

Findings of Fact

Case No. 2017-1766 – Conditional Use Permit for an Assisted Living Facility Barlow Road Holdings, LLC – Barlow Road Memory Care Facility 1256 Barlow Road – Summit County, Ohio Parcel No. 3009935

On October 9, 2017, during a regularly scheduled meeting, the City of Hudson, Ohio Planning Commission (hereinafter, the “Commission”), by verbal motion, granted a conditional use permit to Barlow Road Holdings, LLC to operate an assisted living facility at 1256 Barlow Road in Zoning District 8 – Industrial/Business Park. From evidence in the record, the Commission hereby adopts the following findings of fact which supports its decision:

1. Barlow Road Holdings, LLC (the “Applicant”) owns the property located at 1256 Barlow Road in the City of Hudson, Ohio which is comprised of approximately 5.3 acres (the “Property”).
2. North of the Property is vacant land that used to be the site of the Flood Company facility.
3. East of the Property is residential development along Barlow Road.
4. South of the Property is vacant land owned by the City of Hudson, Ohio within District 8.
5. West of the Property is the Heritage of Hudson facility, railroad tracks, and single family residential development within District 2.
6. The Commission considered the Applicant’s conditional use application at a public hearing held on October 9, 2017.
7. The Applicant’s proposal included a two story, forty-eight room assisted living facility specializing in memory care containing twenty parking spaces and a shared access drive with Heritage of Hudson, the skilled nursing facility adjacent to the west.
8. Pursuant to Section 1205.11(c)(1) of the Land Development Code, assisted living is a conditionally permitted use in District 8 provided an applicant meets all applicable requirements set forth specifically in Section 1206.02(b) and the requirements generally contained in the Land Development Code.
9. Section 1203.02(a)(27) of the Land Development Code defines assisted living as: “... residences for the elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation.”
10. Section 1206.02(b) of the Land Development Code sets forth nine general criteria that must be met in order for the Commission to approve a conditional use. For an applicant to receive a conditional use permit to operate an assisted living residence, in addition to the general conditional use criteria, the application must also satisfy five additional specific criteria.

11. As to the first general criterion, the Commission finds that the proposed use is in general compliance with the Comprehensive Plan as follows:
 - a. Chapter 5, Land Use and Development Plan, Objective 10: The proposed assisted living use is a less intensive use than many of the uses permitted by right in District 8, and, thus, will have less impact on the neighboring uses.
 - b. Chapter 5, Land Use and Development Plan, Objective 12: The proposed facility is designed to be compatible with the style and materials of the adjacent Heritage of Hudson facility.
 - c. Chapter 5, Land Use and Development Plan, Objective 9: The proposed facility is physically and operationally compatible with the neighboring skilled nursing facility, the Heritage of Hudson.
12. As to the second general criterion, the Commission finds that the proposed use is physically and operationally compatible with the surrounding neighborhood and surrounding existing uses, and successfully addresses the following factors:
 - a. *Location on site of activities that generate potential adverse impacts such as noise and glare:*
 - i. Applicant's proposal meets the 100 foot side yard setback from the adjacent residential property to the east. Applicant agreed to maintain the existing trees to the east and add additional landscaping and buffering to further reduce and/or eliminate any impacts on the adjacent residential property to the east.
 - ii. Applicant agreed that the parking areas and driveway will be located on the west side of the building, and to a limited extent, the south side of the building.
 - iii. Applicant agreed to only allow outdoor smoking on the west side of the building.
 - iv. Applicant agreed to only place outdoor power generators on the west side of the building.
 - b. *Hours of operation and deliveries:*
 - i. While the assisted living facility is open 24 hours per day for care of the residents, very little activity will be noticeable outside of normal business hours.
 - c. *Location of loading and delivery zones:*

