

Brian Gorris
25845 Butternut Ridge Rd.
North Olmsted, Ohio 44070
(440) 779-7240

June 11, 2008

Planning and Design Commission
City of North Olmsted
5200 Dover Center Road
North Olmsted, OH 44070

Dear Commission Members,

Nearly eleven years ago, a similar request appeared before what was then the Planning Commission. After discussion and input from residents on July 8, 1997, "Chairman Tallon made a motion for the Delorenzo Rezoning Request, a proposal to rezone permanent parcel nos. 236-23-017, 236-24-019 and 236-24-020 from existing "A" Residence Single District to Single Family Cluster District. Location is south off Butternut Ridge Road adjacent to Springvale Golf Club, to deny the rezoning request for Single Family Cluster District, the density is heavy for this area which is Residential "A" area, the families in the area bought their homes and lived in the area and deserve to maintain that zoning which they have abutted for many years. The motion was seconded by T. Herbster and unanimously approved.

The commission based their 1997 denial motion on two points.

The first point of the Commission denial in 1997 was that the density was heavy for this area

Remember that irrespective of what development plans may indicate, once land is rezoned, its use is changed permanently and the City will be obligated to approve any development of that parcel that complies with the density requirements of the existing code. Consequently, should a developer be unable to complete their proposed development for economic or other reasons, there is the potential for a replacement development. In this case the 29 units proposed for this sight could be replaced by up to 43 units and remain within code.

The location of this proposal is on a 0.6 mile stretch of Butternut Ridge Road that is bordered by Kennedy Ridge and Great Northern Boulevard. There are currently 39 homes in this 0.6 mile portion of Butternut Ridge. In addition to this parcel, along this same 0.6 mile stretch, there are two other substantial parcels of land, one of which is

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currently for sale. A rezoning decision for this parcel could easily set a precedent for these other two parcels. Currently this 0.6 mile stretch of Butternut contains 39 homes. If all three parcels are rezoned to Single Family Cluster, there is the potential to add 104 residences to the existing 39 residences in this 0.6 mile stretch of Butternut.

The Single Family Cluster District zoning code was first introduced in 1991 and was amended at least once. The only portion of the intent of that zoning code that has remained unchanged since the code's inception reads as follows: "to allow for a reasonable increase in residential density for areas well served by transportation and other community facilities". How can the potential to nearly quadruple the number of homes be considered as a reasonable increase in residential density?

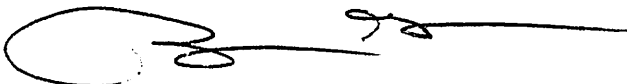
The second point of the Commission denial in 1997 was that the families in the area bought their homes and lived in the area and deserve to maintain that zoning which they have abutted for many years

The stated purpose of the zoning code is for the orderly development of the land within the City and to provide in that manner for the public peace, health, safety, convenience, comfort, prosperity, and general welfare of its residents and of the City. Other than economic benefit to the owner of the parcel, what purpose does rezoning to a more intensive use serve if it does not benefit both the City and its residents?

In 1997 the commission did not deny Mr. Delorenzo's right to develop his property. They only insisted that he develop it in compliance with the same "A" Residential code requirements that the balance of the homeowners on Butternut Ridge have followed and are expected to follow.

It appears that by the unanimously rejecting a similar proposal in 1997, the members of the Planning Commission foresaw the significant negative impact that a rezoning of these parcels of land posed to both the City and the residents of the area. Hopefully, your decision will reflect the same consideration of the impact that this and potential rezoning of other vacant land could have on both other City residents and the existing homeowners on Butternut Ridge.

Sincerely Yours,



Brian Gorris
Enclosure (2)

Butternut Ridge Road

Traffic Concerns with more intensive development

<u>Total Length</u>	<u>From</u>	<u>To</u>	<u>Distance</u> <u>Mi.</u>
	Lorain/Porter	Dover Center	0.3
	Dover Center	Kennedy Ridge	0.5
	Kennedy Ridge	Great Northern Blvd	0.6
	Great Northern Blvd	Columbia	<u>0.2</u>
			<u>1.6</u> (Five Traffic Signals)

Intersecting Streets

Lorain/Porter	(Traffic Signal)	
Dover Center	(Traffic Signal)	
Revere Dr.		
Fitch	(Traffic Signal)	
Kennedy Ridge	(Traffic Signal)	
Cantebury		
Great Northern Blvd	(Traffic Signal)	Can you think of another residential street in North Olmsted with 5 traffic signals in a 1.6 mi distance?
Columbia		

Potential impact on section of Butternut Ridge from Kennedy Ridge to Great Northern Blvd. (0.6 mi in distance)

Current Single Family A Residential Housing Makeup

Current Homes	
North Side of Street	14
South Side of Street	<u>25</u>
	<u>39</u>

Potential Effect of Rezoning vacant or underutilized land from A Residential to SFC

