

The January 12, 2000 meeting of the Olmsted Township Zoning Commission was called to order at 7:35 pm. Present were Chairman Michael Bajorek, Ronald Campanallie, Ryan Thomas, Richard Witherspoon and Albert Arlow. Also present were County Prosecutor Robert Matyjasik and secretary Tammy Tabor.

The secretary read the minutes from the previous meeting of December 8, 2000. Mr. Campanallie moved to approve the minutes as read. Seconded by Mr. Bajorek. Roll call. Mr. Arlow, abstain, Mr. Bajorek -yes, Mr. Thomas-yes, Mr. Campanallie-yes, Mr. Witherspoon-yes.

Mr. Bajorek asked for correspondence. The secretary stated that a letter from Mr. Zwick requesting a position on the zoning board was received and also a letter from Mr. Matyjasik regarding comments on The Cuyahoga County Planning Commission's (CPC) recommendations regarding Resolution F-99.

Mr. Bajorek asked if we have received a Resolution from the Trustees regarding the appointment of Mr. Arlow to the zoning commission board. Mrs. Tabor stated that a Resolution was passed and a copy was available in the zoning office.

Mr. Witherspoon moved to amend the agenda to include Resolution G-99. Seconded by Mr. Campanallie. Roll call. All approved.

Mr. Bajorek stated that we are unable to discuss Resolution G-99 until the County Planning Commission has issued comments and recommendations regarding Resolution G-99. Mr. Campanallie moved to convene the Public Hearing on Resolution G-99 for February 9, 2000 at 8:00 p.m. Seconded by Mr. Witherspoon. Mr. Thomas asked if public notice was needed to be re-issued since the public hearing was not opened due to lack of board members present at the December 22, 1999 meeting. Mr. Bajorek stated that on advise from Mr. Matyjasik the public hearing did not need republished if the hearing would be conducted at a regularly scheduled meeting. Roll call. All approved

RESOLUTION F-99

Mr. Campanallie moved to open the public hearing for Resolution F-99. Seconded by Mr. Arlow. Roll call. All approved.

The secretary read a letter from Robert Matyjasik regarding the County Planning Commission's recommendations for Resolution F-99.

The secretary read the letter from the County Planning Commission recommending approval of Resolution-F-99 with modifications.

Discussion on the CPC recommendations and Mr. Matyjasik's comments. The county is recommending changing the Comprehensive Land use Plan to correlate with the Proposed Zoning Resolution Text and Map. Mr. Bajorek stated that he felt that the areas should be left as is, to maintain a lower density level. Mr. Bajorek asked how the Comprehensive Land Use Plan would be changed. Mr. Matyjasik stated that to change the Comprehensive Land Use Plan, the Olmsted Township's Citizen's Advisory Committee would need to be reconvened.

Mr. Bajorek stated that the CPC recommended that to coincide with the Comprehensive Land Use Plan, the area of Cook Road between Stearns and Mackenzie Road, maintain a Suburban Residential Pattern. Mr. Gerald Hall, Cook Road asked questions regarding changes to his

property located on Cook Road. Mr. Bajorek stated that no changes were being proposed for that property. The R1-40 district was left that way to allow single family homes on larger lots.

Mr. Bajorek stated that the CPC questioned the Mobile Home Parks being designated as R1-40 on the proposed zoning district map while the Comprehensive Land Use plan recommends the areas for Higher Density Residential Districts. Mr. Bajorek explained that since the Mobile Home Park classification was being eliminated for the proposed Zoning Code and Map, the mobile home parks were not being eliminated, but we are not increasing mobile home parks in the Township.

Mr. Bajorek stated that the CPC advised changes in the definition of COMPREHENSIVE PLAN, to include "officially adopted by the Olmsted Township Board of Trustees". Mr. Matyjasik stated that it is a sound suggestion and the CPC lists places in the Proposed Zoning Code where those items should be changed.

Mr. Bajorek stated that the County recommends changes in the definition of CONDITIONAL USE. The recommendation suggests removing cross reference, "use, Conditional" from the definition. Mr. Matyjasik recommended that this is a sound suggestion and should be considered.

Mr. Bajorek stated that the CPC recommends changing the definition of the term "Variance". Mr. Matyjasik recommended that this is a sound suggestion and should be considered.

Mr. Bajorek stated that the CPC recommends maintaining the density in the PRD-OD zone should remain the same/as the underlying zone which would allow clustering of units on lots smaller than 15,000, 20,000 or 40,000 square feet, see section 220.07(a).

Mr. Thomas stated that in a PRD-OD zone the units allowed are 2.25 units per acre based on the entire development area, allowing clustering of units.

A resident asked what the regulations are regarding the size of cluster homes.

Mr. Bajorek stated that there are no regulations regarding size or style. Mr. Campanallie stated there are height restrictions of not more than 35 feet.

