

**CITY OF HUDSON**  
**PLANNING COMMISSION**  
**REGULAR MEETING OF AUGUST 8, 2011**  
**7:30 P.M., TOWN HALL**

**MINUTES**

**CALL TO ORDER**

The Chair, Mrs. Barone, called to order the Regular Meeting of the Planning Commission of the City of Hudson at 7:30 p.m. in Town Hall, 27 East Main Street, Hudson, Ohio.

**ROLL CALL**

Present: Mr. Cox, Mr. Drew, Mr. Hanink, Mr. O'Keefe, Mr. Mulligan, Mrs. Barone  
Absent: Mr. Kagler

Officials Present: Thomas E. King, Director, Mark Richardson, City Planner, Aimee W. Lane, Assistant City Solicitor

Minutes were taken by Ms. La Lomia, Planning Commission clerk.

**OATH OF TRUTHFULNESS**

Mrs. Barone, the Chair, placed everyone under oath who would be giving any testimony during the meeting.

**CASE NO. 2011-15, CHRIST COMMUNITY CHAPEL, DESIGN OF BUILDING ADDITION, 5374 DARROW ROAD**

Mr. Richardson reviewed the staff report regarding the design of a small addition on an existing building. He explained the Code needed to be revised to permit the size of the addition and the new approved legislation did not become effective until next week. He said the Design Subcommittee had reviewed and recommended approval of the project.

The applicant had no further comments.

Mr. Drew asked what was the outcome of the legislation. Mr. Richardson replied Council approved the legislation as it was presented. Mr. Drew asked whether this project would be in compliance with that legislation. Mr. Richardson replied, yes.

Mr. Mulligan moved to accept the recommendation of the Design Subcommittee for Development in Districts 6 and 8, and approve the design for Case No. 2011-12 for a building addition to The Block located at 5374 Darrow Road, according to plans dated as received March 14, 2011. Mr. Cox seconded the motion.

Roll Call:

Aye: Mr. Cox, Mr. Drew, Mr. Hanink, Mr. O'Keefe, Mr. Mulligan,  
Mrs. Barone

Nay: None

Motion carried.

Mrs. Barone changed the order of the items on the agenda due to the number of people present for a matter listed at the end.

**CASE NO. 2011-25, VACATION PLAT FOR BENDLETON DRIVE**

Mr. King explained there needed to be a motion to continue this matter. He said there might be an alternative path taken rather than doing a plat to vacate.

Mr. Drew moved to table this matter to a future date. Mr. Mulligan seconded the motion.

Roll Call:

Aye: Mr. Cox, Mr. Drew, Mr. Hanink, Mr. O'Keefe, Mr. Mulligan,  
Mrs. Barone

Nay: None

Motion carried.

**2011-29 CONDITIONAL USE, MODEL HOME, MIDDLETON PARK ESTATES, 7777  
ALEXANDRA DRIVE**

Mr. Richardson reviewed the staff report. The applicant had nothing to add.

Mr. Drew asked whether a two year time limit would be sufficient. Stanley Katanic, Pulte Homes, hoped so stating there were 31 lots in this subdivision. He said their projections were for 20 to 24 sales a year. Mr. Richardson said typically should the applicant need more time they can return for an extension of the conditional use.

Mr. Drew asked the planned hours of operation. Mr. Katanic replied the model would be open either six or seven days a week.

Mr. Drew asked how many employees would there be in the model at any given time. Mr. Katanic responded the most would be two, plus a field manager and a warranty manager on site maybe, possibly one or two sales associates.

Mr. Drew asked about parking. Mr. Katanic responded that each house has a driveway and the first 16 feet provided two parking spaces on that lot. He said they were open to suggestions from staff for location or amount of parking but believed two would be sufficient.

Mr. Drew asked what the driveway material was. Mr. Katanic replied concrete.

Mrs. Barone opened the public hearing.