<u>PP#</u>	<u>Ownership</u>	<u>Estmtd</u> <u>Lot Size (*)</u>	<u>Potential</u> <u>Homes</u> <u>@4.25/Acre</u>	<u>% Current</u> <u>Homes</u>
<u>Current Proposal 25747 Butternut</u>				
236-23-028	Bradford	44,400		
236-23-017	Butternut Rdg Prop	297,950		
236-24-019	Butternut Rdg Prop	87,555		
236-23-028	Scheef	<u>10,907</u>		
		<u>440,812</u>	43	110%
<u>Potential Proposal 25896 Butternut (Parcel currently for sale)</u>				
236-10-015	Rach	<u>239,580</u>	23	59%
<u>Potential Proposal 25563 & 75 Butternut (Large single ownership parcels)</u>				
236-23-013	Crabbs	50,350		
236-23-014	Crabbs	<u>349,351</u>		
		<u>399,701</u>	38	97%
		Potential additional homes @ 4.25 per acre	<u>104</u>	<u>267%</u>

(*) Per Cuyahoga County Property Tax Records

The current rezoning proposal has the potential to open up additional development that could nearly quadruple the number of homes in a 0.6 mi distance of a heavily traveled residential street.

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CITY OF NORTH OLMSTED
PLANNING COMMISSION
MINUTES - JULY 8, 1997

I. ROLL CALL:

Chairman Tallon called the meeting to order at 7:45 p.m.

Present: D. Cameron Alston, T. Brennan, T. Herbster, R. Koeth, K. O'Rourke, and R. Tallon

Absent: T. Manning

Also Present: City Engineer Deichmann and Clerk of Commissions Oring.

II. REVIEW AND CORRECTION OF MINUTES:

R. Tallon moved to approve the minutes of June 24, 1997, seconded by T. Brennan. Roll call on motion: Tallon, Brennan, Cameron Alston, Herbster, and Koeth. Mrs. O'Rourke abstained. Motion carried.

III. BUILDING DEPARTMENT REQUESTS:

No items.

IV. NEW DEVELOPMENTS AND SUBDIVISIONS:

1) Delorenzo Rezoning Request.

The proposal is to rezone permanent parcel nos. 236-23-017, 236-24-019 and 236-24-020 from existing "A" Residence Single District to Single Family Cluster District. Location is south off Butternut Ridge Road adjacent to Springvale Golf Club.

Mr. Rock, engineer, pointed out the highlighted area on the plans that they are requesting to rezone to single family cluster. He explained that the development area is just under 10 acres and the proposed rezoning would have 39 lots that would be developed for cluster homes; none of these units will be attached. There would be only four units per acre which is in line with the density requirements for class "A"; the smallest lot is a sixth of an acre with about a quarter of the lots being significantly larger and three of the lots around the cul-de-sac being substantially larger. The side setbacks would be in line with the class "A" requirements, with the main deviation being that the Single Family, Cluster would allow a shorter street setback, allow a more flexible design for the homes and make better use of the space. Under the cluster zoning, they could provide some common use area, which could not be done under the class "A" requirements. The house design is still in the preliminary stages, but will probably be between 1,500 and 2,000 square feet slab area with the options for basements, lofts, or second stories. After the property is rezoned, final plans would be prepared showing the elevations of the homes, and their positions on the lot. He had a rough sketch of one of the houses. The roadways within the development will be constructed under the city's requirements for dedicated streets, as opposed to the less stringent requirement for cluster district. All utilities will be underground. The projected cost for each unit is between \$200,000 and \$250,000 and the homes will blend and be in a similar style. If the rezoning is approved the covenants for the deed and the by-laws for the home owners' association would be submitted to the commission and the Law Director. In addition to the strict requirements of the covenants of the deeds and by-laws, they intend to provide a separate summary sheet that outlines the basic requirements that are included in the covenants to each purchaser in an affidavit form that would make them aware of all the requirements of a private development. All maintenance and repair

