

BIDDULPH TRAIL SUBDIVISION: BUTTERNUT RIDGE ROAD

THE FOLLOWING IS AN EXCERPT OF THE PLANNING & DESIGN COMMISSION MINUTES DATED MAY 14, 2008

COMS07-0026: Biddulph Trail; 25747 Butternut Ridge Road: (Ward 4)

Proposal consists of a cluster home development plan. Note: Residential Cluster rezoning is required. Note: City tabled applicant 11/14/07, PDC tabled 11/28/07, LC addressed on 12/10/07, 01/14/08, 03/10/08 and 04/14/08.

Ms. Wenger provided an overview of the project. As a portion of the project is within the historic district two certificates of appropriateness were applied for, one to demolish an existing structure which was turned down and the other was to allow new construction consistent with the historic district. Landmarks discussed a number of alternatives ultimately recommending the original structure be relocated and preserved on the site. A COA was issued to relocate and use the historic portion of the structure on the site where it will be expanded, refinished and blend into the development without losing its historic value. She noted that the first unit would be the existing home relocated. Landmarks recommended the applicant change the home design to a Craftsman style which is prevalent in the district. They also recommended softening the landscaped entryway to a more natural appearance. The applicant removed the proposed gazebo and in addition to creating clusters rather than rows of landscaping the fencing was reduced to a small split rail section. As a result of the changes, Landmarks Commission approved a second COA for new construction within the historic district.

The approved changes are shown on page SK-4 of the newly submitted plans. She noted that the changes shown on page SK-4 were not carried throughout the plans, including site plan or landscape plan. She requested all sheets be appropriately modified.

The role of the Commission is to review Landmarks recommendations, conduct development review consistent with the RC District, and review the site for rezoning in compliance with the Master Plan. A review of the plans shows that the proposal conforms to all the requirements of the RC District, except in one area. Units are required to be 15 feet from any open space or setback. Units 1, 2 and 3 do not meet this setback but the commission can allow flexibility from the provision using section 1136.07d.

The Residential Cluster District regulations require the Commission furnish a detailed report of findings and recommendations to City Council. The Commissions report should find that either the site plan complies with the regulations, standards, and criteria prescribed by the Zoning Code for residential cluster development, or a finding of any failure of such compliance and a recommendation that the site plan be approved, disapproved or modified.

Mr. Conway said not all of the individual driveways meet the 16 foot width requirement because they turn into a side load garage. However the commission can grant relief from the requirement in accordance with the cluster chapter.

Mr. Collins said engineering memo of November 7, 2007 still applied to the project. He continues to work with Mr. Zwick to ensure that all storm water management requirements are met prior to building permits being issued. TMS Engineers looked to see if decelerating or turning lanes were required either in the east or west bound lanes but found that neither was warranted. The engineering department concurs with both TMS Engineers reports of 10/16/07 and 1/2/08. The main drive entrance off of

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Butternut Ridge road still encroaches over the eastern property line and should be shifted west 5 or 6 feet to eliminate the radius encroachment. A subdivision plat needs to be submitted for approval and the plat is required showing all parcel lines, egress/ingress, utility easements, setback and conservation easements which should include verbiage explaining each easement. The homeowner's agreement/bylaws are also required.

Mr. O'Malley advised the commission of their duty under the City Charter. The matter before the commission is a rezoning matter which is legislative and includes a development plan. The land has yet to be rezoned, although both the development and rezoning are being addressed simultaneously in accordance to the residential cluster district requirements. He encouraged the commission to review the development as it relates to the 2005 Master Plan. Off site traffic concerns, utilities, electric, storm, gas, or sanitary are issues that may be discussed by the commission, but are under the jurisdiction of the city engineer. He requested the association bylaws/regulations and deed restrictions be submitted to the law department for review. Receiving these prior to approval will ensure that proper notification is given that the street is a private street and the city does not maintain nor provide certain governmental services.

Mr. Lasko reviewed the commission's previous motion requesting a report from the engineer regarding the storm and sanitary lines, deed restrictions, easements submitted, information regarding impact on the septic and sanitary lines down Columbia Road and a detailed traffic study. He requested the city engineer provide the commission a copy of the traffic studies submitted by TMS Engineers. He questioned if the plans before the commission reflect a 40-foot wide easement to the city for future sanitary sewer crossings through the property. Mr. Collins said it was up to the commission to require the 40 foot easement and the issue to provide sanitary sewer service or leave it unsewered is still undecided.