- i. Loading and delivery zones will be located to reduce exposure to the neighboring residences to the east side – with the majority of the loading and delivery being conducted on the west side of the property.
- d. *Light intensity and hours of full illumination:*
 - i. Applicant agreed to cooperate with City authorities to reduce light intensity, light location, and hours of full illumination. Applicant further agreed to implement cutoff lighting and to use the minimum lighting necessary for the possible fire access lane area on the east side of the building.
- e. *Placement and illumination of outdoor vending machines:*
 - i. The proposal will not have any outdoor vending machines.
- f. *Loitering:*
 - i. The primary users of the assisted living facility will be residents, employees, and guests. The applicant does not anticipate any loitering concerns.
- g. *Littering control:*
 - i. Trash generated on site will be stored in appropriate trash receptacles and removed by contracted trash haulers.
 - ii. The applicant represented that trash has not historically been an issue at other similar sites.
- h. *Placement of trash receptacles:*
 - i. The applicant agreed to cooperate with the City on the placement of exterior trash receptacles.
- i. *On-site parking configuration and facilities:*
 - i. Applicant will provide adequate parking for the assisted living use (20 spaces where 18 are required).
 - ii. Parking will not be located on the east side of the building adjacent to the residential properties.
- j. *On-site circulation:*
 - i. A shared entrance drive with the existing Heritage of Hudson site minimizes the amount of curb cuts on Barlow Road.
 - ii. All vehicle circulation (with the exception of emergency and/or safety services vehicles that will need to access the fire lane on the east side of

the building in the event of an emergency response) will take place on the north, west, and east sides off the building.

k. *Privacy concerns of adjacent uses:*

- i. The site has been configured to minimize disturbance to and to protect the privacy of the adjoining residential property to the east side of the building. Specifically, the applicant has agreed that parking, loading, delivery zones, entrances, outdoor power generator locations, and outdoor smoking and/or tobacco use areas will not be located on the east side of the building.

13. As to the third criterion, the Commission finds that the use can generally be accommodated on the site consistent with any architectural and design standards set forth in the applicable district regulations of the Code, and in conformance with all dimensional, site development, grading/drainage, performance, and other standards for the district in which it will be located as follows:

- a. The design subcommittee reviewed the assisted living facility plans and recommended approval of the architectural design to the Commission subject to a list of conditions agreed to by the applicant.
- b. As part of its separate Site Plan approval, the Commission approved the recommendations of the design subcommittee.
- c. Applicant agreed that the proposed facility will be compatible in style and materials with the adjacent Heritage of Hudson facility.
- d. Applicant agreed to record an easement that will allow the Property to modify and use the adjacent property's (Heritage of Hudson) storm water pond(s) for storm water management of the Property in perpetuity. Applicant further agreed and consented that the proposal is subject to review and final approval by the City of Hudson Engineering Department with respect to both storm water management and engineering standards.
- e. The proposed site contains approximately 2.7 acres of wetlands and a stream that causes a small building envelope.
- f. Pursuant to Section 1207.18(b)(6)(E(ii)(b)), via separate motion, the Commission granted the Applicant's request for a modified wetland setback to allow the proposed development at a 14 foot setback from the delineated edge of the wetland at the southern boundary of the development area.
- g. The Commission does not object to the Applicant's proposal to relocate the existing stream on the Property provided the relocation is: (1) approved by all other

applicable authorities including both the Ohio Environmental Protection Agency and the United States Army Corps of Engineers and (2) the stream, even after it is relocated, is reconnected to its original water source(s) flowing both to and from the subject Property.