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services would be provided by the home owners' association as opposed to the class "A" which would have to be done by the city. In response to the members' questions, Mr. Rock clarified that this initial phase is phase one, and the development of the homes would be considered phase 2 but this would be a single development. He explained that the basic lots would be 139 feet by 50 feet as shown in the notes on the plan, but the sizes of the larger lots at the end of the roadway are not shown. The common area is in front where the roadway widens out from the entranceway and in the back beyond the cul-de-sac there are two acres which will be dedicated to the development. Walkways to this area will be indicated later. The entrance way is 24 feet and the drive will be 18 feet as required. He was not sure how close the driveway would be to the homes on either side of the drive. Retention will be underground and will be restricted and go to the creek in the back. Mr. Herbster noted that there were many unanswered questions about sidewalks, right of way, and he did not think the commission could decide upon the plan without that information. Mr. Rock stated that this was merely the preliminary plan for rezoning, and final plans can be presented if the property is rezoned. He clarified that there was only one road accessing these homes, and that this access road was part of the property. Mr. Rock did not think any variances would be needed, but Chairman Tallon pointed out that a variance would be required for the cul-de-sac since it is over 500 feet long. Mr. Rock explained that if this were a Single Family "A" District, the lots would have to be 93 feet to meet all the requirements, but these lots are based on the cluster zoning. He reiterated that the access easement was not on either neighbors' property, and only the Toth's driveway extended into the access portion of the property. He pointed out the trapezoid shaped area where the common area would be and explained that it would be 64 feet wide. There would be room for access to the green area behind the cul-de-sac lots. Mr. Brennan would like to see lot sizes listed. Mr. Tallon explained that, at this point, the developer only has to show the basic intent. Mr. Rock stated that sidewalks would fit easily in the 60 foot right of way. The members of the audience were asked to comment. Mrs. Toth, who lives beside the access drive, and had several concerns. She believed that the access easement was 22 feet wide, not 24. She looked at Cinnamon Woods and Gulf/Vista Homes. Cinnamon Woods has a dedicated road into the property (from Barton Road), they measured the existing property to the road there was 17.5 feet, to the street it was 28 feet. This road does not impinge on the residents of Barton Road. There will be 7 feet from her property to the private drive. Then they went to the Gulf/Vista which has an existing exit from the former golf course with a 19 foot, 10 inch exit and a 19 foot, 10 inch entrance, with a 15 foot divider. This road did not impinge on the residents on Canterbury, and is quite different than a 22 foot wide driveway. If this drive is going to service 39 homes, it is a street or a road. She checked the Orange Line, and found that 198 streets in North Olmsted had fewer than 39 homes. The traffic from these 39 homes will be driving by the side of her house, 7 foot off her driveway. She asked the members to consider the traffic from their neighbors and multiply it by 39. Since this will not be a dedicated road, the city will not pick up garbage, and she questioned if the garbage will be hauled out onto Butternut Ridge to be piled there, or are they going to have a private hauler. She was also questioned how snow plowing can be handled, since the road is only 22 feet wide, there would be no room to pile snow. She is concerned that a car could slide into her garage or property, or onto the property on the other side of the drive. She also is concerned about her grandchildren with a road right beside her property. She also understood that there were complaints from the residents of Cinnamon Woods and Gulf/Vista because they do not get city garbage pickup or snow removal. She wants this made clear to the people who buy there. She is also concerned that the trees on her property will be killed when this road is installed. If these trees are killed, is it her responsibility to have them cut down? If these trees die, it will take away all of their privacy, and they will only have a view of the road. She questioned if the "common ground" behind her house will be used for a recreation area, with tennis courts, etc. and would it spill over to her back yard. She was aware of how her neighbors close to the Butternut Ridge Road Apartments had been impacted with the people

playing tennis late at night. She wondered how this would impact on her. She remembered when Developers Diversified proposed putting in a K-Mart behind the cemetery, and how the residents had fought it. After that, the residents had Butternut Ridge Road declared as an Historic District. She wants no more variances, if this property is going to be developed, it should be developed as Single Family so the integrity of the neighborhood can be kept intact. If this proposal does go through she wants her rear and side property fenced in with a privacy fence, and is sure the neighbors on the other side would want that too. That would mean that this development would have access down a road that would be fenced in on both sides and it would be driving in a tunnel. Mr. Toth also noted that Mr. Rock had said that they infringed on his property, and they admit that their turn-around does encroach by 29 inches. He started to sue it off since it was mentioned and he was told not to do it. He noted that he has maintained this property for 22 years. He pointed out that during the rush hours traffic is backed up to I-480. He further stated that there was a fatality when a car drove from Fitch Road across Butternut Ridge Road into the property across the street, and indicated that this might happen here. He is also concerned about the impact the additional buildings will have on the water pressure and sewers. At this point Chairman Tallon advised a gentleman from audience, whom he believed was Mr. Delorenzo, to wait until the residents had finished speaking. This gentleman was Mr. Martindale, a resident, who owns three parcels. He explained that he bought the two extra parcels to keep something like this from happening in his area. He has lived in North Olmsted since 1957 and has watched the development in the community, however he stated that none of the remarks he was going to make were directed at this commission since he is not familiar with what they have done. He stated that he had seen some incredible development, which he believed were in three categories; cowardice, venality, and simple bad taste. He stated that every promise made to him has been broken. I-480 was moved from the original location and he watched it creep across the road and then closer and closer. Most developers have put things in around the edges, but this development has been dropped in the middle of a residential district. Within the last month, he received a notice from the School Board that there would be a meeting to discuss increasing the tax burden on his property. This hearing was postponed, but he had intended to resist this because of the "rabbit warren" that has been put up on the former North Olmsted Golf Course, which has devalued all the properties in the area and has made it impossible for him to get out of his driveway. He stated that when many people in this community decide to leave, they try to get their property re-zoned so they can get the major value out of it. He cannot believe that the commission would agree to put this in on Butternut Ridge Road and he intends to do everything he can to stop this development in the North Olmsted Historic District. He again stated that he did not intend his statements to be a personal insult against this commission. Mr. Crabs, a resident whose property abuts this property, noted that there was no representative of the Law Department. He advised that he had checked with two barristers, one of whom was a former law director in the greater Cleveland area, who believed that this was spot zoning; the second attorney had the same opinion. He did not believe that the commission should expose themselves and the other bodies in the city to such a risk. He, too, complained about the traffic and noted that it took him five minutes to get out of his driveway at 3:00 p.m. and stated that there is seldom a break in traffic, and if these 39 homes are occupied, it would be even worse. He stated that drainage is a problem and that this property drains toward his, and the city must see to it that the storm sewer drainage is taken care of adequately. If this is approved he would also want a 6 foot fence between his property and this development. He has horses and a lake and he does not want children from this development getting into his property. He questioned if the 55 foot diameter in the cul-de-sac was adequate for a fire truck and City Engineer Deichmann responded that a 55 foot radius would be adequate. He also questioned the 24 foot wide easement since he remembers a 22 foot easement. Mr. Rock and Mrs. Toth discussed this privately, but the conversation was not audible. Mr. Deichmann advised that 22 foot width would meet the requirement for access. Mr. Crabs

