

The Olmsted Township Zoning Commission regular meeting was called to order June 27, 2001 at 7:43 PM. Present was Chairman Albert Arlow, Ryan Thomas, Ronald Campanalie, Richard Witherspoon and Jerry Gobble. Mr. Thomas moved to dispense with the reading of the minutes from the meeting of May 23, 2001, and approve as submitted. seconded by Mr. Gobble. Roll call, all approved.

Correspondence

Letters received from Vita-Mix requesting a motion to table until Cuyahoga County Planning Commission has sent recommendations regarding their proposed rezoning and a response to questions raised by Board members at the previous public hearing. Also a letter was received from the Olmsted Falls Board of Education that withdrew all pending applications to rezone School Board property.

Resolution C-01

Mr. Thomas moved to table the regular meeting and open the public hearing for Resolution C-01, DiSanto Enterprises. seconded by Mr. Campanalie. Roll call, all approved. Michael DiSanto and John Buckey were present representing DiSanto Enterprises. Mr. Buckey reviewed the Olmsted Township Board of Zoning Appeals approval of variances requested for the Westfield Park Subdivision. A plan for landscaping in the proposed development was presented to the Board members. Mr. Buckey described the numerous variances requested and granted by the Olmsted Township Board of Zoning Appeals. Mr. Buckey stated that the variances were granted with the condition of a 25 foot buffer zone around the entire perimeter of the development. Mr. Buckey stated that the twenty five foot buffer zone will consist of 3-4 foot rolling mounds that will be comprised of trees, vegetation and fencing. The application has been submitted for preliminary approval to the Cuyahoga County Planning Commission. No formal action has been taken , however comments from preliminary discussions have been incorporated. Scheduled for consideration at the July 12 CCPC meeting.

Some changes have been made to the original plan to accommodate the decision of the Board of Appeals and those comments from the CCPC. The development still consists of 138 single family detached lots. All lots conform with the setbacks approved by the Board of Zoning Appeals. Storm water management has been increased by approximately 40 feet. The configuration of the park area has been changed to eliminate the east west roadways to accommodate the lot changes required by the Board of Appeals. The buffer zone is now listed as common area and will be maintained by the homeowners association. The wooded area within the buffer zone will be preserved, the remainder will be landscaped with shrubs, fencing and rolling mounds. Sidewalks have been added at the request of the BZA and the Zoning Commission.

Mr. Thomas asked how many units per acre are planned for Westfield Park. Mr. Buckey stated that 138 units are planned and 150 units were permitted under the court judgment. Mr. Buckey stated that 5 units per acre would be developed.

Mr. Thomas asked how close the sidewalks would be. Mr. Buckey stated that RMFT zones do not require sidewalks, however at the request of the Board, sidewalks will be created. Mr. Buckey stated that the sidewalks will be 3 feet from the curb and would be 4 feet wide.

Mr. Witherspoon asked where the retention basin will drain to. Mr. Buckey stated that the drain goes behind the Lynn Drive homes and out to the turnpike.

Mr. Thomas motioned that he would like to receive another opinion from the Ohio Attorney General or outside council regarding the variances approved by the Olmsted Township Board of Zoning Appeals and the departure from the judgment entry granted to Mr. DiSanto. The variances approved seem to rezone the property from the Common Pleas judgment of RMFT, to single family cluster homes. Mr. Arlow stated that he believed that the BZA rezoned the land by granting these variances and would like to know if this was done properly.

Mr. Bruce Rinker, attorney for DiSanto Enterprises, stated that the Cuyahoga County Prosecutor rendered an opinion that the Board of Zoning Appeals granted variances and did not rezone the property. Subject to the prosecutor's opinion, Mr. Rinker asked the Board to address the application as submitted and is requesting a decision. Mr. Rinker requested that the preliminary plan be approved and recommend approval to the Board of Trustees.

Mr. Thomas' motion seconded by Mr. Witherspoon.
Roll call, all approved.

Mr. Thomas moved to table Resolution C-01 until the next regularly scheduled meeting in order to obtain more information regarding the granting of variances by the Board of Zoning Appeals and the Court Judgment of RMFT zoning. Seconded by Mr. Campanalie. Roll call, all approved.

Mr. Rinker asked if there are any issues with the substance of the application and all specifications have been met. If there are any procedural questions or issues please advise them so that this application is not tabled again.

