

Meeting Date:

June 9, 2025

Location:

200 Laurel Lake
Drive

Parcel Numbers

3203045

Request:

Major Site Plan to
construct 7 duplex villa
buildings

Applicant:

Jeffrey Jardine,
Riverstone Survey

Property Owner:

Laurel Lake Retirement
Community LLC

Zoning:

D3- Outer Village
Residential Neighborhood

Case Manager:

Nick Sugar, City Planner

Staff Recommendation

Refer to page 13

Contents

- Applicant response letter, 5.12.25
- Civil Plans, 5.12.25
- Landscaping Plan, May 2025
- Lighting Plan, 6.5.25
- Building Elevations, 12.5.23
- Cost Estimates
- Wetland Delineation /Pond Letter, 3.13.25
- Stormwater Report, 6.10.24
- Traffic Analysis, 12.12.24



City of Hudson GIS

Project Background:

Laurel Lake received Conditional Use and Major Site Plan approval at the October 14, 2024 Planning Commission meeting to construct 7 duplex villa buildings. The decision was subject to the condition that the three buildings along the front pond be removed from the proposal. The full decision is attached for reference.

The applicant subsequently appealed the Planning Commission's Decision to the Board of Zoning and Building Appeals, requesting the conditional use request for the three buildings along the pond be approved. Per Section 1212.01(c), *Any party-in-interest aggrieved by any final action, decision, or order by the Planning Commission may appeal to the City Council, except that appeals from PC action on an application for conditional use shall be to the Board of Zoning and Building Appeal.*

The applicant did not appeal the Planning Commission's Decision related to the site plan which per Section 1212 would have needed to be submitted to City Council for consideration.

The BZBA reviewed the Conditional Use appeal at the January 16, 2025 meeting and made the following determination: *The Board of Zoning Appeals in applying the evidence and law hereby reverses the final decision made by the Planning Commission to deny buildings #1, #2, and #5 on November 6, 2024, and affirms the Planning Commission's decision to approve buildings #3, #4, #6 and #7. The Board of Zoning*

- Asst. City Engineer review dated June 3, 2025
- Previous PC Decision
- BZBA Decision
- Supplemental Docs

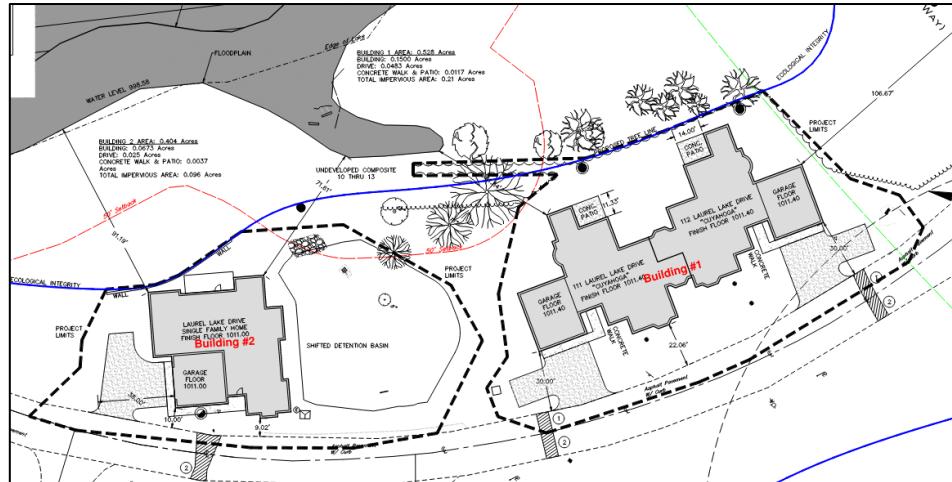
and Building Appeals adopts the attached findings of fact which are incorporated herein. The full decision is attached for reference.

With the Conditional Use approval authorized by the BZBA, the applicant is now requesting site plan approval for the 3 duplex villa buildings previously denied. To help aid the Planning Commission's review, this staff report has organized the findings of both boards and noted updates to the application.

Notable Design Changes

Staff notes the site plan request for these three buildings is not a resubmit of the previous request as following design changes have been proposed in response to the October 14, 2024 Planning Commission discussion:

- Buildings #1 and #2 have been repositioned. Building #2 has been redesigned to a duplex with side loaded garages and is located further from the access drive. The proposed stormwater pond has been reconfigured.



