

The regular meeting of the Olmsted Township Zoning Commission was called to order October 27, 2004 at 7:00 p.m. Present were Chairman John Lavelle, Richard McMakin, Richard Gebhard and Ronald Campanalie. Also present was secretary Tammy Tabor.

Mr. Lavelle moved to reconsider Resolution L-04 for the purpose of reopening the public hearing. Seconded by Mr. McMakin. Roll call, all approved. Mr. Lavelle moved to open the public hearing for Resolution L-04. Seconded by Mr. Gebhard. Roll call, all approved. Mr. Lavelle stated that the public hearing is reopened to consider recommendations from the Cuyahoga County Planning Commission. The Ohio Revised Code requires the CCPC to render recommendations to the Zoning Commission prior to a decision by the Olmsted Township Zoning Commission. The Olmsted Township Zoning Commission has not received recommendations from the CCPC as of this meeting. Mr. Lavelle moved to table the public hearing for Resolution L-04 until November 16, 2004 at 7:00 p.m. Seconded by Mr. McMakin. Roll call, all approved.

Mr. Lavelle moved to reconsider Resolution M-04 for the purpose of reopening the public hearing. Seconded by Mr. McMakin. Roll call all approved. Mr. Lavelle moved to open the public hearing for Resolution M-04. Seconded by Mr. Gebhard. Roll call, all approved. Mr. Lavelle stated that the public hearing is reopened to consider recommendations from the Cuyahoga County Planning Commission. The Ohio Revised Code requires the CCPC to render recommendations to the Zoning Commission prior to a decision by the Olmsted Township Zoning Commission. The Olmsted Township Zoning Commission has not received recommendations from the CCPC as of this meeting. Mr. Lavelle moved to table the public hearing for Resolution M-04 until November 16, 2004 at 7:00 p.m. Seconded by Mr. McMakin. Roll call, all approved.

Mr. Lavelle moved to table the regular meeting and open the public hearing for Resolution N-04. Seconded by Mr. McMakin. Roll call, all approved. Mr. Lavelle stated that this is a development plan, rezoning was approved several years ago. Kurt Uptegraff was present representing Gross Builders. Mr. Uptegraff stated that Gross Builders is planning to develop 29 acres of property on Bagley Rd. that is currently zoned for townhouses. Gross Builders is planning 202 townhouse units in 4, 6 and 8 unit buildings. Mr. Uptegraff stated that the development has 49% open space. Mr. Campanalie stated that he was unsure of the code permitting buffer areas to be calculated as part of the open space requirement. Mr. Lavelle stated that he believed that the code was silent on that issue and the Board could look into that issue. Mr. McMakin asked if the buffer and the retention pond were included in the open space calculation. Mr. Uptegraff answered yes. There will be a recreation area for the residents. The recreation center will have a swimming pool and tot lot for smaller children. Mr. Lavelle asked if the developer would be providing street lights. Mr. Uptegraff stated that the street lights will be located throughout the development, the entrance island and at the mailbox locations. Mr. Lavelle asked if the post office has approved the location of the mailboxes. Mr. Uptegraff stated that he has not discussed the location of mailboxes with the post office yet. Mr. Uptegraff stated that the entrance way is proposed to have stone piers and black wrought iron fence. The piers will have lights on them. Mr. Lavelle asked how many units are proposed. Mr. Uptegraff stated that there will be 2 bedroom units that are 1468 square feet with a 2 car garage and 3 bedroom units that are 1555 square feet with a two car garage. Mr. Lavelle asked what the average cost per unit is. Mr. Uptegraff stated that the average price would be \$150,000.00. Mr. Uptegraff stated that sidewalks were included as well as a deceleration lane heading eastbound on Bagley Rd.

Mr. Uptegraff stated that the buildings would be different shades of tan & brown and alternating stone and brick fronts. All units will have the same color roof shingles.

Mr. Lavelle stated that the item of most interest to the residents is buffering. Mr. Lavelle asked what Gross will be using to buffer. Mr. Lavelle asked if the trees will remain. Mr. Uptegraff stated that they will leave as many trees as possible.

Mr. Campanalie stated that there seems to be a high number of units in this development. Mr. Lavelle stated that the density is as required by the Olmsted Township Zoning Resolution. Mr. Campanalie stated that he would like less units in this development. Mr. Lavelle asked if Gross Builders would be willing to donate open space or areas for recreation for the public. Mr. Uptegraff stated that he does not know where he would take that area from. Mr. Lavelle stated that the Fire Department and Cuyahoga County do not approve the "hammerhead drives" and cul de sacs are required for safety. Mr. Uptegraff stated that at the preliminary meeting the Board did not acknowledge that. Mr. McMakin stated that when the applicant came in for preliminary meetings, the entire plan was not thoroughly reviewed. That is why a formal review is required. That is when all of the Township Departments are given plans and respond with any concerns they have with the plan. Mr. Uptegraff stated that Pulte is permitted to construct those type of drives. Mr. Uptegraff stated that they took the design off of Pulte's approved plans for Pembroke Place. Mr. Lavelle stated that Pulte was made to change the design on their final plan. Mr. Uptegraff stated that he does not want to be more restricted than other builders.

