

**THE FOLLOWING IS AN EXCERPT OF THE PLANNING & DESIGN COMMISSION
MINUTES DATED JUNE 11, 2008**

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

Representatives: Tom Liggett, architect; Peter Zwick, surveyor/engineer

Ms. Wenger said the new plans reflected the commission's recommendations: the site, elevation, landscaping plans are consistent and the plant key/listing is shown. Association rules/bylaws were submitted for the Law Departments review. Plat maps identify easements including the potential option in the engineer's report pertaining to an easement to serve the un-sewered area of Columbia Road. A letter pertaining to ownership was received and storm water management calculations submitted to the City Engineer. Based upon the Commission's May 28, 2008 work session, a draft report for council was created for review.

Mr. Collins said the new plans are consistent with the 6/4/08 memo from Mr. Zwick, items added include a 40 foot future sanitary sewer easement, rear yard drainage and conveyance system, Sublots 22 thru 29 show slight modifications to the detention pond, clarification of elevations and outlet structures which look to be more in sink with the preliminary storm water management calculations. He received engineering calculations May 28, 2008 and they follow Chapter 927 requirements. The pond can hold a 100 year storm and has a 1½ foot freeboard. The 25 foot emergency spillway/drainage is properly shown as well.

Mr. O'Malley said the declarations/bylaws submitted were sample documents and not in good form. The law department is required to review the documents to ensure they comply with city requirements and follow any and all conditions of approval imposed. He requested that any approval be contingent upon final declaration/bylaws being submitted and approved by the Law Department prior to the Engineering Department releasing site plans for recording or prior to any land sales taking place.

Mr. Bohlmann questioned if the applicant was prepared to answer the questions listed in Mr. DeGroot's May 27, 2008 memo and if the letter submitted by the developer was acceptable as the letter was not from any land owners. Mr. O'Malley said the actual property owners should verify that the developer has the authority to present a proposal for their property. He noted that it was not unusual for land acquisitions to be subject to development approval.

Mr. Liggett said the elevations and engineering plans were updated to reflect the changes shown on page SK 4. The plans show the landscape changes including the 40 foot swale requested. The association rules were discussed a couple of times with an understanding that once the city received the documents they would provide a list of stipulations or concerns which needed to be addressed. The easements for electrical and utilities are in place and will be addressed by the engineer. Mr. Zwick said the plan he submitted was an updated engineering drawing clarifying items requested since November 2007. The letter from Mr. DeGroot says the items listed are questions not opinions. Items 5 and 7 are moot as 5 is shown on the drawing and 7 is the report submitted and mentioned by the city engineer. Item 6 references the existing sanitary sewer which crosses the sites property through an easement. It is beyond his scope to perform the hydraulic study which is suggested. The affect of the proposed development connecting to the sewer pipe is miniscule considering the trunk line serves all of southern North Olmsted. Mr. Lasko questioned if the scope of the engineering plans were beyond Planning & Design

Commission review. Mr. O'Malley said engineering topics related to rezoning would be within the Commission's right to review.

Mr. Zwick said item 4 regarding homes being built over the sewer pipes, that is not true and all easements will be respected. Item 3 related to the rear yard area showing plantings over the sewer pipe will be addressed in final drawings submitted which will not have any plantings over yard drains. Items 1 and 2 are related as the neighboring property owner has alternately stated that he wants a barrier to keep stormwater off of his property and then that he relies on stormwater runoff to feed into his pond. Plans show that they are controlling the water runoff from their property in accordance to city codes. The implication of damaging Mr. Crabs' well water is unfounded as the well is deeper than any of their pipe levels. He characterized Mr. DeGroot's letter as speculative. Mr. Zwick said that the development would not have sewer backup/surcharge problems.

Mr. Malone said he was completely satisfied with the landscape plan. Mr. Rerko said that the applicant has complied with all requests made. Mr. Bohlmann questioned if home 17 was within the rear easement. Mr. Liggett said the home is outside the easement. He also noted that during excavation of homes 17 and 18 they would ensure that the sewer pipes are not at risk and if the pipes are out of place they would be addressed.

Mr. Crabs said Mr. Zwick was confusing the aquifer flows with the surface flows and questions in the letter have to do with aquifer flows as his pond is fed from both the surface water and springs flowing from the west. His well is not nearly 50 feet deep and is fed from an underground aquifer. He questioned the landscape buffer along the east which seemed to have landscaping over the storm sewer lines instead of beside the drains and questioned where the 40 foot easement was. He believed that any basements in units 19 through 21 would flood as they are located in the flood plain. The heliport in his backyard is approved by the FAA and has height restrictions which must be followed and asked if the architect had contacted the FAA. He believed that the developer could construct more than one home on the site without zoning changes. Mr. Lasko pointed out that the plan dated June 6, 2008 by engineering showed and noted the 40 foot future sanitary sewer easement along the south. Mr. Crabs questioned the east buffer setback required by code, which Ms. Wenger said was 20 feet. Mr. Collins said units 22 through 29 will require a 10 foot easement for a 12 inch storm sewer system for rear yard drainage and will be a private system up to the homeowners association to maintain and can be landscaped. He noted that although the system was private the city has a right to the easement area if needed.