Oct 14, 2024 PC Submittal

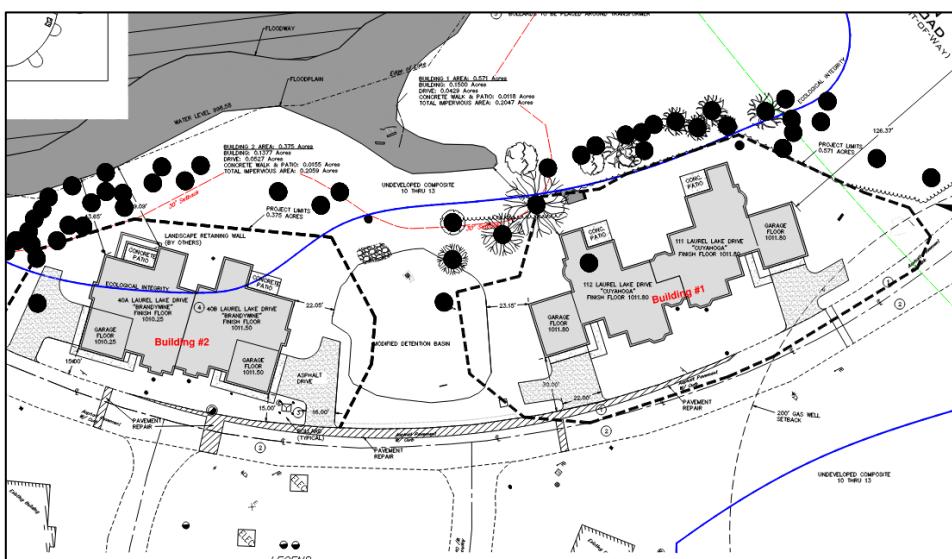


Fig. 1 - June 9, 2025 PC Submittal

2. The applicant is no longer requesting to realign the access drive. The building has been slightly redesigned allowing the existing drive to remain in place.

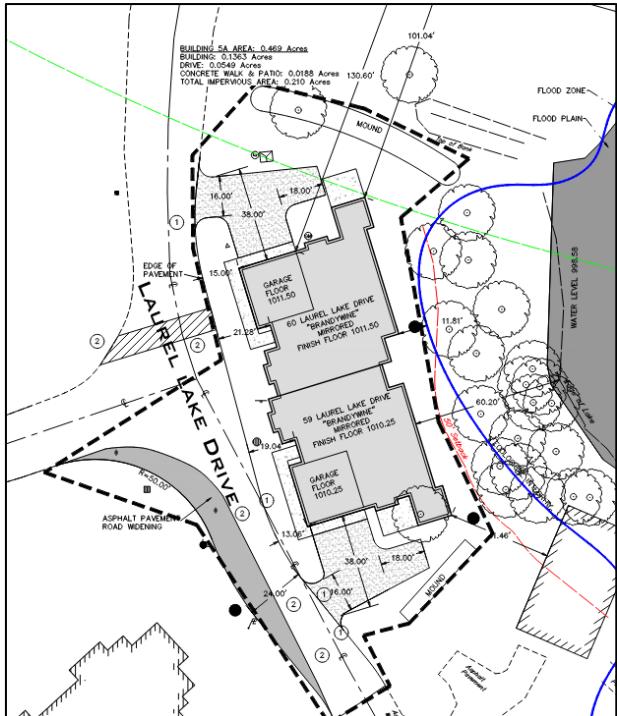


Fig. 2. Oct 14, 2024 PC Submittal

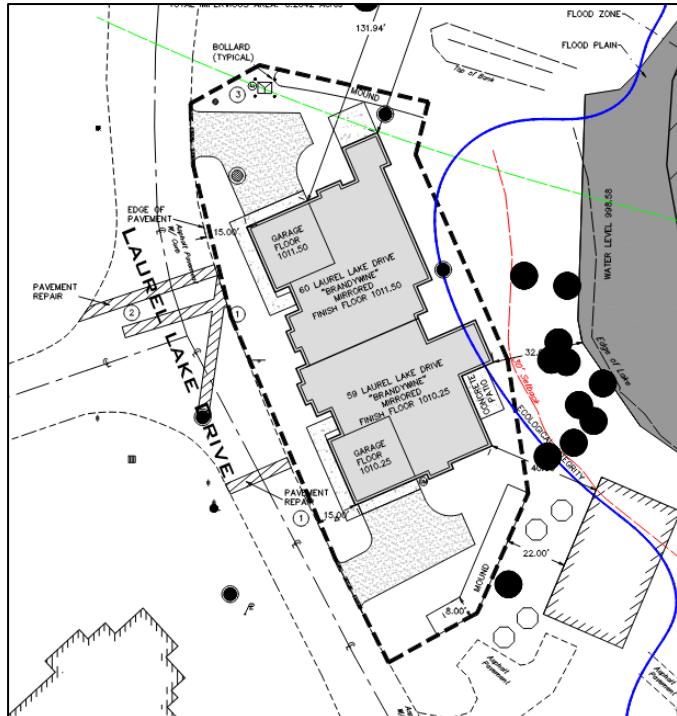


Fig. 3 June 9, 2025 PC Submittal

Review of Findings from PC Decision of October 2024

PC Finding #1: Buildings #2 and #5 are in violation of Section 1206.02(b)(5) relating to traffic circulation patterns based on the proposed building separation from the drive.