Bob Caine, 2882 Middleton Road, said he lived across the street and was one of the trustees of the Western Reserve Homeowners Association. He had some concern with

Pulte maintaining the property. He said there has been heavy machinery working late into the night. He handed out pictures of the development (attached) and gave a description of each one. He said there were culvert and drainage pipe problems and no additional grading for the swale and considerable water runoff had created its own path. He said the swale was filled with debris and they have complained to Pulte and nothing has been done. He said the paving and base coat has been done for three weeks and the south side of the road has deep ruts due to the heavy vehicles. He said there has been no effort to address that part of the road and they were not pleased with Pulte in this development.

Mr. Katanic said the developer does respect the neighbors. He explained there was a construction sequence that must be followed. He said the sidewalks were being installed as part of the sequence, the swale could not be graded properly until the sidewalks were in, and the trenches for utilities. He said they were not done and there were many steps remaining. He said engineering has been very fair and strict. He spoke to the resident about working late and explained there was a mechanic working on the machines at 7:00 p.m. that night and the situation was rectified.

Mr. Caine said the night his neighbor complained they were moving dirt around. He said on the south side of the street with the phases of the development there have been big ruts. He thought the problems should be fixed before they get any more approvals.

Mrs. Barone questioned the status of the overall subdivision improvements. Mr. Richardson said he made some notes and would contact the engineering department about concerns raised and remind them to follow up with Pulte. Mr. Richardson stated the engineering department was in charge of this project.

Mr. Katanic said they were starting the sidewalks and hoped the grading along the street and landscaping would be done by the end of September.

Mr. Cox questioned the expiration term of a conditional use of a model home. Mr. Richardson explained the use as a model home ended two years after the Commission's approval.

Mr. Mulligan moved to approve the application for Conditional Use approval for Case No. 2011-29, for a model home at 7777 Alexandra Drive, in the Middleton Park Estates subdivision. This Conditional Use will expire August 8, 2013. The approval is subject to the following condition:

1. The applicant must comply with the model home conditions contained in Section 1206.02(c)(18)(A-E) of the Land Development Code.

Mr. Cox seconded the motion.

Roll Call:

Aye: Mr. Cox, Mr. Drew, Mr. Hanink, Mr. O'Keefe, Mr. Mulligan,  
Mrs. Barone

Nay: None

Motion carried.

**CASE NO. 2011-27, GRADING AND LEVELING STOW ROAD PARCEL NO. 3009781**

Mr. Richardson reviewed the staff report explaining the applicant had the opportunity to fill that lot with dirt from the turnpike expansion. He said although the soccer field is possible in the future this project was only the introduction of earth and the leveling of the site. He did not anticipate any problem with the storm water pollution prevention plan.

Brenden Kokinda, Shelly and Sands, Inc., 1515 Harmon Avenue, Columbus, Ohio, represented the applicant stating he could answer questions.

Mr. Drew asked whether this proposal was connected to a proposed access road to the turnpike. Mr. Richardson responded it was two separate issues and explained the access road would have been constructed and this project was taking advantage of that soil.

Mr. Drew asked who was the owner. Mr. Richardson replied it was Benberry LLC, and he had been working with Brad Nelson.

Mr. O'Keefe said it was not known what Summit Soil and Water Conservation District was going to require as a plan since no letter had yet been received. Mr. Kokinda replied they have submitted a design regarding the material coming from the turnpike and were waiting for a recommendation. Mr. Richardson understood that and just wanted to be sure there was a condition about their design.

Mr. Mulligan said the soil was coming from the turnpike right-of-way and asked how the dirt would get off the proposed access road. Mr. Kokinda replied it would possibly go to other roads. He said 15,000 to 20,000 yards were going to be removed and this would move half the material immediately from the ramp, without reaching the road. Mr. Mulligan asked whether this would happen while the turnpike construction was going on, and Mr. Kokinda replied, yes.

Mr. Mulligan thought the grading plan provided showed a lot of property left. Mr. Kokinda explained originally they had a plan that would incorporate three soccer fields.

