

PUBLIC HEARING ON RESOLUTION D-01 - SEPTEMBER 6, 2001

Present for the public hearing on Resolution D-01 were Chairman Thomas Bush, Vice-Chairman Timothy Hagan, Trustee Karen Straka, Assistant County Prosecutor Joyce Dodrill and Clerk Annette Wey.

Trustee Bush moved to open the public hearing on Resolution D-01. Seconded by Trustee Straka. Roll Call: All approved.

Clerk Wey read the legal notice that was published in The Plain Dealer. Chairman Bush stated that the Zoning Commission had approved this rezoning.

Mr. John Barnard, President of Vita-Mix Corporation, explained this rezoning request was due to their plans for expansion. He displayed a map which showed their expansion plans.

A resident asked if the Army Corp. of Engineers had granted permission for this. Mr. Barnard explained that they were submitting everything to the State.

A resident asked how much increase in traffic were they forecasting. Mr. Barnard stated that they do not expect an increase in traffic due to larger loads leaving.

A resident expressed his concerns regarding this land eventually being sold after being rezoned. He also expressed his concern regarding the change in landscape due to this expansion. He also expressed concern over the value of his land decreasing due to this expansion.

A resident asked when they projected this expansion to be completed. Mr. Barnard stated they were trying to have it completed by the Spring of 2002.

Trustee Bush asked if buffering could be put in. Mr. Barnard stated they could only put in limited buffering due to the high tension wires.

Trustee Bush moved to close the public hearing on Resolution D-01. Seconded by Trustee Straka. Roll Call: All approved.

Respectfully submitted,


Clerk


Chairman Date

PUBLIC HEARING ON RESOLUTION F-01 - SEPTEMBER 6, 2001

Present for the public hearing on Resolution F-01 were Chairman Thomas Bush, Vice-Chairman Timothy Hagan, Trustee Karen Straka, Assistant County Prosecutor Joyce Dodrill and Clerk Annette Wey.

Trustee Bush moved to open the public hearing on Resolution F-01. Seconded by Trustee Straka. Roll Call: All approved.

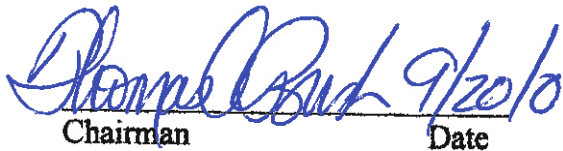
Clerk Wey read the legal notice that was published in The Plain Dealer.

Tammy Tabor from the Zoning Office explained that the Zoning Commission was having trouble meeting the time requirements in the current zoning resolution, which was why the Zoning Commission had recommended this amendment.

Trustee Bush moved to close the public hearing on Resolution F-01. Seconded by Trustee Straka. Roll Call: All approved.

Respectfully submitted,


Clerk


Chairman Date

PUBLIC HEARING ON RESOLUTION I-01 - SEPTEMBER 6, 2001

Present for the public hearing on Resolution I-01 were Chairman Thomas Bush, Vice-Chairman Timothy Hagan, Trustee Karen Straka, Assistant County Prosecutor Joyce Dodrill and Clerk Annette Wey.

Trustee Bush moved to open the public hearing on Resolution I-01. Seconded by Trustee Straka. Roll Call: All approved.

Clerk Wey read the legal notice that was published in The Plain Dealer.

Mr. Matt Casey of Pulte Homes explained they are seeking preliminary plan approval. He further explained this phase of Woodgate Farms.

Trustee Bush moved to close the public hearing on Resolution I-01. Seconded by Trustee Straka. Roll Call: All approved.

Respectfully submitted,


Clerk


Chairman Date

OLMSTED TOWNSHIP BOARD OF TRUSTEES - SEPTEMBER 6, 2001

The Olmsted Township Board of Trustees' regular meeting of September 6, 2001 was called to order at 7:34 p.m. Present were Chairman Thomas Bush, Vice-Chairman Timothy Hagan, Trustee Karen Straka, Assistant County Prosecutor Joyce Dodrill and Clerk Annette Wey. Chairman Bush asked that everyone stand for the Pledge of Allegiance.

Correction and Approval of Previous Minutes

Trustee Bush moved to approve the August 9, 2001 regular meeting minutes as submitted. Seconded by Trustee Hagan. Roll Call: All approved.