Code Section Referenced: 1206.02(b)(5): *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.*

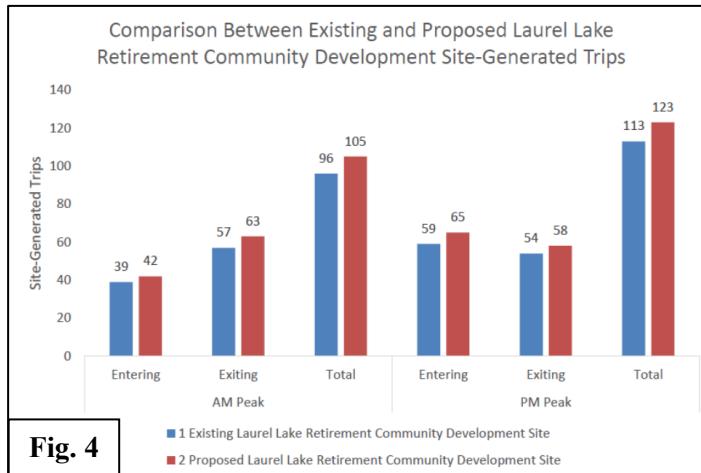
BZBA Finding: *Since this provision contains no objective standards for its application, determining whether this provision has been met is a matter of discretion. The traffic in question traverses the property along the semicircular private drive having two exits onto Boston Mills Road near opposite ends of the property. Appellant submitted a traffic pattern study report showing that the average number of cars entering the property using the private drive is about one per minute, and the average number of cars leaving the property is also about one per minute. The report states that “the number of trips that are generated are quite low, which is to be expected from a retirement community.” Since the Commission has approved the addition of four buildings without objections to the additional traffic they might cause, there seems to be no standard being applied to decide that three more buildings will nevertheless create hazardous conditions. Thus, the finding of a violation here has no evidentiary support, and a contrary conclusion is supported by the evidence.*

Nevertheless, the Commission asserts that two of the units, Buildings #2 and #5, interfere with traffic circulation patterns “based on the proposed building separation from the drive.” The nature of this objection is unclear because the Commission’s decision does not recite any particular danger based upon proximity of the unit to the drive. To the contrary, the site plan shows that each of these units will have a side-facing garage and a turn-around apron allowing the resident to enter the drive frontwards. Since this is a matter of discretion, and no evidence is recited as the basis for the Commission’s finding of a violation, the Board concludes that the decision is arbitrary and without evidentiary support. There is no violation of § 1206.02(b)(5).

Updates to Application:

The applicant submitted an updated trip generation study to the Board of Zoning Appeals, dated December 12, 2024. The full study is attached for reference. The Study provides additional sight distance analysis for the proposed buildings. Overall, the study makes the following findings:

- The number of anticipated vehicle trips would be low per the following chart (See Figure 4).
- The proposed driveways and resulting sight distances would meet the most recent edition of the *Federal Manual of Traffic Control Devices 11th Edition, December 2023*.



PC Finding #2: Buildings #1 and #2 are in violation of Sections 1207.03(c) and 1207.03(f) relating to disturbance within a stream or wetland setback as disturbance would occur within the required fifty (50) foot setback of the jurisdictional pond.

Code Sections Referenced:

- 1207.03(c): *Prohibited Activities: No person shall engage in any activity that will disturb, remove, fill, drain, dredge, clear, destroy, or alter any area, including vegetation, within stream corridors, wetlands, and their setbacks, except as may be expressly allowed in this Code.*
- 1207.03(f): *Preservation of Vegetation: All existing vegetation within the steam corridor or wetland setback area shall be preserved, and where necessary to provide adequate screening or to repair damaged riparian areas, supplemented with additional native planting and landscaping approved by the City Community Development Staff.*

BZBA Finding: The Commission states that these buildings are in violation “relating to disturbance within a stream or wetland setback as disturbance would occur within the required fifty (50) foot setback of the jurisdictional pond.” This conclusion is in error because there is no stream or wetland near these

Buildings, and, therefore, no 50-foot setback is required. It appears that the Commission, and perhaps the staff also, has misconstrued the nearby south end of Lake Forest as being wetlands, but it is not. Wetlands are defined in 40 CFR § 230.41(a)(1) as follows:

(1) Wetlands consist of areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

There is no nearby stream either. The curious phrase “jurisdictional pond” seems to have no legal effect on the placement of these two buildings either. The record shows that the staff and the Appellant struggled to deal with a non-existent 50-foot setback, including pushing the three units closer to the road to get away from Lake Forest, a non-requirement. There is no violation of § 1207.03(c) and (f).