Mr. Thomas stated that the RMFT court decision is not in agreement with the type of development planned. Mr. Arlow stated that the Board of Appeals cannot grant variances that do not comply with the current Zoning Resolution for Olmsted Township.

Mr. Rinker stated that they have done the best that they could to comply with the Township's requests and requests by every governing body and guidance of the Township's legal council. Mr. Rinker stated that this is becoming a hardship, this is construction season and they would like to have this expedited. Mr. Rinker stated that this procedural question is a fundamental issue and does not know why it is being raised.

Mr. Thomas stated that the board was not privileged to any of the discussions with the prosecutor or any of the correspondence from the prosecutor.

Mr. Thomas moved to table the public hearing for Resolution D-01, pending recommendations from the Cuyahoga County Planning Commission, for July 25 at 7:45 PM. Seconded by Mr. Campanalie. Roll call, all approved.

Mr. Thomas moved to Table Resolution F-01, pending recommendations from the Cuyahoga County Planning Commission, until July 26, 2001 at 8:00 PM. Seconded by Mr. Witherspoon. Roll call, all approved.

Resolution G-01 Sharp Development

Mr. Thomas moved to open the public hearing for Resolution G-01, Final Plan approval for Woodgate Farms, Phase 2. Seconded by Mr. Campanalie. Roll call, all approved. Mr. Tom Gerber was present representing Sharp Development. Mr. Gerber stated that Block A in Phase 2 was sold to Pulte homes to develop as cluster homes. The single family homes and Block B have not been sold to a developer at this time.

Tracey Rinas asked when construction will begin off Sharp Road. Mr. Gerber stated that construction will begin this fall.

Tracey Rinas, 9150 Sharp Road, asked if there will be trees buffering the entrance and has there been a traffic study done. Mr. Gerber stated that there will be an entrance to Phase 2 off Sharp Road. The entrance to Woodgate Farms off of Sharp Road will be approximately 50% of the size of the main entrance off of Schady Road. There will be mounding and fencing similar to the main entrance. Mr. Gerber also stated that Sharp development will be reengineering a portion of Sharp Road to lower it 2 1/2 feet at the entrance to Woodgate Farms. Eric Kramer, engineer for the development stated that the culvert south of the entrance will also be repaired by Sharp Development.

Mr. Chuck Fleck asked if the ditches will be open or covered. Mr. Gerber stated that the ditches will be open. Water retention will be maintained by a ditch system, each builder will be mandated by Sharp to control silt.

Mr. Fleck asked if these ditches will be inspected. Matt Casey, Pulte Homes, stated that there is a county inspector on site daily as the construction is being done.

Mr. Fleck asked if this will be the final approval. Mr. Gerber stated that Sharp is requesting final approval. The home builders and developers will need approval before they can build within the development. This final plan is approval only for the individual lots.

Mike Stallard, Schady Road, asked why construction traffic is still using Stearns Road. Mr. Stallard stated that the agreement was to use Sprague Road. Mr. Arlow stated that Sprague Road is closed at the railroad tracks in Olmsted Falls.

Matt Casey of Pulte Homes stated that the agreement was to avoid Schady Road. The construction traffic will be routed to Sprague Road as soon as the tracks are open. The weight restriction for trucks on Stearns Road is between Cook and Bagley Roads. There is no restriction between Bagley and Schady Roads.

Wes Bement, Schady Road asked if Cuyahoga County has approved the water retention for Phase 1. Eric Kramer stated that the entire development plan has been approved for water retention and runoff. Each phase is updated and resubmitted as it is developed.

Tracey Rinas, Sharp Road, asked if the water line will be run on Sharp Road. Mr. Gerber stated that the water line will be run down Sharp Road. Mr. Gerber stated that the county is planning to do that project this year.

Mr. Thomas asked if this is the final plan, will this be the last time this board will see the plan. Mr. Gerber stated that the builders will be back. At this time the builders are still in negotiations with Sharp Development. Mr. Thomas stated that this Board is only approving lot configurations. Mr. Thomas asked to see the plan that incorporates a pond near the entrance to phase 2. Mr. Thomas asked if any changes have been made to the HOA Documents. Mr. Gerber stated all Documents have remained the same. Mr. Thomas asked what assurances are made that extreme differences between builders are not evident throughout the development. Mr. Rob Iser, Pulte Homes, stated that there is an architectural review board that builders must apply to with Sharp Development. Also, the Olmsted Township Zoning Commission will need to approve all phases of development.

