

Meeting Date:
August 20, 2024

Location:
Ravenna Street

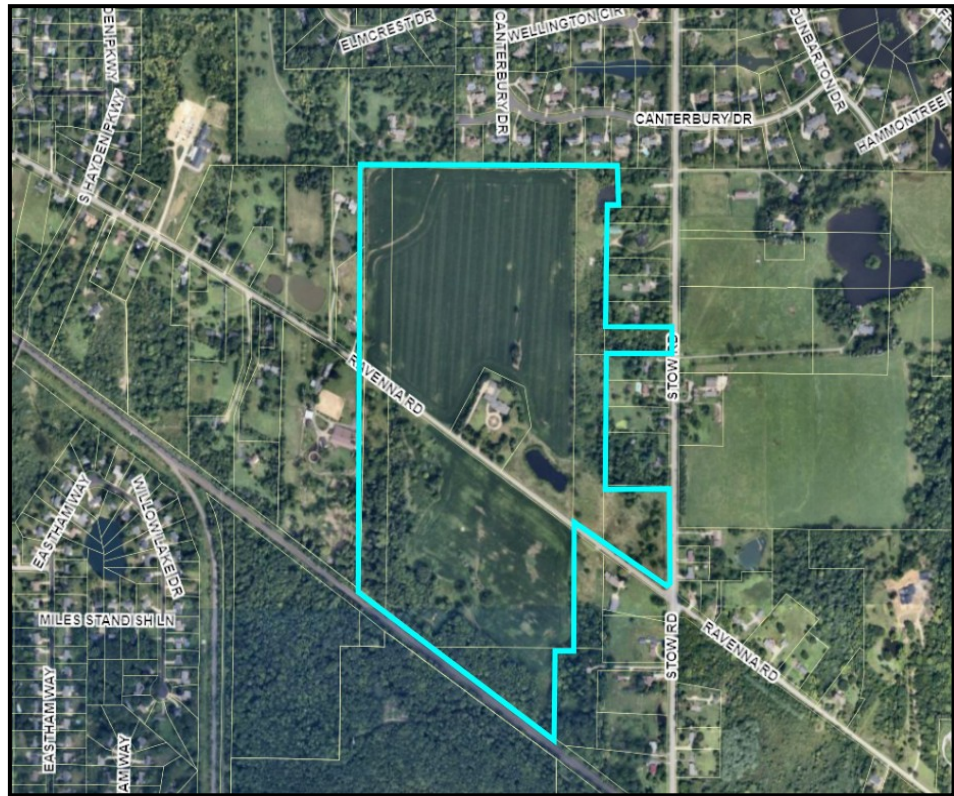
Parcel Number
3010370, 303108,
3006324, 3002169,
3002375, 3001397,
3004552, 3006323,
3004555

Request:
Appeal of the Planning
Commission Decision
regarding Preliminary
Subdivision Review of
Canterbury Crossing

Appellant:
Prestige Builder
Group, Kuchar Limited
Liability Company,
George Vizmeg

Property Owner:
Kuchar LLC, George
Vizmeg

Zoning:
D2 – Rural
Residential
Conservation



Prestige Builder Group submitted a Preliminary Subdivision Request for Canterbury Crossing, a 34-lot single-family open space conservation subdivision. Open Space Conservation subdivisions are permitted as a conditional use within District 2. LDC 1207.06(a) states: *The purpose of the open space conservation subdivision option is to provide alternative zoning regulations that permit residential development to take a more compact form in order to preserve and maintain existing open areas and sensitive natural resources.* (smaller lots than a standard subdivision in exchange for expanded open space).

Surrounding Development:

East: Existing single-family lots are adjacent to the east including nine single family lots on the west side of Stow Rd ranging in size of .91 acres to 2.78 acres and a 130-acre farm east of Stow Rd.

North: The Canterbury Place Subdivision is adjacent to the north. These single family lots range in size of 0.88 acres to 1.5 acres with one larger 8.58-acre lot along the northwest portion of the site.

