



City of Hudson, Ohio

Staff Report With Text

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Title: AN ORDINANCE AMENDING PART TWELVE OF THE ORDINANCES OF HUDSON TO AMEND THE OFFICIAL ZONING DISTRICT MAP TO REZONE 780 AND 800 BOSTON MILLS ROAD (SUMMIT COUNTY TAX PARCELS 3000920, 3001861, AND 3000580) FROM "DISTRICT 6 - WESTERN HUDSON GATEWAY" TO "DISTRICT 3 - OUTER VILLAGE RESIDENTIAL NEIGHBORHOOD".

Executive Summary: At the request of Planning Commission, staff is bringing this request to rezone three parcels west of a parcel recently rezoned for the Reserve at River Oaks.

Sponsors: William A. Currin

Indexes: Community Development - Zoning

Code sections:

Attachments: 1. Vicinity Map, 2. Subject Parcels, 3. August 11, 2014 PC Decision, 4. August 11, 2014 PC Staff Report, 5. District 3 and 6 Comparison, 6. Ord.14-106: 91 acre parcel rezoning, 7. Dougherty Hamilton Correspondence

Date	Ver.	Action By	Action	Result
2/24/2015	1	City Council Workshop	discussed	

AN ORDINANCE AMENDING PART TWELVE OF THE ORDINANCES OF HUDSON TO AMEND THE OFFICIAL ZONING DISTRICT MAP TO REZONE 780 AND 800 BOSTON MILLS ROAD (SUMMIT COUNTY TAX PARCELS 3000920, 3001861, AND 3000580) FROM "DISTRICT 6 - WESTERN HUDSON GATEWAY" TO "DISTRICT 3 - OUTER VILLAGE RESIDENTIAL NEIGHBORHOOD".

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Legislative History

The recent history of this request begins with Planning Commission (PC) Case No. 2013-23 which involved the subject parcels and a 91 acre parcel to the east. On March 10, 2014 PC recommended that Council rezone all of these properties from District 6 to District 3. Ultimately on June 18, 2014 Council did not pass the application due to a tie vote and thus the matter was closed.

After preparing additional information the applicant reapplied for rezoning the 91 acre parcel in PC Case No. 2014-14. On August 11, 2014 PC again recommended that Council rezone the 91 acre parcel and in separate action recommended that the City initiate a zoning map amendment for the subject parcels. Ultimately on October 1, 2014 Council approved the rezoning of the 91 acre parcel.

Purpose & Explanation

The whole matter of rezoning these parcels was to allow the expansion of the Reserve at River Oaks Subdivision. Now that the 91 acre parcel has been rezoned PC has approved a preliminary plan for that area.

The developer is preparing a final plat and improvement plans for the next phase of River Oaks. The subject parcels have always been discussed in connection with rezoning the 91 acre parcel. In the 2013 case staff and PC recommended that they be rezoned too. In the 2014 case the parcels were not included in the rezoning so as not to complicate the rezoning of the 91 acre parcel.

The western most 10.54 acre parcel of the three is owned by Marsha Hamilton and is presently being used for residential purposes. The other two parcels, collectively 3.66 acres, are owned by Kathleen Dougherty, Trustee and 780 Boston Mills Ltd. One of these parcels is vacant and the other is being used for a business. Mrs. Hamilton has not supported the rezoning. Staff has had many conversations with Ms. Dougherty in the past; she has studied both residential and commercial development opportunities.

Although staff supported the recommendation to rezone these parcels in 2013, it now leans toward leaving the zoning unchanged at the present time. We note the following:

1. Except for the one Dougherty parcel all of the land south of Boston Mills Road, including the Hamilton parcel and land in Boston Heights is zoned and used for residential purposes.
2. Mrs. Hamilton could establish a use in conformance with District 6 zoning. If the property is rezoned the use could remain as a legal nonconforming use. Home occupations are permitted (vehicle repair, among other uses, is specifically prohibited as a home occupation).
3. The land north of Boston Mills Road is zoned District 6, so that if the property was not rezoned it would remain connected to other land in the same zoning district.
4. It appears the only environmental impact on any of these properties would be the setback from wetlands on adjacent property to the east on land that is part of the Reserve at River Oaks. If the properties remain District 6, the wetland setback is 100 feet (PC may modify this setback). If the properties are changed to District 3 the setback is 50 feet. A variance is required to alter this setback.
5. The wetlands discussed at item 4 above and a riparian corridor in the same vicinity along the boundary between the subject parcels and the Reserve at River Oaks provide a significant natural buffer and separation between the Reserve at River Oaks and whatever is developed on the subject parcels.
6. If Council were not to proceed with the rezoning at this time, the subject parcels could be rezoned in the future if the property owners wished to apply for the same. A benefit of a property owner initiated request is that a site specific development plan would be required.

Council may wish to view PC's ten minute discussion of this matter by referring to the recording of the PC meeting of August 11, 2014, Item VII.A., beginning at about 02:09:30 in the recording.

Timing Considerations

If Council wishes to proceed, its first reading will be March 4. PC would conduct its public hearing April 13 and could make a recommendation at that time. Council would then take its final actions in May.

Fiscal Impact

Currently Budgeted

Supplemental Appropriation Required

 X Appropriation Not Required.

Suggested Action

Staff recommends Council not initiate a zoning map amendment on the subject parcels; however, we would not object if Council wished to proceed.

Submitted by,

Jane Howington, City Manager

Mark Richardson, Community Development Director