A resident stated that when there are activities at the High School, especially football games, there are people parking every where and on his tree lawn. He does not want additional residents that will cause more traffic. Mr. Lavelle stated that the density has already been determined, this hearing is for development plan review.

Jean Murphy, Cook Rd., asked how the Township services will keep up with the additional residents and the additional burden on the schools. Mr. Lavelle stated that the fire department will continue to expand the fire department as needed. Ms. Murphy stated that the taxes are currently so high that it will be an additional burden on the homeowners. Mr. Lavelle stated that additional retail and commercial would be nice to lessen the tax burden on the homeowners. This was approved for residential several years ago for the density that is being requested. This hearing is for the development plan.

Jim Ginley, Bagley Rd, asked what the distance is from the sidewalks to the garage. Mr. Uptegraff stated 20 feet. Mr. Ginley stated that it seems that the developer is providing ideal development for families.

Mr. McMakin asked if the developer had plans to prevent access or walkthroughs to the schools. Mr. Lavelle asked if Gross Builders was planning any type of privacy fences. Mr. Uptegraff stated that he does not have any plans for either of those items. Mr. Lavelle stated that the Board is interested in protecting the existing residents from any impact the new development may have on the area.

Mr. Lavelle asked what type of buffering and screening will be provided. Mr. Uptegraff stated that they do not have any buffering. The secretary read section 330.02 of the Olmsted Township Zoning Resolution requiring buffering and screening of RMFT districts. Mr. Uptegraff asked if the Township wants him to remove existing trees. Mr. Lavelle stated that the trees can remain and a buffer be created along the property where a buffer does not exist.

Mr. Lavelle moved to table the public hearing until November 23, 2004 at 7:00 p.m.

Resolution O-04 Nunley/Pride One Rezoning Request

Mr. Lavelle moved to open the public hearing for Resolution O-04. Seconded by Mr. Gebhard. Roll call, all approved.

George Smerigan was present representing the applicants. Mr. Smerigan stated that Pride One and Alan Nunley would like to develop a 14 acre parcel that is located on Cook Rd. Mr. Smerigan stated that the parcel is bordered to the north and east by North Olmsted and North Ridgeville on the west side of the parcel. The surrounding property in North Olmsted is a mixed use zoning. The property to the east is Cinnamon Woods, multi family cluster homes and commercial structures to the north. The property in North Ridgeville to the west is zoned B-3. Mr. Smerigan stated that B-3 Olmsted Township Zoning Commission minutes 10-27-04

is the most permissive of zoning categories in North Ridgeville. B-3 permits most commercial, retail and service uses, including adult entertainment. Mr. Smerigan stated that the Olmsted Township Land Use Plan adopted in 1998 provides for a 440 acre area of land on the south side of Cook Rd. to be developed as an Industrial Park. Currently the Township is working with Olmsted Falls to develop that as the Joint Economic Development District (JEDD). The main access route to the JEDD would be from the Ohio Turnpike or Interstate 480 to Cook Rd. The road is intended to be widened to accommodate heavy truck traffic and passenger traffic. The amount of industrial traffic would not be feasible to drive through a single family residential area. The development of Willow Woods and Cinnamon Woods on Cook Rd. and the proposed development of the JEDD will no longer provide for the continuity of the single family zoning that is described in the Olmsted Township Land Use Plan. The Land use plan stated that the property remain in the R-40 district. Mr. Smerigan stated that at the time that the recommendation was made the circumstances were substantially different. Critical and extensive changes made that would warrant a change in the zoning. At the time that the plan was adopted the land surrounding the site was in the township and part of a larger residential area. There was continuity between this site and the surrounding property. That is no longer true. Utilities are not readily available to the site. The sanitary sewer is currently available near the west end of this site and the water line could be extended to serve this area. Mr. Smerigan stated that with the proposed industrial and multi family development of the area, a zoning of R-40 is no longer reasonable or constitutionally correct. Mr. Smerigan stated that the current R-40 zoning constitutes an arbitrary and capricious zoning classification that denies a property owner a reasonable and economical use of the land. The applicant is seeking a zoning change to allow an economical use of the land. The intention is to develop the site as residential single family in a townhouse style development. Single family units, ranch style with a second floor loft, individual entrances, attached garages. The applicant intends to utilize the intersection with Bronson. All buffering requirements will be met.

Mr. Lavelle stated that the Olmsted Township Zoning Commission will not be rendering a vote today. Cuyahoga County Planning Commission (CCPC) must render recommendations prior to the decision by the Olmsted Township Zoning Commission. The CCPC will not be meeting until mid – November.

Mr. Lavelle asked why the developer has requested RMFA rather than RMFT.

Mr. Smerigan stated that the setback and arrangement would not be permitted in an RMFT zone without several variances. The design of the development, rather than units per acre, is the reason for the RMFA request.

