

Olmsted Township Zoning Commission
Resolution C-13
Willow Grove Condominiums

WHEREAS, on July 18, 2013, the Zoning Commission of Olmsted Township, Ohio considered Application No. 20130472, submitted by Willow Grove, Ltd., for the development of 202 Townhomes on parcels on Bagley Road between the Olmsted Falls high schools and middle schools ; and

WHEREAS the Zoning Commission recommended denial of the plan as submitted by Willow Grove, Ltd. and considered on June 27, 2013 and July 18, 2013; and

WHEREAS, the Zoning Commission is authorized to make findings of fact in connection with its determination to recommended denial of Application No 20130472;

NOW, THEREFORE, pursuant to authority granted to it to make findings in connection with its decision to deny Application No. 20130472, the Zoning Commission hereby makes the following findings:

1. The only application submitted by Willow Grove, Ltd. was an application for a Zoning Certificate, which was filed on June 3, 2013. The application, which was not amended, indicates that the project consists of four parcels: 263-07-001; 263-07-004; 263-02-002; and 263-02-001;
2. Also submitted on June 3, 2013, was a set of plans, three pages in length. The Plans submitted on June 3, 2013, failed to include an existing residential structure which sits just to the east of the proposed development. The owner of that property appeared at the meeting of June 27, 2013 and complained about flooding which he had experienced on this property.
3. The June 3, 2013 Plans contain the following statement with respect to existing zoning regulations in the RMF-T zoning classification:
 - (a) Pavement Width: 22'
 - (b) Building Setbacks: 35' from pavement; 20' from parking.
4. The June 3, 2013 Plans were subsequently amended, and submitted to the Zoning Commission, dated July 15, 2013. In addition to the addition of the structure to the east which had been omitted, the statement of existing zoning regulations was changed. In particular, whereas the original plans evidenced the proper setback from the street of 35', the amended plans claimed that the setback from the street was 25'.

5. The Plans, as amended, were discussed at the July 18, 2013 meeting of the Zoning Commission. As submitted for consideration at that meeting, the Plans contained numerous, substantial defects, including the following:

(a) The proposed development, as submitted for consideration on July 18, 2013, was for a series of unconsolidated lots, identified by permanent parcel number on the Plans, as amended. Although the Applicant indicated that the Plan was for the development of a single lot, no evidence was submitted to the Commission that the lots had been consolidated. As of the date of the July 18, 2013 hearing, the lots had still not been consolidated.

(b) The Plans do not accurately reflect the location of wetlands behind the existing foundations on the south side of the main entrance. Chairman Gareau indicated that he personally measured the distance between the back of the foundation and the presence of wetlands vegetation. The distance was less than ten feet. When asked whether the existing foundations would be used, the Applicant responded in the affirmative. The Application acknowledged that no wetlands study had been undertaken on the property in the last several years (since the Plans were originally drawn in 2004). The Commission finds that the Amended Plans do not accurately reflect the presence of wetlands in relation to structures to be built.

(c) (1) The Plans do not contain topographical maps showing both existing and proposed grading contours. Although the Plans contain proposed elevations, they do not contain existing elevations. When asked at the July 18, 2013 meeting to identify where on the Amended Plans the existing elevations were located, the Applicant pointed to the very faint gray lines on the map, which do not actually contain elevations, making them worthless for determining the change to the existing land and the impact on surrounding properties.

(2) The Plans do not contain buffers as required between the houses on the south property line, and the turnpike. The turnpike sits within a R zoning district.

(d) The main street, near the entrance, is proposed to be built just 14 feet from the property line, and approximately 37 feet from the existing residential structure sitting on the property to the east of the proposed main entrance. The street is located well within the 50 foot side yard. In addition, the buffering required between this proposed development and the property to the east of the main entrance is required to be 10 feet, meaning there will be just two feet between the main street entrance and the buffering, and two feet between the abutting property line and the buffering. The Commission finds that the main street entrance, as designed, violates the 50 foot side yard requirement contained within the Olmsted Township Zoning Resolution; makes required buffering impractical or impossible, and is inconsistent with the plan for the orderly development of the Township.

(e) Several of the proposed parking spots on the east side of the street across from the existing foundations, and by the mail kiosk, are less than 30 feet from the boundary with the R district to the east. Section 230.08 of the Zoning Resolution requires a distance of 30 feet between parking and any abutting property in an R district. The Plans, therefore, violate the Zoning Resolution.

(f) The pool did not contain a fence, as required.