noted that there would have to be a sidewalk which must be taken away from the 22 foot width, and he, too, questioned where the snow could be piled from the 290 foot long drive. He was also concerned about the 48 inch sanitary sewer which has already over flowed and noted that adding 39 more families would create more problems. He believed that the green area in the front was a joke, and the green area in back is so steep, it cannot be used for anything, even a recreation area. He questioned if the rear parcels are part of this land or the golf course. The developers advised this was part of the property. Mr. Crabs stated that he had tried to buy this property from Mr. Biddulph many years ago, and he would not sell it because golfers hit balls in there, and go in to retrieve their balls; he maintained that this area was needed for a buffer. He concluded that this is spot zoning and wanted to put the commission on notice that this is what they will be talking about in the future, if this goes any further. He also believed that the spot zoning was even worse in an historic district. Councilman D. McKay advised that he had a cluster development in his ward and that a cluster development is nothing but problems. The Service Director advised him that there was not a snow day that went by that he did not get a complaint from a cluster development asking why the city was not plowing their snow. There have also been meetings protesting the fact that the city does not pick up their garbage since the owners of the cluster homes pay taxes. He noted that the cluster development's streets do not meet the city's specification, and there is an ordinance prohibiting picking up rubbish on private drives or when a street does not meet the requirements for road structure. He believed that it was only common sense not to put a cluster development in the middle of a class "A" Residential District. He stated that a solid wood fence would be fine, but it would not stop the noise, lights, or rubbish generated from these developments. He requested that the commission turn this down. He stated that the reason cluster zoning was included originally was to preserve green space and afford empty nesters a place where they could go without leaving North Olmsted. He noted that this commission turned down the Twin Lakes cluster development recently and this one is just as bad. Mr. Wyles, a resident who lives across the street, was concerned about safety of his children and the children who would move there. He believed that someone could get hurt in the narrow ally type drive that is fenced in on both sides. He was also concerned because this is an historic district, and they would hate to see the street change that much. Mr. Champa, a resident of Columbia Road, stated that there are so many issue involved here that he does not think that any thing should be built on this property. He too mentioned that the sanitary sewers had over flowed and raw sewage ended up in his basement. If more units are added and there is more damage to his house, he would hold people responsible. He, too, is concerned about the storm sewers since there are storm sewers on either side of his property and there will be extra water which will cause safety problems for children. If this is rezoned, he is concerned that two story units could be built on this property. Brian Gorris, a resident and a former member of planning commission, explained that he headed the committee to review and revise the Zoning Code at the time the Single Family Cluster Housing was included in the code in order to introduce some unique uses of land. There have only been about three proposals brought before the commission, and the only one that passed was the North Olmsted Golf Course. This proposal was accepted because the builder who purchased the golf course had advised that he could build tract housing there because it was zoned that way, however they preferred to save the golf course by using the Single Family, Cluster concept. At this time deed restriction were put in effect so that if the golf course was ever abandoned, this land would have to remain green area. He believed that under this agreement, both the city and the developer received something. He quoted from the code that there are three things stipulated for the intent of the Single Family, Cluster and he asked the commission to ask themselves if this proposal meets those standards: The creation of functional and interesting residential areas; the provision of varying arrangements of one-family dwellings; and a reasonable increase in residential density for areas well served by transportation and other community facilities. He questioned if this proposal meet these criteria and

