

The Olmsted Township Zoning Commission special meeting of October 25, 2000 was called to order at 8:10 p.m. Present was Chairman Michael Bajorek, Ryan Thomas, Richard Witherspoon and Ronald Campanalie. Mr. Bajorek moved to table the reading of the minutes from the October 11, 2000 meeting until the next regularly scheduled meeting of the Zoning Commission. Seconded by Mr. Thomas. Roll call, all approved.

Mr. Witherspoon moved to open the public hearing for Sharp Development's general development plan review. Seconded by Mr. Thomas. Roll call, all approved. The secretary read a letter from Mr. Fleck regarding buffering issues with the development area. Mr. James Martinowski was present representing the Sharp Development Group.

Mr. Martinowski presented plans to the Board members with some of the requested changes to the general plan. Mr. Martinowski described the landscape buffer to be included in the revised plans and also the street names are also included in the revised plan. Also included were the descriptions of the cul de sacs. Mr. Martinowski stated that he has sent correspondence to Assistant County Prosecutor Joyce Dodrill regarding changes to be made to the HOA document. Mr. Martinowski also stated that he did have some requested changes made to the Homeowners Association Document. Mr. Martinowski stated that buffering was placed on all areas that were bordering property along the development site. Mr. Bajorek read the description of the 20 foot buffer easement that was written on page 4 of the plans dated October 25, 2000. Mr. Thomas asked if the development would provide for an area for dumping yard waste. Mr. Thomas stated that property owners may use the buffer easement for dumping of yard waste. Mr. Martinowski stated that the development does not provide an area for yard waste, however dumping is not permitted in any open space areas.

Mr. Fleck asked if the expectation is, that there would not be any mounding or buffering until the time of construction. Mr. Martinowski stated that the mounding would not be done until construction begins. Mr. Martinowski stated that each phase must come in for approval and each phase would need to have the buffering in. Mr. Bajorek stated that each phase would need to be approved. Mike Stallard of Schady Road, stated that the agreement should be now as to what type of buffering is required. Mr. Stallard stated that he feels that the buffering regulations should be done now rather than in the future. Mr. Fleck stated that in Westlake all items including buffering are included in the general plan. Mr. Thomas asked if mounding was required how would that be accomplished if the easements were not allowed to be touched. Mr. Martinowski stated that the residents were not allowed to change the buffers without approval of the Township. Mr. Thomas asked who in the Township would the resident go to for that approval. Mr. Bajorek stated that would come before the zoning inspector when the building plat would come for approval. Mike Stallard stated that he did not see buffering on Schady Road. Mr. Martinowski stated that they do not have much road frontage on Schady Road. The area that fronts Schady Road does have buffering. Mr. Martinowski asked about the clearing that is being done on Schady Road, south of the Irish American Club. Mr. Martinowski stated that the land is being prepared for a crop of winter wheat. The land has been being farmed for several years now. Mr. Bajorek asked if Mr. Martinowski would notify the Township of any plans for property changes in the event that residents have questions regarding any possible development. Mr. Martinowski agreed. Mr. Bajorek asked what problems Mr. Fleck had with drainage on his property. Mr. Fleck stated that Forest City, (Sharp Development), trespassed on his property and

caused drainage problems. The board discussed what procedures have been done. Mr. Fleck stated that he is working with Forest City to resolve the problem.

The Board discussed drainage of the proposed development area with Mr. Martinowski.

Mr. Witherspoon stated that he has been reviewing the revised Homeowners Association Draft and had some questions. Mr. Bajorek stated that any comments should also be forwarded to the Assistant County Prosecutor for her legal opinion.

Mr. Witherspoon stated that some of his questions were related to wording in the document. On page 6, paragraph H, what does that mean. Mr. Bajorek stated that the Olmsted Township Zoning Resolution would be the governing body. The homeowners association may be more restrictive but cannot be less restrictive than the Township. Mr. Witherspoon asked what is common property as stated in the HOA document. Mr. Martinowski stated that common property is all property that the developer turns over to the Homeowners Association. Mr. Witherspoon asked if within the development, the cluster areas have different Homeowners Associations, is this document the leading authority or will the other associations be completely separate. Mr. Martinowski stated that this is the main document and all others within the development must abide by it. The other documents may be more restrictive, but not less restrictive.

Mr. Witherspoon asked about signage within the development. Why are these considered common space. Mr. Martinowski stated that the signage is considered as common space to be maintained by the Homeowners association. Mr. Bajorek stated that in the HOA document, common space is not necessarily considered open space as the Township would refer to it. Mr. Martinowski stated that those items are not included in the calculation of open space.

Mr. Campanalie stated that on page 6 paragraph H of the HOA Document it states the association can transfer the ownership to an township, municipality, etc. Mr. Campanalie stated that municipality should be struck only to include County, Township and Utility.

Mr. Thomas asked about the procedure for enforcement of easement encroachment. Mr. Martinowski stated that there are no procedures for penalties and enforcement of easement encroachment within the HOA document. Mr. Martinowski stated that would be dealt with through the zoning inspector in the Township. Mr. Witherspoon asked if you buffer with trees and the leaves fall, is it still a buffer? Mr. Witherspoon stated that he was asked that question. Mr. Campanalie stated that an adequate buffer would be evergreen trees.

Mr. Campanalie moved to close the public hearing for Sharp Development General Development Plan Review. Seconded by Mr. Thomas. Roll call, all approved.

Mr. Campanalie moved to recommend approval to the Olmsted Township Board of Trustees, the General Development Plan for Woodgate Farms dated October 25, 2000, including the Homeowners Association Draft documents. Seconded by Mr. Bajorek.

Discussion on the Woodgate Farms General development plan. Mr. Thomas stated that he has alot of questions regarding this plan and would like to consult a land use expert before

proceeding. Mr. Campanalie stated that we should move forward with this application. Mr. Bajorek stated that there will be another chance for review by the Board of Trustees before final approval of this general development plan. Mr. Witherspoon stated that he still has alot of questions on the Homeowners Association draft.

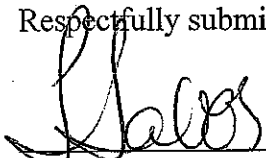
Roll call. Mr. Witherspoon- abstain, Mr. Thomas- no, Mr. Bajorek- yes, Mr. Campanalie- yes.

Mr. Thomas moved to recommend to the Olmsted Township Board of Trustees to retain a land use expert, as soon as possible, in an advisory capacity to Olmsted Township and its Boards, to assure compliance with the Comprehensive Land Use Plan and the Olmsted Township Zoning Resolution. Seconded by Mr. Thomas. Roll call, all approved.


Mr. Thomas stated that the he has noticed some signs permitted within the Township that have not been reviewed by the Zoning Commission. Mr. Bajorek stated that he would like the Zoning Commission to receive a report from the Zoning Inspector on what permits were being issued in the Township to assure that all items that were to come before the Zoning Commission were reviewed before being approved.

Mr. Campanalie moved to adjourn at 9:37 p.m. Seconded by Mr. Thomas. Roll call, all approved.

Respectfully submitted,



Tammy Tabor, secretary



Michael Bajorek, Chairman

12/13/2000

Date