Updates to Application:

Updates to Application: The applicant has submitted a letter with the current Planning Commission submittal. The letter was written by Carrie Ricker, Project manager and profession wetland specialist, of Verdantas (formerly CT Consultants), the environmental science and engineering firm that has completed the environmental documentation for the site . The letter states: *Verdantas, LLC (formerly CT Consultants, Inc.) prepared the Wetland Delineation Report for the Laurel Lake, Hudson, Ohio property in August 2022. We have been requested to provide clarification around Pond-1 jurisdiction and the type of surface water feature this is considered. Pond-1 as labeled on the attached Water Resource Map for Laurel Lake (see Figure 5), is considered a tributary impoundment under (a)(3) of the Waters of the United States (WOTUS) Regulatory Ruling. Pond-1 does not contain wetland vegetation and is not considered a wetland by definition. This feature is an open water impoundment that extends upstream as a part of Lake Forest on the north side of Boston Mills Road. This feature is an impoundment of an unnamed tributary to*

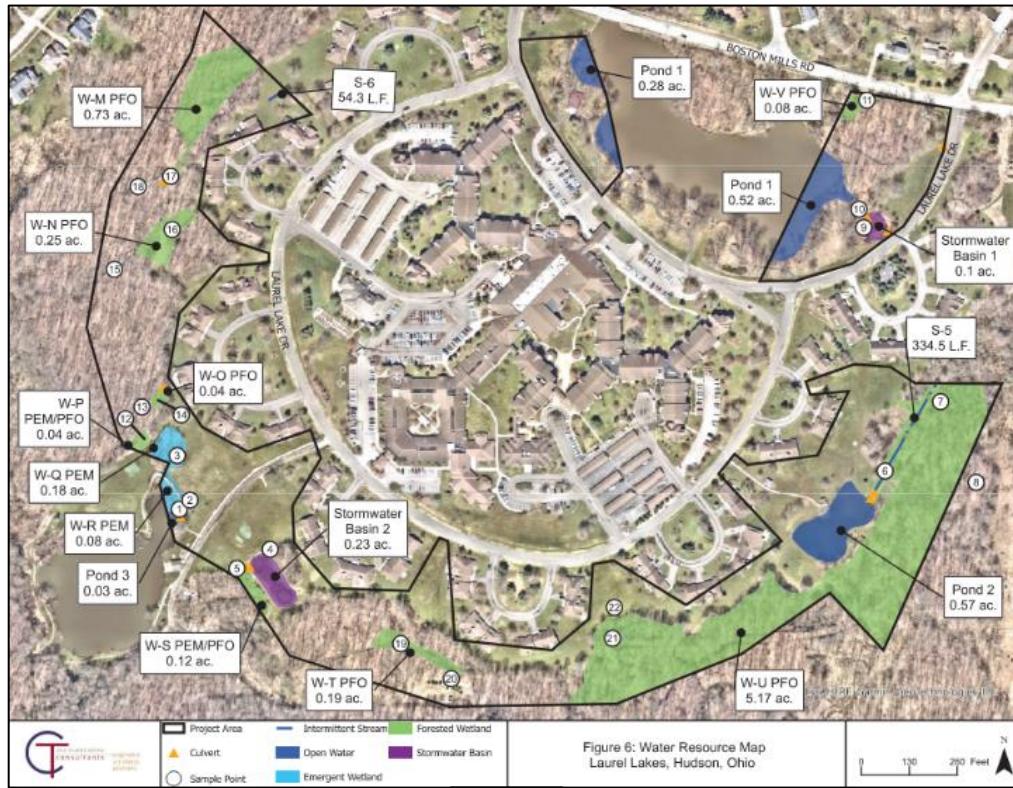


Fig. 5

Brandywine Creek, that drains to the Cuyahoga River and ultimately into Lake Erie. I hope the preceding information provides the necessary clarification.