Mrs. Barone asked what was the grade slope. Mr. Kokinda replied it was 3:1 and 4:1 would require redesign of the plan. He said this was the most gradual slope they could have without having to shift the field into the trees due to the turnpike exit ramp right-of-way.

Mrs. Barone asked whether there was any floodplain on this property. Mr. Kokinda replied, not to his knowledge. Mr. Richardson said there was not any floodplain.

Mrs. Barone opened the public hearing.

Kathy Olszewski, 2810 Stonehedge Court, asked where parking would be. Mrs. Barone said this approval was just placing dirt on the site, not doing the soccer field, and they would have to come back for an approval when they were actually ready to do anything.

Eric Steinel, 7196 Dillman Drive, said his backyard was the corn field and it was the lowest house on Dillman Drive. He wanted assurance his property would not be impacted and get flooded worse than it already did.

Steven Snyder, 7216 Hayward Road, was concerned with the issue of what was in the soil; whether it was lead contaminated from the turnpike. He said they had well water and have gained a gas well. He thought there would be visual pollution from the turnpike with more lights and was concerned about his property value. He agreed with Mr. Steinel. He said the City GIS map showed a drainage canal abutting a large low spot that was not shown on these plans. He did not think the light pollution, gas well, and soccer field would maintain his property value.

Mrs. Barone closed the public hearing.

Mr. Richardson said regarding runoff and drainage concerns the engineering department conducted a thorough review of these plans and would have commented on any drainage issues that would need correction. He said he would contact the engineer about whether he has any drainage concerns for this project.

Mr. King said he would have someone check to see about a new ditch.

Mr. Richardson explained the project was only to put in fill and level the site, any parking would have to return to the Commission for site plan approval.

Mr. Kokinda explained the soil and drainage issues would not significantly increase or decrease the amount of water the ditches receive. He said there was going to be a ditch from the turnpike ramp making a more gradual slope to the land. He said they would use proper Storm Water Pollution Prevention Plans to be sure silt and other debris does not reach the other residents of the area. He said the material directly from the property adjacent to this property was some gravel from the old maintenance road. He said the rest would be coming from the south side of the property. He said it was mostly composite materials, mainly clay, sometimes sandy, more granular, the topsoil would be taken off and that topsoil would be re-spread.

Mrs. Barone asked whether there had been any soil testing. Mr. Kokinda said the turnpike would test this location for compaction. He believed the City Engineer would not be an inspector on hand, but they would follow standard construction procedures.

Mrs. Barone asked about the ditch. Mr. Kokinda said the proposed ditch north of the maintenance ramp for the turnpike also had a 3:1 slope from either side which would send water two ways.

Mr. Snyder said he had well water and did not welcome soil coming from the roadway. He said the noise level from the turnpike was not being addressed and this would create a new mix of sound without the corn field. He did want any more light. Mrs. Barone stated that was not part of this project.

Mr. Mulligan asked whether the highest elevation was going to be squared off. Mr. Kokinda replied it was a few feet at the peak that would be lower than it currently was. He said the lowest property with the most light and noise would receive six (6) feet of fill and he thought it should help not hinder.

Mr. Mulligan asked the representative to convey the residents' concerns about light pollution to his client. He said in terms of the noise to be a consideration on this site the lower you go behind the power station the noise is louder. He did not see how it would increase. Mr. Kokinda did not see the project as it stood now, bringing in soil and leveling the site, would increase the noise. He said they were trying to move some material for the turnpike and the property owner has connections to help out the community. He said from a traffic and erosion control standpoint they did not want anyone playing in a contaminated area.

Mr. Mulligan said the site plan with the soccer field would be away from the houses. Mr. Kokinda said they had prepared a site plan design for the owner to show what could be done as a good faith effort showing how the future plan would help the community and be a good thing for everyone. He said Shelly and Sands would not be involved in the soccer fields.

Mrs. Barone asked in the short term would there be a corn field there. Mr. Kokinda replied the owner had some people who plant corn but that would disappear once it has been harvested. He said they were on the turnpike schedule.

Mrs. Barone asked whether it would stay grass until they design what they are going to do next. Mr. Kokinda replied he assumed it would.

