

Meeting Date:

September 13, 2021

Location:

1863, 1891, 1895 Norton  
Road

Parcel Number

3001868, 3000882, 3003332,  
3003333

Request:

Final Subdivision Plat – Hudson  
Preserve

Applicant:

LDA Builders

Property Owner:

LDA Land Group LLC

Zoning:

D1-Suburban Residential  
Neighborhood

Case Manager:

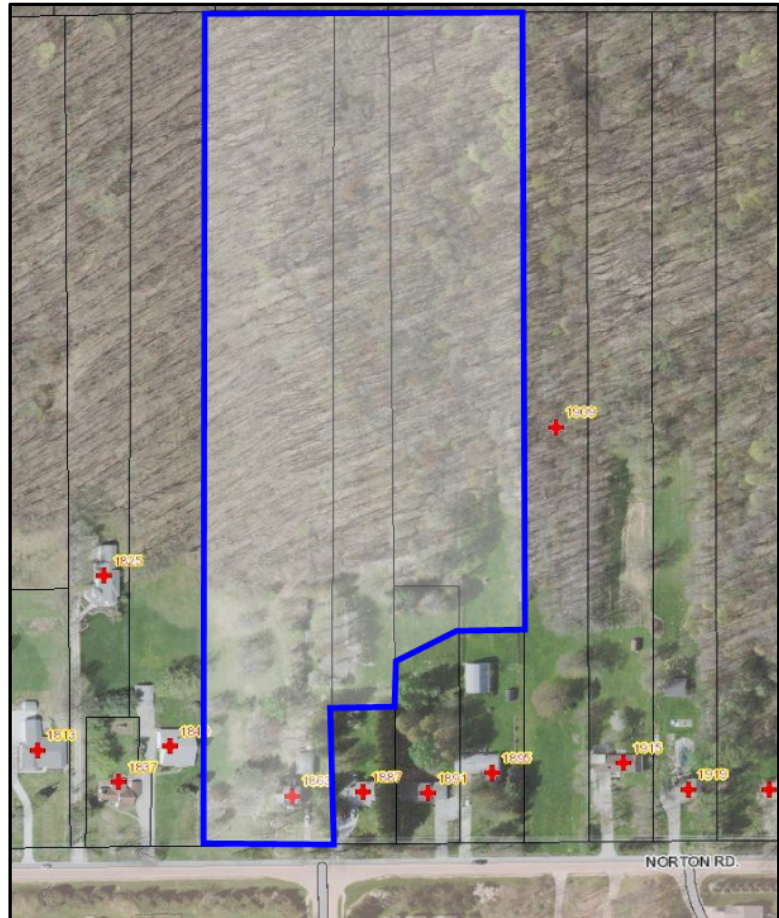
Nick Sugar, City Planner

Staff Recommendation

Approval subject to the  
conditions on pages 5

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## Background

A summary of the applicable board reviews for the subdivision is listed below:

Step	Meeting Date
Compatibility Review	Planning Commission November 9, 2020
Variance Request	BZBA December January 21, 2021
Preliminary Subdivision	Planning Commission March 8, 2021
Final Plat and Improvement Plans	Planning Commission September 13, 2021

The proposal received Preliminary Subdivision Approval on March 8, 2021 with the following conditions:

- Plans must address the preliminary Fire Department comments noted within the February 18, 2021 letter requesting final improvement plans to identify locations of fire hydrants meeting City of Hudson nozzle thread specifications.
- Plans must address the preliminary engineering comments noted within the February 25, 2021 letter including:
  - Other agency approvals including: Summit Soil and Water, Summit County Building Standards, Summit County DSSS, Ohio EPA, U.S. Army Corp of Engineers and City of Akron Water. Approvals to be submitted prior to final subdivision review.
  - Improvement plans to conform to the City of Hudson Engineering Standards.
  - Street signage provided by developer.
  - Appropriate bonds and fees paid when identified through the improvement plan submittal
- Final landscaping plan depicting all proposed plantings; including street trees, landscaping around stormwater ponds and established Bufferyard B where ponds are adjacent to property boundaries.
- Final grading plans to depict all construction activity within the limits of disturbance boundary.
- Revise the Private Open Space area to include additional protected wetland areas.
- Establish a Public Open Space dedication or applicable funds in lieu of dedication in connection with guidance from the City of Hudson Park Board.
- Improvement plans to depict sidewalks along both sides of the proposed road in addition to property frontage along Norton Road.
- Revise the Orientation of Lot #1 or revise the design to Lot #1 pond to provide increased separation between the two.

The proposal received the following variance approvals at the January 21, 2021 Board of Zoning Appeals meeting:

- A variance to Section 1207.13(c)(5)(E) to allow the proposed road to be located fifty-five (55) feet from Darrow Lake Drive where the code requires a separation of four hundred (400) lineal feet.
- A variance to Section 1203.07(e) to allow disturbance within the established fifty (50) foot setback from delineated wetlands.