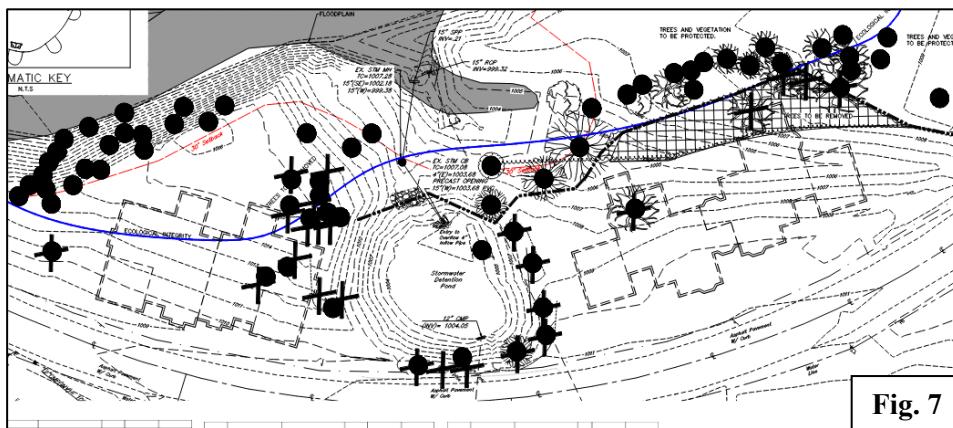
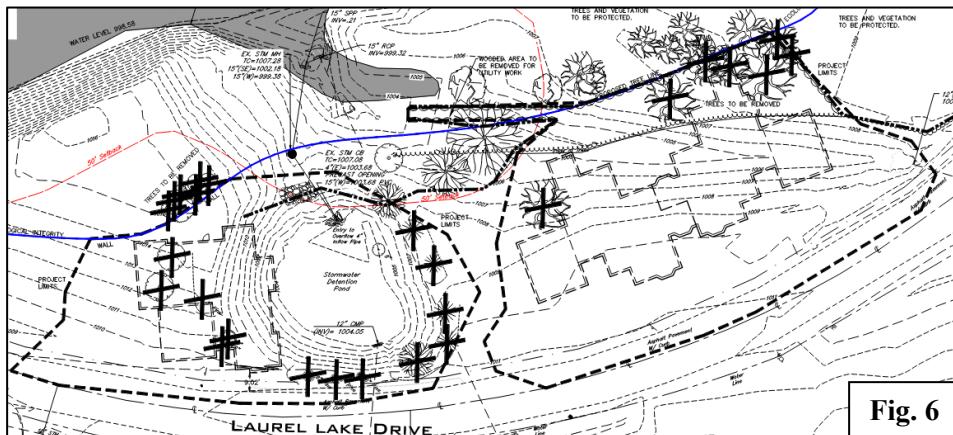
PC Finding #3: Buildings #1 and #2 are in violation of Section 1207.02(b)(2) relating to tree preservation as significant mature trees would be removed.

Code Section Referenced: 1207.02(b)(2): Within the limits of disturbance: *Whenever practicable, significant trees and existing vegetation within the limits of disturbance should be preserved.*

BZBA Response: This section provides as follows: *Whenever practicable, significant trees and existing vegetation within the limits of disturbance should be preserved.*

Notably, this provision does not prohibit the removal of trees. Further, the introductory phrase, “Wherever practicable,” signals that this provision is a matter of discretion. Yet the Commission’s ratio decidendi assumes that removing mature trees is prohibited. What if it is not practicable to preserve the trees? According to the plain meaning of this statutory language, in that case it is not necessary to preserve the trees. But there is another option that was not addressed by the Commission. A mature tree of at least nine inches diameter at breast height can be removed upon cash payment of \$200 to a conservation escrow account, pursuant to § 1207.02(c)(2). Furthermore, the four units that were approved by the Commission’s decision require the removal of 19 trees. The statute contains no bright line for how many trees are too many. Thus, without more, the approval of removing 19 trees but disapproving removal of 25 trees appears arbitrary. No reason is given for approving 19 trees but not 25 trees. There is no violation §1207.02(b)(2).

Updates to Application: Staff notes minimal changes to the proposed number of trees removed for buildings #1 and #2



PC Finding #4: Buildings #1 and #2 are in violation of Section 1207.02(b)(3) relating to priority areas of existing trees and vegetation as disturbance would occur within a sensitive natural area.

Code Section Referenced: 1207.02(b)(3): *Priority areas of retention: Priority areas for retention of existing trees and vegetation shall include, but not be limited to riparian areas, wetlands, wildlife habitat, aquifer or wellhead protection areas, areas falling within the two highest quality ecological integrity classifications for any of the individual metrics or composite as set forth in Appendix B to this Code, and other sensitive natural areas. Streets, buildings, and lot layouts shall be designed to minimize disturbance to all trees nine inches DBH or larger.*

BZBA Response: *The only portion of this provision that the Commission recites for its finding of a violation is that the Buildings would occur “within a sensitive natural area.” The term “sensitive natural area” is not defined in the LDC. Again, this provision is not a prohibition on tree removal, but is a directive to minimize disturbance of large trees at least nine inches in diameter at breast height. The Commission made no findings as to the size of any trees designated for removal. The option to pay cash for removing large trees was not addressed either. The term “sensitive natural area” is a very general, imprecise term, subject to discretionary interpretation. There is no bright-line standard for determining the presence of a sensitive natural area. While this provision could be argued as impermissibly vague, it is more fitting at this juncture to determine that there is no evidence to support a conclusion that the area around Buildings #1 and #2 is a “sensitive natural area.” The Appellant is not required to prove affirmatively that this area is not a sensitive natural area; it was up to the Commission to show that it is, in order to support its finding. The Appellant need not prove a negative.*

There is no violation of § 1207.02(b)(3).