Mr. Liggett said there would be 29 units on 10+ acres city codes allow 4.25 units per acre so the building ratio is 2.7 units per acre. The development will be a private development and units 3 thru 9 were not moved only units 1 and 2 were repositioned to meet Landmarks' requests. The home designs are craftsman and each home layout is interchangeable except unit 1 which will house the original barn/home. To keep the integrity of the original barn/home the square footage for the redesign needs to be 3,200 sq ft to ensure all amenities are included in the home. The entrance landscaping was altered to be less formal, fit into the neighborhood and will be completed prior to home construction starting. The main entrance/driveway meets code requirements and was moved westward so it no longer encroaches upon the eastern neighbor's drive and is in line with the cemetery so vehicle lights are not an issue. They are working with their eastern neighbor to possibly provide an alternate driveway off the street which they will continue to pursue. The wetlands report was clarified and states there are no wetlands on the site.

Mr. Liggett said rezoning the site to cluster development is appropriate for the site due to its location and shape of the lot. The 2005 Master Plan states cluster developments are appropriate for areas of infill or redevelopment, areas of vacant or underutilized backlands of deep properties, areas of transition between single family and other higher intensity land uses. The lot abuts Springvale Golf Course which is an open park like space and there is green space on the lot.

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Ms. Brown said the planting material was changed to be more seasonal using Weigela, Lilacs, Spiraea and Viburnum which will be interspersed between the evergreens. The perennials used are Bell-Flowers, Daisies, Daylilies, Daffodils and Gas Plants for interest and character. The evergreens will be narrow and provide dense screening for the neighbors and consist of Serbian Spruce, White Fir and Arborvitae for texture. Mr. Malone requested the plant list be shown on new landscape plans. Although he preferred the prior front entrance plantings he respected Landmarks Commission's requested changes. He commended the landscaper for the comprehensive landscape plan which she designed and asked that City Council refrain from requesting modifications to the landscaping plans as doing so could have a profound affect on the overall look and development on the site.

Mrs. Meredith asked if the sanitary line and existing design would be able to handle the additional 29 homes. Mr. Collins reviewed state standards and projected flow which will not affect the existing sewer lines. Mrs. Meredith questioned the manhole being bolted down and asked if there was already a strain on the system. Mr. Collins reviewed the history of the city bolting down certain manhole covers to prevent surcharging due to inflow/infiltration issues. The city is currently taking steps to correct the issue which he hopes can be resolved in the next few years. The number of occurrences is less than once a year and the treatment plant televised and jetted out the 36" lines just east of the property (Columbia Road) and found that the line was clean. The 36" line turns into a 42" line after both manholes along the east side of Columbia Road. The treatment plant has ordered new covers which can be secured and will be installed. The lids will temporarily address the issue until the system can be updated. The water issues are caused by storm water seeping into the sewer system not the sewage amount entering the system.

Mr. Cotner asked if the rear of the property would be cleared. Mr. Liggett said there was an existing creek which would not be disturbed and a conservation area behind units 19- 21. Mr. Lasko said that the distance of the units of 1, 2 and 3 which can be addressed by the commission was understandable due to preserving and moving the historic home. However he wanted clarification regarding the widths of the drives. Mr. Conway said code requires a 16 foot wide driveway from the garage to the street. All units have 16 feet at the garage doors but for the units which turn 90 degrees towards the street it is below the 16 feet requirement. Mr. Liggett said the driveways with the 90 degree turns would go from 16 feet to 12 foot widths.

Mr. Lasko said since the previous meeting, correspondence was received from the following individuals: Mr. Steven McQuillin & Associates dated 1/9/08, Mr. Clifford Crabs dated 1/9/08, Mr. Jeffrey Steed & Mr. Chris Scherry dated 12/4/07, City Engineers report of 12/7/07 and a letter from the Rocky River Watershed Council dated 2/25/08 which he requested listed in the minutes for the record.

Mr. Belovich, attorney for Mr. Crabs, said his client is concerned about the proposed rezoning. He was advised by Mr. O'Malley that the rezoning can be accomplished through Council without going before the people and if that is correct the commission and Council is responsible for looking out for what is best for all parties involved not just the applicant. He reviewed issues that would impact his client, such as eliminating his pond, impact of stormwater runoff, and diminish the rural character. Mr. Crabs property has an outlet to Columbia Road and there has been not contact from the applicant to create an alternate street for access. He felt the project was too dense and requested all files submitted to the engineering department. Mr. Crabs said that 11 years ago there was talk of a street to Columbia Road but it was turned down. He asked for all the hydraulic calculations, both storm and sanitary. Mr.

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Collins said that once the calculations are submitted to the engineering department they would be made available. Mr. Crabs said that the existing swale will become ineffective once new homeowners start dumping their grass clippings into the swale.

Mr. McKay said that the same owner requested rezoning in 1997 and at that time it was refused and should be again. The proposed development will not be entitled to government services as it is considered a private development. However with the increase of cluster developments those owners will start demanding that they are entitled to receive the same services other homeowners receive. As a councilman one of the most common complaints from private development owners was not receiving governmental services. Bolting down the manholes was supposed to be a temporary fix many years ago just how long is the city going to wait to fix the problem. The issue brought up about swales is a legitimate complaint as the city has had to deal with residents blocking up swales all over the city.