## Surrounding Development:

**East:** To the east of the project area are single family homes. These properties are characterized by their long, narrow dimensions. Many of these properties have a depth exceeding one thousand (1000') feet with frontage on Norton Road extending to rear yards abutting the commercial/industrial properties along Georgetown Road. The majority of these properties are approximately three (3) acres in area. KGK Gardening and Landscaping is also located within the one thousand (1,000') foot study area and is the farthest property to the east.

**West:** Directly to the west of the project area are similar long, narrow single-family properties. These properties range from one (1) acre to three (3) acres in size. Sapphire Drive is farther to the west, approximately four hundred (400') feet. This is part of the Hudson Pines Subdivision. These properties are approximately .5 acres in size.

**North:** To the north of the project area are Industrial/Commercial properties fronting Georgetown Road. These properties are zoned District 8 – Industrial/Business Park. Directly adjacent buildings include Advanced Materials Powder Production and the Jack Duffey Professional Center.

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**South:** The City of Stow borders the property to the south, across Norton Road. The Westport Village Condo Development is adjacent to the property to the south, accessed by Darrow Lake Drive. This is a sizable development of 3-unit attached condo buildings.

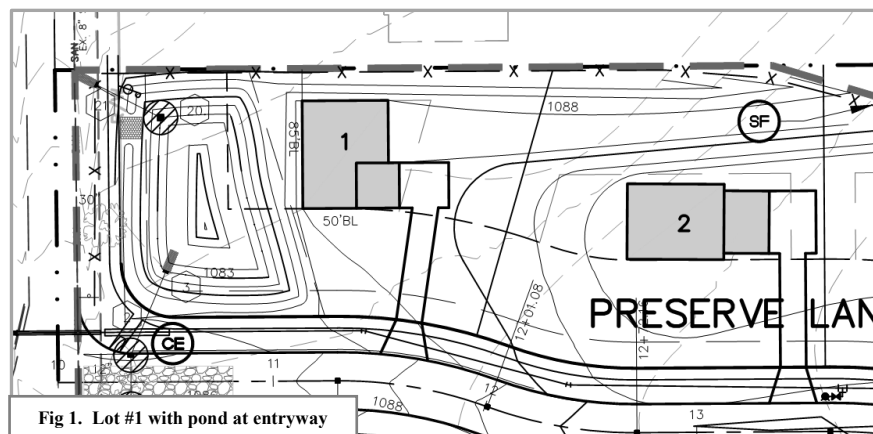
### Standards for Review for a Final Subdivision Plat, Section 1204.05(c)

#### ***1. The final subdivision plat conforms in all respects with the approved preliminary plan and incorporates all recommended changes, modifications, and conditions attached to the preliminary plan.***

Staff notes the following outstanding items related to the preliminary subdivision review. These items were formalized as requirements in the Board's decision:

- **Revise the Orientation of Lot #1 or revise the design to the Lot #1 pond to provide increased separation between the two.**

The Land Development Code states the *lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision and type of development and use contemplated*. Regarding Lot #1, staff notes the house front entryway would be located at the direct edge of the stormwater detention pond (See Figure 1 below). A condition of the preliminary subdivision approval required the orientation to be revised. Staff notes no revision has been made. Staff recommends merging lots #1 and #2 into a single buildable subplot with the pond repositioned away from the western property line and the house orientation being as #2 is now proposed or with house oriented to Norton Road and the pond being in the rear yard adjacent to subplot #3.



- **Final landscaping plan depicting all proposed plantings; including street trees, landscaping around stormwater ponds and established Bufferyard B where ponds are adjacent to property boundaries.**  
Staff notes a Bufferyard B is shown along both ponds; however, grading is shown within the planting areas prohibiting landscaping. Removing Lot #1 as a buildable lot as recommended above will also allow the stormwater ponds to be redesigned with the proper bufferyard setbacks established and increasing the separation from the proposed homes on lots #9 and #10 to make the rear yards more functional.
- **Miscellaneous Comments regarding Subdivision Plat:**
  - Location of easements must be clearly defined. Additional labeling necessary on Page 2 to identify storm and open space access easements between property lines.
  - Combine .04 acre open space parcel and .09 acre open space parcel located along the east side of Preserve Lane.
- **Miscellaneous Comments Regarding Improvement Plans:**
  - Driveways at sublots 5 and 6 must be relocated outside the open space easement.

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**2. *Plans and specifications for improvements connected with development of the subdivision comply with the subdivision development and design standards as set forth in Chapter 1208, and any other relevant City, county, state, or federal regulations, except to the extent modifications, variances, or waivers have been expressly allowed.***