Mr. Bajorek stated that the CPC recommends requiring 30- 40% open space in the PRD-OD . Also the CPC recommends that the calculation of density be figured on "net density", after acreage for required roads is factored in, rather than "gross density", which allows for area designated for roads to be used to calculate an increased density.

Mr. Bajorek stated that the CPC would like to see the definition of net density and gross density be included in Chapter 110. Mr. Bajorek stated that the CPC recommends not allowing open space to be used for active recreation. Mr. Matyjasik stated that changes to the PRD-OD zone are not mandatory, but are valid concerns and should be considered.

Mr. Bajorek stated that the CPC recommends changes in section 560.03 regarding allowing developers to initiate amendments to the Zoning Map. This exceeds the limitations established within Section 519.12 of The Ohio Revised Code. The CPC recommends that non-property owners and non-tenants be deleted from Section 560.03 of the proposed Zoning Resolution. Mr.

Matyjasik states that this is an impermissible conflict with state law, therefore this modification should be adopted . The board agreed that these changes should be made.

Mr. Bajorek stated that the CPC recommends changes to Section 560.03, (Map Amendments initiated by Property Owners) , subsection (e) (Public Hearing and Notice by Zoning Commission and (f) (notice to Property Owners) should be revised to be consistent with the Ohio Revised Code. Also the words "within and" need to be added to the first sentence of Section 560.03, paragraph (f). Mr. Matyjasik stated that this is an impermissible conflict with state law and this modification should be adopted. The board agreed that these changes should be made.

A resident in attendance asked why the commission would leave an item last on the agenda that apparently a lot of residents in the audience are waiting to hear. Mr. Bajorek stated that he was unaware as to what item she was waiting for? The residents explained that a flyer had been received by many residents regarding free water and sewers on Shady and Sharp Roads. Mr. Bajorek stated that the board did not produce the flyer and was unaware of it.

Mike Stallard of Shady Road asked if any of the members of the commission were involved in the production of this letter. All members denied being involved with the distribution of these flyers. Wes Bement of Shady Road asked if this letter was regarding the development of Forest City's Land as a PRD-OD or a JEDD. Mr. Bajorek stated that the Trustees were responsible for a JEDD. What the board is working on today does not prohibit any property owners for requesting rezoning of any property in the Township. Mr. Bajorek stated that he must return to the public hearing that is now open.

The CPC also recommends that Section 560.03 first and second paragraphs of subsection (I) are in conflict with the Ohio Revised Code. Mr. Matyjasik commented that this an impermissible conflict with state law and the modifications should be followed per the Ohio Revised Code. The board agreed that these changes should be made.

Mr. Matyjasik stated that the motion for the commission's final recommendation and modifications should read exactly as the changes should be made. Mike Stallard, Shady Road asked how this procedure could be expedited to allow for the deadline from Cuyahoga County's water and sewer project to begin on April 1, 2000. If the project has not begun by April 1, 2000 the Township will lose Issue 2 funds relating to that project.

Mr. Bajorek stated that in Section 520.03 (Submission of a general Development Plan for Planned Residential Development-PRD)- the CPC recommends changing the wording from "... prior to County Subdivision Approval" to read "prior to final plat approval by the Cuyahoga County Planning Commission." Mr. Matyjasik recommended that this is not a mandatory change, but is a sound recommendation and should be considered.

Mr. Arlow moved to close the public hearing for Resolution F-99 Seconded by Mr. Campanallie. Roll call. All approved.

M/ Bajorek moved to set a special meeting to take action on Resolution F-99 and waive

notification procedures to Commission Board members, for Tuesday, January 18, 2000 at 6:00 p.m. seconded by Mr. Arlow . Roll call. All approved.

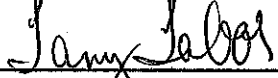
Mr. Bajorek stated that if any board members had any recommended changes please bring them to the next meeting or leave them at the police station for Tammy to distribute to the members.

Mr. Bajorek asked for a motion to set the public hearing for Resolution A-00, initiated by Thomas Murphy. Mr. Campanallie moved to set the public hearing for Resolution A-00 for February 9, 2000 at 7:45 p.m. Seconded by Mr. Bajorek . Roll call. All approved.

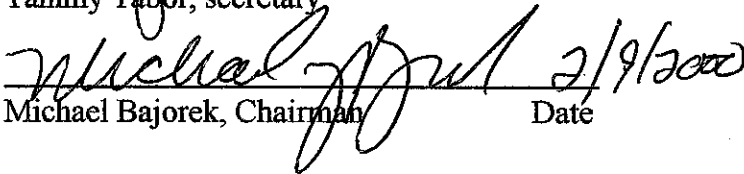
Floor Discussion

Mr. Campanallie moved to adjourn the meeting at 10:00 p.m. Seconded by Mr. Arlow. Roll call. All approved.

Respectfully submitted,



Tammy Tabor, secretary



Michael Bajorek, Chairman Date 2/9/2000