Mrs. Barone said there have been concerns raised about lights and noise. Mr. Mulligan thought the surface of the road from the turnpike seemed to generate the noise and this Commission had no authority over the turnpike. Mr. Richardson said the City Engineer had commented on this project.

Mr. Cox moved to approve the Site Plan for Case No. 2011-27 to grade approximately four acres on Parcel No. 3009781 located east of Stow Road north of the Ohio Turnpike according to plans dated as received July 1, 2011 provided the following conditions are met.

1. Any comments of the City Engineer must be addressed.
2. Summit Soil and Water Conservation District must approve the Storm Water Pollution Prevention Plan.
3. The above comments must be addressed before a zoning certificate can be issued. No clearing, grading or construction of any kind shall commence prior to the issuance of a Zoning Certificate.

Mr. Mulligan seconded the motion.

Roll Call:

Aye: Mr. Cox, Mr. Drew, Mr. Hanink, Mr. O'Keefe, Mr. Mulligan,  
Mrs. Barone

Nay: None

Motion carried.

**CASE NO. 2011-26, CONDITIONAL USE FOR ASSISTED LIVING, HUDSON STATION PHASE II**

Mr. Drew stated the applicant raised a question regarding him having a conflict of interest in this project. He said he had no financial interest in this project. He said he did have a personal friendship with a city official which he had been assured was not grounds for a conflict of interest.

Mr. Richardson reviewed the staff report. He read the definition of assisted living from the Code and explained this application had two parts; a conditional use and project phasing.

Dean Hoover, attorney for Reveille LLC, owner of Hudson Station, said Mr. Richardson had accurately described the circumstances. He said the approval of this use would not change much about the project. The site plan would remain unchanged. He said the number of persons would be measured by the number of beds and the number of parking spaces. He said he did some rough calculations and their intention was to develop the two towers toward the north as assisted living and the ground level would be support functions such as retail. He said the third building would be built last. He said the multi-family use was still a possibility but the marketplace was not good for residential property and he has been looking for alternatives. He said in the Hudson Comprehensive Plan, Strategy 6(c), encourages senior housing options. He read that section of the Comprehensive Plan and thought this request was consistent with that strategy.

Mrs. Barone asked whether the lower level was going to be for support services. Mr. Hoover said there was no change from the previous approval; the parking would remain parking, have retail services, such as hair salons. He explained that toward the back would be things like laundry so all the existing stories would stay the same. He discussed the number of parking spaces and intention to bank some parking spaces to be used when the third building was built.

Mrs. Barone inquired about the requirement for open space for residential uses. Mr. Richardson said assisted living did not require the dedication but the multi-family would.

Mr. Cox asked if there would be common dining facilities and where would they be. Mr. Hoover replied, yes. He said there would be an entrance feature between the two buildings on the ground level that would run all the way through the buildings so there would be a reception area, dining, and laundry all behind the store fronts.

Mr. Cox said an assisted living facility on Barlow Road and on Route 91 were just approved. He questioned whether Hudson needed another one of these types of

facilities downtown. Mr. Hoover responded there was financing available and there was a market in Hudson. He was not sure whether all of these facilities would go forward.

Mr. Cox said the Architectural and Historic Board of Review (the "AHBR") approved this building and Mr. Hoover confirmed that was correct. Mr. Cox asked whether the building would have to go back before the AHBR. Mr. Hoover replied the AHBR had no jurisdiction in the internal use.

Mr. Hanink asked whether license certification was received before construction. Mr. Hoover replied yes, before construction. He explained that when there are skilled nursing beds you buy certification for the number of beds but do not need to for assisted living.

Mr. Hanink asked the anticipated capacity. Mr. Hoover replied 96 beds. He said the internal configuration would be much different than the original plan, with the elevator and utilities in the middle of the building.

Mr. Hanink asked whether the entrance between the two towers would go past some sort of retail. Mr. Hoover responded there was a lesser value on the retail frontage as you move further away from Route 303 but would stay the same as you go up the street.

