

The regular meeting of the January 26, 2005 Olmsted Township Zoning Commission was called to order at 7:00 p.m. Present were Chairman John Lavelle, Richard McMakin, Richard Gebhard and Ronald Campanalie. Also present were secretary Nicole Rosiu and Building Commissioner Keith Foulkes.

Mr. Lavelle moved to table the November 16, 2004 and December 14, 2004 minutes. Seconded by Mr. McMakin. Roll call, all approved.

Mr. Lavelle said that he would like to amend the agenda and re-organize the board. Mr. Lavelle nominated Mr. McMakin for vice-chairman. Seconded by Mr. Gebhard. Roll call, all approved. Mr. McMakin nominated Mr. Lavelle for Chairman. Seconded by Mr. Gebhard. Roll call, all approved.

Pride One Rezoning-Resolution O-04

Mr. Lavelle made a motion to re-open the public hearing for Resolution O-04. Seconded by Mr. McMakin. Roll call, all approved. Mr. Lavelle stated that the Township hired a land use attorney, Ed Kancler, who said that the Township cannot stop them from developing, because they would lose in court. Mr. Lavelle said that they had put deed restrictions on the development, which include only building 9 units per acre, rather than the 12 units allowed by the code and they are to put up 1-story units, rather than the 3-story units allowed.

Tony Sapienza asked if the units would still be rentals. Mr. Lavelle said yes. Mr. Lavelle stated that this is the only developer that has tried to work with the Township and not take the Township to court. Mr. McMakin stated they are going to try to keep everything in the guidelines. Michelle Markarian stated that she is concerned about the children and where the kids are going to play. Mr. Lavelle said that the kids will play in the open space, but the Township cannot stop the growth, only try to control it. Mr. McMakin stated that the Township cannot limit the growth too much because then the Township would be considered anti-school, anti-kids, anti-family, etc.

Mr. Lavelle stated that he met with the Trustees and the land use attorney, and they all agreed that if the Township denied this development, it would lose in court. Ms. Markarian said that there is a lot of wildlife in the area now and if the development goes in, the deer are going to be a problem in everyone's gardens. Mr. Lavelle said that Ms. Markarian can go to the Trustee meeting and suggest a fence be put around the property. Ms. Markarian said that the deer will go over the fence. Mr. Campanalie stated that when deer lose their habitat, they will go somewhere else. Mr. McMakin said that this would all be a concern in the plan approval process with the Trustees. Ms. Markarian asked if they would be building 100 homes now instead of 126. Mr. Lavelle said yes, maybe less.

Bob Murphy asked if this development would be getting water. Mr. Lavelle said yes, water and sewer. A resident asked if they would provide the homeowners with water taps. Mr. Lavelle said that he would have to talk to the Trustees, but they probably will. The resident asked how far the buffering would be from the residents. Mr. Lavelle said 60 feet from the right of way and 40 feet between the properties. Mr. Lavelle made a motion to approve the rezoning from R-40 to RMF-A with the following deed restrictions:

1. Building height. The dwelling units constructed on the premises shall be limited to a maximum of one story in height, provided however, that loft or partial second floor areas may be permitted.
2. Density. The number of dwelling units constructed on the premises shall not exceed a density of 9.0 dwelling units per gross acre of land area.
3. Occupancy. To the extent that residential dwelling units on said premises are offered as rental units, declarants shall include in all rental agreements a provision, which limits the maximum number of occupants per dwelling unit to not more than three persons.

4. Township Beneficial Party. The restrictions of this declaration are intended for the sole benefit of the Township and may be modified or amended by the declarants, their successors and assigns, in whole or part, only with the written consent of the Township. The Township shall have the authority, but not the obligation to enforce these restrictions.
5. Binding on Declarants. This declaration shall be binding upon the declarants and their successors-in-interest so long as the premises are zoned Residential Multi-family Apartment (RMF-A) District or used as a single family attached housing development.
6. Separability. Each of the restrictions contained in this declaration shall stand separately. Should any of the covenants or restrictions contained in this declaration be determined by a court to be invalid for any reason, such finding shall not affect the validity of the remaining covenants and restrictions, which shall continue in full force and effect.

Seconded by Mr. McMakin. Roll call, all approved.

Mr. Lavelle moved to close the public hearing. Seconded by Mr. Campanalie. Roll call, all approved.

Berg Lazer Wash

Mr. Lavelle made a motion to table the public hearing for the Berg Lazer Wash. Seconded by Mr. Campanalie. Roll call, all approved.

Mr. Lavelle moved to recess the regular meeting. Seconded by Mr. Campanalie. Roll call all approved.

Fire Department-Resolution A-05

Mr. Lavelle stated that the plan was approved last year, but now the service department has been taken off. Pat Thornton said yes, originally the service department was going to go behind the new fire station, but that has been eliminated. Now there is a 1200 square foot addition on the end of the fire department, which will contain the Building Department. Mr. Thornton said that the buildings have been changes from concrete to brick to reflect the other buildings in the area. Mr. Thornton stated that it is 45 feet from the fire station to the police station, the fire department will have second story living quarters and 4 bays, including one drive-thru bay.

Mr. Lavelle made a motion to approve Resolution A-05 as submitted. Seconded by Mr. McMakin. Roll call, all approved.

Mr. Lavelle moved to close the public hearing for Resolution A-05 and open the public hearing for Resolution B-05. Seconded by Mr. Gebhard. Roll call, all approved.

Dave McCollum and Tom Pitro stated that they are neighbors to the fire station and wanted to know about buffering. Mr. Lavelle said that the buffering has already been approved. Mr. Thornton said that the buffering is included in the bid package. Mr. McCollum asked if there is going to be a green barrier. Mr. McMakin said yes, the area was built to allow barriers to be put in. Mr. Pitro said that he did not think the police department was going to be so close and it will look horrible with two big buildings right there. Mr. McMakin stated that Mr. Pitro will not have the view of the traffic on Fitch Rd. Mr. Lavelle stated that the Trustees can require a privacy fence to be put up. Mr. Pitro said that he didn't want his view to be blocked even more. Mr. McMakin stated that the Trustees are trying to buy Jak's Bar and have parking for the Township employees there. Mr. McCollum asked where the police and fire are going to park. Mr. Lavelle said they would park on the South side of the buildings. Mr. McCollum stated that he thinks it will look great with all the buildings matching. Mr. McMakin said that the Township is trying to get all of the buildings together, except the service department, which makes a lot of noise.

Service Department-Resolution B-05

Mr. Lavelle stated that the public hearing has already been opened for the Service Department. Mr. Thornton stated that everything is still the same, originally there were 4 bays, now there are 5. Mr. Lavelle asked if it was going to be a steel building. Mr. Thornton said no, it will be metal with 4 feet of concrete block. Mr. Lavelle asked if there were going to be any lights. Mr. Thornton said that all the lights will be on cut-off fixtures, not aimed at the residents, but aimed toward the county garage. Mr. Lavelle asked when the Fire and Service Departments are going out for bid. Mr. Thornton said the Fire Department is going out Thursday (January 27, 2005) and the Service Department is going out on Tuesday (February 1, 2005). Mr. Lavelle made a motion to approve Resolution B-05 as submitted. Seconded by Mr. Campanalie. 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,

Nicole Rosiu, secretary

John Lavelle, Chairman

Date