asked that the commission make sure that it does. Mr. Bradford, who lives to the west of the easement, stated that his garage is 13 feet off this driveway. He thought that the developer stated that there would be a 60 foot driveway on a 22 foot piece of land which did not make sense, and he also questioned how all the utilities could be underneath this small piece of land. He has a copy of the map from Cuyahoga County which shows the back corner of this as being part of the golf course. He wondered when this transferred. Mr. Rock explained that when the golf course was transferred to the city, this property was excluded from the sale. Mr. Bradford asked if the city assumed that this was part of golf course. Mr. Crabs noted that this would be a landlocked parcel and that was illegal. Mr. Bradford did not know why this request was even being considered, 22 feet is not enough to do anything. He pointed out this is an historic district. He wondered how long the stakes that are on the property would be allowed to stay, they have been there for over a year. Someone from the audience asked if the planning commission had any opinion on this issue. Mr. Bradford repeated the question. Mr. Crabs asked to be heard again and stated that he understood that commission was considering this because they had to. He believed that there would be some philosophy behind the cluster development if there were some green area to support it, but the green area associated with this is a joke, and they could not use the golf course as their green area. He noted that the 22 foot driveway was intended to be used for a single home. He stated that the comprehensive plan was supposed to end all the re-zoning requests. There were no further comments from the audience.

Chairman Tallon made a motion for the Delorenzo Rezoning Request, a proposal to rezone permanent parcel nos. 236-23-017, 236-24-019 and 236-24-020 from existing "A" Residence Single District to Single Family Cluster District. Location is south off Butternut Ridge Road adjacent to Springvale Golf Club, to deny the rezoning request for Single Family Cluster in this district, since this proposal does not meet any of the intents of the Single Family Cluster District, the density is heavy for this area which is a Residential "A" area, the families in the area bought their homes and lived in the area and deserve to maintain that zoning which they have abutted for many years. The motion was seconded by T. Herbster, and unanimously approved.

A resident, speaking from the audience, questioned if single family homes could be built on this property. Mr. Tallon responded that, if it meets the requirements, the owner can apply for that. Mr. Deichmann explained that as of now, he could only build one house.

V. COMMUNICATIONS:

No items.

VI. COMMITTEE REPORTS:

No items.

VII. MINOR CHANGES:

No items.

VIII. NEW BUSINESS:

No items.

IX. OLD BUSINESS:

Mr. Herbster stated that after the last meeting for RiteAid, the commission did not vote on the issue of whether or not a variance should be granted so alcohol could be sold there. He would like to members

to vote on it now. Mrs. O'Rourke stated that the members were not told that they would sell alcohol and noted that the store would be 500 feet from a school. T. Herbster moved to ask the board of zoning appeals to deny the variance to sell alcohol at Rite Aid Drug Store on Lorain Road. The motion was seconded by K. O'Rourke, and unanimously approved.

X. ADJOURNMENT:

R. Tallon moved to excuse the absence of A. Manning, seconded by K. O'Rourke, and unanimously approved.

Chairman Tallon asked that a unanimous welcome back to Billie be included in the minutes.

The meeting was adjourned at 8:22 p.m.

R. Tallon, Chairman

B. Oring, Clerk of Commissions.

CITY OF NORTH OLMSTED
PLANNING COMMISSION
MINUTES - JULY 8, 1997

I. ROLL CALL:

Chairman Tallon called the meeting to order at 7:45 p.m.

Present: D. Cameron Alston, T. Brennan, T. Herbster, R. Koeth, K. O'Rourke, and R. Tallon

Absent: I. Manning

Also Present: City Engineer Deichmann and Clerk of Commissions Oring.

II. REVIEW AND CORRECTION OF MINUTES:

R. Tallon moved to approve the minutes of June 24, 1997, seconded by T. Brennan. Roll call on motion: Tallon, Brennan, Cameron Alston, Herbster, and Koeth. Mrs. O'Rourke abstained. Motion carried.

III. BUILDING DEPARTMENT REQUESTS:

No items.

IV. NEW DEVELOPMENTS AND SUBDIVISIONS:

1) Delorenzo Rezoning Request.

The proposal is to rezone permanent parcel nos. 236-23-017, 236-24-019 and 236-24-020 from existing "A" Residence Single District to Single Family Cluster District. Location is south off Butternut Ridge Road adjacent to Springvale Golf Club.

