

BRUNSWICK CITY PLANNING & ZONING COMMITTEE

Agenda **MAY 22, 2017** **6:45 PM**

1. Discussion Items
 - (a) **ORD. NO. 38-17** - An ordinance approving the preliminary subdivision plan for the Fairways Subdivision Phase 8 subject to the conditions recommended by the Planning Commission and any other conditions imposed by Council - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)
2. General Discussion
3. Adjournment

MAYOR
RON FALCONI

CITY OF BRUNSWICK

COUNCIL
MICHAEL J. ABELLA, JR
ANTHONY P. CAPRETTA
NICHOLAS HANEK
PATRICIA HANEK
ALEX V. JOHNSON
BRIAN K. OUSLEY
JOSEPH SALZGEBER

ACTING CITY MANAGER
CARL S. DEFOREST

May 8, 2017

Jim O'Connor
Drees Homes
6860 West Snowville Road
Suite 105
Brecksville, OH 44141

RE: The Fairways Subdivision – Phase 8
LaCosta Circle & Player Court

Dear Mr. O'Connor:

The Brunswick City Planning Commission, at their meeting on May 4, 2017, voted to **recommend approval** to City Council of the preliminary subdivision plan, home models, and amended conditional zoning certificate (copy attached), subject to the following:

1. The Board of Zoning Appeals, at their meeting on February 28, 2017, granted variances to allow nine lots (Sublots 1, 4, 5, 6, 7, 8, 9, 11, and 12) to have less than the minimum 0.5-acre (21,780 sq. ft.) lot size required by Section 1252.05(a). Additionally, the Board granted variances on Sublots 1 through 16 to allow a lot width of 75', where Section 1252.05(b) requires a minimum width of 100'; and to allow a rear yard setback of 25', where Section 1252.05(e) requires a minimum of 45'. The proposed lot sizes and setbacks are in keeping with the dimensions of the other seven phases of the subdivision.
2. The following home models have been approved for Phase 8: Elevation "A" of the "Fairborn", "Northwood", "Buchanan", "Celestial", "Rowan", "Harper", and "Lyndhurst"; and Elevation "B" of the "Belleville", which shall have a minimum size of 2,731 sq. ft. ranging to 3,549 sq. ft.



4095 CENTER ROAD - BRUNSWICK, OHIO 44212

CITY HALL PHONE: (330) 225-9144 - FAX: (330) 273-8023 - POLICE & FIRE PHONE: (330) 225-9111 - FAX: (330) 225-6002
<http://www.brunswick.oh.us>

3. The Planning Commission has granted a variance to Sections 1230.01(a)(E) and 1230.01(b)(6)(A), (B), and (C) of the Subdivision Regulations, regarding the installation of street trees. As the other phases of the subdivision do not have street trees, other than those planted by individual homeowners, the Commission as permitted by Section 1222.07, has made the following findings:
 - (a) Finds that unusual topographical or exceptional physical conditions exist, due to the cul-de-sac, staggered front setbacks of the homes, curved road, and that the property is partially impacted by a riparian zone.
 - (b) Finds that strict compliance with these Regulations would create an extraordinary hardship as a result of exceptional conditions, as stated above in Section (a).
 - (c) Permits any modification of these Regulations only to the extent necessary to remove the extraordinary hardship, whereby the same amount of trees will be installed in Phase 8, but will be planted in the individual lot yards, instead of the street right-of-way. In accordance with Item 27 of the original conditional zoning certificate (copy attached) dated February 3, 1994, two trees shall be provided in the front yard outside of the street right-of-way.
 - (d) Finds that any modification granted will not be detrimental to the public interest nor in conflict with the intent and purpose of these Regulations.
 - (e) Requires such other conditions to be met by the proposed plan or plat as the Commission may find necessary to accomplish the purposes of these Regulations when modified; i.e., the same amount of trees will be planted, as stated in Section (c) above.
 - (f) The above modification must be noted on the plat submitted to City Council.
4. A crossing at the riparian zone on LaCosta Circle shall be provided on the preliminary subdivision plan, subject to engineering approval.

Pursuant to Section 1224.04(d)(4) of the Subdivision Regulations, three readings before City Council of the proposed legislation is required. The first reading is scheduled for Monday, May 22, 2017. Please contact Barb Ortiz, Clerk of Council, at (330) 558-6845 for meeting times.