Staff notes the following requirements in Chapter 1208

- **Sidewalks and Pedestrian Links:** Staff notes the proposal has been amended to include five (5) foot sidewalks and a ten (10) foot tree lawn on both sides of the proposed street and along development area at Norton Road. Final street tree plantings should be reviewed and accepted by the City Arborist.
- **Utilities:** Staff notes the subdivision would be served by public water and sewer. The applicant has received verification the site can be served by Summit County Department of Sanitary Sewer Services (DOSSS) and Akron Water, pending final agreements.
- **Wetlands:** Staff notes there are approximately 1.70 acres of wetlands present on the property. The applicant received variances to disturb limited wetlands as depicted in the Preliminary Subdivision Plans, including siting homes on Lot 6 and Lot 7 within the established setbacks and filling approximately .26 acres of wetlands. Staff notes the applicant must comply with all federal regulatory authorizations, including obtaining a Section 404 permit through the Army Corp of Engineers. All applicable permits should be submitted to city staff for verification. Construction fencing should be placed around the limits of disturbance to ensure applicant complies with approved variances and no additional disturbance is made.
- **Homeowner's Association:** If open space or other common areas are to be owned and maintained by a homeowner's association, the developer/subdivider shall file a declaration of covenants and restrictions that will govern the association. The declaration of covenants shall be approved by the City Solicitor prior to recording the plat.
- **Building Massing/Orientation:** Staff notes lot #9 has been revised due to changes to the adjacent stormwater pond; however, the revised footprint is in conflict with the City of Hudson Architectural Design Standards. The architectural standards prohibit a garage from being located forward of the main mass of the home.

**3. *The subdivider has either installed all required improvements or has executed a final subdivision improvement agreement and posted required bonds site layout is to minimize land disturbance and protect natural features by considering applicable sections of the Zoning Development and Site Plan Standards, Section 1207.***

A final subdivision improvement agreement shall be executed and required bonds posted prior to the city's final authorization of the final subdivision plat.

**City Departments**

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|---|---|
| <p><input checked="" type="checkbox"/> <b>Engineering</b></p>     | <p>Assistant City Engineer Nate Wonsick has reviewed the request and provided the attached review letter. Of note these comments include:</p> <ul style="list-style-type: none"> <li>• Verifying storm calculations.</li> <li>• Provide a continuous 12-foot-wide utility easement and a 3-foot-wide City utility easement around entirety of Preserve Lane. Mr. Wonsick identified an area where this has been omitted along 1887 Norton Road.</li> <li>• A City of Hudson Long Term Maintenance Agreement must be executed prior to Hudson Engineering acceptance</li> <li>• All other agency reviews shall be submitted prior to Hudson Engineering acceptance.</li> </ul> |
| <p><input checked="" type="checkbox"/> <b>Fire Department</b></p> | <p>Fire Marshal Shawn Kasson has reviewed the request and will require the fire hydrants to meet City of Hudson nozzle thread specifications.</p>   |

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| <p>✓ <b>Public Service - Public Power</b></p> <p>✓ <b>Parks</b></p> | <p>Assistant Superintendent of Public Power Russ Brunstetter has reviewed the request and has no additional comments.</p> <p>Assistant Public Works Director of Parks Trent Wash has reviewed the request and verified the required public dedication of .64 acres of improved park space can be accepted as funds in-lieu.</p> |
|---|---|

### Findings

Staff finds the application complies with the purpose and intent of the code and community plans, subdivision development and design standards, regulations that minimize land disturbance and protect environmental features, and other applicable development regulations as specified in Section 1204.05(c) except as discussed above and recommended below.

### Required PC Action, Section 1203.10(d)(1)(B)

The PC shall take final action on a preliminary subdivision application by reviewing the application and all submitted plans and reports, and then either approving, approving with conditions, or denying the application based on its compliance with the standards summarized in this report. All decisions of the Commission shall be based on written findings of fact related to the relevant standards of the Code.

### Recommendation

Approve the application for Final Subdivision Plan for Case No. 2020-914 for the Hudson Reserve Subdivision according to the plans dated as received August 24, 2021 with the following conditions:

1. The Final Subdivision Improvement Agreement must be accepted and signed by the City and Developer.
2. A performance bond or other financial guarantee shall be posted by the applicant for the purpose of assuring the installation of improvements at or before a time the Final Subdivision Improvement Agreement is executed.
3. Construction fencing be placed along the limits of disturbance to ensure applicant complies with approved variances and no additional disturbance occurs.
4. Merge lots #1 and #2 into a single buildable subplot with the pond repositioned away from the western property line and the house orientation to Preserve Lane or oriented to Norton Road with the pond being in the rear yard.
5. Submit public open space funds in lieu of dedication. The amount must be based on a per acre value determined by a recent appraisal of the subject property.
6. Final landscaping plan to be submitted showing:
  - a. All proposed planting species.
  - b. Plantings identified along areas identified within Bufferyard B.
7. Plans must address the Engineering comments noted within the September 2, 2021 letter.
8. Verify the owner of proposed open space areas with city staff. If open space or other common areas are to be owned and maintained by a homeowner's association, the developer/subdivider shall file a declaration of covenants and restrictions that will govern the association. The declaration of covenants shall be approved by the City Solicitor prior to recording the plat.
9. Revise footprint of Lot #9 to comply with the City of Hudson Architectural Design Standards for massing.
10. No clearing or grading of any kind shall commence prior to the issuance of the zoning certificate.
11. Combine .04 acre open space parcel and .09 acre open space parcel located along the east side of Preserve Lane.
12. Driveways at sublots 5 and 6 shall be relocated outside the open space easement.