

COUNCIL CHAMBER

City of Berea, Ohio

RESOLUTION No. 2021-6

By Jim Maxwell Sponsored By Mayor Cyril M. Kleem
Councilman Chris McManis

A RESOLUTION

OPPOSING APPLICATION NO. 200LMT-ZC008, TO REZONE 7617 LEWIS ROAD, ALSO KNOWN AS PERMANENT PARCEL NUMBER 261-20-003, LOCATED IN OLMSTED TOWNSHIP, OHIO, FROM RURAL RESIDENTIAL ZONING TO PLANNED RESIDENTIAL DEVELOPMENT ZONING, AND DECLARING AN EMERGENCY.

WHEREAS, Builders & Developers Co. made application to Olmsted Township to rezone the property known as 7617 Lewis Road, Olmsted Township, Ohio, owned by Joseph and Suzanne Hollo, from Rural Residential Zoning to Planned Residential Development Zoning; and

WHEREAS, the Developer seeks to build 162 single-family homes on the 72-acre lot located at 7617 Lewis Road; and

WHEREAS, the property known as 7617 Lewis Road is adjacent to private property located in the City of Berea and municipally property owned by the City of Berea; and

WHEREAS, the City of Berea through counsel, submitted a letter to the Olmsted Township Zoning Commission expressing the City's strong objections; and

WHEREAS, the City's legal representative, along with numerous Berea residents, appeared at the Zoning Commission's meeting to further verbally express their objections on the record; and

WHEREAS, the City of Berea adamantly opposes Application No. 200LMT-ZC008 for reasons including, but not limited to, the lack of a sanitary sewer system and impact on traffic in the City of Berea; and

WHEREAS, during the Zoning Commission meeting, a representative for Builders & Developers Co. repeatedly claimed that the trunk sewer along Stonesthrow Drive, serving Sandstone North and South, which is planned to serve the new development in Olmsted Township, is owned and maintained by the Northeast Ohio Regional Sewer District, and that a tie-in to the City's sanitary sewer was unnecessary; and

WHEREAS, despite his repeated insistence that the sewer is owned and maintained by NEORS, all maps and documents demonstrate that the trunk sewer is in fact, owned and maintained by the City of Berea; and

WHEREAS, in 2003, this very same representative, then working on the Sandstone Ridge Subdivision, submitted the Site Improvement Plans for the Off-Site Sanitary Sewer Extension in the Sandstone Ridge Subdivision, clearly indicating that the City of Berea was the owner of the sanitary sewer; and

WHEREAS, it is clear that there is not any sanitary sewer service available to the proposed development unless the City of Berea authorizes the developer to tie-in to the City of Berea's sanitary sewer system; and

WHEREAS, the trunk sewer serving the Sandstone Ridge Development is over 20 years old, and sewers of that age typically experience inflow and infiltration (I & I) of storm water; and

WHEREAS, some residents in the Sandstone Ridge Development have begun to experience basement flooding, suspected to be caused, at least in part, by I & I; and

WHEREAS, permitting the proposed 162 single-family home subdivision to be served by the older sewer will likely overwhelm the existing system; and

COUNCIL CHAMBER

City of Berea, Ohio

RESOLUTION No. 2021-6

By Maxwell Sponsored By Mayor Klein
Councilman McManis

WHEREAS, there is still additional property in the City of Berea that has the potential for development which would require the use of the existing sanitary sewer system and, therefore, it is imperative that the capacity of the City's sanitary sewer system be preserved for projects located in the City of Berea; and

WHEREAS, the City of Berea is not legally required to permit a tie-in to its sanitary sewer system and for the reasons stated above, will not approve a tie-in; and

WHEREAS, the proposed development of 162 single-family homes will impact the already congested traffic on Nobottom Road between Lewis and Bagley Roads, which further adds to congestion on Bagley Road between North Rocky River Drive and Nobottom Road; and

WHEREAS, current ODOT traffic counts at the intersection of Barrett and Bagley Roads indicate that the average daily traffic is currently over 10,000 which shows a marked increase from 2005, when the average daily traffic was just 6,000 vehicles per day; and

WHEREAS, traffic engineering tables estimate that 162 single-family homes will likely generate up to 1,600 additional vehicle trips per day; and

WHEREAS, the proposed site plan shows only one exit from the development on to Lewis Road, and those vehicles will naturally use Nobottom Road to get to Bagley Road in order to avoid the railroad crossing to the south on Lewis Road; and

WHEREAS, Lewis Road is a two-lane asphalt road in poor condition without curbs and gutters. It is a County Road, and its poor condition and need for increased maintenance will only be exacerbated by the additional traffic from the proposed subdivision development; and

WHEREAS, for the reasons stated herein, the Council and Administration of the City of Berea remain unwavering in their objection to the rezoning and proposed development.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That the Mayor, the President and all Members of Council hereby declare its strong opposition to the proposed rezoning of the property known as 7617 Lewis Road from Rural Residential Zoning to Planned Residential Development Zoning in order to build 162 single-family homes.

SECTION 2. The Clerk of Council of the City of Berea is hereby authorized and directed to forward a certified copy of this Ordinance immediately upon its passage and approval by the Mayor to the Olmsted Township Board of Trustees and Township Administrator.

SECTION 3. This Council urges the Board of Trustees for Olmsted Township to undertake a careful and deliberate study of all the matters raised by those objecting to the Application and for the reasons set forth in this Resolution, and reject the requested rezoning

SECTION 4. This Council finds and determines that all formal actions of this Council concerning and relating to the approval of this Resolution were approved in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of municipal departments, and for the further reason that the Olmsted Township Trustees will likely reach a decision within 30-days and it is critical that they consider the reasons for the City of Berea's objection. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in

COUNCIL CHAMBER

City of Berea, Ohio

RESOLUTION No. 2021-6

By Maxwell Sponsored By Mayor Kleem
Councilman McManis

force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: February 16, 2021

[Signature]
President of Council

ATTEST: [Signature]
Clerk of Council

APPROVED: February 18, 2021

[Signature]
Acting Mayor

Approved as to Form:

[Signature]
Director of Law