

Meeting Date:  
August 9, 2021

Location:  
Near the intersection of  
Argyle Dr and Barlow Rd

Parcel Number  
3010258

Request:  
Conditional Use Request for a  
16- unit townhome  
development

Applicant:  
Matthew Neff

Property Owner:  
Triban Investment LLC

Zoning:  
D3 – Outer Village Residential  
Neighborhood

Case Manager:  
Nick Sugar, City Planner

Staff Recommendation  
Approval subject to conditions  
on page 6.



**Existing Conditions, Hudson GIS**

## Contents

- Applicant response, 8.3.21
- Site/Landscaping Plan, 7.26.21
- Elevations, 7.26.21
- Review letter from Assistant City Engineer dated 7.30.21
- Review letter from Fire Marshal Shawn Kasson dated 7.8.21
- Trip Generation Analysis, TMS Engineers, 4.22.21
- Environmental Assessment, 8.5.21
- Wetland Report, July 2021
- Resident Correspondence
- Site Photos, 6.29.21

**Project Background:** The property is a 3.2 acre parcel located near the intersection of Argyle Drive and Barlow Road. The parcel was once part of a former automotive dealership oriented to Darrow Road and, thus, a portion of the parcel is paved. It was split from the former dealership parcel in 2018, as this portion is zoned D3 – Outer Village Residential Neighborhood.

The applicant is proposing a sixteen (16) unit townhome development accessed via a private drive. Townhomes are permitted as a conditional use in District 3. At this time the applicant has only applied for conditional use approval. Staff has analyzed the submittal for compliance with the applicable use standards for Section 1206. Pending conditional use approval, the applicant would need to submit to the Planning Commission for site plan review, including detailed design plans to verify applicable standard related to utilities, stormwater management, grading, and landscaping.

**Adjacent Development:** The site is adjacent to single-family residential homes to the north, south and east and an automotive repair facility and a home remodeling office/showroom to the west.

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## Project Background Continued

The request was introduced at the July 12, 2021 Planning Commission Meeting. The Board tabled the application and requested the applicant address the following items:

- Building siting: Revise the street front units to incorporate the front entrance oriented towards Barlow Road and be sited closer to the public street.
- Orientation: Revise the garage orientation to incorporate side or rear loaded entrances.
- Parking: Provide additional off-street parking for visitors.
- Landscaping: Incorporate Bufferyard C along the east and south property lines with Bufferyard D along western property line.
- Sidewalks: Incorporate sidewalks along the private drive and along the Barlow Road frontage.
- Wetlands: Submit a delineation to verify the location and category of on-site wetlands
- Open Space: Demonstrate compliance with the applicable open space standards.
- Provide copy of Phase 1 environmental report
- Study the feasibility of repositioning private drive entrance further to the west.
- Revise landscaping plan to identify existing trees that would remain.
- Study the safety of the proposed detention pond.
- City to provide additional information on any anticipated traffic impacts.

## Use Standards (Section 1206)

The application is subject to compliance with the general conditional use standards of Section 1206.02. Staff comments have been revised based on updated submittals from the applicant:

- (1) *The use is consistent with the policies and intent of the corresponding plan district in which it is located, as set forth in the City of Hudson Comprehensive Plan (as amended from time to time).*

Comment: While the future land use plan within the Comprehensive Plan identifies this parcel for commercial use, staff notes the current zoning is residential. Additionally, the Comprehensive Plan states townhomes and other single family attached units *should mostly be located within or near Downtown Hudson, major corridors, and commercial areas; however, siting within residential subdivision is also appropriate.* Staff notes the proposal is in general compliance with the plan including being adjacent to Zoning District 7, which fronts Darrow Road, a high traffic arterial corridor.