Mr. Rock, engineer, pointed out the highlighted area on the plans that they are requesting to rezone to single family cluster. He explained that the development area is just under 10 acres and the proposed rezoning would have 39 lots that would be developed for cluster homes; none of these units will be attached. There would be only four units per acre which is in line with the density requirements for class "A"; the smallest lot is a sixth of an acre with about a quarter of the lots being significantly larger and three of the lots around the cul-de-sac being substantially larger. The side setbacks would be in line with the class "A" requirements, with the main deviation being that the Single Family, Cluster would allow a shorter street setback, allow a more flexible design for the homes and make better use of the space. Under the cluster zoning, they could provide some common use area, which could not be done under the class "A" requirements. The house design is still in the preliminary stages, but will probably be between 1,500 and 2,000 square feet slab area with the options for basements, lofts, or second stories. After the property is rezoned, final plans would be prepared showing the elevations of the homes, and their positions on the lot. He had a rough sketch of one of the houses. The roadways within the development will be constructed under the city's requirements for dedicated streets, as opposed to the less stringent requirement for cluster district. All utilities will be underground. The projected cost for each unit is between \$200,000 and \$250,000 and the homes will blend and be in a similar style. If the rezoning is approved the covenants for the deed and the by-laws for the home owners' association would be submitted to the commission and the Law Director. In addition to the strict requirements of the covenants of the deeds and by-laws, they intend to provide a separate summary sheet that outlines the basic requirements that are included in the covenants to each purchaser in an affidavit form that would make them aware of all the requirements of a private development. All maintenance and repair

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M.R. CROSS

services would be provided by the home owners' association as opposed to the class "A" which would have to be done by the city. In response to the members' questions, Mr. Rock clarified that this initial phase is phase one, and the development of the homes would be considered phase 2 but this would be a single development. He explained that the basic lots would be 139 feet by 50 feet as shown in the notes on the plan, but the sizes of the larger lots at the end of the roadway are not shown. The common area is in front where the roadway widens out from the entranceway and in the back beyond the cul-de-sac there are two acres which will be dedicated to the development. Walkways to this area will be indicated later. The entrance way is 24 feet and the drive will be 18 feet as required. He was not sure how close the driveway would be to the homes on either side of the drive. Retention will be underground and will be restricted and go to the creek in the back. Mr. Herbster noted that there were many unanswered questions about sidewalks, right of way, and he did not think the commission could decide upon the plan without that information. Mr. Rock stated that this was merely the preliminary plan for rezoning, and final plans can be presented if the property is rezoned. He clarified that there was only one road accessing these homes, and that this access road was part of the property. Mr. Rock did not think any variances would be needed, but Chairman Tallon pointed out that a variance would be required for the cul-de-sac since it is over 500 feet long. Mr. Rock explained that if this were a Single Family "A" District, the lots would have to be 93 feet to meet all the requirements, but these lots are based on the cluster zoning. He reiterated that the access easement was not on either neighbors' property, and only the Toth's driveway extended into the access portion of the property. He pointed out the trapezoid shaped area where the common area would be and explained that it would be 64 feet wide. There would be room for access to the green area behind the cul-de-sac lots. Mr. Brennan would like to see lot sizes listed. Mr. Tallon explained that, at this point, the developer only has to show the basic intent. Mr. Rock stated that sidewalks would fit easily in the 60 foot right of way. The members of the audience were asked to comment. Mrs. Toth, who lives beside the access drive, and had several concerns. She believed that the access easement was 22 feet wide, not 24. She looked at Cinnamon Woods and Gulf/Vista Homes. Cinnamon Woods has a dedicated road into the property (from Barton Road), they measured the existing property to the road there was 17.5 feet, to the street it was 28 feet. This road does not impinge on the residents of Barton Road. There will be 7 feet from her property to the private drive. Then they went to the Gulf/Vista which has an existing exit from the former golf course with a 19 foot, 10 inch exit and a 19 foot, 10 inch entrance, with a 15 foot divider. This road did not impinge on the residents on Canterbury, and is quite different than a 22 foot wide driveway. If this drive is going to service 39 homes, it is a street or a road. She checked the Orange Line, and found that 198 streets in North Olmsted had fewer than 39 homes. The traffic from these 39 homes will be driving by the side of her house, 7 foot off her driveway. She asked the members to consider the traffic from their neighbors and multiply it by 39. Since this will not be a dedicated road, the city will not pick up garbage, and she questioned if the garbage will be hauled out onto Butternut Ridge to be piled there, or are they going to have a private hauler. She was also questioned how snow plowing can be handled, since the road is only 22 feet wide, there would be no room to pile snow. She is concerned that a car could slide into her garage or property, or onto the property on the other side of the drive. She also is concerned about her grandchildren with a road right beside her property. She also understood that there were complaints from the residents of Cinnamon Woods and Gulf/Vista because they do not get city garbage pickup or snow removal. She wants this made clear to the people who buy there. She is also concerned that the trees on her property will be killed when this road is installed. If these trees are killed, is it her responsibility to have them cut down? If these trees die, it will take away all of their privacy, and they will only have a view of the road. She questioned if the "common ground" behind her house will be used for a recreation area, with tennis courts, etc. and would it spill over to her back yard. She was aware of how her neighbors close to the Butternut Ridge Road Apartments had been impacted with the people