Mr. McMakin stated that the “hammerhead” drives do not comply with the current fire code and may be requested by the Fire department to create cul de sac turn around instead.

Mr. Lavelle stated that the Board is concerned for the 3 single family homes that are located in the center, along Cook Rd., of the proposed site. The Board would like to see adequate buffering. Mr. Lavelle asked if any of the current residents had been contacted or would Pride One be willing to purchase those properties to include in the rezoning.

Mr. McMakin stated that the proposed development would protect the existing homes by creating a buffer between North Olmsted and North Ridgeville commercial zoning districts. Mr. McMakin asked if the roads would be privately maintained and would there be a homeowners association for this development.

Mr. Lavelle asked if there could be deed restrictions stating single family, single story.

Mr. Lavelle asked if the extension of the water and sewer lines be accessible to the current single family homeowners. Mr. Smerigan stated that the utilities will not be restricted. It would be up to the utilities as to whether the residents could tie into those lines.

Mr. Campanalie stated that the design of the land use plan was not done in a whimsical or cavalier attitude. The zoning is nor arbitrary or capricious. Mr. Smerigan stated that at the time of the Olmsted Township Zoning Commission minutes 10-27-04

adoption of the zoning resolution, the designation of that property may have been appropriate. Mr. Smerigan stated that since the changes to the area and the creation of the JEDD District, the development of the area for single family residential is no longer reasonable.

Mr. Lavelle stated that the floor is open for questions.

Eric Molar, Cinnamon Woods, asked if the home on the north side of Cook Rd, directly across from Bronson, is part of this proposal. Mr. Smerigan stated yes. Mr. Molar asked if there would be a buffer zone. Mr. Smerigan stated that the code does not require it but they would be willing to provide a buffer.

Jean Murphy stated that she lives across the street from the proposed development. Ms. Murphy stated that Cook Rd. in North Ridgeville has residential houses on it. Ms. Murphy asked what assurances the Board has that the developer will do what is proposed.

Mr. Smerigan stated that Pride One had proposed commercial development on this property and the residents opposed it. The Board agreed with the residents and denied the request to commercial zoning. Mr. Smerigan stated that the commercial zoning would have provided a better tax base for the community. Mr. Smerigan stated that the residents in the area preferred residential development rather than commercial.

Patrick Smith, Cinnamon Woods, asked how long had the developers owned the property. Mr. Conwill stated that there are two parcels in this proposal. Mr. Conwill stated that Pride One had been the owners of a parcel for less than 1 year and Mr. Nunley had owned a parcel for 2 years.

Tony Sapienza asked if they are proposing the removal of trees on the site. Mr. Smerigan stated that they would like to keep as many trees as possible for buffering and landscaping purposes. They would remove only the trees necessary for construction. Mr. Sapienza asked what the distance would be from the development site to the proposed houses. Mr. Smerigan stated approximately 40 feet would be the closest structure.

Mr. Lavelle stated that the Township is trying to keep the property in the Township and control the development of the property.

Mr. McMakin stated that the Board is trying to do what is best for Olmsted Township. The Board is trying to allow the property owner the legal right to develop the property and provide the best for the existing residents. The Board would like to provide a buffer between the commercial and mixed zoning uses on the border of Olmsted Township. Mr. McMakin stated that a residential apartment or townhouse zoning would require adequate buffering around the entire site. That would provide buffering for the existing residents as well. Mr. McMakin told the surrounding property owners to contact the developers and let the developer know what they would like for the development of the property.

Michelle Markarian stated that the Township just forgets about the area on the fringe.

Mr. Lavelle stated that the Township has retained a land use attorney to advise on this proposal.

Ms. Markarian stated that the residential zone is well established.

Mr. Lavelle asked for any further questions. Hearing none Mr. Lavelle moved to table the public hearing until November 23, 2004 at 7:00 p.m. Seconded by Mr. McMakin. Roll call, all approved.

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

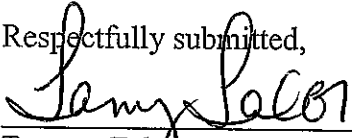
Mr. Lavelle stated that the next item on the agenda is the application for a car wash submitted by Mr. Berg. Mr. Lavelle stated that the Bergs have not received information on the sanitary facilities

for development of the site. Mr. Lavelle stated that the hearing would be continued until November 23, 2004.

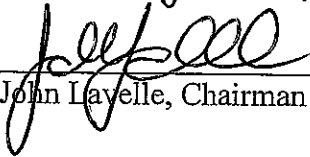
Mr. Lavelle moved to set the public hearing for Wheaton Development's request to permit decks in the Wheaton Place development for November 23, 2004 at 7:00 p.m. Seconded by Mr. McMakin. Roll call, all approved.

Mr. Lavelle asked for any further discussion. Hearing none, Mr. Lavelle moved to adjourn. Seconded by Mr. Gebhard. Roll call, all approved.

Respectfully submitted,



Tammy Tabor, secretary



John Lavelle, Chairman

11/23/04
Date