Mr. Hanink asked whether they would basically be apartments for one or two people with a limited kitchen. Mr. Hoover said there would not be a kitchen, similar to the proposed Waters Restaurant plan.

Mr. Hanink asked whether the third tower would be limited to retail on the first floor and some residential units above. Mr. Hoover said the 96 beds were for two towers and then if we wanted to could make the third tower multi-family. Mr. Hanink asked if this was approved would the assisted living be in two towers. Mr. Richardson said the applicant requested assisted living in all or part of Hudson Station Phase II which consists of three towers. Mr. Hoover said it could be assisted living or multi-family in the third tower. Mr. Richardson explained the applicant would be satisfied with the number of beds at 96 and nothing in the recommendation would limit which towers they were located in.

Mr. Hanink said if the assisted living use were to fail, the building would look like a hotel, and asked whether that use would have to come before the Commission. Mr. Richardson replied, probably.

Mr. O'Keefe asked whether there was going to be any commercial use within an assisted living tower. Mr. Hoover replied on the top floors. Mr. Richardson said you could not have an office in the middle of one of the towers in what was otherwise an assisted living section of the development. Mr. King said condition 6 of the proposed decision gives the applicant some flexibility as to where the different uses could occur and where the access could be.

Mr. Drew asked who was the anticipated operator. Mr. Hoover replied an operator had not yet been chosen but he had three interested.

Mr. Drew asked what were the licensing requirements for assisted living. Mr. Hoover replied licensing governs issues like the size of the rooms, the number of bathrooms, and staffing. He said the main difference between assisted living was the spectrum of totally functioning adults to people who need considerable assistance. He said skilled nursing was regulated more like a hospital.

Mr. Drew asked whether there were any kitchen facilities. Mr. Dean replied, probably not.

Mr. Drew asked about the phasing request. Mr. Hoover replied it was an issue of it being a \$15,000,000 million project or three \$5,000,000 projects. He said with an industrial building air conditioning lines are placed basically in the low areas between the three buildings. With phasing, it becomes a more complicated concept. He said the building has been approved architecturally and staff has brought up the concern of where the severed part of the buildings would be between the phases.

Mr. Drew said then there would be no change to the exterior from what was approved earlier. Mr. Hoover said that was correct.

Mrs. Barone asked about the lack of kitchens and whether there would be microwaves and small refrigerators. Mr. Hoover replied it would depend upon the acuity of the patient.

Mrs. Barone asked whether there would be any age limitation. Mr. Hoover replied, no, there were studies that the average age of assisted living individuals were in their 80's. He believed since people cannot sell their homes they stay at home until the last minute then go into assisted living.

Mr. Mulligan asked whether phasing of the building would progress south to north as a practical matter. Mr. Hoover said there has been a meeting and there was some misunderstanding. He thought maybe the phasing issue should be tabled until some of those details were worked out. He said if he has approval of the assisted living he would know if that was relevant. He expected to take down both the existing buildings at the same time.

Mr. Mulligan asked whether the fire department reviewed the possible changes. Mr. Richardson replied the fire department was satisfied with the exterior and the changes effected the internal functioning of the building.

Mr. Drew asked how tall the building was. Mr. Hoover replied 40 feet or less. Mr. Drew said there would be four floors above ground, one floor below but not taller than 40 feet. Mr. Hoover said that was correct.

Mrs. Barone opened the public hearing.

Bill Rich, 43 Hudson Commons Drive, said Chipolte's restaurant has been a traffic nightmare for him and his neighbors. He thought the original plan for condos was not a good idea and now to do assisted living may or may not be a good idea. He said with the traffic from Chipolte's and the noise from the railroad it was unpleasant. He questioned if either the assisted living apartments or condos failed what would it become. He did not think the City needed more salons, more restaurants, or more stores of that nature since the City could not support what was there now. He questioned what would happen if the spaces were not rented and said the one store in Hudson Station was still unrented. He thought the timing was not good and was concerned the project would not succeed and real estate values in Hudson Commons would decrease. He said several units were currently not selling and thought the Commission should rethink this project.

