

Meeting Date:  
September 9, 2024

Location:  
Barlow Road

Parcel Numbers  
Full Parcel list  
attached

Request:  
Right of Way Vacation  
and Lot Consolidation

Applicant:  
John Carse, Carse Real  
Estate Corporation

Property Owners: Marie  
and James Benjamin,  
Willie M. Johnson,  
Yvonne Mcginnis,  
Naomi Drake, Lora  
Johnson, Gertrude  
Johnson

Zoning:  
D1 – Suburban Residential  
Neighborhood

Case Manager:  
Nick Sugar, City  
Planner

Staff Recommendation  
Approval

**Contents**

- Map of Vacation and Consolidation with legal descriptions, June 20, 2024
- Reference Maps/parcel map, May 29, 2024
- Original Boston Park Subdivision Plat, 1927
- Wetland Verification, August 12, 2024
- Review Letter – Assist. City Engineer David Rapp, September 3, 2024
- Owner Affidavits/Right to Sell Agreements



Hudson GIS

**Project Background:**

The application is for a Right of Way vacation and lot consolidation. The project area is located within the Boston Park Subdivision. The subdivision was platted in 1927. The development of the public streets and infrastructure was not pursued at that time. From the 1950s through the 1990s, several houses were built through the acreage with limited-service roadways established within the Lincoln and Coolidge Blvd right of way. The majority of the sublots and established right of way have never been improved. The Washington Blvd and Harding Blvd rights of way extend from Barlow Road south 2,700 feet; however, have not been developed with public streets or public infrastructure.

The applicant is proposing to consolidate a number of these sublots to establish four parcels along Barlow Road, three of which would be developed for new homes. The fourth parcel already contains a single-family dwelling. The lot consolidation could be pursued on an administrative basis; however, the applicant has proposed to vacate the first 380 ft of unimproved Harding Blvd right of way south from Barlow Road. The vacation of a city right of way does require review by the Planning Commission and approval by City Council.

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**Adjacent Development:** The Boston Park Subdivision is adjacent to the Towbridge Subdivision to the east, Nottingham Gate Estates to the north, large lot single-family residential to the west, and vacant land within District 8 to the south.

**Section 1206.05: Nonconforming Uses/Structures/Lots**

Section 1206.05 is applicable as this section regulates nonconforming lots. Current District 1 Standards require minimum lot sizes of 20,000 square feet and a minimum lot width of 100 feet.

Currently, typical lots in the Boston Park subdivision have lot size of 6,500 square feet and a lot width of 50 feet. Therefore, these lots are pre-existing nonconforming to the code. Section 1206.05(g) stipulates the following:

(g) *Nonconforming Lots of Record.*

(1) *Development permitted. Regardless of the area or width of a lot of record that legally existed as of the effective date of this Code, December 31, 1999, and subject to division (g)(2) of this section, such lot may be developed for any use permitted in the district in which the lot is located, provided, however, that where required setback, open space, density, or other requirements make development impractical, the Board of Zoning and Building Appeals may permit development to occur after granting specific variances.*

(2) *Consolidation required. If two or more lots or parcels are contiguous, in single and common ownership, and are of record as of the effective date of this Code, December 31, 1999, or amendments thereto, and if all or part of the lots or parcels with no principal structures thereon do not meet the minimum lot area requirements set forth in the applicable district regulations of this Code, then the lands involved shall be considered to be a single, undivided parcel for the purposes of this Code. No portion of such parcel shall be used or sold in a manner that renders compliance with the lot area requirements set forth in this Code less feasible, nor shall any division of any parcel be made that creates a lot with a width or area less than the requirements set forth in this Code.*

Based on these requirements, the Land Development Code considers contiguous, nonconforming lots of single ownership to be one parcel. The application for consolidation would align with these requirements by creating conforming lots.

**Section 1205.04: District 1: Suburban Residential Neighborhood**

The following District 1 standards are applicable to the request:

- Purpose Statement: The proposal would align with the District 1 purpose statement by including “single-family detached residential housing developed at densities varying from one dwelling unit per one-half acre to one dwelling unit per two and one-half acres.”
- Maximum net density: two dwelling units per acre  
Staff Comment: The total project area is 4.69 acres. Therefore, the four resulting homes would have a maximum net density of 1.17 dwelling units per acre.
- Minimum lot size: 20,000 square feet  
Staff Comment: Acceptable. The minimum lot size proposed would be 39,856 square feet, or .9150 acres
- Minimum lot width: 100 feet  
Staff Comment: Acceptable: The minimum lot width proposed would be 117 ft
- Minimum front yard setbacks: 50 feet  
Staff Comment: Acceptable. Staff notes this section of Barlow Road is not classified as an arterial road, therefore, a minimum setback of 50 ft would be required.
- Minimum side yard setbacks: 15 feet  
Staff Comment: Acceptable
- Minimum side yard setbacks for street sides not designated as “front”: 50 feet

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Staff Comment: The house footprint of parcel “D” is depicted at a 40 ft setback from Coolidge Boulevard.

- Minimum rear yard setbacks: 50 feet

Staff Comment: Acceptable. Each house lot would have an approximate 200 ft rear yard setback.

- Building siting and orientation: Doors of attached garages shall not face the street.

Staff Comment: The building footprints of parcels “C” and “D” are depicted with attached garage doors facing Coolidge Boulevard.

