

OLMSTED TOWNSHIP BOARD OF TRUSTEES - NOVEMBER 2, 1998

The Olmsted Township Board of Trustees regular meeting of November 2, 1998 was called to order at 8:04 p.m. Present were Chairperson Karen Straka, Vice-chairman Michael Stallard, Trustee Robert Venefra, Assistant County Prosecutor Robert Matyjasik and Clerk Annette Wey. Chairperson Straka asked that everyone stand for the Pledge of Allegiance.

Correction and Approval of Previous Minutes

Trustee Venefra moved to approve the October 19, 1998 meeting minutes as submitted. Seconded by Trustee Stallard. Roll Call: All approved.

Correspondence

Trustee Stallard received correspondence from, but not limited to, Northeast Ohio Regional Sewer District, Multi Cable, Inc., subscribers of Multi Cable, Olmsted Township Fire and Police Departments, Duvin, Cahn & Hutton, and a member of the Olmsted Township Board of Appeals resignation.

Trustee Venefra received correspondence from, but not limited to, zoning inspector's minutes, Service Award, an Olmsted Township Board of Appeals member's resignation letter and weekly operational reports.

Chairperson Straka received correspondence from, but not limited to, Benesch, Friedlander, and Cuyahoga County Engineers.

Clerk Wey received correspondence from the County Commissioners regarding subdivision rules and regulations.

Reports

Trustee Stallard reported on attending a meeting with Ameritech regarding adding an additional cable carrier in Olmsted Township, attended an Olmsted Community Baseball/Softball Commission meeting, met with Asst. Fire Chief Cecelich and MedTech regarding a squad replacement, attended a joint cemetery meeting, attended OPBA negotiations, attended a briefing with an attorney regarding the Holt case, attended an Airport expansion meeting, attended a grievance hearing, received blueprints for remodeling the police and fire stations, attended the County Planning Commission public hearing regarding subdivision rules and regulations and attended a meeting with Congressman Kucinich and local mayors regarding planes and trains.

Trustee Venefra reported on attending an arbitration meeting, investigated a problem on Jennings Road regarding a driveway, attended the Holt hearing, attended the Ameritech meeting, worked on a ditch problem on Sharp Road and checked on the Elizabeth Lane road project.

Chairperson Straka reported on attending an arbitration meeting, attended a labor law seminar, attended an Airport noise meeting, met with Asst. Fire Chief Cecelich and MedTech regarding a new squad, met with Ameritech regarding additional cable, attended a joint cemetery meeting, met with an attorney regarding the Holt case, attended the OPBA negotiations and spoke with residents regarding future water lines.

Clerk Wey and Zoning Inspector Moir gave their reports.

Payment of Bills

Chairperson Straka moved to approve Draft Nos. 19457-19480. Seconded by Trustee Stallard. Roll Call: All approved.

Chairperson Straka moved to schedule a public hearing on Resolution D-98 on November 16, 1998 at 8:00 p.m. Seconded by Trustee Stallard. Roll Call: All approved.

Chairperson Straka moved to schedule a public hearing on Resolution E-98 on November 16, 1998 at 8:00 p.m. Seconded by Trustee Stallard. Roll Call: All approved.

Chairperson Straka moved to approve the payment to D.B. Hartt, Inc. not to exceed \$650.00 for a zoning seminar. Seconded by Trustee Stallard. Roll Call: All approved.

Chairperson Straka moved to approve Resolution 49-98 (Police Dept.). Seconded by Trustee Stallard. Roll Call: Venefra-no, Stallard=yes, Straka=yes.

Chairperson Straka moved to amend the agenda to include: 5. County Engineers, 6. Life Pak, 7. Executive Session. Seconded by Trustee Stallard. Roll Call: All approved.

Chairperson Straka moved to approve Resolution 50-98 (County Engineers). Seconded by Trustee Stallard. Roll Call: All approved.

Trustee Stallard moved to approve the Service Contract for the Life Pak 11 and 300 from Physio Control, not to exceed \$1,520.00. Seconded by Chairperson Straka. Roll Call: All approved.