South: The Norfolk Southern Railroad is adjacent to the south. Beyond that is a 35-acre undeveloped lot owned by Metroparks serving Summit County.

West: Large single-family lots and the Hudson Equestrian Center are located to the west. The house lots vary greatly in size; however, the nearest adjacent lots are typically two acres to seven acres in size.

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Subdivision Review Process – Section 1203.10

The Land Development Code calls for a three-step process for review of subdivisions (1203.10)(d):

1. Compatibility review at a public meeting;
2. Preliminary subdivision plan and conditional use request at a public hearing; and
3. Final plat and improvement plans request at a public hearing.

Compatibility review: The compatibility review step (conceptual plan) was conducted by the Planning Commission on October 9, 2023 per LDC Section 1203.10(d)(1)(A).

Preliminary Subdivision: The Planning Commission conducted a public hearing on July 8, 2024 to consider the Preliminary Subdivision Plan and the Conditional Use request. Note: Open Space Conservation Subdivisions are also applicable to conditional use review.

As part of the review and consideration, the Planning Commission reviewed the following:

1. Staff report with associated attachments (incorporated with the appeal documentation);
2. Public comments forwarded to the city prior to the meeting time (incorporated as attachments to the PC staff report);
3. Testimony from the public during the public hearing (the July 8, 2024 meeting video is available for viewing on the Planning Commission page of the city website); and
4. Testimony from the appellant (the July 8, 2024 meeting video is available for viewing on the Planning Commission page of the city website).

In addition to the above documentation, Staff has incorporated the following additional information for City Council’s consideration:

1. Planning Commission decision; and
2. Appellant’s appeal request.

On July 8, 2024, the Planning Commission reviewed the applicable documentation and conducted the public hearing. At the conclusion of the public hearing and discussion on the application, the Planning Commission passed a unanimous decision to deny the requested Preliminary Subdivision application. The attached decision letter documents the applicable findings of fact relevant to that vote. The Planning Commission noted the requested conditional use request was moot given the denial of the Preliminary Subdivision request.

Appeals – Section 1212.01

Appeals to action of the Planning Commission are reviewed by the City Council per Section LDC 1212.01(c) below:

(c) Final Actions and Decisions by the Planning Commission. 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 Appeals:

(1) Appeals to the City Council shall be filed with the City Clerk within ten days from the date of the PC's action. The City Council shall take final action on the appeal within forty-five days from the date that the appeal was filed.

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(2) *All appeals to the BZBA shall be governed by Section [1202.03](#), including the time period for filing the appeal.*

The appeal to City Council was filed on July 17, 2024. The above referenced 45 day time period will require City Council to act on the requested appeal on August 20th at the conclusion of the public hearing.

In addition to the appeal application to City Council regarding the Preliminary Subdivision Plan, the applicant has also submitted an appeal to the Conditional Use application. Appeals to Conditional Use applications require review by the Board of Zoning and Building Appeals per Section 1212.01(c). That appeal is scheduled for consideration by the Board of Zoning and Building Appeals in September.

Standards for Review

Section 1202.01 provides the following powers and duties for City Council:

(g) *Appeals. With the exception of conditional use determinations, hold public hearings, review, and take final action on appeals from the actions of the Planning Commission.*

The Planning Commission shall review the submitted appeal request and the Planning Commission record, and conduct a public hearing as part of the review of the requested appeal.

Required City Council Action

City Council shall consider the appellant's request, the testimony received during the public hearing, the staff report, the Planning Commission record, and then take final action.

City Council shall act on the appeal request to either:

1. Deny the appeal request and uphold the decision of the Planning Commission decision to deny the Preliminary Subdivision application;
- or
2. Approve the appeal request and reverse the decision of the Planning Commission to deny the Preliminary Subdivision Plan.

Recommendation

Staff recommends City Council review the submitted documentation, review the video record, conduct a public hearing to receive any applicable testimony, and uphold the July 8, 2024 decision of the Planning Commission to deny the Preliminary Subdivision Plan application.