

The regular meeting of the Olmsted Township Zoning Commission was called to order March 24, 2004 at 7:00 p.m. Present were Chairman John Lavelle, Jerry Gobble, Richard Gebhard and Steven Kilo. Also present were secretary Nicole Rosiu and Building Commissioner Daniel Gargas.

Mr. Gobble moved to approve the minutes of February 25, 2004 regular meeting and February 25, 2004 special meeting as submitted. Seconded by Mr. Kilo. Roll call, all approved, Mr. Gebhard abstained.

Resolution R-03-Wheaton Development

Mr. Lavelle moved to re-open the public hearing for Resolution R-03, Wheaton Development plan. Seconded by Mr. Gobble. Mr. Lavelle motioned to send the plans to Cuyahoga County Planning Commission for zoning approval. Seconded by Mr. Gobble. Roll call, all approved. Mr. Lavelle motioned to table Resolution R-03 until the April 28, 2004 meeting. Seconded by Mr. Gebhard. Roll call, all approved.

Resolution A-04-Development plan for Woodgate Farms Phase 8 and Landings of Timber Lakes

Mr. Lavelle motioned to re-open the public hearing for the development plan for Sharp Development and Gill Construction for Woodgate Farms Phase 8 and Landings of Timber Lakes. Seconded by Mr. Gebhard. Roll call, all approved. Tom Gerber came forward, representing Sharp Development. Mr. Gerber stated that they have heard from 8 or 10 people requesting decks larger than what is allowed in a PRD. Mr. Gerber said that decks with a size of 8 ft. by 10 ft. are permitted, although people are asking for decks that are 10 ft. by 10 ft., which will not conform to rear yard setbacks. Mr. Gargas said that it would be a good idea to table this public hearing and work out some issues. Mr. Lavelle asked Mr. Gerber if he would mind waiting until April. Mr. Gerber said that he wouldn't mind and that he would like it to go to County Planning. Mr. Gargas suggested holding a special meeting on April 8, 2004. Mr. Lavelle motioned to table Resolution A-04 until April 8, 2004 at 7:00 p.m. for a special meeting. Seconded by Mr. Gebhard. Roll call, all approved.

Resolution B-04-Evergreen Farms development plan changes (signs, gazebo and pool)

Mr. Lavelle moved to re-open Evergreen Farms Apartments development plan changes. Seconded by Mr. Gebhard. Roll call, all approved. Ken Starret from Gross Builders stated that they presented this about 2 years ago. Mr. Starret stated that Gross Builders would like to put brick columns around the sign, put up a flagpole, put in a seating area, and put a raised deck at the pool. Mr. Starret said that they don't want to put concrete around the entire area. The dumpster is shown on the plans now. Mr. Starret stated that it is a compactor area with a brick base and vinyl fencing and will be centrally located in the apartment complex. Mr. Starret said that the gazebo has moved on the plans and Gross Builders also added a "tot lot" and a car wash area. Mr. Gobble asked if it was going to be a dumpster or a compactor. Mr. Starret said that it will be a central compactor, about 40 yards, and will be emptied twice a week. Mr. Gobble asked if it would be an aluminum compactor. Mr. Starret stated that they have used this at two other sites. Mr. Gobble asked if it would be childproof. Mr. Starret said that it would have safety switches on it. Mr. Kilo stated that when compactors are running, it usually sets off an odor and asked if this would be a concern. Mr. Starret said that he doesn't believe it will be a problem, since it will be emptied often and there will be someone on site for 24-hour maintenance.

Mr. Lavelle moved to approve Resolution B-04 as submitted. Seconded by Mr. Gobble. Roll call, all approved.

Mr. Lavelle moved to close the public hearing for Resolution B-04. Seconded by Mr. Gobble. Roll call, all approved.