Please **sign and return** the enclosed amended conditional zoning certificate; a copy will be sent to you after Planning Commission signatures have been obtained.

If you have any questions, please contact me at (330) 558-6865.

Sincerely,



Pamela Plavecski,
Planning & Zoning Coordinator

Enc.

c: City Council
Carl DeForest, Acting City Manager
Ken Fisher, Law Director
Grant Aungst, Community & Economic Dev. Director
Matt Jones, Consulting City Engineer
Cliff Calaway, Chief Building Official

**AMENDED
CONDITIONAL ZONING CERTIFICATE
CITY OF BRUNSWICK**

NO. 20170029

PROJECT NAME: The Fairways – Phase 8

NAME OF PROPERTY OWNER: Richard Coots

NAME OF APPLICANT - IF DIFFERENT: Drees Homes

LOCATION AND ADDRESS OF PROPERTY: LaCosta Circle and Player Court

extensions, PP # 003-18C-03-168
(Address or Description)

ZONING DISTRICT IN WHICH PROPERTY IS LOCATED: R-L

DATE OF ISSUE: May 4, 2017 **TIME LIMIT:** Section 1274.06(b)

CONDITIONALLY PERMISSIBLE USE: Planned Unit Development, with exception that Phase 8 will be developed in the R-L District subject to variances granted by BZA.

GENERAL CONDITIONS TO BE COMPLIED WITH:

1. The proposed use shall be harmonious with the existing or intended community character of the neighborhood.
2. The proposed use shall not have an adverse impact on the use of adjacent property or the community as a whole.
3. The proposed use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sewer, or schools.
4. The proposed use shall be in accord with the general and specific objectives of the Zoning Code and Comprehensive Plan, and any other applicable plans and ordinances of the City of Brunswick.
5. The proposed use shall be consistent with a use specifically listed as a conditionally permitted use in the zoning district in which it is proposed to be located.
6. The site plan, as signed by the Planning Commission and the applicant, shall be part of the conditional zoning certificate.

CONDITIONAL ZONING CERTIFICATE (cont.)

PROJECT NAME: The Fairways – Phase 8

NO. 20170029

PAGE 2 of 2

**SPECIFIC CONDITIONS TO BE COMPLIED WITH:
(attach separate sheets if necessary)**

AMENDMENT TO CONDITIONAL ZONING CERTIFICATE NO. 1124-94 DATED
FEBRUARY 3, 1994.

1. Regarding the park, basketball courts, and playground equipment that were required to be installed prior to Phase 8, as stated in the 2006 approval, the Fairways Homeowners Association understands Drees Homes does not own the property where the park and recreation improvements were proposed. Therefore, these recreation improvements will not be installed by Drees Homes.
2. The Board of Zoning Appeals, at their meeting on February 28, 2017, granted variances to allow nine lots (Sublots 1, 4, 5, 6, 7, 8, 9, 11, and 12) to have less than the minimum 0.5-acre (21,780 sq. ft.) lot size required by Section 1252.05(a). Additionally, the Board granted variances on Sublots 1 through 16 to allow a lot width of 75', where Section 1252.05(b) requires a minimum width of 100'; and to allow a rear yard setback of 25', where Section 1252.05(e) requires a minimum of 45'. The proposed lot sizes and setbacks are in keeping with the dimensions of the other seven phases of the subdivision.
3. The Planning Commission grants a variance to the Subdivision Regulations of the Codified Ordinances of the City of Brunswick due to unusual and exceptional factors or conditions that require such modifications, and the Commission finds, pursuant to Section 1222.07(a) through (f), that the requirements of the variance and conditions have been met.

The applicant and/or owner do(es) hereby agree to the conditional use of the above described property subject to the provisions of the Brunswick Zoning Ordinance and to the conditions herein specified.

THIS CERTIFICATE IS AUTOMATICALLY REVOKED IF ANY OF THE CONDITIONS SPECIFIED HERE ARE NOT MET.