### Section 1207: Zoning Development and Site Plan Standards

Each proposed home would follow a separate administrative site plan review. Staff notes the following:

- The applicant has submitted documentation from their wetland consultant verifying there are no wetlands or streams on the property. These potential features would be further evaluated through the site plan review process.
- Each new home would be required to utilize public utilities. Hudson public water and Summit County Sanitary sewer is available along Barlow Road.
- The proposed homes would require clearing of existing trees. Community Development staff would work with the City Arborist to minimize the amount of clearing and protect remaining trees.
- The proposal is exempt from the open space requirements of Section 1207.05 as less than five residential units would be developed.
- Staff notes the proposed houses on parcels “C” and “D” would have access along Coolidge Blvd. The Fire Department has reviewed for compliance with the emergency access requirements and is acceptable to the request.

### Chapter 1208 Subdivision Design Standards

#### ✓ Vacations of Streets 1208.01

This section states the following:

Vacation of Streets, Alleys, or Other Areas. *In the case of vacation of a street or alley or the vacation of a commons or other open spaces and areas, such vacations shall be submitted to the Planning Commission for review and recommendation thereon prior to consideration by the City Council.*

**Staff Comment:** When the Boston Park Subdivision was originally platted in 1927, 433 lots were platted with approximately 2 miles of right of way. Since then, only 15 homes have been constructed and 2,000 feet of right of way improved along Coolidge Boulevard and Lincoln Boulevard. These roads are approximately 12 feet wide and function more as service drives.

A large factor contributing to the lack of development in the subdivision has been the substantial amount of floodplain and wetlands in the southern acreage (See Figure 1 – Floodplain Map)



Additionally, new home construction has generally required consolidating multiple, originally platted 5,000 square foot house lots. To build modern homes that meet current development requirements would require consolidation.



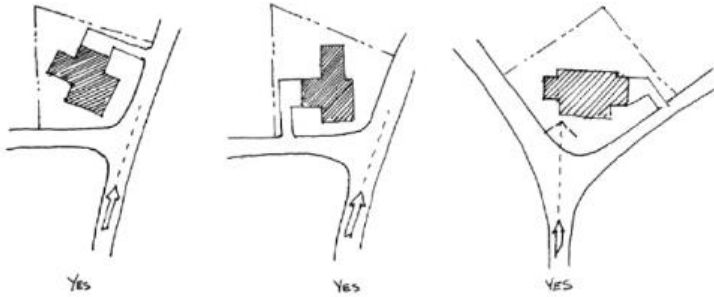
Furthermore, extension of the existing street network should not be encouraged as the right of way width, drive width, turn around areas etc. do not meet current requirements.

Based on these factors, it is unlikely that any of the existing right of way would be improved in the future and additional lot consolidation, right of way vacation, and preservation of the environmentally sensitive areas could be considered.

□ **Lots**  
**1208.05**

The proposed resulting lots are subject to the following standards:

- The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision and type of development and use contemplated.  
Staff Comment: Acceptable
- Lots shall conform in size to at least the minimum area and width requirements specified in Chapter 1205 for the particular zone district in which it is located.  
Staff Comment: Acceptable. The proposal would take pre-existing non-confirming lot areas and result in compliant lots.
- Corner lots shall be configured only as shown in Figure 30a, below.



Staff Comment: As previously stated, two of the lots would have garages facing the street.

- Side lot lines shall normally be at right angles to the street or radial to curved streets, except when natural or cultural features suggest other suitable and appropriate locations.  
Staff Comment: Acceptable
- Double frontage lots shall be avoided except where essential to provide separation of residential development from major arteries or to offset specific disadvantages of topography. Double frontage lots shall be restricted by the applicable front building setbacks from both streets.  
Staff Comment: Acceptable
- Building setback lines, including setbacks for accessory structures, shall conform to the requirements specified in Chapter 1205 for the zone district in which the lot is located.  
Staff Comment: Refer to the analysis on pages 3-4.
- Every lot shall have adequate access to a public street or alley. All single-family dwelling lots shall have at least sixty feet frontage on a public street or roadway.  
Staff Comment: Acceptable

**City Departments**

**Engineering** Assistant City Engineer David Rapp has submitted a review letter dated September 3, 2024. The full comments are attached.

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**Fire** Fire Marshal Shawn Kasson has reviewed the proposal with no additional comments.

**Electric** Dave Griffith, the Public Works Assistant Superintendent, has reviewed the proposal with no additional comments.

### **Planning Commission Action**

The PC shall make a recommendation to City Council based on Section 1208.01 stating, “in the case of vacation of a street or alley or the vacation of a commons or other open spaces and areas, such vacations shall be submitted to the Planning Commission for review and recommendation thereon prior to consideration by the City Council”.

### **Recommendation**

Staff recommends the Commission review the proposed application for a street vacation, receive testimony at the public hearing then proceed with consideration of a formal recommendation to City Council. The following could be included in the recommendation:

1. Revise the orientation of the homes on parcels “C” and “D” to meet following requirements:
  - a. Depict a 50 ft setback from Coolidge Boulevard
  - b. Revise the orientation of the garages to be rear facing.
2. Address the comments contained in the letter from Assistant City Engineer David Rapp, dated September 3, 2024.