners asked if the Text Amendment is approved, based on the ATF tables, will the adjoining homes be in the blast zone? Mr. Sorgi explained the ATF rules regarding distances between magazine storage sites and stated the required safety zone will be maintained. Mr. Sorgi also explained the definition of a pod, the weights allowed in each pod and that the text amendment will allow for an additional 50,000 pounds of explosives. Mr. Sorgi then detailed safety measures that will be put in place, the inspection process by ATF, the State Fire Marshal, OSHA, DoT, City of Hudson and others. The number of American Fireworks employees and the number of employees who have access to the magazines was discussed as well as the qualifications of those employees.

The Commissioners noted there is no City of Hudson fireworks or retail storage regulation. The Commissioners and staff discussed the existing non-conforming use that applies to American Fireworks and the limit of twenty-five percent growth according to the square footage inside fencing. Staff and the Commissioners discussed the maximum number of pods if the Text Amendment is approved.

Mr. Coyne discussed clarifying the conditions that may be added to the Development Agreement should the Text Amendment be approved. Mr. Sorgi discussed: 1) The reasoning for not using the District 1 buffer areas. 2) The dimensions of American Firework’s property.

The Commission discussed: 1) The changing nature of the fireworks business. 2) A letter from Mr. and Mrs. Griesse. 3) The Commissioners lack of expertise to regulate and enforce a fireworks business. 4) The unauthorized cutting of trees on the property. 5) Fireworks displays on site.

Chair Lehman opened the meeting for public comment.

Ms. Tina Griesse, 2068 E. Highgate Court, noted the BZBA stated no further expansion without a Text Amendment. Ms. Griesse also noted that when the adjoining property was for sale, American Fireworks did not purchase the property. Subsequently it was developed into residences. Ms. Griesse requested the property owners be protected and stated it is possibly time for American Fireworks to relocate to a different property.

Mr. Ralph Zuponicic, 2028 E. Highgate Court, noted the expanded footprint of American Fireworks, the Text Amendment will allow the storage pods closer to the neighboring homes and that 10,000 pounds of explosives will be placed 180-feet from the middle of his backyard. He also noted the effect of the requested Text Amendment will change the rules and negatively affect the safety of the neighbors while allowing greater profit to American Fireworks. Mr. Zuponicic also expressed concern over the unintended consequences of the Text Amendment and the lack of time the neighbors had to prepare for this meeting. The Commission and Mr. Zuponicic discussed the 300-foot blast zone being 120-feet into his backyard.

Mr. Dustin Ellenberger, 7565 Highgate Drive, noted the distance from his property line to the nearest storage pod and his concern that this existing pod could be moved closer to his property.

Mr. Coyne noted the proposed mounding and new trees between the pods and the neighboring properties. Mr. Sorgi discussed the advantage of the Text Amendment for the neighboring properties. Staff noted the Text Amendment shows a 200-foot setback.

Mr. Ellenberger questioned if he adds to the rear of his house would American Fireworks be required to move storage pod locations to keep the 300-foot zone? Mr. Coyle noted the mounding would provide additional safety to the neighbors and Mr. Sorgi stated in this case the storage facility would be rated for less poundage.

Ms. Griesse stated according to her remembrance, BZBA determined that American Fireworks was to work with the neighbors, however, some of the trees have died and she still has concerns about an explosion.

Mr. Sorgi stated that prior to 2005 he was permitted to burn trash on the property, which may have been the reason neighbors remember fires on the property.

Ms. Peggy Francetic, 2121 Jonathan Court, noted her concern that the houses are not in a straight line making the enforcement of the 300-foot rule difficult and bringing uncertainty for future home improvements or property sales.

Mr. Bob Drew, 66 East Streetsboro, Chair of the Hudson Building Zoning Board of Appeals, explained the BZBA Decisions of February 2014 and September 2020 which were based on square footage and not having the ability to redetermine a case. Mr. Drew also spoke of the property rights of American Fireworks and the safety needs of the neighbors. Mr. Drew urged the Commission to proceed with the proposed Text Amendment.

Chair Lehman closed the public portion of the meeting.

Discussion items included: 1) The 50 contiguous acres of property. 2) If the Text Amendment is not granted, there is no intention to build the mounds. 3) American Fireworks owns six out-of-Hudson parcels that receive product from the Hudson facility. 4) If the 300-foot setback is required, the east-side locations will be allowed, however, the rear of the property would not be allowed to have 10,000 pounds of product. 5) Mr. Coyle stated the mounds would be located between the pods and the property line. 6) Mr. Coyle noted the mounds are not part of the Text Agreement and should be included in a Development Agreement. 7) Mr. Hannan stated a Development Agreement is not typically part of a Text

Amendment. 8) The Commissioners discussed how the weight limits will be enforced. 9) Mr. Sorgi stated he does not 'make' fireworks on the property and is not opposed to disclosing, to the City of Hudson, the weight in storage pods. 10) Mr. Sorgi explained the locations of the pods and the weight limits allowed. 11) Mr. Sugar agreed to look at the zoning in other cities with fireworks facilities. 12) Mr. Sorgi stated pod storage in the front of the facility has not been considered.

The commission discussed the need for zoning and listed questions for staff and applicant to answer: 1) The possibility of having a Development Agreement. 2) Additional displays of the setbacks. 3) How to review existing pods. 4) How to regulate setbacks if residential properties are improved in the future. 5) Can mounding be required by the code. 6) The possibility of a maximum weight on the property. 7) Staff research other city regulations for fireworks facilities zoning. 8) Retail fireworks storage and related definitions.

Mr. Coyle and Mr. Sorgi stated the purpose of the proposed Text Amendment is to bring zoning clarity to American Fireworks and the neighbors.

Mr. Chuparkoff made a motion to continue the application to allow staff and the applicant further time to address the Commission's and public's questions. Mr. Vaughn seconded the motion which was approved by the following vote:

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

VIII. Public Hearings

[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 2021-689](#)

[Additional Documentation Submitted by Applicant 7.22.21](#)

[Submitted Comments from Neighbor 7.26.21](#)

Mr. Hannan reviewed Minor, Basic and Major Developments in the Land Development Code and introduced the AHBR recommendation from July 14, 2021: *Applications within the Historic District remain Basic Development*. The proposed change will allow Basic changes to be on the Consent Agenda.

Mr. Chuparkoff made a motion that PC recommend to City Council the adoption of Ordinance 2171 and to incorporate the recommendation from the AHBR to maintain Historic District applications as Basic Development. Second by Mr. Nystrom. The motion was approved by the following vote:

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

IX. Other Business

X. Staff Update

Mr. Sugar noted there will be cases for the August meeting.

XI. Adjournment

A motion was made by Mr. Chuparkoff, seconded by Mr. Nystrom, that the meeting be adjourned. The motion carried by an unanimous vote.

David Lehman, Vice-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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