

The Olmsted Township Zoning Commission regular meeting of July 25, 2001 was called to order at 7:33 PM. Present were Chairman Albert Arlow, Ronald Campanalie, Richard Witherspoon and Jerry Gobble. Ryan Thomas was absent due to another commitment. Secretary Tammy Tabor was also present.

Correspondence

Cuyahoga County Planning Commission Preliminary discussion for Woodgate Farms Apartments July 31, 2001 at 10:30 AM and Westfield Park Plan preliminary discussion, July 31, 2001 at 11:00 AM. Also, photos and letter received from James Jocke regarding the proposed rezoning of Vita-Mix properties. A resolution from the Board of Trustees reappointing Ronald Campanalie for another 5 year term on the Zoning Commission.

Mr. Campanalie moved to table the regular meeting and open the public hearing for Resolution D-01, request for rezoning by Vita-Mix Corporation. Seconded by Mr. Gobble, roll call, all approved. The secretary reported that a recommendation from the Cuyahoga County Planning Commission recommending approval of a new zoning classification, Residence-Commercial, for the Vita-Mix property.

Mr. James Jocke of Usher Road commented that his property value will go down if the property owned by Vita-Mix was changed from residential to industrial. Mr. Jocke is afraid of possible expansion of the company disturbing the view from his yard. Mr. Jocke stated that he was to be notified of a time that he could visit the Vita-Mix property to view the site of the proposed building and was never notified. Mr. Jocke also asked if any Board members were employed at Vita-Mix. Mr. Arlow stated that he is employed at Vita-Mix and would not be voting on this issue. Mrs. Tabor stated that the Board of Appeals was planning an on-site viewing of the property and that has not been scheduled at this time. Mr. Hajduk of Usher Road asked if the property was sold as residential, would Mr. Jocke be opposed to apartment buildings. Mr. Jocke stated he would prefer apartments.

Doug Smith, Fred Weiss and John Barnard were present representing the Vita-Mix Corporation. Mr. Barnard explained to the board that in order for expansion of the existing Vita-Mix Corporation, the company would like to rezone the property to light industrial. The company has been existing at the current location since the 1940's.

Mr. Gobble moved to close the public hearing for Resolution D-01. Seconded by Mr. Witherspoon. Roll call, all approved.

Mr. Campanalie moved to approve Resolution D-01, request for rezoning from Residential to Light Industrial for parcel # 263-11-005 as submitted. Seconded by Mr. Gobble. Roll call, Mr. Witherspoon-yes, Mr. Campanalie-yes, Mr. Gobble-yes, Mr. Arlow-abstain.

Mr. Campanalie moved to open the public hearing for Resolution I-01, preliminary plan approval for Farmington Village. Seconded by Mr. Witherspoon. Roll call, all approved. Mr. Matt Casey was present representing Pulte Homes. Mr. Casey stated that at the previous public hearing, the Board requested a description of the planned street lighting for Harvest Village and Farmington Village. Mr. Casey presented the Board with descriptions of the lighting recommended by CEI. Also, Fire Chief John Cecelich requested a landscape island be changed to allow for an 18 foot

wide road around that island. Mr. Casey stated that the revised plan was also included with the requested changes. Mr. Casey stated that after a site walk with the Board, it was determined that mounding would not be possible as requested by Mr. Fleck at a previous meeting. The mounding would create additional flooding on adjacent properties. Mr. Casey stated that in areas where there are no trees or growth, Pulte would add a few trees and or landscaping on the easement to help block the view to adjacent properties.

Mr. Casey showed the Board proposed signs for the entire Woodgate Farms development. The signs will be black with red trim and white letters. The Woodgate Farms logo would be on all signs. Mr. Gobble moved to close the public hearing for Resolution I-01 as submitted, Seconded by Mr. Campanalie. Roll call, all approved.

Mr. Campanalie moved to approve Resolution I-01 as amended. Seconded by Mr. Witherspoon. Roll call, all approved.