Resolution D-04-Sharp Development re-grading of Phase 2 in Woodgate Farms

Mr. Lavelle moved to re-open the public hearing for Sharp Development re-grading Phase 2 of Woodgate Farms. Seconded by Mr. Gobble. Roll call, all approved. Mr. Gerber stated that weather is not permitting right now. In the original plans, it stated that 6 ft. would be taken off the mound. Sharp Development has taken some dirt off of the mound and with the rain and snow it has settled a bit.

Eric Vichill of 27349 Maurer Dr. stated that Sharp Development did not compact the dirt, they just pushed it over. Mr. Vichill said that he watched the whole process as it was being done and it looked like it was being

graded. Mr. Gerber stated that originally they were going to take off 6 ft., which was submitted and approved by the Township, but now they are only going to take off a total of 3 or 4 ft. to conform to revised grading plan and let the dirt settle. Mr. Gargas suggested that Mr. Gerber meet with the surrounding homeowners. Mr. Gerber said that he would not have a problem with that.

Mr. Dubecky, of 27353 Maurer Dr., asked why Sharp Development didn't meet with the homeowners in the first place about keeping the dirt there. Mr. Dubecky said that is unfair, because when he bought the lot, the dirt was not there. Mr. Gargas said that this situation would be evaluated and come in front of the board again, and in the end, everything will be corrected. Mr. Lavelle stated that everything would be corrected by what is on the original grading plan. Mrs. Dubecky said that Sharp Development is not going by what was approved by the Township, they are going by the revised plan, which was not approved. Mr. Gerber agreed to remove all the dirt and restore it to the original plan if an alternate is not approved. Mr. Dubecky stated that the builders in Woodgate Farms have lost homebuyers because of the dirt. Mr. Vichill said that he agrees with Mr. Dubecky and knows for a fact that has affected sales. Mr. Gerber stated that he had not heard anything about this.

Mr. Lavelle motioned to continue the public hearing for Resolution D-04 until April 28, 2004. Seconded by Mr. Gebhard. Roll call, all approved.

Mr. Lavelle moved to open the regular agenda. Seconded by Mr. Gobble. Roll call, all approved.

Pulte Sign Review

Mark Verdan from Pulte Homes said that he has been working with Thomas McKenna to post a temporary sign at the Northeast corner of Bagley Rd. and Stearns Rd. Mr. Verdan stated that Mr. McKenna told him that it would cost Pulte Homes \$100.00 a month to put a sign there. Mr. Verdan said that Pulte would like to put a sign up right there, to help get people in the door. Mr. Lavelle asked if the sign is conforming. Mr. Gargas said that the sign does not conform, only because signs are only permitted on properties where there is a business on that property. Mr. Gargas stated that if the board thinks they might approve this, Pulte would have to go in front of the Board of Zoning Appeals and have them approve it first, then Pulte would have to come in front of the Zoning Commission again.

Mr. Lavelle stated that Pulte would be leasing the lot from McKenna to put the sign there. Mr. Verdan stated that it would not be a regular sign, it would be a "V" sign, so drivers could see it from all 4 angles of the intersection. Mr. Gargas said that he has already received complaints about builders' signs. Mr. Lavelle stated that he thinks Pulte has enough signs already. Mr. Verdan asked if there is anything else that he could do. Mr. Gargas stated that Pulte could still try for a variance, or have a sign there, directing toward the whole development and not just one builder.

Mr. Lavelle motioned to deny the Pulte Sign at the Northeast corner of Bagley Rd. and Stearns Rd. Seconded by Mr. Gobble. Roll call, all approved.