- (2) *The use is physically and operationally compatible with the surrounding neighborhood and surrounding existing uses. Conditions may be imposed on a proposed conditional use to ensure that potential significant adverse impacts on surrounding existing uses will be reduced to the maximum extent feasible, including, but not limited to, conditions or measures addressing:*

(A) *Location on a site of activities that generate potential adverse impacts such as noise and glare;* Staff does not anticipate any potential significant adverse impacts to surrounding uses. The use would serve as a transition between the adjacent single family residential uses and the more intensive commercial uses located along Darrow Road. Additionally, the development would be separated from the adjacent single-family development by providing a separate drive access to Barlow Road and the installation of bufferyard plantings.

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- (B) Hours of operation and deliveries;* Staff does not anticipate applicable concerns.
- (C) Location of loading and delivery zones;* Staff does not anticipate applicable concerns.
- (D) Light intensity and hours of full illumination;* Applicant should verify compliance with the exterior lighting standards of Section 1207.14 as part of the site plan application.
- (E) Placement and illumination of outdoor vending machines;* Not applicable
- (F) Loitering;* Staff does not anticipate loitering concerns for the development.
- (G) Litter control;* Staff does not anticipate litter control concerns for the development.
- (H) Placement of trash receptacles;* Applicant should verify trash receptacle placement within each unit as part of the site plan application.
- (I) On-site parking configuration and facilities;* Staff does not anticipate parking concerns impacting surrounding development.
- (J) On-site circulation;* Staff does not anticipate on-site circulation concerns for the development.
- (K) Privacy concerns of adjacent uses.* Staff recommends the LDC required Bufferyard B (10ft) be increased to Bufferyard C (15ft) adjacent to single family development to address privacy concerns.

(3) *The use can generally be accommodated on the site consistent with any architectural and design standards set forth in the applicable district regulations of this Code, and in conformance with all dimensional, site development, grading, drainage, performance, and other standards for the district in which it will be located.*

Comment: The siting and orientation standards of Section 1205.06(d)(9) and the Architectural Design Standards require the following:

- **Land Development Code** Siting and Orientation Standards (Only applies to development within one hundred thirty (130) feet of a public street):
  - The entrance to at least one dwelling unit within each building shall face the street.
  - The front wall of the principal structure, or the front wall of at least one principal structure in a multi-building development, shall be parallel to the street or perpendicular to the radius of the curve of the street.
  - Doors of attached garages shall not face the street
- **Architectural Design Standards**
  - The front door or main entrance to a building shall be visible from the street.
  - Attached garages shall not face a street.
  - An attached garage may be located in a wing or the main body of the building but it must be entered from the side yard or the rear.

Staff notes the revised submittal placed entryways on the end units oriented to Barlow Road; however, unit #16 is located within one hundred thirty (130) feet of Barlow Road and is not parallel to the Barlow Road. Staff notes the Architectural and Historic Board of Review may not waive or amend the Land Development Codes orientation standards.



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Additionally, the concept plan layout is in direct conflict with the Architectural Design Standards, as the units feature prominent front facing garage doors. The applicant has expressed intent to submit the current design to the Architectural and Historic Board of Review for further review.

- (4) *To the maximum extend feasible, access points to the property are located as far as possible, in keeping with accepted engineering practice, from road intersections and adequate sight distances are maintained for motorists entering and leaving the property proposed for the use.*

Comment: The applicant has revised the original design to relocate the drive ten (10) feet to the west. After further discussion with staff, the applicant has agreed to move the drive an additional five (5) feet to the west, for a total of fifteen (15) feet from the original proposal. Staff notes the final driveway location should be established as part of the site plan application in connection with the grading plan and wetland preservation efforts.

- (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.*

Comment: The applicant has submitted a trip generation report prepared by TMS Engineers, Traffic Management Services. The report states the proposed development is expected to generate a total of sixteen (16) trips in the AM peak hour and seventeen (17) trips in the PM peak hour. TMS Engineers has stated the resulting traffic generated will not have an impact on the surrounding street network system.