playing tennis late at night. She wondered how this would impact on her. She remembered when Developers Diversified proposed putting in a K-Mart behind the cemetery, and how the residents had fought it. After that, the residents had Butternut Ridge Road declared as an Historic District. She wants no more variances, if this property is going to be developed, it should be developed as Single Family so the integrity of the neighborhood can be kept intact. If this proposal does go through she wants her rear and side property fenced in with a privacy fence, and is sure the neighbors on the other side would want that too. That would mean that this development would have access down a road that would be fenced in on both sides and it would driving in a tunnel. Mr. Toth also noted that Mr. Rock had said that they infringed on his property, and they admit that there turn-around does encroach by 29 inches. He started to saw it off since it was mentioned and he was told not to do it. He noted that he has maintained this property for 22 years. He pointed out that during the rush hours traffic is backed up to I-480. He further stated that there was a fatality when a car drove from Fitch Road across Butternut Ridge Road into the property across the street, and indicated that this might happen here. He is also concerned about the impact the additional buildings will have on the water pressure and sewers. At this point Chairman Tallon advised a gentleman from audience, whom he believed was Mr. Delorenzo, to wait until the residents had finished speaking. This gentleman was Mr. Martindale, a resident, who owns three parcels. He explained that he bought the two extra parcels to keep something like this from happening in his area. He has lived in North Olmsted since 1957 and has watched the development in the community, however he stated that none of the remarks he was going to make were directed at this commission since he is not familiar with what they have done. He stated that he had seen some incredible development, which he believed were in three categories; cowardice, venality, and simple bad taste. He stated that every promise made to him has been broken. I-480 was moved from the original location and he watched it creep across the road and then closer and closer. Most developers have put things in around the edges, but this development has been dropped in the middle of a residential district. Within the last month, he received a notice from the School Board that there would be a meeting to discuss increasing the tax burden on his property. This hearing was postponed, but he had intended to resist this because of the "rabbit warren" that has been put up on the former North Olmsted Golf Course, which has devalued all the properties in the area and has made it impossible for him to get out of his driveway. He stated that when many people in this community decide to leave, they try to get their property re-zoned so they can get the major value out of it. He cannot believe that the commission would agree to put this in on Butternut Ridge Road and he intends to do everything he can to stop this development in the North Olmsted Historic District. He again stated that he did not intend his statements to be a personal insult against this commission. Mr. Crabs, a resident whose property abuts this property, noted that there was no representative of the Law Department. He advised that he had checked with two barristers, one of whom was a former law director in the greater Cleveland area, who believed that this was spot zoning; the second attorney had the same opinion. He did not believe that the commission should expose themselves and the other bodies in the city to such a risk. He, too, complained about the traffic and noted that it took him five minutes to get out of his driveway at 3:00 p.m. and stated that there is seldom a break in traffic, and if these 39 homes are occupied, it would be even worse. He stated that drainage is a problem and that this property drains toward his, and the city must see to it that the storm sewer drainage is taken care of adequately. If this is approved he would also want a 6 foot fence between his property and this development. He has horses and a lake and he does not want children from this development getting into his property. He questioned if the 55 foot diameter in the cul-de-sac was adequate for a fire truck and City Engineer Deichmann responded that a 55 foot radius would be adequate. He also questioned the 24 foot wide easement since he remembers a 22 foot easement. Mr. Rock and Mrs. Toth discussed this privately, but the conversation was not audible. Mr. Deichmann advised that 22 foot width would meet the requirement for access. Mr. Crabs

