

The re-scheduled regular meeting of the Olmsted Township Zoning Commission was called to order October 10, 2006 at 7:05 p.m. Present were Chairman John Lavelle, Richard McMakin, Richard Gebhard, Steven Kilo and Ronald Campanalie. Also, present was Secretary Tammy Tabor.

Mr. Lavelle moved to approve the minutes as submitted for the June 28, 2006 meeting. Seconded by Mr. Gebhard. Roll call, Mr. McMakin-yes, Mr. Campanalie-yes, Mr. Gebhard-yes, Mr. Lavelle and Mr. Kilo abstained.

#### New Business

##### Olmsted Auto Care-sign

Mr. Lavelle asked for a representative of Olmsted Auto Care. Patrick Theobold was present representing Olmsted Auto Care. Mr. Theobold stated that an existing sign has been on the property he leases at the north east corner of Stearns and Cook Rd. Mr. Theobold stated that previously the sign stated that Swings-n-Things was further down Stearns Rd. Mr. Theobold would like to change the sign to advertise the location of Olmsted Auto Care. Mr. Lavelle asked if there was a location or lighting change to the sign. Mr. Theobold stated that the only change is the lettering on the sign face. Mr. Lavelle stated that the sign is in conformance with the size permitted. The sign has been in existence at the same location for several years.

Mr. Lavelle moved to approve the sign as submitted. Seconded by Mr. Gebhard. Roll call, all approved.

##### Brew Daddy's- sign

Mr. Lavelle asked for a representative of Brew Daddy's Pub & Grille. Greg DiPerna was present representing Brew Daddy's. Mr. Lavelle asked if any lighting or size was being changed. Mr. DiPerna stated that the only thing being changed was the face plate. Mr. Gebhard asked if the ATM sign was included as part of the original sign application. Mr. Lavelle stated that was unknown. Mr. Lavelle moved to approve the sign as submitted with only the outside face of the sign being changed. Seconded by Mr. Gebhard. Roll call, all approved.

Mr. Lavelle moved to recess the regular meeting and open the public hearing for Resolution B-06. Seconded by Mr. Campanalie. Roll call, all approved.

##### Resolution B-06 Pembroke Place Fence

Matt Palumbo was present representing Gross Builders & Pembroke Place Ltd. Pembroke Place is located at the north west corner of Sharp and Schady Roads. Mr. Palumbo stated that they are not proposing a change to the site, they would like to construct a fence along the property that abuts the Ohio Turnpike. Mr. McMakin asked if the fence would be on top of the buffer mound that currently exists. Mr. Palumbo stated yes. Mr. McMakin asked if this fence is an adequate shield for the development. Mr. Palumbo stated that the fence is the tallest and most solid that is permitted in Olmsted Township. Mr. Campanalie asked if this fence is to be a sound barrier. Mr. Palumbo stated that no, the sound isn't the reason for the fence, it is more for an aesthetic purpose. Mr. Lavelle asked what type of material the fence would be made of. Mr. Palumbo stated that the fence will be made of PVC vinyl. The color will be almond to match the existing fencing in the community. Mr. Lavelle asked what the life expectancy of the fence would be. Mr. Palumbo stated that he does not know. The weather conditions would play a part in how long the fence would last. It is supposed to be maintenance free. The fence would be professionally installed. Mr. Lavelle asked who would be responsible for the upkeep of the fence. Mr. Palumbo stated that the home owners association would eventually be responsible for the maintenance.

Mr. Kilo asked if Pembroke Place Ltd. has been contacted regarding the state proposal to construct sound barriers along the Turnpike. Mr. Palumbo stated no. Mr. Kilo stated that several communities are meeting with Representative Tom Patton regarding sound barriers.

Greg Antolik, 27384 Sprague Rd, asked if Pembroke Place had to request permission from the Turnpike. Mr. Lavelle stated that the fence is not in the Turnpike right of way and permission was not required.

Mary Kemock asked if the Home Owners Association was notified or asked if they wanted the fence. Mr. Palumbo stated that the Builder is still in charge of the HOA, (Home Owners Association). Mrs. Kemock stated that the fence is to shield prospective buyers from the view of the Turnpike and the vinyl fence would create more of an echo. The fence is not to absorb the sound, it is to be aesthetically pleasing.

Mr. Antolik stated that there are fences in the area that have been falling down due to poor construction. Mr. Palumbo stated that poor construction is usually the cause for that. Mary Kemock stated that the fence is not generally used for commercial purposes. Mr. McMakin stated that Mr. Palumbo is using the type of fence that is approved by the Olmsted Township Zoning Resolution. Ron Swartz, Sprague Rd, stated that he is a contractor that installs fences and the standard is 80 lbs. of concrete in each post hole and a minimum of 36 inches deep. Tony Leanza, Sprague Rd., stated that the construction of the fence is what will help maintain it over time. A vinyl fence is pretty durable.