Board of Education sign review

Charles Murphy said that the Board of Education is seeking approval to put a sign in front of the Olmsted Falls Middle School, about 100 ft. from Bagley Rd. Mr. Murphy would like this sign to give information to the parents, and since it would be electric, the school board could change the messages from inside. John Seitz, from the company that would be putting up the sign, handed out brochures of what the sign would look like. Mr. Lavelle asked if the sign conforms. Mr. Gargas said that it does, but drivers are concerned that the changing of the messages may be hazardous. Mr. Seitz said that the sign has a 90-degree visibility and that you can stand almost parallel to the sign and still be able to read it. Mr. Seitz said that it would probably be in the school's best interest to have the messages transiting instead of scrolling. Mr. Gobble asked if the scrolling could be disabled. Mr. Kilo said that the school probably doesn't want just one message. Mr. Seitz stated that he wasn't sure if the scrolling could be disabled, but it probably can.

Mr. Kilo asked why Mr. Murphy does not put it where the streetlight is. Mr. Murphy said that the PTA is who came up with this idea for the electric sign and contributed to paying for it. Mr. Kilo stated that it might be hard for motorists to see the different messages while driving, especially with the distance of 100 ft. from the road. Mr. Gobble said that the High School has an electric sign that does not flash. Mr. Murphy stated that the High School's sign isn't electric, it just lights up.

Elizabeth Engelhart said that the school could put it closer to the road so it is more visible, like Falls Lennox. Mr. Murphy said that the school board has looked at that idea, but did not want to have kids go out into the yard to change the message, when they could have one that they change from inside the building. Mr. Gargas said that there are many valid concerns and asked if there is a demo unit that can be brought out. Mr. Seitz said that there is a demo unit. Mr. Lavelle asked if Mr. Seitz could bring it to the next meeting. Mr. Seitz said that he could bring it. Everybody on the board said that they would like to see it.

Mr. Lavelle moved to continue the Board of Education sign review until the April 8, 2004 special meeting at 7:00 p.m. Seconded by Mr. Kilo. Roll call, all approved.

Floor Discussion

In-Law Suite

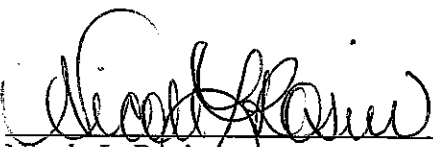
Mr. Gargas stated that he would like an interpretation on what the board thinks is the difference between an in-law suite and a single family house. Mr. Gargas said that the Code says that in-law suites are not allowed, but does not specify how many bedrooms an in-law suite has. Mr. Gargas stated that the difference with this house is it has individual entrances and 2 separate garages, but it looks like a single house. Mr. Gargas said that he had talked to Mr. Engolia in Florida and he wanted to start building in May. Mr. Lavelle asked if the code permitted in-law suites. Mr. Gargas said that it does not particularly say that. Mr. Lavelle stated that the board would need an interpretation from Cuyahoga County Planning Commission if it were a single family or a multi-family home. Mr. Kilo said that in a couple cities, there are codes on multi-family homes. Mr. Lavelle stated that he would like to send this to County Planning for their next meeting, just to ask for an opinion. Dee Vanyo, on behalf of Mr. Engolia, stated that she is a real estate agent and she knows that more and more people are looking for in-law suites now, to take care of their parents. Mr. Lavelle stated that they would send it to County Planning, just for an opinion.

Berg Lazer Wash.

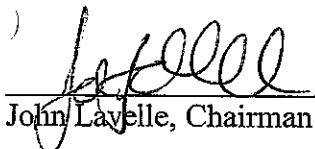
Bob Berg stated that he would like to build this car wash because he is retired and widowed and would like continue to do something, rather than sit at home. Mr. Lavelle asked if there were sewers there. Mr. Gargas stated that they were in close proximity, so he would be able to tie in. The board stated that the building Mr. Berg is proposing is beautiful and that it would also be sent to County Planning to see if the houses that are on the property now, are allowed to be taken off the property or if they would have to stay there.

Mr. Lavelle moved to adjourn the meeting. Seconded by Mr. Gobble. Roll call, all approved.

Respectfully submitted,



Nicole L. Rosiu, secretary



John Lavelle, Chairman

4-28-04

Date