Ms. Wenger said that she was not sure when the original Single Family Cluster District was written, but the city rewrote Chapter 1136 last year to reduce the density allowed, require more open space and otherwise improve upon the requirements of the district. Mr. Sharp said Butternut Ridge Road is a Historic District and they deserve protection from rezoning land in the middle of the district. He is concerned about setting precedence for other parcels on the street. The traffic is bad now and will get worse. Adding cluster developments to this street will cause the street to be widened and destroy the character of the Landmarks District. Councilman Orlowski asked if there is a section of the land which is not owned by the developer would it affect the proposed project as it is his understanding that the developer does not own all the land which is shown. Ms. Wenger said it could impact the plan if there is land in the development which is not owned by the developer or if there is development shown on land they do not own then it could not be approved. Councilman Orlowski questioned traffic reports, wetland studies and sewer reports being submitted. Mr. Lasko said that all proposed reports and studies will be made available upon their submission. Councilman Orlowski said a neighbor of the project contacted him requesting a solid wall of conifer trees along the west side of their property line as well as the rear property line to buffer them from the development. It was also suggested that their driveway would be diverted into the developments driveway which the developer should have to pay for and provide maintenance. He is concerned that the proposal will affect the flow of runoff as the land slopes.

Mr. Liggett said the owner has stated he owns all the land. Mr. Lasko asked that a letter be submitted clearly stating they own or have options to own all the parcels within the development. Mr. Gorris asked if the proposal is passed but the developer does not develop the land would the rezoning remain in place or would it revert back to Single Family. Mr. O'Malley said that once rezoned it would remain that zoning regardless if the developer completed the plan or not. Mr. Lasko said that if the current developer did not complete the project a new owner would have to complete the development as approved or receive new approvals. Mr. Gorris felt the prior cluster code gave the planning commission more control. Butternut Ridge Road is 1.6 miles in length and within that there are 8 streets which intersect onto the street and 5 traffic lights. This developer wants to build 29 homes and across the street there is a century home which is in disrepair and includes 5.5 acres of land. They clearly want to sell the lot to a developer which could rezone to cluster and construct an additional 23 homes. Mr. Crabs owns enough land to develop an additional 38 cluster homes. The commission's recommendations will affect the future of the area allowing the project now could end up allowing up to 90 homes. He commended the architect on his cooperation with the commissions' requests.

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Mr. Martindale said the city was being asked to spot zone one land owner's lot so it can be sold off for profit. He said the project would only benefit the city and schools by new tax revenues. Mr. Lasko said the issue regarding spot zoning was addressed by the planner, as there are no parcels zoned Residential Cluster, which is a status which must be obtained through this review process. The city is going through an extensive and lengthy review to determine if it is appropriate. He further said financial interests are no part of the commission's decision making.

Ms. Childs said the manhole which surcharges still has sewage which comes out of the drain into her yard. She does not agree that it will not impact the area. The commission is responsible to protect the residents of the area. She does not believe rezoning to a higher density in a lower density area is protecting the residents.

Mr. Lasko reviewed the records they have and the required additional information to compile a report for council and said the matter needed to be tabled. The commission discussed having a workshop to start drafting a report for council once the additional information was obtained.

Mr. O'Malley advised that there are time constraints regarding the review process and advised the chair to seek additional review time from the applicant. Mr. Lasko asked if the applicant would provide the city additional time needed to continue the review process. Mr. Liggett said the developer would allow the city the additional time needed. Ms. Wenger believed that the matter should be tabled until all documentation pertaining to the development is provided in accordance to code. The commission discussed the process of starting to draft a report to ensure the extended time for review is not drawn out. However it was made clear that additional information and documentation needed to be submitted to the commission. Mr. Liggett provided copies of the traffic study and wetlands reports for the record to the clerk. Mr. Lasko said a work session would be scheduled within next week to 10 days to give time for all members to attend. Ms. Wenger advised that proper notice would be given.

Mr. Lasko moved, seconded by Mr. Malone, to table COMS07-0026: Biddulph Trail of 25747 Butternut Ridge Road, which consists of a cluster home development plan noting the applicant's agreement to extend the City's review period so that the following conditions may be met:

- **The commission will meet to start the compilation of a draft report for City Council**
- **New site, elevations and landscaping plans are to be consistent with page SK 4 plans dated received April 30, 2008**
- **Landscape recommendations are to be incorporated per Mr. Malone and a detailed plant key/listing added.**
- **The association rules/bylaws are to be submitted to the Law Department**
- **Plat maps identify easements including potential option in the engineer's report (12/17/07) pertaining to the un-sewered area on Columbia Road.**
- **Letter documenting owner has control of all parcels related to the proposal**
- **Storm water management calculations per the City Engineer**

The motion was unanimously approved 5-0.