Update to Application: Staff notes minimal change to the site plan relative to this requirement; however, the applicant’s determination on the classification of the pond vs. wetland would relate to this analysis. Staff notes; while the pond shore area itself is classified under the lowest Index of Ecological Integrity Composite, the surround area falls under the two highest (see Figure 8). The applicant has labeled this area on the submitted site plans.

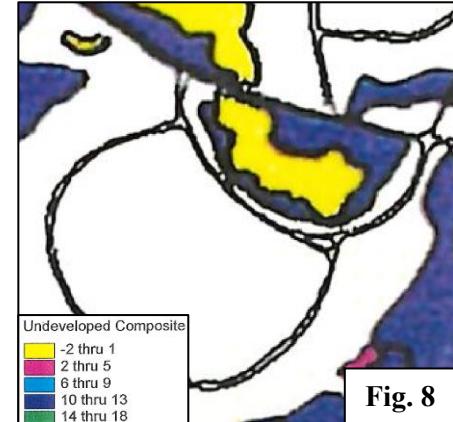


Fig. 8

PC Finding #5: Building #2 is in violation of Section 1419(6.6) of the City of Hudson Engineering Standards as it would not provide the required thirty (30) foot detention pond easement outside the entire perimeter of the pond.

Code Section Referenced: 1419(6.6): *Detention/Retention Pond Easement: A detention/retention pond easement conveys the right to construct and maintain a pond and its appurtenances (i.e., outlet structure, etc) which is used for the detention/retention of storm water runoff and includes the right of ingress and egress. The detention/retention pond easement shall be a minimum width of 30 feet outside the entire perimeter of the pond or as approved by the City.*

BZBA Response: *The City stated in its January 16 response to the Appellant's statement in this Appeal that it would accept a 10-foot easement for this purpose, and it should be incorporated into the drawings. This will meet the statutory language "or as approved by the City." There is no violation of § 1419(6.6).*

Updates to Application: Staff notes the Engineering Department has accepted a 10-foot easement and noted the revised layout gives adequate access to the detention pond.

PC Finding #6: Buildings #1, #2, and #5 would compromise existing community amenities including the pavilion and East Loop Trail.

BZBA Response: *The Commission asserts that these buildings "would compromise existing community amenities including the pavilion and East Loop Trail." First, testimony was presented that "East Loop Trail" was a path created by an individual resident for walking through the site, and he kept it clear of overgrowth for a while. Other residents used this trail for exercise on occasion. In at least the past year the creator has become insufficiently mobile to maintain the trail, and it has become clogged with overgrowth and unused. The evidence shows insufficient reason to block a project because of this moribund trail.*

As to the pavilion, the Commission's recitation of this amenity is baffling. The pavilion along the edge of Lake Forest is not being moved, and these units will not be interposed between the pavilion and the remainder of the residential units. Building #5 will be closer to the pavilion than the rest, but there is no requirement that a large area around the pavilion be preserved. Indeed, there is nothing in the LDC that requires the owner of the property to preserve the pavilion at all. Owners of multi-family developments are not required to fashion or to preserve amenities that are not called out in the rental contracts. Property owners are entitled to develop their properties as they wish, subject only to the requirements of the LDC, and there is no provision protecting these amenities in the LDC. There is no violation here because there is no code provision to violate.

Updates to Application: Staff notes minimal change to the impact on community amenities. Staff notes a mound would be constructed between the pavilion and Building #5 for enhanced screening.

District Standards (Section 1205)

Maximum Net Density 1205.06(d)(1) Staff notes the Land Development Code references to residential net density requirements are not applicable to the proposed Institutional Residential use classification. The Institutional Residential use is a separate classification category than residential uses. Net density requirements are applicable to residential uses as listed in Section 1205.06 (d)(1), (single-family detached and duplexes, single family attached, and townhomes).