Trustee Bush moved to approve the August 9, 2001 public hearing minutes on Resolution G-01 as submitted. Seconded by Trustee Straka. Roll Call: All approved.

Trustee Bush moved to approve the August 9, 2001 public hearing minutes on Resolution H-01 as submitted. Seconded by Trustee Straka. Roll Call: All approved.

Reports

Clerk Wey gave the Fund Status Report.

Trustee Straka reported on the John Road striping being completed and received correspondence from O.D.O.T. regarding the intersection of Columbia Road and John Road.

Trustee Bush reported on attending the County Engineer's meeting regarding the Bagley Road resurfacing project.

Payment of Bills

Trustee Straka moved to approve Draft Nos. 26311-26430 and E00543-E00561. Seconded by Trustee Bush. Roll Call: All approved.

New Business

Trustee Bush moved to approve Resolution 54-01 (Expenditures). Seconded by Trustee Straka. Roll Call: All approved.

Trustee Bush moved to advertise to accept sealed bids on a 1996 & 1997 Crown Victoria police cruiser, conditionally upon the Prosecutor's opinion of legal requirements. Seconded by Trustee Hagan. Roll Call: All approved.

Trustee Bush moved to approve videotaping of Southwood Lane. Seconded by Trustee Straka. Roll Call: All approved.

Trustee Bush moved to approve Resolution 55-01 (Service Department Personnel) with the addition of Section 3. to read as follows: "Dana Kline shall serve a six (6) month probationary period". Seconded by Trustee Straka. Roll Call: All approved.

Trustee Bush moved to renew the maintenance agreement with SBC for the 911 system, not to exceed \$3,166.00. Seconded by Trustee Straka. Roll Call: All approved.

Trustee Bush moved to renew the maintenance agreement with Stephen Campbell & Associates for the voice logger, not to exceed \$1,500.00. Seconded by Trustee Hagan. Roll Call: All approved.

Trustee Bush opened the one (1) sealed bid for the squad from Finley Fire Equipment in the amount of \$136,950.00.

Trustee Bush moved to recess the regular meeting for the purpose of a public hearing on Vita-Mix rezoning. Seconded by Trustee Straka. Roll Call: All approved.

Trustee Bush moved to reconvene the regular meeting. Seconded by Trustee Hagan. Roll Call: All approved.

Trustee Bush moved to amend the agenda to include: Approval of a water line easement. Seconded by Trustee Hagan. Roll Call: All approved.

Trustee Bush moved to approve the water line easement as submitted. Seconded by Trustee Hagan. Roll Call: All approved.

Trustee Bush moved to approve the Vita-Mix rezoning. Seconded by Trustee Straka. Roll Call: All approved.

Trustee Bush moved to approve Resolution F-01, zoning text amendment. Seconded by Trustee Straka. Roll Call: All approved.

Trustee Bush moved to approve Resolution I-01. Seconded by Trustee Hagan. Roll Call: All approved.

Trustee Bush moved to adjourn the meeting at 9:05 p.m. Seconded by Trustee Hagan. Roll Call:
All approved.

Respectfully submitted,

Annette L. Way
Clerk

Thomas Bond 9/20/01
Chairman Date

OLMSTED TOWNSHIP BOARD OF TRUSTEES - SEPTEMBER 20, 2001

The Olmsted Township Board of Trustees' regular meeting of September 20, 2001 was called to order at 7:33 p.m. Present were Chairman Thomas Bush, Vice-Chairman Timothy Hagan, Trustee Karen Straka, Assistant County Prosecutor Joyce Dodrill and Clerk Annette Wey. Chairman Bush asked that everyone stand for the Pledge of Allegiance.

Correction and Approval of Previous Minutes

Trustee Bush moved to approve the September 6, 2001 regular meeting minutes as submitted. Seconded by Trustee Hagan. Roll Call: All approved.

Trustee Bush moved to approve the September 6, 2001 public hearing minutes of Resolution D-01 as submitted. Seconded by Trustee Hagan. Roll Call: All approved.

Trustee Bush moved to approve the September 6, 2001 public hearing minutes of Resolution F-01 as submitted. Seconded by Trustee Straka. Roll Call: All approved.