Assistant City Engineer, Nate Wonsick, has reviewed the report and determined no further traffic study is required due to these findings. If there are existing traffic concerns in this area, Engineering will forward these concerns to the Traffic Safety Committee for consideration. Mr. Wonsick provided an attached traffic study/speed analysis performed in March 2021 noting an average daily traffic of 995 vehicles along this portion of Barlow Road, with minor overall increase in anticipated traffic.

- (6) *The use will be adequately served by public facilities and services. Public facilities and services that may be considered in light of this standard include, but are not limited to, water, sewer, electric, schools, streets, fire and police protection, storm drainage, public transit, and public parks/trails. See also Section 1207.11, Adequate Public Facilities*

Comment: Adequate facilities and services are available to serve the development.

- (7) *The use provides adequate off-street parking on the same property as the use, in compliance with standards set forth in Section 1207.12 of this Code.*

Comment: The revised submittal depicts six (6) additional off-street parking spaces. Staff notes off-street parking should be further studied in the site plan review process.

- (8) *Unless addressed in the special conditions and standards set forth below, the use will be screened with fencing and/or landscaping in excess of what is required in Section 1207.04 of this Code, as appropriate, if the use may otherwise result in an adverse impact on adjacent property benefiting from such screening.*

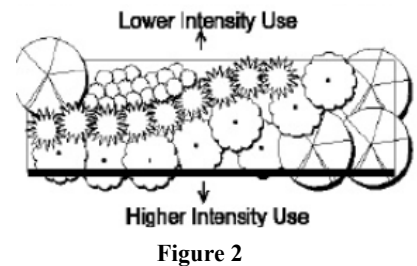
Comment: The LDC requires a minimum Bufferyard D (25ft) along the western property line for townhomes adjacent to commercial uses. While the applicant has submitted a revised landscaping plan



with additional plantings, those plantings are not distributed within the required twenty-five (25) foot width.

The revised submittal depicts a Bufferyard C (15 ft) to the south and east to improve the compatibility and to provide improved protection for existing trees adjacent to the property line. A final landscaping plan would be reviewed through the site plan review.

The applicant has also revised the landscaping plan to show a six foot (6) foot vinyl privacy fence along the southern property line. Staff notes landscaping/buffering requirements stipulate fencing must be placed closer to the higher intensity use, which, in this case would be the proposed townhomes (see Figure 2). Therefore, the landscaping plan should be revised to depict the plantings directly adjacent to the residential properties, with the fence closest to the townhomes. Staff also recommends a wood fence be proposed as part of the site plan application in lieu of a vinyl fence.



- (9) *The residential use is proposed at a density consistent with that of the existing neighborhood density or is compatible by its use of architecture, orientation of structures and parking, and landscape buffer.*

Comment: The Land Development Code permits a density of five (5) dwelling units per acre. The development would be adjacent to the Carriage Hill Estates Subdivision and the Hudson Homes Subdivision to the east which have an average density of two (2) dwelling units per acre. Staff notes the proposed development would be an appropriate transition between the single family development and the existing commercial development along Darrow Road in District 7. For the development to adequately transition these uses at the proposed density, the development must be designed with compatible scale, architecture, and orientation.

#### Land Development Code Review

##### ☐ Density

District 3 permits a maximum net density of five (5) dwelling units per acre. The net density definition subtracts unbuildable areas including certified wetlands. The final unit count allowance will be based on the amount of certified wetlands present on the property at the time of the site plan submittal. The revised submittal included a detailed wetland delineation that depicted a slight increase in the wetlands from the initial submittal. Based on the current 0.18 acres of wetland, the resulting calculation would only permit a maximum fifteen (15) units on the subject parcel. The proposed development currently depicts sixteen (16) units. Staff notes the applicant has expressed the intent to mitigate the wetlands, requiring approval through the City of Hudson Board of Zoning Appeals and the Army Corp of Engineers. A final density calculation would be determined through the final site plan review.