Building Setback 1205.06(d)(5)

1. Minimum front yard setback: 100 ft (Boston Mills Road is considered an Arterial Street).
Staff Comment: Acceptable
2. Minimum side yard setback: 30 ft
Staff Comment: Acceptable
3. Minimum rear yard setback: 50 ft
Staff Comment: Acceptable

<input checked="" type="checkbox"/> Maximum Building Height 1205.06(d)(7)	The maximum building height is 40 ft. <u>Staff Comment:</u> Staff notes the buildings would have an average height of approximately 24 ft, which is typical of residential buildings.
<input checked="" type="checkbox"/> Distance Between Buildings 1205.06(d)(8)	Structures shall be separated from each other a minimum of twenty feet at their closest points. <u>Staff Comment:</u> The proposed buildings would meet this requirement.
<input type="checkbox"/> Building Siting and Orientation 1205.06(d)(9)	Building siting and orientation standards shall apply to buildings located with a front yard depth of less than 130 feet. <u>Staff Comment:</u> The property is comprised of one parcel and Laurel Lake Drive is a private drive; therefore, building #1 and building #5 would be subject to these standards in relation to Boston Mills Road. Staff notes building #1 would be in conflict with the requirement that doors of attached garages shall not face the street.
<input type="checkbox"/> Floodplain Overlay Zone 1205.14	The City has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted. <u>Staff Comment:</u> The proposed drive turnaround serving buildings #8 and #9 would be located within a designated floodplain. Staff notes minor fill and grading associated with the proposed work. The applicant shall submit a separate floodplain application for review by the City's Floodplain Administrator.

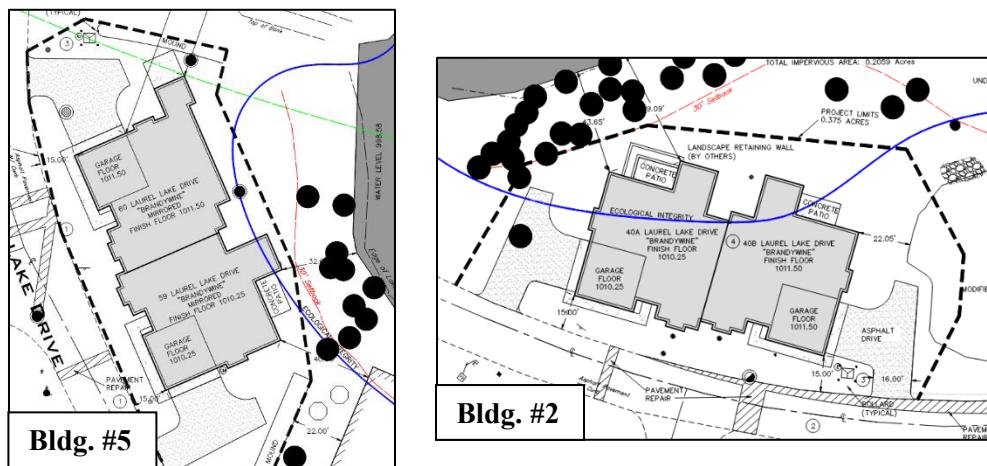
Site Plan Standards (Section 1207)

<input checked="" type="checkbox"/> Maximum Impervious Surface Coverage Section 1207.01	The maximum impervious surface coverage is 60% <u>Staff Comment:</u> The proposed development would increase the impervious area by .75 acres and increase the total impervious coverage from 16.3% to 16.9%.
<input type="checkbox"/> Tree and Vegetation Protection 1207.02	Priority areas for retention of existing trees and vegetation shall include, but not be limited to riparian areas, wetlands, wildlife habitat, aquifer or wellhead protection areas, areas falling within the two highest quality ecological integrity classifications for any of the individual metrics or composite as set forth in Appendix B to this Code, and other sensitive natural areas. Streets, buildings, and lot layouts shall be designed to minimize disturbance to all trees nine inches DBH or larger.

Staff Comment: Staff notes minor changes to the proposed clearing plan have been proposed with the redesign. Buildings #2 and #5 would encroach into the ecological integrity priority retention area; however, neither building proposed encroachment with the previous submittal. Staff recommends the following:

Building #2: The revisions to Building #2 as a duplex would further encroach into the Index of Ecological Integrity priority retention area than the previous plan. Staff recommends Building #2 be revised back to a single unit with the limits of disturbance established outside of the ecological index retention area.

Building #5: Revise the design so the building footprint is located outside of the ecological retention area.



Wetland/Stream Corridor Protection 1207.03

All buildings would be located outside of applicable wetland setbacks. The applicant has submitted documentation from a professional wetland specialist clarifying that the front pond is not classified as a wetland.

Landscaping/Buffering 1207.04

A minimum bufferyard width of 50 ft is required along arterial streets (Boston Mills Road). Four small trees and two large and medium trees are required every 100 ft.

Staff Comment: Revise the submitted Landscape Plan to verify this requirement is met along buildings #1, #2, and #5.