Charlie Uray, 51 Hudson Commons Drive, said the restaurant at the corner did not conform with structures of Hudson. He said there were some changes in the field that allowed an albatross to be built that was ugly and not Hudson. He said the property for this project was at the northeast corner of Atterbury Blvd. and Route 303 and up the street in the middle of Atterbury Blvd. He did not think the property across from residential should be turned into a commercial property. He questioned whether it would remain an assisted living facility. He said the current zoning was residential and they did not need commercial in the middle of residential.

Mr. Richardson said the project area was District 5, the same as North Main Street, and residential was allowed.

Mr. Uray said he did not realize that. He did not know what had been approved by the AHBR but had experience in designing buildings and had served on the board of the Comprehensive Plan Master Plan. He did not think the building fit in.

Bob Hills, 54 Hudson Commons Drive, was a long time resident of Hudson and had served on many boards within the City. He said their Condo Association provided lawn care and outside building maintenance. He asked what other services would be provided to make it assisted living. He said this project had asked for special financing consideration. He thought there were enough commercial spaces and offices already in the City. He did not think this was a proper request.

The Chair swore in the next speaker.

Gayle Mix, 6 Hudson Commons Drive, Phase II, asked for a clarification of who "we" was who met about the project. She thought there would be more frequent EMS services, increased garbage collection, and increased traffic. She said already traffic was detrimental to their property values. She said she had been a resident for 21 years and believed the City owed her some protection. She said if this building ended up retail it could become an empty eyesore and asked if there should ever be another flood would the City really want assisted living in that area.

Mr. Hoover responded to the public comments. He said this proposal was business advice as a reaction to the bad economy with the fact there is a growing older

population. He said there was also financing available for assisted living here and not for other uses. He believed architecture was beauty in the eye of beholder and has had many people like the building on the corner. He said that building did comply with the architectural standards. He said services provided would be like a condo within the condo association and would continue to provide all the exterior maintenance and related services much like at Hudson Commons. He agreed there may be more frequent EMS trips, probably similar to Laurel Lake Retirement Community, and they provide a lot of taxes for this City. He said there would be increased garbage one way or the other but did not think it would be significantly different with one use or the other. He said as a result of Chipotle's being such a strong commercial presence it has increased activity across the street. He said as far as the City owes a resident something, it is embodied in the Code. He said the Commission needs to enforce that Code. He said the City also owns property and this was an opportunity to develop their property. He said more commercial property was a planning maxim that the City needed to shift to commercial rather than residential tax base. With regard to the flood issue, the assisted living residential would be on the second floor which was about 15 feet above flood level.

Mrs. Barone asked who "we" was. Mr. Hoover responded the developer, the developer's attorney, the design team and their attorney.

Mr. Hoover thought the construction design of the buildings would act as a buffer to reduce the noise from the traffic.

Mrs. Barone closed the public hearing.

Mr. Cox questioned the project for assisted living or nursing homes in District 5 as an approved use under the Conditional Use Standards. He said Laurel Lake and The Elms were outside of downtown and had their own facilities. He said this was practically on a railroad track and he did not think a medical facility was compatible with the surrounding area. He understood the economics for the project but had a problem with the idea.

Mr. Hanink recognized the applicant had been struggling with this project for a long time. He applauded his efforts to handle the water flow and supported the original construction. He commented that he did not understand how the zoning districts were determined. He agreed the use did not seem compatible to the existing area.

Mr. O'Keefe approved the original plan but was unsure about this use.

Mr. Drew agreed with Mr. Cox and Mr. Hanink and thought this use put additional burdens on adjacent property owners. Mr. Hoover inquired what were the additional burdens. Mr. Drew replied additional ambulances and other services, five-story buildings adjacent to railroad tracks, issue of flooding, and a number of reasons make this a questionable project.

Mr. Hoover questioned whether the economic viability of a property should be considered by the Commission.

