

July 17, 2024

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**VIA EMAIL clerkofcouncil@hudson.oh.us
AND FEDEX**

Hudson City Council

Aparna Wheeler,
Clerk of Council
1140 Terex Road
Hudson, OH 44236

Re: Notice of Appeal - Request for Preliminary Subdivision Plat Approval for Canterbury Crossing, a 34-lot, single-family open space conservation subdivision (the "Application"), Hudson Planning Commission Case No. 23-676¹

Dear Ms. Wheeler:

Please be advised that our firm represents Prestige Builder Group, Kuchar Limited Liability Company, and George Vizmeg with relation to the Application in the above-captioned matter. The Application concerned Summit County Parcel Nos. 3010370, 3003108, 3006324, 3002169, 3002375, 3001397, 3004552, 3004555, and 3006323. Pursuant to Hudson Land Development Code Section 1212.01(c)(1), we are appealing to City Council the Planning Commission's decision to deny the above-referenced Application at the meeting on July 8, 2024. The Planning Commission's decision being appealed is dated July 15, 2024 and attached hereto.

Our client reserves, and does not waive, all rights, remedies and claims whatsoever against all parties whomsoever relative to the within subject matter and all related matters.

Please make this letter a part of the official record of proceedings in the above-captioned matter and acknowledge your receipt of this letter via return email.

¹ The Planning Commission Staff Report for the Application, dated July 8, 2024, also references Case No. 23-893.

Sincerely,

TUCKER ELLIS LLP



John Slagter

JPS:dme

CC:

Marshal Pitchford, Esq., City Solicitor, mpitchford@dpylaw.com

Mr. Thomas Sheridan, City Manager, CityManager@hudson.oh.us

Mr. Gregory Hannan, Community Development Director, communitydevelopment@hudson.oh.us



COMMUNITY DEVELOPMENT • 1140 Terex Road • Hudson, Ohio 44236 • (330) 342-1790

PLANNING COMMISSION

CASE NO. 23-676

PRELIMINARY SUBDIVISION

CANTERBURY CROSSING

**PARCELS: 3010370, 3003108, 3006324, 3002169, 3002375, 3001397,
3004552, 3004555, and 3006323**

FINAL DECISION

Based on the evidence presented and the representations made to the Commission, including those by Chris Brown, Prestige Builder Group; John Slagter, Tucker Ellis LLP; Jon Russell, Prestige Builder Group, and City staff at a public meeting of the Planning Commission held at the regular meeting on July 8, 2024, the Planning Commission DENIES the Preliminary Subdivision Request for Canterbury Crossing, in Case 2023-676.

In doing so, the Planning Commission makes the following Findings of Fact:

1. The proposal is incompatible with existing residential development within 1,000 feet (see C.O. 1201.08(a); 1204.05(b)(3); 1208.01(a)(3)).
2. The project maximizes land disturbance and barely provides significant open space in violation of the Land Development Codes rules for subdivisions (see C.O. 1204.05(b)(4); 1207.03(f); 1207.05(c)(4)(E); 1207.06(i)(2); 1208.04(a);).
3. The project has failed to incorporate the significant allowances and the open space conservation subdivision provisions through the clustering of homes on sub-sized lots see (see C.O. 1205.05(d)(3)-(12); 1207.06(a)(1); 1207.06(a)(2)).
4. The project does nothing to prevent development to the maximum extent feasible within environmentally sensitive areas in violation of the Land Development Code (see C.O. 1201.03(d); 1205.05(a); 1205.05(d)(2)(A)(1); 1207.03(c); 1207.03(d)(1); 1207.03(f); 1207.05(c)(1)(B); 1207.05(c)(2); 1207.06(a); 1207.06(i)(2); 1208.01(a)(4); 1208.04(a)).
5. The project is not low density, but is, at best, regular density (see C.O. 1205.05(a); 1206.02(b)(9); 1207.06(a); 1208.01(a)(1) and (3)).
6. The project does not include environmentally sensitive innovative design techniques but rehashes prevalent, typical, suburban, and high-priced development in derogation of the Land Development Code and the existing Comprehensive Plan (see C.O. 1204.05(b)(1); 1206.02(b)(1); 1207.03(f); 1207.06(i); 1208.01(a)(1)), 1208.01(a)(5)).
7. The project fails to provide compact and contiguous open space which the Land Development Code requires for open space conservation subdivision development (see C.O. Section 1207.05(h)(2)); 1207.05(j); 1207.06(a)).
8. The project does not evoke a small, rural village ambiance or appearance as is preferred by the Land Development Code (see C.O. Section 1205.05(a)).
9. The project destroys existing natural features. Most importantly, this project flies in the face of the spirit and intent of Hudson's Land Development Code as enumerated in these purposes, specifically that the project does not advance the city's interest in securing the safety of property from the risk of flood, nor does it secure open space (see C.O. 1201.03(b); 1205.05(a); 1207.02(a); 1207.05(c)(2); 1207.06(a); 1207.06(i)(2); 1208.01(a)(4)).

10. This project does not conserve or stabilize property values by assuring the most appropriate uses of land in relation to one another (see C.O. 1201.03(c); 1205.05(a)).
11. The project does not preserve or protect existing agricultural land, stream corridors, and wetlands from adverse impacts (see C.O. 1201.03(d); 1205.05(a); 1207.03(c); 1207.03(d)(1); 1207.05(c); 1207.06(a); 1207.06(i)(2); 1208.01(a)(4)).
12. The project does not engage innovative residential development with a variety of type, design, or layout of housing options while conserving open space (see C.O. 1201.03(h); 1207.06).
13. The proper management of the overall community growth, including population growth and the orderly development of the City of Hudson requires us to reject a project that would derogate the basic district regulations of a rural residential zone so egregiously (see C.O. 1201.03(j)).
14. Further the Planning Commission finds the conditional use approval moot given the denial of the preliminary subdivision request.

Dated: July 15, 2024

CITY OF HUDSON
PLANNING COMMISSION



David Nystrom, Chair