Open Space 1207.05

Open space requirements are not applicable to institutional land uses.

Stormwater Management

A stormwater management report has been submitted with the application. Generally, stormwater would be managed by existing, onsite drainage. Existing facilities would be upgraded to account for the proposed units. The report has been reviewed and accepted by the Engineering Department with minor comments to be addressed for a final zoning certificate review.

Wellhead Protection 1207.08

The boundaries of all wellhead protection areas in the City of Hudson are shown on a map entitled "City of Hudson, Ohio, Wellhead Protection Areas Map." the

following uses and activities shall be prohibited within the designated five-year time-of-travel wellhead protection areas:

- (1) All agricultural, commercial, retail, or industrial uses;
- (2) All institutional/civic/public uses, including solid waste disposal facilities, but not including passive recreational or natural open space systems, including trails;
- (3) All golf course uses (public or private);
- (4) Individual on-lot sewage systems, including septic systems, dry wells, and package plants;
- (5) Other prohibited activities:
 - A. Use of regulated or unregulated hazardous materials, in an amount defined by the Ohio Environmental Protection Agency as constituting a medium to high pollution risk for wellhead protection purposes;
 - B. Use of above or below ground storage tanks (flammable, toxics, petroleum products, and other chemicals); and
 - C. Any other uses or activities listed by the Ohio Environmental Protection Agency, as part of the agency's Ohio Wellhead Protection Program, that fall within Category I, "Medium to High Pollution Risk," or Category II, "Medium Pollution List."

Staff Comment: The proposed development is located within the designated five-year time-of-travel wellhead protection area; however, Laurel Lake is an established use dating back to the early 1990s.

Parking
1207.12

Staff notes the land use category for *continuing care retirement facility* is not described within the minimum parking space chart in Section 1207.12(f)(1); however, the Institute of Transportation Engineer's Parking Generation Manual may also be used in determining minimum parking requirements. The manual further classifies these types of facilities and lists a classification for *attached senior adult housing* recommends a minimum of 1.4 spaces per dwelling unit. Staff notes the proposed villas would comply with this requirement.

Exterior Lighting
1207.14

Exterior lighting shall meet the following requirements:

- With the exception of lighting for public streets, all other lighting used to illuminate buildings, parking lots, walkways, or the landscape, shall be evaluated during the site plan review process.
- Glare shall be controlled at all times through proper equipment selection, careful aiming, and limits on brightness as per IESNA recommendations
- In Zone Districts 1, 2, 3, 4, and 10, light fixtures shall be mounted on concrete or painted metal poles no higher than sixteen feet.

Staff comment: Staff notes the additional light pole proposed to serve buildings #8 and #9 would have a height of 30 ft and should be reduced to the maximum height of 16 ft.

Special Development Standards
1207.19

Staff notes multiple oil and gas wells are located on the property; however, the proposed villas would be located outside of the applicable setbacks.

City Departments:

Engineering Assistant City Engineer David Rapp has submitted the attached review letter dated June 3, 2025

Fire Department Fire Marshal Shawn Kasson has reviewed the proposal with no comments.

Hudson Public Power Assistant Public Works Superintendent Dave Griffith has reviewed the proposal and stated HPP will coordinate with the designers/engineers to serve the site.

Required PC Action

The PC shall consider the development application, the staff report, and then take final action. PC shall approve, approve with conditions, or deny the application based on its compliance with the appropriate review standards. All decisions of the Commission shall be based on findings of fact related to the relevant standards of the Code.

Recommendation

Staff recommends the Planning Commission review the submitted application, staff comments, and testimony from the applicant and public prior to formal action on the request. Staff recommends the Planning Commission consider the following items as part of any determination on the request.

1. Building #1
 - a. The garage doors face the street and are in conflict with the orientation standards of Section 1205.06(d0)(9).
2. Building #2
 - a. Limits of disturbance encroaches into the Index of Ecological Integrity priority retention area Section 1207.02(b)(3)
3. Building #5
 - a. Limits of disturbance encroaches into the Index of Ecological Integrity priority retention area Section 1207.02(b)(3).
4. Buildings #8 and #9:
 - a. A separate floodplain application is required for review by the City's Floodplain Administrator per Section 1205.14.
 - b. Proposed light pole exceeds the maximum height of 16 ft per Section (e)(1).
5. Landscaping Plan is required to be revised to verify the minimum bufferyard width of 50 ft is met, requiring four small trees and two large and medium trees every 100 ft. Section 1207.04(k)(1)(A).
6. The comments of Assistant City Engineer David Rapp shall be addressed per the review letter dated June 3, 2025.
7. Design of the buildings would require review from the Architectural and Historic Board of Review