Mr. Mulligan said there were conflicting theories. He said with the approval of the assisted living facility at Waters Restaurant near The Block area there was concern to have such uses in District 8 and it was thought that use would be more appropriate in a mixed use area like downtown. He thought it was a non-factor and at the time this project was approved the residential component was for a certain number of people who want to live by the tracks. He said there are mostly seniors living at the neighboring Versailles condos. He said the Commission should not make economic viability for the applicant a consideration. He also did not think this hearing should be based upon architectural concerns when there was an approved plan for these units and the change is what happens inside of them. He thought the notion of the phasing concept was a different issue which could be debated as to what was an appropriate substitute for what was approved. He said this area could be retail by right and could be commercial by right.

Mr. King said the resulting site and the configuration of uses could come back to the Commission.

Mr. Mulligan questioned the need for more parking with regard to the maximum 96 beds. He said depending on the calculations with the approved site plan staff has not allowed anything different with the exception of different phases. He thought the Commission could decide this would be up to the discretion of the staff.

Mrs. Barone thought she would be inclined to vote for it.

Mr. Hoover thought it was best to table the phasing for now.

Mr. Mulligan moved to approve the Conditional Use application for Assisted Living in all or part of Phase II of Hudson Station located northeast of the intersection of West Streetsboro Street and Atterbury Boulevard with the following conditions:

1. The State of Ohio must approve this facility. State certification and/or licensing must be submitted as soon as it is granted. The required certification and/or licensing be maintained.
2. Plans must be revised to show pick-up and drop-off zones and how they will be marked and signed.
3. The per unit cash-in-lieu of open space dedication approved by the Planning Commission by its decision of November 10, 2008 is required for each residential unit constructed as previously required; i.e. \$1,500 per unit.
4. The applicant must submit the number of assisted living beds proposed and the number of employees contemplated. The resulting parking requirement in combination with previous site plan approvals must meet City requirements.
5. This approval establishes the following uses and their amounts:
  - a. Up to 36 multifamily dwelling units.
  - b. Up to 16,000 square feet of nonresidential use.
  - c. Up to 36 beds of assisted living residential.
6. Each individual land use may be permitted in the development as follows:

- a. Only parking may be permitted in the underground level (first level) except tenant storage and access to the upper levels.
- b. Only nonresidential uses may be permitted on the second level space except lobbies to the upper and lower levels
- c. Only assisted living, office, or multi-family residential may be permitted on the third, fourth, and fifth levels as follows:
  - i. Assisted living may exclusively occupy any of the three tower sections; i.e. office and multi-family residential may not share a tower section with assisted living.
  - ii. Offices and multi-family residential may be in the same tower section and on the same floor of a tower section.

Mr. O'Keefe seconded the motion.

Roll Call:

Aye: Mr. Mulligan, Mr. O'Keefe, Mrs. Barone

Nay: Mr. Cox, Mr. Drew, Mr. Hanink

Tie vote, motion failed.

Mr. Cox moved to table the request for the phasing of Phase II of Hudson Station to be located at 11 – 19 Atterbury Drive. Mr. Mulligan seconded the motion.

Roll Call:

Aye: Mr. Cox, Mr. Drew, Mr. Hanink, Mr. O'Keefe, Mr. Mulligan  
Mrs. Barone

Nay: None

Motion carried.

Mrs. Lane said essentially no action was taken on the conditional use since a tie vote was not an approval or a denial.

Mrs. Barone said the matter would be continued to the next agenda.

### **APPROVAL OF MINUTES**

Mr. Mulligan moved to approve the minutes of the July 11, 2011 Regular Meeting, as amended. Mr. O'Keefe seconded the motion.

Roll Call:

Aye: Mr. Drew, Mr. O'Keefe, Mr. Mulligan

Nay: None

Abstain: Mr. Hanink, Mr. Cox, Mrs. Barone

Motion carried.

The Chair, Mrs. Barone, adjourned the meeting at 9:35 p.m.

---

Jennifer Barone, Chair

---

Nora La Lomia, PC Clerk