Trustee Bush moved to approve the September 6, 2001 public hearing minutes of Resolution I-01 as submitted. Seconded by Trustee Straka. Roll Call: All approved.

Reports

Clerk Wey gave the Fund Status Report.

Trustee Straka reported on attending a County Commissioner's meeting regarding the Sharp Road water line.

Trustee Bush reported on receiving correspondence regarding the Shell Energy extension, North Olmsted sewer rates and Robert Klaiber's office regarding Resolution 46-01.

Payment of Bills

Trustee Bush moved to approve Draft Nos. 26432-26535 and E00562-E00580. Seconded by Trustee Hagan. Roll Call: All approved.

New Business

Trustee Bush moved to approve Resolution 56-01 (Expenditures). Seconded by Trustee Hagan. Roll Call: All approved.

Trustee Bush moved to set a public hearing on Resolution J-01 for October 4, 2001 at 8:00 p.m. Seconded by Trustee Straka. Roll Call: All approved.

Trustee Bush moved to approve Resolution 57-01 (Building Department). Seconded by Trustee Hagan. Roll Call: All approved.

Trustee Bush moved to hire Joe Emery as a part-time Firefighter/EMT. Seconded by Trustee Straka. Roll Call: All approved.

Trustee Bush moved approve Resolution 58-01 (Duvon, Cahn). Seconded by Trustee Straka. Roll Call: All approved.

Trustee Hagan moved to amend the agenda to include: Squad Bid. Seconded by Trustee Bush. Roll Call: All approved.

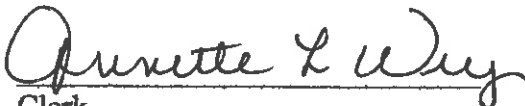
Trustee Bush moved to reject the squad bid from Finley Fire and re-advertise for the squad. Seconded by Trustee Straka. Roll Call: All approved.

Trustee Bush moved to recess the regular meeting for the purpose of a public hearing on Resolution C-01. Seconded by Trustee Hagan. Roll Call: All approved.

Trustee Straka moved to reconvene the regular meeting. Seconded by Trustee Bush. Roll Call: All approved.

Trustee Hagan moved to adjourn the meeting at 8:55 p.m. Seconded by Trustee Bush. Roll Call: All approved.

Respectfully submitted,


Clerk

 10/4/01
Chairman Date

PUBLIC HEARING ON RESOLUTION C-01 - SEPTEMBER 20, 2001

Chairman Bush moved to open the public hearing on Resolution C-01 (Disanto Enterprises). Seconded by Trustee Straka. Roll Call: All approved. Chairman Bush asked that anyone wishing to speak regarding Resolution C-01 be sworn in.

Mr. Bruce Rinker, attorney for Mr. DiSanto introduced himself. Mr. Rinker stated that he has provided the Board with copies of a cover letter and documents regarding the meetings between the Zoning Commission, the Board of Appeals and County Planning.

Mr. Rinker stated that this parcel of land is approximately 27 acres. He displayed a map which showed where this property is located. He stated that in May of 2000 the Common Pleas Court had determined that this land would be treated as a RMF-T zoning, with the limit of 150 detached units.

Mr. Rinker stated that Mr. DiSanto presented application for Westfield subdivision for 138 detached units. He further stated that the last time they were before the Board of Zoning Appeals they expressed concerns regarding landscaping. He showed on the map the 20 foot wide buffering that encircles the entire subdivision. This buffering is a rolling mounting of anywhere from 3'-4' in height with a combination of deciduous, evergreen trees and fencing. He stated that the existing thick vegetation would not be cut down.

Mr. Rinker stated that there has been much discussion with County Planning regarding open space. He stated in the original plan what had been dry retention is now wet retention. There is a two (2) acre pond that will be utilized as a storm water mechanism to control water flow and also has aesthetic value. He showed on the map an area for recreation which also allows access to the soccer fields.

Mr. Rinker stated that there will be a homeowner's organization, privately maintained streets and sidewalks were added. The buffer strip is part of the open space. He stated that due to the open space requirements, they will build 136 units. He stated that the units will be under the 35' height maximum requirement.

Mr. Rinker stated that this type of unit brings a higher price and is a better quality of construction.