##### ☐ Setbacks

The minimum front yard setback for District 3 is fifty (50) feet; however, the LDC states the front setback shall not differ by more than ten (10) percent from the average of the front yard setbacks existing on the two properties immediately adjoining the subject property, unless approved by the AHBR. Staff notes the adjacent residential

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development front yard setbacks are approximately fifty (50) feet, while the townhome building nearest Barlow Road would have a one hundred one (101) foot setback.

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| <input type="checkbox"/> <b>Pedestrian Pathways and Linkages</b>       | <p>The Land Development Code states provisions shall be made for sidewalks, pathways, and bikeways. The proposed development shall incorporate a sidewalk along the Barlow Road frontage within the public right of way and internal sidewalks along both sides of the access drive to connect all units to the public sidewalk. Staff notes the revised site plan depicts a sidewalk only along the southern portion of the private drive. A five (5) foot sidewalk would be required on both sides of the private drive in addition to the frontage along Barlow Road.</p> |
| <input type="checkbox"/> <b>Wetland and Stream Corridor Protection</b> | <p>The LDC prohibits any disturbance or alteration of wetlands and their setbacks. The code requires a fifty (50) foot setback from delineated wetlands. Staff notes the applicant has submitted a wetland delineation report identifying .18 acres of wetlands near Barlow Road. The applicant has expressed the intent to mitigate the wetlands. Mitigation would require a variance request through the City of Hudson and obtaining authorization from the Army Corp of Engineers.</p>   |
| <input type="checkbox"/> <b>Open Space</b>                             | <p>The LDC requires residential land development to provide private open space (25% of gross land area) and public open space (19 acres of community park land per 1,000 residents). The sixteen (16) unit development would require a total public open space area of .74 acres. As part of a site plan review application, the Planning Commission may allow the developer to contribute funds in lieu of dedication. The plans must demonstrate compliance with the 25% open space. Open space can be identified through the site plan review.</p>                        |
| <input type="checkbox"/> <b>Impervious Surface</b>                     | <p>The LDC permits a maximum impervious surface coverage of sixty (60) percent. The applicant shall submit a final calculation to verify the development is in compliance with this requirement as part of the site plan review.</p>   |

## City Departments

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| <input checked="" type="checkbox"/> <b>Engineering</b>     | <p>Assistant City Engineer Nate Wonsick has reviewed the submittal and provided the following comments:</p> <ul style="list-style-type: none"> <li>• Additional agency approvals shall be required, including Summit Soil and Water, Summit County Building Standards, Summit County DSSS (Sewer), and U.S. Army Corp of Engineers (wetlands).</li> <li>• Final stormwater design shall accommodate a 25-year post developed storm to be detained to the 1-year pre-developed storm on the site. A professional engineer shall sign and stamp all calculations.</li> <li>• An access easement surrounding the detention basin shall be granted to the city.</li> </ul> |
| <input checked="" type="checkbox"/> <b>Fire Department</b> | <p>Fire Marshal Shawn Kasson has reviewed the submittal and provided preliminary comment to assist with the site plan application.</p>   |

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### Findings:

The staff finds that the application would be in substantial compliance with the general conditional use standards of Section 1206.02 with the added conditions stipulated below in the recommendation.

### Required PC Action

The PC shall consider the development application, testimony received at the public hearing, 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

Approve the application for the Conditional Use request for a proposed townhome development at parcel 3010258 per case 21-593, according to the proposal dated 8.3.21 subject to the following conditions:

1. Revise site plan to depict building unit #16 parallel to Barlow Road.
2. Revise the garage orientation to be in compliance with the Architectural and Historic Board of Review's administration of the Architectural Design Standards prior to Planning Commission application for site plan review.
3. Relocate the entrance drive a minimum of five (5) feet to the west. Final placement of the drive will be determined based on the wetland variance review and site plan submittals.
4. Revise the landscaping plan to demonstrate plantings dispersed within Bufferyard D along western property line and relocate the proposed fence along the south bufferyard to be on the interior of the property.
5. Revise site plan to depict a five (5) foot sidewalk on both sides of the private drive and along the Barlow Road frontage.