14. As to the fourth criterion, the Commission finds that to the maximum extent feasible, access points to the property are located as far as possible, in keeping with accepted engineering practice, from road intersection and adequate sight distances are maintained for motorists entering and leaving the property for the use as follows:
 - a. Applicant has agreed to shared driveway access with the adjacent Heritage of Hudson facility so as to reduce the impact of multiple curb cuts. Applicant represented that an access easement will be recorded to allow the Property to share the driveway access with the adjacent Heritage of Hudson facility in perpetuity.
15. As to the fifth criterion, the Commission finds that on-site and off-site traffic circulation patterns related to the use shall not adversely impact adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site as follows:
 - a. Applicant has agreed to orient parking areas to the west side of the facility so as to keep traffic away from adjacent residential use on the east side of the facility.
 - b. Applicant has agreed to submit funds to use toward public sidewalk improvements on the North Side of Barlow Road. Additionally, Applicant's site plan provides for pedestrian walkways from the facility to said sidewalk on the North Side of Barlow Road.
16. As to the sixth criterion, the Commission finds that the use will be adequately served by public facilities and services as follows:
 - a. The assisted living memory care facility will not impose any burden on the school system.
 - b. Staff acknowledged that adequate utilities and public services are available to the property located at 1256 Barlow Road.
 - c. The City of Hudson Fire Department will review the site improvement plans for final compliance. The Applicant has agreed to install a fire lane in a manner that minimizes disturbances to the residential use adjacent to the east side of the building including limiting light pollution associated with said fire lane and restricting access to safety services only.
 - d. The Property is served by public sewer and water.

17. As to the seventh criterion, the Commission finds that the use provides adequate off-street parking on the same property as the use as follows:
 - a. Applicant has proposed 20 parking spaces where the minimum necessary is 18 spaces.
 - b. Staff acknowledged that adequate parking is provided for the assisted living use.
18. As to the eighth criterion, the Commission finds that the use will be screened with fencing and/or landscaping in excess of what is required in the Code as follows:
 - a. Applicant has agreed to retain existing trees on the site, install street trees along Barlow Road, install perimeter landscaping to screen parking areas from Barlow Road, adhere to Bufferyard D requirements for the east side of the site, and to maintain a minimum of 10% of the front yard setback will be landscaped.
19. As to the ninth criterion, the Commission finds that the use is proposed at a density consistent with that of the existing neighborhood as follows:
 - a. Staff acknowledged that the proposed facility is compatible with the existing neighborhood as it is proposed to be located directly adjacent to an existing care facility, the Heritage of Hudson.
20. As to the first use-specific criterion, the Commission finds that where applicable, certification or licensing by the sponsoring state or federal governmental agency shall be a prerequisite to issuance of a zoning certificate by the City as follows:
 - a. Annually, Applicant agrees to provide proof of receipt of all applicable licenses.
21. As to the second use-specific criterion, the Commission finds that adequate vehicle turning areas will be provided on the site so that vehicles and equipment can be maneuvered on site without interrupting traffic flow or blocking public streets as follows:
 - a. Applicant's proposal provides for adequate turning areas available on site without interrupting traffic flow or blocking Barlow Road.
 - b. If necessary, Applicant agrees to install a 16 foot "ring road" around the south and east sides of the building to accommodate emergency and fire vehicles. In the alternative, if possible (and in the interest of screening the adjacent residential use to the east side of the building), Applicant agrees to work with the City of Hudson Fire Department to design a road for emergency and fire vehicles that minimizes the amount of use on the east side of the building.
22. As to the third use-specific criterion, the Commission finds that the parking area for the use will be a minimum of fifty (50) feet from adjacent properties used for residential purposes as follows:

- a. Applicant agreed that no parking areas would be within 50 feet of any adjacent residential properties.
- 23. As to the fourth use-specific criterion, the Commission finds that safe areas for pick-up and discharge of persons shall be provided as follows:
 - a. Applicant represented and agreed that there will be safe areas of pick-up and discharge of residents, visitors, and staff including a porte-cochere at the main entrance to the facility to provide protection from inclement weather.
- 24. As to the fifth use-specific criterion, the Commission finds and concludes that adequate provisions shall be made for access by emergency medical and fire vehicles on two (2) sides of the building as follows:
 - a. Applicant represented that provisions have been made for emergency medical and fire vehicles on all sides of the building, not just the required two sides.

APPROVED BY:

The City of Hudson Planning Commission

City of Hudson, Ohio

Date: November 13, 2017

Robert Kagler, Chair