Trustee Bush asked Mr. DiSanto how much these units will sell for. Mr. DiSanto stated they would sell for approximately \$160,000-\$170,000.

Assistant County Prosecutor Dodrill asked if the submitted map that is included in the packet is considered the final development plan. Assistant County Prosecutor Dodrill stated that the final development plan requires an actual configuration of buildings and structures which has not been included. She further stated that in addition setbacks are to be included. Mr. Rinker stated

that they provided that to the Zoning Board of Appeals. Prosecutor Dodrill responded that does not mean it is part of this hearing.

Prosecutor Dodrill asked by looking at Section 520.04 how this submission meets all the criteria that the final development plan is supposed to have in it. She went on to state the criteria of Section 520.04 is sanitary sewer, water, other utilities, fire hydrants, existing outdoor storage areas, storage of waste materials, location of trash receptacles, and signs and lighting.

Trustee Straka asked if this was the preliminary plan approval or the final approval. Mr. Rinker stated they understood it to be that Section 520.03 ties in with Chapter 220 and the PRD is subject to the State Code. He further stated typically you would come in with a preliminary for an overlay in an area that you would not have the proposed zoning and present it as a PRD, but this is not that situation so instead you would give it a 520.

Mr. Rinker stated that they can provide the topols and all the issues such as storm water management have been addressed and they can provide this information.

Tammy Tabor, secretary to the Zoning Commission, stated that this plan has never been seen by the Board of Appeals or the Zoning Commission. She further stated that it has been changed since they approved it. Mr. Rinker stated that there has been material changes to the plan due to addressing the County issues such as open space. He further stated that all the conditions of the Board of Appeals have been met. He stated that the only difference is that there are now two (2) less units.

A resident expressed his concerns regarding traffic on Schady Road. Another resident asked what zoning this plan follows. Prosecutor Dodrill stated that the property is zoned RMF-T and the property owner has obtained variances from the Board of Appeals. A resident asked if this plan is different than the plan that the Zoning Commission and Board of Appeals saw, how can it come before the Board of Trustees when it is not the same. Prosecutor Dodrill stated that the Board of Appeals did not approve the development plan but rather the variances. She further stated that she is concerned that the Zoning Commission did not see the final development plan which is the configuration that shows buildings and structures, heights, etc. and she still did not have a clear understanding whether that was before the Zoning Commission or not.

Mr. Rinker stated that the Zoning Commission was not interested. He further stated they were not asked one question about it or the substance of it, but rather they were concerned more on how the Board of Zoning Appeals had acted. A resident stated that the Board of Appeals stated there would be buffering from end to end along his property. This resident further stated that this requirement has not been met. Mr. Rinker stated that the drawing shows the requirements were met. He further stated that once the decision is made by the Board of Zoning Appeals, an appeal could be taken and that time has passed.

Trustee Straka stated that under Section 520.04, it is the developers responsibility to provide this information and to state that the Zoning Commission was not interested is an excuse. Trustee Straka referred to Page 2 of the submitted documents regarding the Court Entry referring to the

compliance of RMF-T zoning. She then referred to the Zoning Resolution, Section 230.02 that any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in the zoning district and shall only be permitted under amendment of this Resolution and/or the zoning map as provided in Chapter 560 or under a use substantially similar as provided in Section 530.110. She further stated that the only way to alter the Zoning Resolution is by amending it by public hearings.

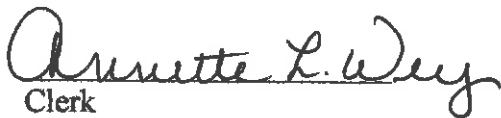
Trustee Straka stated that under Section 430.07 that the Board of Appeals has no authority to permit a use which is not permitted in the use district involved. She further stated detached single family units are a permitted use in a PRD, but are not permitted in a RMF-T district.


Mr. Rinker stated that they have gotten consistent responses from residents that they prefer this type of construction, but they are concerned with buffering.

Trustee Hagan asked the developer for a final development plan before the Board votes on the issue.

Trustee Hagan moved to table this issue to the next regularly scheduled meeting. Seconded by Trustee Straka. Roll Call: All approved.

Respectfully submitted,


Clerk


Chairman Date