Mr. Gobble asked who is the review board. Mr. Gerber stated Sharp Development has the review board.

Mr. Fleck asked if buffering will be created along the north section of block A. Mr. Gerber stated that the natural buffer will exist. Mr. Gerber stated that it would be up to the builder to create a buffer if necessary.

Mr. Thomas moved to approve Resolution G-01 as submitted. Seconded by Mr. Campanalie. Roll call, all approved.

Mr. Thomas moved to close the public hearing for Resolution G-01 and open the public hearing for Resolution H-01. Seconded by Mr. Campanalie. Roll call, all approved.

Resolution H-01- Harvest Village final approval

Matt Casey was present representing Pulte Homes. Mr. Thomas asked what plans were made to increase the street lighting within the subdivision. Mr. Casey stated that a street light will be added at the intersection and additional lights at each cul-de-sac. Each home will have individual driveway lights also. Mr. Witherspoon asked how bright the lighting will be and will all of the lights remain the same within all phases. Rob Iser, Pulte Homes, stated that the wattage and designs are specified by CEI. They will provide all of those specifications so that it will remain consistent with the entire development.

Mr. Thomas asked if there will be a sign at the entrance. Mr. Casey stated that there will be a small sign at the entrance off Aaron Lane.

Mr. Gobble asked if the tree line described around the Forsythe property currently exists or will it be created. Mr. Casey stated that the trees currently exist around the property. Mr. Thomas asked if Mrs. Forsythe has seen the plans and does she have any comments. Mr. Iser stated that Mrs. Forsythe was at the last meeting and she wants to sell her property.

Mr. Bement stated that the vegetation that exists will be very sparse in the winter. Mr. Casey stated that he has no plans to increase what already exists in that area.

Mr. Fleck stated that Mr. Casey said that since they cannot block out everything they will do nothing.

Mr. Casey stated that there is a 20' easement and a 50' building line requirement that he will adhere to. Mr. Bement asked if it will be possible to plant in some areas that are very sparse. Mr. Casey stated that he can look into it.

Mr. Bement asked if the property owner has a problem with the buffering what will be done. Mr. Iser stated that Pulte Homes is willing to work with the adjacent property owners. They would like to maintain what exists. If Pulte needs to create mounding, they will destroy the trees that currently exist.

Mr. Thomas moved to approve Resolution H-01 as submitted to include the street lighting at the intersection of Hitherto and Winford and at the Winford cul-de-sac and the Huxley cul-de-sac. Seconded by Mr. Campanalie. Roll call, all approved.

Mr. Witherspoon made a motion to close the public hearing for Resolution H-01 and open the public hearing for Resolution I-01. Seconded by Mr. Thomas. Roll call, all approved.

Resolution I-01- Farmington Village

Matt Casey was present representing Pulte Homes. Mr. Casey stated that Farmington Village is a development very similar to Harvest Village. The roads will be private. Sidewalks will be throughout and two mailbox stations will be included within the development. All of the homes have private yard and will not abut any other homes due to the retention basins surrounding the area.

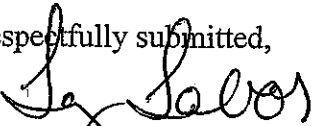
Tracey Rinas, Sharp Road, asked if mounding will be at the entrance. Mr. Kramer, engineer for the site, stated that the entrance will be similar to the entrance of Harvest Village. Rolling mounds and landscaping will be included.

Mr. Thomas asked about some of the islands in the cul de sacs. Mr. Witherspoon stated although the roads are private, they would still need to be plowed and the islands may be damaged by plowing. Mr. Witherspoon stated that he would like to have the police and fire departments render recommendations on the development plan before making a recommendation to the Board of Trustees.

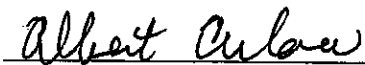
Mr. Thomas moved to table Resolution I-01 until July 25, 2001 at 8:00 PM. Seconded by Mr. Gobble. Roll call, all approved.

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

Respectfully submitted,



Tammy Tabor, secretary


Albert Arlow, chairman

9/26/01
date