Applicant's Signature

Date

Owner's Signature, if different

Date

Planning Commission Chairman

Date

Planning Commission Secretary

Date

PROJECT NAME: The Fairways

PAGE 6 of 6

SPECIFIC CONDITIONS TO BE COMPLIED WITH:
(attach separate sheets if necessary)

AMENDMENTS APPROVED SEPTEMBER 20, 2001

Condition 22 is amended as follows:

22. The recreation fee required by this subdivision by Chapter 1232 is \$288 per single family lot, as shown on attached Exhibit A. This fee includes the full two-thirds credit for private recreation credits. Prior to approval of the Phase II plat, the Planning Commission shall approve site plans for the recreation improvements. The clubhouse, as shown on the approved site plans, shall be completed and available for occupancy by December 25, 1997. The pool adjacent to the clubhouse shall be completed and available for use by May 30, 1998. The developer shall provide a letter of credit or cash deposit equal to 100 per cent of the projected cost of the clubhouse, pool and related improvements if the December 25, 1997 and May 30, 1998 dates are not met. ~~The recreation improvements near the southwest corner of the subdivision shall be installed with the Phase VIII improvements.~~ Excess credits may be applied to the proposed multiple family units, up to the two-thirds maximum. Fees for the remaining lots may be increased if audited construction costs are less than the full credits shown on Exhibit A.

Condition 22a is approved as follows:

- 22a. The site plan for the recreation area located west of the clubhouse and pool is approved on this date. The improvements on this plan shall be installed prior to Planning Commission action on the plat for Phase 8 of the Fairways Subdivision.

The applicant and/or owner do(es) hereby agree to the conditional use of the above described property subject to the provisions of the Brunswick Zoning Ordinance and to the conditions herein specified.

THIS CERTIFICATE IS AUTOMATICALLY REVOKED IF ANY OF THE CONDITIONS SPECIFIED HERE ARE NOT MET.

T H M Ent Inc
Applicant's Signature

Alan R. Wolf 9/25/01
Planning Commission Chairman

9/25/01
Date

[Signature]
Owner's Signature, if different

Marsha J. Pappalardo
Planning Commission Secretary

9-25-01.

CONDITIONAL ZONING CERTIFICATE
BRUNSWICK, OHIO

Amended 7-11-96

NO. 1124-94

Project Name: The Fairways

Name of property owner: THM Enterprise Inc.

Name of applicant - if different: --

Location and address of property: west of Rte. 42, across from Neura Park

(Address or Description)

Zoning District in which property is located: R-3

Date of issue: February 3, 1994 Time limit: None

Conditionally permissible use: Planned Unit Development

GENERAL CONDITIONS TO BE COMPLIED WITH:

1. Will be harmonious with and in accordance with the general objectives or with any specific objective of the City of Brunswick Land Use and Thoroughfare Plan of current adoption.
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
3. Will not be hazardous or disturbing to existing or future neighboring uses.
4. Will not be detrimental to property in the immediate vicinity or to the community as a whole.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
6. All structures, roads, and utilities shall be in compliance with the City of Brunswick Subdivision Regulations, the Board of Health Standards, and the City Building Code.
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

PROJECT NAME: The FairwaysPAGE 2 of 4SPECIFIC CONDITIONS TO BE COMPLIED WITH:
(attach separate sheets if necessary)

8. The preliminary subdivision plan as signed by the Planning Commission, City Council and the applicant shall be part of this conditional zoning certificate.
9. The developer shall comply with all applicable requirements of Title 12 of the Codified Ordinances, including the improvement specifications in Chapter 1230, the requirements of the Storm Water Drainage Manual, the construction agreement and the construction guarantee.
10. The developer shall comply with the erosion control recommendations of the Medina County Soil and Water Conservation District.
11. Upon completion of all improvements, or no later than October 1st of each construction year, any land that has been disturbed must be seeded or mulched to avoid erosion.
12. A two-car garage and paved driveway are required for each single family lot. All driveways exiting directly to Center Road (S.R. 303) shall include a turn-around with a minimum depth of 17 feet per Section 1273.06
13. The developer shall install street lights at each intersection. Street light locations and details shall be shown on the construction plans approved by the City Engineer.
14. Each lot shall include a yard light.
15. Lots shall be surveyed and pinned by the building permit holder for each lot.
16. There shall be a minimum of three different home designs.
17. Underground utilities shall be required.
18. Except for Phase I, the front setbacks shall vary between 35 and 45 feet, to maintain an average of 40 feet, for each phase of the subdivision. On straight street sections, not more than three adjacent setbacks shall be the same.
19. The deeds for lots with frontage on Center Road shall include a statement that these lots may in the future be subject to assessments for improvement of Center Road. Sidewalks shall be required for the lots with frontage on Center Road.