Mr. Lavelle asked for any further questions. Hearing none, Mr. McMakin moved to approve the amended development plan Resolution B-06, submitted by Pembroke Place Ltd., plans dated March 27, 2006, and recommends for approval to the Board of Trustees with the following conditions; the fences proposed on the plan and contained herein are uniform, with a height of six feet, of the same type of materials and color throughout the subdivision; the fences shall conform with Section 230.08 ( c) Fences and Wall Regulations of the Olmsted Township Zoning Resolution March 9<sup>th</sup>, 2000, any required building permits will be obtained prior to commencement of construction. Seconded by Mr. Lavelle. Roll call, all approved. Mr. Lavelle moved to close the public hearing for resolution B-06 and open the public hearing for resolution C-06. Seconded by Mr. Gebhard. Roll call, all approved.

#### Resolution C-06 Galway Bay Fence

Matt Palumbo was present representing Galway Residential Ltd. Mr. Palumbo stated that Galway Bay is located on the north east corner of Sharp and Schady Rds. Galway Residential would like to construct a fence along the north east portion of the development. The property abuts the Irish American Club, (IA Club), and many people cross over the property from the IA Club. Mr. Palumbo stated that the same type of fence will be used that is proposed for Pembroke Place will be used at Galway Bay. The fence will be white to match the existing fences in Galway Bay. Mr. Lavelle asked why the fence does not extend across the entire property line. Mr. Palumbo stated there is heavy brush along the west portion of the property line.

Greg Antolik asked if the IA Club was contacted. Mr. Lavelle stated that the Irish American Club was notified and no response was received. Mr. Lavelle asked for any further questions or comments. Hearing none, Mr. McMakin made a motion that the amended development plan Resolution C-06, submitted by Galway Residential

Ltd., plans dated April 24, 2006, is recommended for approval to the Board of Trustees with the following conditions; the fences proposed on the plan and contained herein are uniform, with a height of six feet, of the same type of materials and color throughout the subdivision; the fences shall conform with Section 230.08 ( c) Fences and Wall Regulations of the Olmsted Township Zoning Resolution March 9<sup>th</sup>, 2000, any required building permits will be obtained prior to commencement of construction. Seconded by Mr. Lavelle. Roll call, all approved.

Mr. Lavelle moved to close the public hearing for Resolution C-06 and open the public hearing for Resolution D-06. Seconded by Mr. Campanalie. Roll call, all approved.

#### Resolution D-06

Matt Palumbo was present representing Galway Residential Ltd. Mr. Palumbo stated that Galway Bay is located on the north east corner of Sharp and Schady Rds. Galway Residential would like to construct shelters to cover the gang mailboxes that are placed at each end of the subdivision. The structures would keep the snow and rain from the mailboxes. Mr. Palumbo stated that the Post Office provides the boxes. Mr. Lavelle asked if the structures are permanent. Mr. Gebhard asked if there will be concrete walkway up to the mailboxes. Mr. Palumbo answered yes. Mr. McMakin asked if the structures are open, 2 or 3 sided. Mr. Palumbo stated that they are open. Mr. Lavelle moved to approve Resolution D-06 as submitted to permit accessory structures to house the mailboxes at Galway Bay. Seconded by Mr. Kilo. Roll call, all approved.

Mr. Lavelle moved to close the public hearing for Resolution D-06. Seconded by Mr. McMakin. Roll call, all approved.

Mr. Lavelle moved to open the public hearing for Resolution E-06. Seconded by Mr. Gebhard. Roll call, all approved.

#### Resolution E-06 Olmsted Development Group

Jim Schiely, Bill Henzey and Chuck Grasser were present representing the Olmsted Development Group. Also present was Chris Howard representing the Bramhall Engineering Group.

Mr. Schiely stated that the Olmsted Development group is requesting a change from the Current zoning of R-40 to R-30. Both zones are considered residential property and the only difference is the minimum lot size required for development. The R-40 required 40,000 square feet per lot and R-30 required 20,000 square feet per lot. Mr. Schiely stated that the homes proposed for building would be upper end 2<sup>nd</sup> or 3<sup>rd</sup> purchase homes in the price range of \$300,000. The impact to the schools would be less in a higher end home due to the fact that most of the time children are older and would not be in the school system as many years. The tax value is the same for 1- \$300,000 home or 2- \$150,000 homes. Mr. Schiely stated that what they are proposing would be an R-30 zoning but would like variances to allow for 20,000-25,000 square foot lots. Mr. Schiely stated that the Olmsted Development Group would like to move away from the starter and cluster homes and build higher end homes.