(g) The proposed pool is a conditional use, and as such must comply with the requirements of 270.04 of the Zoning Resolution. The front building setback for a pool is 75 feet. The proposed pool is less than 75 feet from the street, in violation of Section 270.04 of the Zoning Resolution. In addition, the pool is less than 75 feet from the property line to the west, also in violation of the 75 ft. side/rear setback requirements contained in Section 270.04.

(h) Streets. The Commission finds that the street width contained on the Plans is inconsistent with the Zoning Resolution and fails to adequately provide for safe and efficient vehicular traffic, including emergency vehicles.

Section 230.11 of the Zoning Resolution states the following with respect to streets and driveways within an RMF district:

Streets and Driveways. All streets and driveways in an RMF development shall be paved with asphaltic or Portland cement concrete. The minimum pavement width shall be:

- (1) Major Development streets – 26 feet,
- (2) Minor streets – 22 feet
- (3) Driveways – 8 feet per lane.

The Commission finds that the proposed development is within an RMF district, and as such the requirements of Section 230.11 apply.

The Zoning Resolution defines a major street as a “street, also known as a collector, which primarily carries traffic from local to arterial streets, including the principal entrance and circulation rounds within residential subdivisions.” Zoning Resolution, Section 110.02(b)(96). The definition of “major street” is not limited to just “residential subdivisions,” because (i) 230.11 applies to “all streets and driveways *in an RMF development* [not limited to subdivisions] and (b) the word “including” does not limit the definition, but is merely illustrative of the type of street considered a “major street.” Accordingly, “any street which primarily carries traffic from local to arterial streets” is a major street under the Zoning Resolution.

The Commission finds that the streets within the proposed development are major streets, and as such are required to be 26 feet wide. This requirement applies, specifically, to the main street running throughout the development.

Although Applicant attempted to comply with the Zoning Resolution by making the street 26 feet wide from the entrance off of Bagley to the first intersection, on the revised Plans, the streets should have been made 26 feet throughout the development. Because the streets, as designed, are only 22 feet wide (with the exception of the street from Bagley to the first intersection), they are inconsistent with the Zoning Resolution.

The Commission notes that two stub streets on the south end of the development are only 19 feet wide, which is inconsistent with both the Zoning Resolution, and with the statement of street widths contained on the Applicant's revised plans.

(i) The front yard setback. Applicant originally acknowledged a 35 foot front yard setback on its plans. When it amended its Plans, it shortened each front yard to 25 feet. The Commission finds that a 25 foot front yard, inclusive of a sidewalk (likely to be covered by cars parked in the driveway), is inconsistent with the Zoning Resolution, that the Applicant's original plans accurately stated the front yard requirement, and that the short distance between the street and the front of each residence will interfere with pedestrian traffic using the sidewalk.

(j) The Commission finds that 8 parking spots for a community pool to service 202 units is inadequate and will cause residents to park on the street, impeding traffic thereon. The Commission notes that those same parking spots are also to be used for the Community Center. The 8 parking spaces proposed for both the pool and the community center violate the requirements of Section 310.04(e)(11) and (h)(2).

(k) Despite request by the Commission, the Applicant failed and/or refused to provide evidence of a permit from the Army Corps of Engineers concerning the wetlands surrounding the proposed development.

Based upon these findings, it is the conclusion of the Zoning Commission for Olmsted Township that:

(1) The proposed development is inconsistent with the requirements of the Olmsted Township Zoning Resolution in effect at the time of application submission;

(2) The proposed development is inconsistent with plan for the orderly development of the Township;

(3) The proposed development fails to provide for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;

(4) The development fails to preserve and be sensitive to the natural characteristics of the site in a manner which is in compliance with the applicable regulations set forth in the Olmsted Township Zoning Resolution; and

(5) The proposed development fails to provide for storm drainage within and throughout the site so as to maintain, as far as practicable, usual and normal swells, water courses and drainage areas, and fails to comply with the applicable regulations in the Olmsted Township Zoning Resolution;

Based up on the foregoing, and for the reasons stated herein, the Zoning Commission recommends that Application No 20130472 be denied by the Olmsted Township Board of Trustees.

On a motion of Mr. McMakin Seconded by Ms. Barstow
The findings of fact were approved.

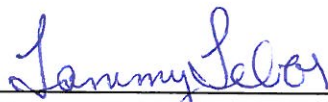
Ayes: Barstow, Campanale, Hirsch, McMakin, Gareau

Nays: _____

Absent: Dobies

8-22-2013
Date


David M. Gareau, Chairman


Tammy Tabor, Secretary