Various residents raised issues and concerns related to the rezoning and the negative impact that would have on the historic district, the impact of additional traffic, the conflict with the location of the private drive related to adjacent neighbors, adequacy of landscape buffering of adjacent properties, accessibility by emergency vehicles, the authority of the developer to represent the landowners, the capacity of the stormwater retention basin, the capacity of the sanitary sewer, and possible overflow from the sanitary sewer. Residents reviewed that a cluster proposal for this property was denied in 1997 and the reasons for the denial which were density and protecting neighboring residents.

Mr. Lasko advised that the driveway was repositioned to be in line with the cemetery. The commission will require a letter from land owner stating the developer's authority. Mr. O'Malley said if the property was rezoned but the developer did not build, any new developer would have to submit plans to the City for review as any other development. He advised that what was being proposed was not spot zoning;

cluster district is a form of residential zoning. Mr. Martindale requested the Commission provide a written statement outlining how the rezoning of the site was in the best interest of the community. Mr. Champa requested a copy of the I/I study he was told would be conducted. Mr. Collins said a phase two of the sanitary sewer plan is a study being conducted by CT Consultants which has 6 tasks to the study and involves I/I. The city has hired ATS Engineering who is looking into redesigning the waste water treatment plant and between the two consultants the study is being conducted. Once the report is completed it will be made available to the public, which may be by November or December. A sanitary sewer study is not required of any development. Emergency access is acceptable.

Mr. Lasko said the Commission appreciated all the comments which have been brought forth. The Commission is charged to compile a report in accordance to Chapter 1136 of the Zoning Code. Regardless of what decisions were made in 1997, the Commission must review the proposal in accordance with the current code. The Landmarks Commission met and worked with the applicant over several months and issued Certificates of Appropriateness for the proposal. The commission has been provided a rough draft report for their review and comments and the Commission will hold a work session to workout the final wording of the report prior to their June 25 meeting. The draft report is available to the public. After the work session the report will be voted on during the regularly scheduled meeting the same night. He discussed the various conditions which would be part of any approval such as condo documents, easements, etc.

The Commission discussed the timing of the approval versus finalizing the report. Mr. Bohlmann voiced his concern regarding the sanitary sewer and manhole issues and felt the developer should be required to address the issues regardless if they are responsible for them or not. He thought the new basements could experience sewage backup due to existing issues of the area and questioned if a sanitary detention system could be required. Mr. Collins said that the subdivision as presented will not strain or burden the existing system and detailed engineering reviews are required following Commission and Council approval not now. Mr. O'Malley advised that once a plan is approved the developer is required by code to submit engineering plans in accordance to engineering code requirements. Mr. Cotner asked if the commission could require backflow protectors installed. Mr. Collins said backflow preventers are not recommended. Mr. Bohlmann said outside the possible engineering issues pending he liked the proposal but without engineering questions finalized he could not vote favorably for the proposal.

Mr. Lasko moved, seconded by Mr. Bohlmann, to approve the development proposal for COMS07-0026: Biddulph Trail, finding that the development meets the spirit and intent of the Residential Cluster District provided various conditions are met. Furthermore, the Commission recommends Council approve the request to rezone to Residential Cluster District as described in the report of findings and recommendations. Conditions of approval are as follows:

- 1. The declaration of rules/bylaws meet the Law Department's approval prior to the site plan being released by the engineering department for recording.**
- 2. A document/letter from the property owners is submitted stating the developer has the authority to present the development site plan.**
- 3. A private 10 foot wide easement to the homeowners association for the stormwater drainage line behind units 22 through 29 is to be indicated on the plat.**

Roll call on the motion: Lasko, Williamson, Malone, Rerko, Meredith – yes; Bohlmann, Cotner – no. Motion approved 5-2.

Mr. Rerko commented that there has been a lifestyle change which has occurred in the last few years and baby boomers are looking for housing which provides smaller lots which North Olmsted does not currently have. The applicants have gone out of their way to fit into the neighborhood and from Butternut Ridge the development will not impact the historical district as the current home will be preserved and the site will blend into the neighborhood. Ms. Williamson agreed with Mr. Rerko. Mr. Lasko also agreed and believed that both by the analysis of the Landmarks Commission as well as the Planning & Design Commissions findings under Chapter 1136 the conclusion is the right one based upon the facts presented. Ms. Meredith recommended there be no further architectural or landscaping changes made to the plans as professionals from both commissions and the applicant experts have gone to great lengths to ensure that the plan fits into the historical district. Modifications to the plans would have a detrimental impact to the site. Mr. Rerko noted that unit 1 which will be the location of the existing home would have modifications made to fit the buyer's needs.