PROJECT NAME: The FairwaysPAGE 3 of 4SPECIFIC CONDITIONS TO BE COMPLIED WITH:
(attach separate sheets if necessary)

20. The retention basin adjacent to lots 18-20 shall be part of the Phase I improvements. This basin shall be covered by an easement in favor of the homeowners' association.
21. It is the intent of the Planning Commission and City Council in approving this subdivision that there shall be properly designed and improved private recreation areas in this development. The recreation areas shall be owned by an association with mandatory membership by all lot owners and owners of the multiple family units. All covenants and declarations for the association shall be approved by the Law Director and recorded when the Phase I plat is recorded.
22. The recreation fee required by this subdivision by Chapter 1232 is \$288 per single family lot, as shown on attached Exhibit A. This fee includes the full two-thirds credit for private recreation credits. Prior to approval of the Phase II plat, the Planning Commission shall approve site plans for the recreation improvements. The recreation improvements located north of Muirfield Avenue, as shown on the approved site plans, shall be constructed with the Phase IV subdivision improvements; the recreation improvements near the southwest corner of the subdivision shall be installed with the Phase VII improvements. Excess credits may be applied to the proposed multiple family units, up to the two-thirds maximum. Fees for the remaining lots may be increased if audited construction costs are less than the full credits shown on Exhibit A.
23. Prior to plat approvals for Phases I-VI, a cash deposit shall be provided for the recreation credits in that phase, less the value of the recreation improvements installed with the prior phase. The cash deposits for the successive phases shall be held until the recreation improvements are complete, at which time the deposits shall be returned to the developer, with interest. The cash deposits may be drawn against construction of the recreation improvements.
24. Congressional Avenue between Center Road and Muirfield Avenue shall be constructed with Phase IV of the subdivision, or at the time of the multiple family units, whichever comes first. All access to the multiple family units shall be from Congressional Avenue.
25. No construction shall enter the subdivision from streets in the Brunswick Heights allotment. Congressional Avenue shall be used for construction traffic during Phase IV.
26. The subdivision improvements shall include vertical curbs as approved by the City Engineer.

PROJECT NAME: The Fairways

PAGE 4 of 4

SPECIFIC CONDITIONS TO BE COMPLIED WITH:

(attach separate sheets if necessary)

27. Two trees shall be provided for each lot as prescribed by Section 1230.01(b)(6). These shall be located in the front yard, outside of the street right-of-way, where there are no existing trees in the front yard.
28. Water lines and hydrants shall be installed as required by the City Engineer and the City of Cleveland.
29. The emergency access easement on lot 36 shall be automatically vacated when the final plat for Phase IV is recorded. The emergency access between Troon Avenue and McKinley Avenue shall be improved with a stone base approved by the City Engineer, and unauthorized access shall be prevented by a chain and mounds. These improvements shall be removed by the developer when the easement is vacated.
30. The final plats for each phase shall indicate which lots cannot have basements.
31. The roadway improvements to Center Road shown on the Phase I construction plans shall be constructed with the Phase III subdivision improvements.
32. During the review of the final plat for each phase, the developer shall prove to the satisfaction of Planning Commission and Council that each lot will provide an acceptable, usable building site which will not require variances in order to be buildable. Lots which are found by the Planning Commission and Council to be unbuildable may be eliminated from the plat for that phase.

The applicant and/or owner do(es) hereby agree to the conditional use of the above described property subject to the provisions of the Brunswick Zoning Ordinance and to the conditions herein specified.

THIS CERTIFICATE IS AUTOMATICALLY REVOKED IF ANY OF THE CONDITIONS SPECIFIED HERE ARE NOT MET.