Mr. Lavelle asked if there are utilities such as water and sewer available to the site. Mr. Schiely stated that they are currently working with Cuyahoga County to determine the accessibility of those utilities to the site. Water is available on Sharp Road and Olmsted Development Group is currently working to obtain a utility easement to connect to that water line. Mr. Lavelle asked if the residents would be required to tap in to the sewer within 3 years. Mr. Schiely stated that would be determined by the sanitary engineer and the Board of Health and also by the sewer connection.

Mr. Howard stated that currently Lorain Rural Water is on the south side of Sprague Rd. The water would probably come from Sharp Road. The sewer connection is still being studied.

Mr. McMakin stated that the Cuyahoga County Planning Commission reviews and recommends to the Olmsted Township Zoning Commission their recommendation for denial or approval of rezoning requests. Olmsted Falls Mayor Bloomquist is on the CCPC and has sent a representative with a prepared statement. Rosann Jones read a prepared statement from Mayor Bloomquist. Mayor Bloomquist led the recommendation from the CCPC to disapprove Olmsted Township Zoning Resolution E-06.

Mr. Lavelle asked if a storm water study has been done. Chris Howard stated that a storm water plan has not been done yet. Mr. Howard stated that a property owner is not permitted to discharge storm water onto any other property than what is discharging as undeveloped property.

Jim Schiely stated that the cost of land in that area has caused the developers to increase the number of units per acre to make any projects for development feasible. The Olmsted Falls School Board paid 50% more than the appraised value of land on Schady Road. Their purpose was to keep Olmsted Township Zoning Commission minutes 10-10-06

developers from acquiring land. Mr. Schiely stated that it has caused developers to increase the density of lots on proposed developments.

Mr. McMakin stated that the Olmsted Township Zoning Commission has found in the past that developers will turn to the courts for approval of developments that Olmsted Township will not approve. Mr. McMakin stated that in most cases the court will grant the maximum density provided for in the Olmsted Township Zoning Resolution. Mr. McMakin stated that the Board will try to negotiate the best development for the builders as well as the Township when it comes to construction.

Mr. Schiely stated that Olmsted Development group is sensitive to the current homeowners. The land owners that want to sell, want to get the best price for their land and the developers must increase the density levels to make a profit on that land. Mr. Schiely stated that the tax base is too high for the development of \$400,000 - \$500,000 homes.

Kevin Casey, Sharp Road, asked if the Township could over ride Ohio law. Mr. Lavelle stated that Ohio law supercedes all Township resolutions.

Tony Leanza, Sprague Rd., stated that if the property owner would like to sell, many individuals may want to purchase the parcel. Several property owners with contiguous property may want to attach the land to their parcels. There are many other possibilities for the land owner other than selling to a developer who will build many houses on that lot. The water table is already saturated and the surrounding properties do not drain well.

Tracy Rinas, Sharp Road, asked if the Cuyahoga County Engineer has approved the development. Mr. Schiely stated that the Cuyahoga County Engineer has seen the proposed development and will suggest possible connections for water, sanitary sewer and storm water.

Ms. Rinas stated that currently the drainage of the ditch that runs under Fitch Rd. is blocked at the Fleck's property causing back up and overflow on all of the properties that drain to that ditch.

Mr. Rinas asked why the area cannot be developed as R-40. Once high end homes on larger parcels are constructed, more developers will consider developing on larger lots.

Mr. Lavelle stated that no one has proposed to develop the site that way. In Columbia Station they have a development that has a minimum of 2 acres for development. All homes have septic systems and are a minimum of \$300,000.

Gaylene Weigle, Sharp Rd., stated that the development has not maintained the farm community atmosphere. Lorain County has been able to keep the open areas.

Gary Antolik stated that the Olmsted Township Master Plan didn't mention that changes can be made by the courts.

Mr. Lavelle stated that the right of a property owner allows them to petition for a change to their zoning. Olmsted Township is the last Township in Cuyahoga County.

Pat McElroy, Sharp Rd., stated that the homes in Woodgate farms are so close together that if one has a fire all of them will catch on fire. Mrs. McElroy stated that if the water and sewer are connected from Sharp Rd., the property owners will have to grant an easement, why would a property owner do that. Mr. Lavelle stated that the owner would either sell his property to the developer or sell the easement rights.

Mr. Lavelle asked for any further comments. Hearing none, Mr. Lavelle moved to table the public hearing until October 25, 2006 at 7:00 p.m. Seconded by Mr. Campanalie. Roll call, all approved.

Mr. Lavelle moved to close the regular meeting Seconded by Mr. Gebhard. Roll call, all approved.

Respectfully submitted,



Tammy Tabor, secretary

  
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John Lavelle, Chairman

10-25-06  
Date