

The Olmsted Township Zoning Commission special meeting of September 27, 2000 was called to order at 8:05 p.m. Present was Chairman Michael Bajorek, Albert Arlow, Ryan Thomas, Ronald Campanalie and Richard Wiitherspoon. Also present was secretary Tammy Tabor. Mr. Bajorek moved to table the reading of the minutes until the next regularly scheduled meeting of the zoning commission. Seconded by Mr. Campanalie. Roll call, all approved.

Mr. Campanalie moved to open the public hearing for Sharp Development Plan approval. Seconded by Mr. ~~Campanalie~~ ^{Arlow}. Roll call, all approved. The secretary read a letter from Mr. Chuck Fleck regarding his concerns of flooding on his property due to changes in drainage within the development area. Kristin Sokolowski was present representing the Sharp Development Group. Ms. Sokolowski discussed the prior concerns of the Zoning Commission regarding the general development plan. Ms. Sokolowski stated that around each of the cluster sites would be a border area that would create more visible green space around the entrance to Woodgate Farms. Ms. Sokolowski stated that the plan has been modified to allow a border of open space around the areas that border adjoining communities. That open space property will be transferred to the Woodgate Farms Homeowner's association. Ms. Sokolowski stated that the transfer of property to the homeowners association would not allow for annexation of those areas to adjoining communities. Ms. Sokolowski stated that the cluster areas may also have internal homeowners associations as well as the primary (overall) homeowners association. Mr. Thomas was concerned that if in the phased development, the sections may be sold to developers, what is actually being transferred to the developer. Mr. Thomas asked if a lot split is done to transfer that property to a developer. Ms. Sokolowski stated that if the phases are sold, the developer purchases the site or the individual lots. If the site is sold to a developer he owns the lots and the open space still belongs to the homeowners association. Ms. Sokolowski stated that the purchaser of the property must follow the general development plan. Mr. Campanalie asked that if the developer fails to complete the improvements to the development, what happens to the area. Ms. Sokolowski stated that Sharp Development Group will intervene and complete the project.

Wes Bement of Schady Road asked if the Homeowners association can annex the property if they wanted to. Ms. Sokolowski stated that it could be included in the Homeowners Association that it would not be possible to transfer the property to another city. Ms. Sokolowski stated that the zoning commission could address that issue with the prosecutor reviewing the homeowners association draft.

Mike Stallard of Schady Road asked that if the phases are sold to developers, would Sharp development still retain enough frontage to continue with the project. Mr. Martinowski stated that if a builder wants to buy an undeveloped phase, Sharp development still retains the right to access the rest of the areas and to intervene if the developer does not complete the improvements within a specified time.

Mr. Campanalie asked if the property for road access will allow annexation. Ms. Sokolowski stated that they are not interested in annexing to Olmsted Falls. Mr. Thomas stated that if one foot of property around the development is transferred to the township rather than the homeowners association it would eliminate the possibility of annexation.

Ms. Sokolowski stated that if the property was transferred to the homeowners association that they would not be able to annex. Ms. Sokolowski stated that she was unable to answer some of the concerns of the Board, regarding the homeowners association draft, and those items should be addressed to the prosecutor. Mr. Bajorek stated that Ms. Sokolowski has referred to the Homeowners Association regarding the possibilities of annexation. Ms. Sokolowski has stated within the Homeowners Association document, the Association cannot annex. Ms. Sokolowski stated that the prosecutor is reviewing the HOA document for legal concerns. Mr. Thomas stated that as a township we cannot tell property owners what they can do with their land. Mr. Thomas asked if the township has received a legal opinion from the prosecutor regarding the HOA draft. Mrs. Tabor stated that the prosecutor has requested our input before rendering her opinion.

Ms. Sokolowski stated that the Township may want to be included as a third party to the HOA.

Wes Bement asked what that would mean. Mr. Martinowski stated that the township would be included in the decisions of the HOA. Mr. Witherspoon pointed out that in the HOA draft, it is stated that the Homeowners association may transfer property to another owner. Also, in the Olmsted Township Zoning Resolution the township must receive a written recommendation on the HOA documents from the prosecutor before the General Development Plan can be approved.

Mr. Bajorek stated that if the board members have any comments or questions regarding the HOA documents, please submit them to the secretary before Tuesday October 3, 2000 and they will be forwarded to prosecutor Dodrill.

Mark Chokan of Bagley Road asked if there will be open space between the lots that border Olmsted Falls.

The secretary stated that Police Chief McCafferty requested that a flotation device be placed near the retention ponds and all depths be include for those areas.

Mr. Stallard asked what the status of the park land that is to be transferred to the Township. Ms. Sokolowski stated that it is in the process of being surveyed and should be transferred to the Township in approximately 3-4 weeks.

Mr. Stallard asked if the islands in the cul-de-sacs were permitted. Mr. Thomas stated that the zoning resolution does allow for islands in the cul de sacs.

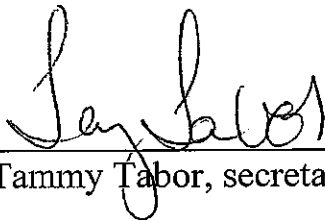
Wes Bement asked how the project on Schady Road can be started without plan approval. Mr. Martinowski stated that the project has not begun yet, The county is using that area to dump soil from the sewer project and have placed their construction trailer at that site.

Mr. Campanalie presented a list of names to Ms. Sokolowski that could be used as street names.

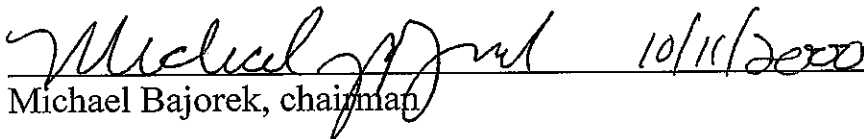
Mr. Thomas moved to table the public hearing for Sharp Development General Development Plan until the October 11, 2000 meeting at 8:00 p.m.. Seconded by Mr. Campanalie. Roll call, all approved.

Mr. Arlow moved to adjourn at 9:05 p.m. Seconded by Mr. Campanalie. Roll call., all approved.

Respectfully submitted,



Tammy Tabor, secretary



Michael Bajorek, chairman

Date