I H M. Ford Inc
Applicant's Signature
7/28/94
Date
7/28/94
Owner's Signature, if different
Date

Alan R. Woff
Planning Commission Chairman
8/7/94
Date
John L. Smith
Planning Commission Secretary
August 18, 1994
Date

PROJECT NAME: The FairwaysPAGE 5 of 6

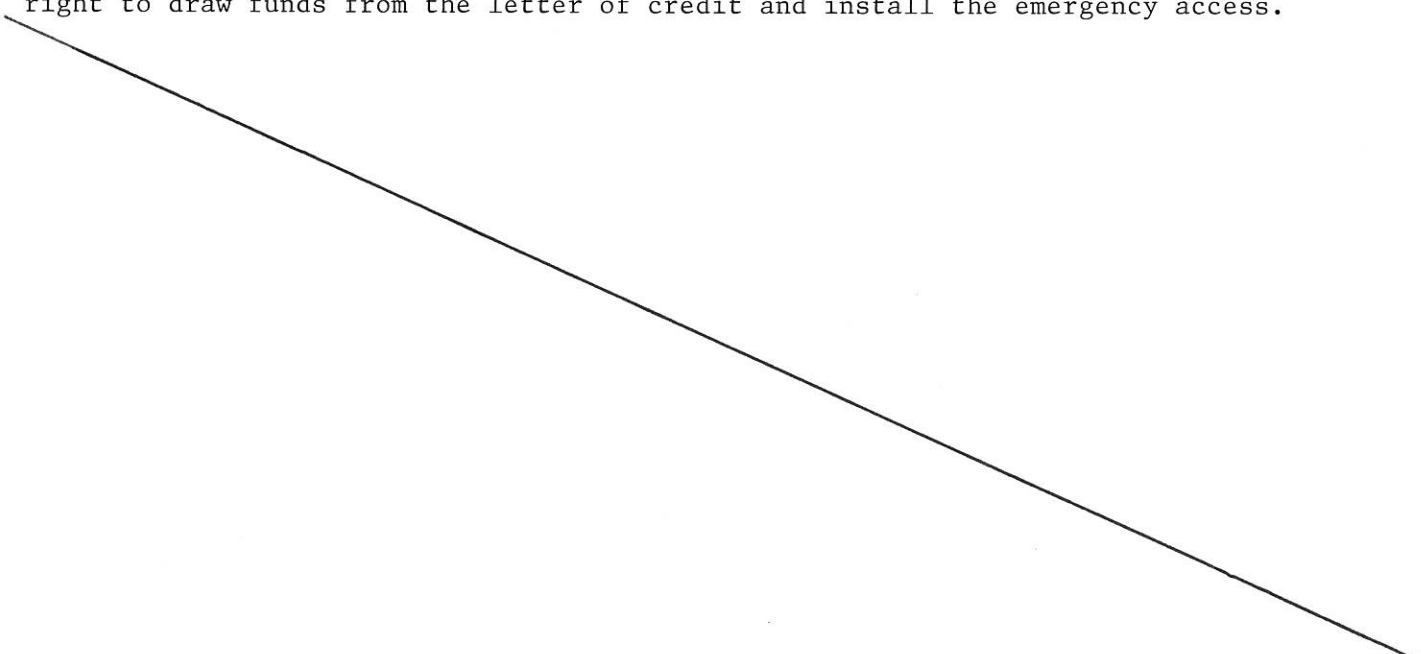
SPECIFIC CONDITIONS TO BE COMPLIED WITH:
(attach separate sheets if necessary)

AMENDMENTS APPROVED JULY 11, 1996 AND FEBRUARY 20, 1997

22. The recreation fee required by this subdivision by Chapter 1232 is \$288 per single family lot, as shown on attached Exhibit A. This fee includes the full two-thirds credit for private recreation credits. Prior to approval of the Phase II plat, the Planning Commission shall approve site plans for the recreation improvements. The clubhouse, as shown on the approved site plans, shall be completed and available for occupancy by December 25, 1997. The pool adjacent to the clubhouse shall be completed and available for use by May 30, 1998. The developer shall provide a letter of credit or cash deposit equal to 100 per cent of the projected cost of the clubhouse, pool and related improvements if the December 25, 1997 and May 30, 1998 dates are not met. The recreation improvements near the southwest corner of the subdivision shall be installed with the Phase VIII improvements. Excess credits may be applied to the proposed multiple family units, up to the two-thirds maximum. Fees for the remaining lots may be increased if audited construction costs are less than the full credits shown on Exhibit A.

23. Prior to plat approvals for Phases I-VII, a cash deposit shall be provided for the recreation credits in that phase, less the value of the recreation improvements installed with the prior phase. The cash deposits for the successive phases shall be held until the recreation improvements are complete, at which time the deposits shall be returned to the developer, with interest. The cash deposits may be drawn against construction of the recreation improvements.