noted that there would have to be a sidewalk which must be taken away from the 22 foot width and he too, questioned where the snow could be piled from the 290 foot long drive. He was also concerned about the 48 inch sanitary sewer which has already over flowed and noted that adding 30 more families would create more problems. He believed that the green area in the front was a joke, and the green area in back is so steep, it cannot be used for anything, even a recreation area. He questioned if the rear parcels are part of this land or the golf course. The developers advised this was part of the property. Mr. Crabs stated that he had tried to buy this property from Mr. Biddulph many years ago, and he would not sell it because golfers hit balls in there, and go in to retrieve their balls; he maintained that this area was needed for a buffer. He concluded that this is spot zoning and wanted to put the commission on notice that this is what they will be talking about in the future, if this goes any further. He also believed that the spot zoning was even worse in an historic district. Councilman D. McKay advised that he had a cluster development in his ward and that a cluster development is nothing but problems. The Service Director advised him that there was not a snow day that went by that he did not get a complaint from a cluster development asking why the city was not plowing their snow. There have also been meetings protesting the fact that the city does not pick up their garbage since the owners of the cluster homes pay taxes. He noted that the cluster development's streets do not meet the city's specification, and there is an ordinance prohibiting picking up rubbish on private drives or when a street does not meet the requirements for road structure. He believed that it was only common sense not to put a cluster development in the middle of a class "A" Residential District. He stated that a solid wood fence would be fine, but it would not stop the noise, lights, or rubbish generated from these developments. He requested that the commission turn this down. He stated that the reason cluster zoning was included originally was to preserve green space and afford empty nesters a place where they could go without leaving North Olmsted. He noted that this commission turned down the Twin Lakes cluster development recently and this one is just as bad. Mr. Wyles, a resident who lives across the street, was concerned about safety of his children and the children who would move there. He believed that someone could get hurt in the narrow ally type drive that is fenced in on both sides. He was also concerned because this is an historic district, and they would hate to see the street change that much. Mr. Champa, a resident of Columbia Road, stated that there are so many issue involved here that he does not think that any thing should be built on this property. He too mentioned that the sanitary sewers had over flowed and raw sewage ended up in his basement. If more units are added and there is more damage to his house, he would hold people responsible. He, too, is concerned about the storm sewers since there are storm sewers on either side of his property and there will be extra water which will cause safety problems for children. If this is rezoned, he is concerned that two story units could be built on this property. Brian Gorris, a resident and a former member of planning commission, explained that he headed the committee to review and revise the Zoning Code at the time the Single Family Cluster Housing was included in the code in order to introduce some unique uses of land. There have only been about three proposals brought before the commission, and the only one that passed was the North Olmsted Golf Course. This proposal was accepted because the builder who purchased the golf course had advised that he could build tract housing there because it was zoned that way, however they preferred to save the golf course by using the Single Family Cluster concept. At this time decisions were put in effect so that if the golf course was ever abandoned, this land would have to remain green area. He believed that under this agreement both the city and the developer received something. He quoted from the code that there are three things stipulated for the intent of the Single Family Cluster and he asked the commission to ask themselves if this proposal meets those standards: The creation of functional and interesting residential areas; the provision of varying arrangements of one-family dwellings; and a reasonable increase in residential density for areas well served by transportation and other community facilities. He questioned if this proposal meet these criteria and

asked that the commission make sure that it does. Mr. Bradford, who lives to the west of the easement, stated that his garage is 13 feet off this driveway. He thought that the developer stated that there would be a 60 foot driveway on a 22 foot piece of land which did not make sense, and he also questioned how all the utilities could be underneath this small piece of land. He has a copy of the map from Cuyahoga County which shows the back corner of this as being part of the golf course. He wondered when this property was transferred. Mr. Rock explained that when the golf course was transferred to the city, this property was excluded from the sale. Mr. Bradford asked if the city assumed that this was part of golf course. Mr. Crabs noted that this would be a landlocked parcel and that was illegal. Mr. Bradford did not know why this request was even being considered, 22 feet is not enough to do anything. He pointed out this is an historic district. He wondered how long the stakes that are on the property would be allowed to stay, they have been there for over a year. Someone from the audience asked if the planning commission had any opinion on this issue. Mr. Bradford repeated the question. Mr. Crabs asked to be heard again and stated that he understood that commission was considering this because they had to. He believed that there would be some philosophy behind the cluster development if there were some green area to support it, but the green area associated with this is a joke, and they could not use the golf course as their green area. He noted that the 22 foot driveway was intended to be used for a single home. He stated that the comprehensive plan was supposed to end all the re-zoning requests. There were no further comments from the audience.

Chairman Tallon made a motion for the Delorenzo Rezoning Request, a proposal to rezone permanent parcel nos. 236-23-017, 236-24-019 and 236-24-020 from existing "A" Residence Single District to Single Family Cluster District. Location is south off Butternut Ridge Road adjacent to Springvale Golf Club, to deny the rezoning request for Single Family Cluster in this district, since this proposal does not meet any of the intents of the Single Family Cluster District, the density is heavy for this area which is a Residential "A" area, the families in the area bought their homes and lived in the area and deserve to maintain that zoning which they have abutted for many years. The motion was seconded by T. Herbster, and unanimously approved.

A resident, speaking from the audience, questioned if single family homes could be built on this property. Mr. Tallon responded that, if it meets the requirements, the owner can apply for that. Mr. Deichmann explained that as of now, he could only build one house.

V. COMMUNICATIONS:

No items.

VI. COMMITTEE REPORTS:

No items.

VII. MINOR CHANGES:

No items.

VIII. NEW BUSINESS:

No items.

IX. OLD BUSINESS:

Mr. Herbster stated that after the last meeting for RiteAid, the commission did not vote on the issue of whether or not a variance should be granted so alcohol could be sold there. He would like to members

to vote on it now. Mrs. O'Rourke stated that the members were not told that they would sell alcohol and noted that the store would be 500 feet from a school. T. Herbster moved to ask the board of zoning appeals to deny the variance to sell alcohol at Rite Aid Drug Store on Lorain Road. The motion was seconded by K. O'Rourke, and unanimously approved.

X. ADJOURNMENT:

R. Fallon moved to excuse the absence of A. Manning, seconded by K. O'Rourke, and unanimously approved.

Chairman Tallon asked that a unanimous welcome back to Billie be included in the minutes.

The meeting was adjourned at 8:22 p.m.

R. Tallon, Chairman

B. Oring, Clerk of Commissions.