Mr. Campanalie moved to set the public hearing for Resolution J-01, preliminary plan approval for Phase 3 of Woodgate Farms, for August 22, 2001 at 7:30 PM. Seconded by Mr. Gobble. Roll call, all approved.

Mr. Campanalie moved to open the public hearing for Resolution F-01 Seconded by Mr. Witherspoon. Roll call, all approved.

The secretary read the recommendation from the Cuyahoga County Panning Commission to approve Resolution F-01, with conditions that all text amendments be in line with the Ohio Revised Code. Resolution F-01 was read by the secretary. Mr. Campanalie moved to approve Resolution F-01 with the modifications suggested by the Cuyahoga County Planning Commission. Seconded by Mr. Witherspoon. Roll call, all approved.

Mr. Campanalie moved to close the public hearing for Resolution F-01 and open the public hearing for Resolution C-01. Seconded by Mr. Gobble. Roll call, all approved.

Bruce Rinker, attorney representing DiSanto Enterprises was present.. Mr. Rinker stated that all previous questions had been answered and is requesting a vote tonight on the preliminary development plan for Westfield Park.

Wes Bement, Schady Road, asked if the legal questions asked by the Board at the previous meeting had been answered. Mrs. Tabor stated that the request for additional legal advise was not answered by the Board of Trustees.

Mr. Rinker stated that chapter 540.07 of the Olmsted Township Zoning Resolution stated that the Board of Appeals approval of variances on May 4, 2001, regarding Westfield Park, the time has expired to request an appeal to the Court of Common Pleas of the Board of Appeal's approval. Mr. Bement asked if the Board did not receive additional legal advise, how would the Board proceed.

Mr. Arlow stated that the public hearing on this matter was never closed it was tabled. The Zoning Commission , does not have to receive recommendations from Cuyahoga County Planning Commission, however recommendations have been requested and the Board has not received any information from Cuyahoga County.

Mr. Rinker asked if the Board does not believe that the 30 day period for appeal of the variances has expired?

Mr. Arlow stated that until this Board has closed the Public Hearing the issue is not closed. Mr. Rinker stated that it is not wether this body has closed the hearing. The issue is the Board of Appeals. A member of the Zoning Commission was present at the Board of Appeals meeting. The 30 days begins at the decision of the Board of Appeals.

Mr. Arlow asked if the applicant filed with the Board of Appeals before the Zoning Commission had heard the request for plan approval. Mr. Rinker stated that the public hearing was initiated April 11, and the question was asked and answered that as to whether we had filed with the Board of Appeals. Mr. Arlow stated that the applicant had already filed with the Board of Appeals. Mr. Rinker stated that they had filed with the Township. Mr. Arlow asked if they filed with the Board of Appeals or the Township. Mr. Rinker stated that he had meetings with two members of the Township. The approval was ordered by the Board of Appeals. The time is up to appeal that decision.

Mike Stallard, Schady Road, asked the Board to seek legal council before rendering a recommendation on this issue. Mr. Stallard feels that the Township's County prosecutor should be present to answer the questions raised by the applicant.

Mr. Gobble moved to approve Resolution C-01. Seconded by Mr. Campanalie. Roll call, all dis approved.

Mr. Gobble moved to close the public hearing for Resolution C-01. Seconded by Mr. Witherspoon. Roll call, all approved.

Mr. Campanalie moved to re-open the regular meeting. Seconded by Mr. Gobble. Roll call, all approved.

Mr. Campanalie moved to set the date to re-hear the request for rezoning by the Stearns Bagley Plaza Association known as Olmsted Township Resolution C-00 for August 22, 2001 at 7:45 PM. Seconded by Mr. Gobble. Roll call all approved.

Mr. Witherspoon moved to adjourn. Seconded by Mr. Gobble. Roll call, all approved.

Respectfully submitted,



Tammy Labor, secretary



Albert Arlow, Chairman

8-22-01

date