29a. Prior to issuance of building permits in Phases II and III of the subdivision, the developer shall provide a letter of credit for the cost of installing the emergency access drive required by Condition 29. The letter of credit shall be in a form approved by the Law Director and for an amount approved by the City Engineer. The letter of credit shall state that by October 1, 1996, the developer shall construct either the emergency access drive or the streets in Phase IV of the subdivision. If neither of these are completed by that date, the City of Brunswick will have the right to draw funds from the letter of credit and install the emergency access.



PROJECT NAME: The Fairways

PAGE 6 of 6

SPECIFIC CONDITIONS TO BE COMPLIED WITH:
(attach separate sheets if necessary)

JULY 11, 1996 AND FEBRUARY 20, 1997 AMENDMENTS CONT.

31. The roadway improvements to Center Road shown on the Phase I construction plans shall be constructed prior to July 31, 1997 or prior to approval for building of the 11th lot in Phase IV, whichever comes first. At the same time as the Center Road improvements, the developer shall move the Neura Park driveway to a location opposite Troon Avenue. The City shall be responsible for removing the existing drive.

The applicant and/or owner do(es) hereby agree to the conditional use of the above described property subject to the provisions of the Brunswick Zoning Ordinance and to the conditions herein specified.

THIS CERTIFICATE IS AUTOMATICALLY REVOKED IF ANY OF THE CONDITIONS SPECIFIED HERE ARE NOT MET.

Applicant's Signature

Alan R. Noffs

Planning Commission Chairman

6/5/97

Date

Date

Owner's Signature, if different

Michael J. Hagen

Planning Commission Secretary

6/5/97

Date

Date

EXHIBIT A

CHAPTER 1232 FEE CALCULATION

1. 216 single family lots x 3.6 persons per lot = 778 residents
2. 778 residents x .01 acres per person = 7.78 acres for public recreation, or fee equivalent
3. 7.78 acres x \$8000 per acre assumed land value = \$62,240 land fee
4. \$62,240 land fee x 2 = \$124,480 development fee
5. Gross fees \$62,240 + \$124,480 = \$186,720
6. Maximum credits for private recreation = two-thirds of total fee = \$124,480
7. Credit for each lot = \$124,480 ÷ 216 lots = \$576 credits per lot
8. Fee for each lot = \$186,720 - \$124,480 = \$62,240 ÷ 216 lots = \$288 per lot

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE APPROVING THE PRELIMINARY SUBDIVISION PLAN FOR THE FAIRWAYS SUBDIVISION PHASE 8 SUBJECT TO THE CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION AND ANY OTHER CONDITIONS IMPOSED BY COUNCIL.

WHEREAS: At a public hearing held on May 4, 2017, the Brunswick City Planning Commission recommended approval to City Council of a Preliminary Subdivision Plan, house elevations and amended Conditional Zoning Certificate for The Fairways Subdivision Phase 8, subject to certain enumerated conditions.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the Preliminary Subdivision Plan for The Fairways Subdivision Phase 8, as attached hereto as Exhibit "A", is hereby approved subject to the conditions enumerated by the Planning Commission, as attached hereto as Exhibit "B", and any other conditions imposed by this Council.

SECTION 2: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barb Ortiz

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 38-17

BY: Mr. Ousley, Mr. Hanek and Mrs. Hanek

AN ORDINANCE APPROVING THE PRELIMINARY SUBDIVISION PLAN
FOR THE FAIRWAYS SUBDIVISION PHASE 8 SUBJECT TO THE
CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION AND
ANY OTHER CONDITIONS IMPOSED BY COUNCIL.

WHEREAS: At a public hearing held on May 4, 2017, the Brunswick City Planning Commission recommended approval to City Council of a Preliminary Subdivision Plan, house elevations and amended Conditional Zoning Certificate for The Fairways Subdivision Phase 8, subject to certain enumerated conditions.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the Preliminary Subdivision Plan for The Fairways Subdivision Phase 8, as attached hereto as Exhibit "A", is hereby approved subject to the conditions enumerated by the Planning Commission, as attached hereto as Exhibit "B", and any other conditions imposed by this Council.

SECTION 2: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barb Ortiz