Chairperson Straka moved to suspend the rules contained in Resolution 1-98 for the purpose of a roll call vote. Seconded by Trustee Venefra. Roll Call: All approved.

Chairperson Straka moved to go into executive session for the purpose of legal matters. Seconded by Trustee Stallard. Roll Call: All approved.

Chairperson Straka moved to reconvene the regular meeting at 9:40 pm. Seconded by Trustee Stallard. Roll Call: All approved.

Chairperson Straka moved to adjourn the meeting at 9:41 p.m. Seconded by Trustee Stallard. Roll Call: All approved.

Respectfully submitted,

Arnette L. Way
Clerk

Karen Straka 11/16/98
Chairperson Date

OLMSTED TOWNSHIP BOARD OF TRUSTEES - NOVEMBER 16, 1998

The Olmsted Township Board of Trustees regular meeting of November 16, 1998 was called to order at 8:00 p.m. Present were Chairperson Karen Straka, Vice-Chairman Michael Stallard, Trustee Robert Venefra, Assistant County Prosecutor Robert Matyjasik and Clerk Annette Way. Chairperson Straka asked that everyone stand for the Pledge of Allegiance.

Chairperson Straka moved to recess the regular meeting for the purpose of Public Hearings D-98 and E-98. Seconded by Trustee Stallard. Roll Call: All approved.

Chairperson Straka moved to reconvene the regular meeting at 11:15 p.m. Seconded by Trustee Stallard. Roll Call: All approved.

Correction and Approval of Previous Minutes

Chairperson Straka moved to dispense with the reading of the previous minutes. Seconded by Trustee Stallard. Roll Call: All approved.

Chairperson Straka moved to approve the November 2, 1998 minutes as submitted. Seconded by Trustee Stallard. Roll Call: All approved.

Correspondence

Trustee Stallard received correspondence from, but not limited to, Monthly Auditor Report, zoning report for October, zoning report on Hunters Ridge street condition, County Commissioners, MultiCable, Fire Department, Police Department and County Planning.

Trustee Venefra received correspondence from, but not limited to, weekly operational reports, letter regarding the Griffor case, MultiCable, Police Department, Fire Department and the Lorain County Trustees and Clerks Assn. newsletter.

Chairperson Straka received correspondence from, but not limited to, Kelly, McCann, Duvin Cahn, F.O.P. notice to negotiate, O.P.B.A. grievances, and FY99 CDBG.

Clerk Way received correspondence from, but not limited to, Federal Signal, Common Pleas Court regarding a Workmens' Compensation claim and Forest City.

Reports

Trustee Stallard reported on working on final plans for police and fire station renovation, met with members of

Zoning Commission regarding the Master Land Use Plan and Zoning, working with Service Department regarding winter preparation and received numerous phone calls from residents regarding zoning.

Chairperson Straka reported on working with Kelly McCann regarding annexation, met with Asst. Fire Chief and MedTech regarding a new squad, working on dispatcher's claim in Federal court, working with the County regarding repair and resurfacing of Hunters Ridge roadway, researching alternatives to current issues regarding the Union Cemetery Association, working with County regarding the Elizabeth Lane resurfacing project, and working with the Police Chief on various matters.

Clerk Wey, Police Chief McCafferty and Chairperson Oehme of the Board of Appeals gave their reports.

Payment of Bills

Chairperson Straka moved to approve Draft Nos. 19536-19555. Seconded by Trustee Stallard. Roll Call: All approved.

New Business

Trustee Stallard moved to approve Resolution 51-98 (Road Salt). Seconded by Trustee Venefra. Roll Call: All approved.

Trustee Stallard moved to approve Resolution 52-98 (Snow Removal). Seconded by Trustee Venefra. Roll Call: All approved.

Chairperson Straka moved to amend the agenda to include: 5. Squad, 6. Executive Session. Seconded by Trustee Stallard. Roll Call: All approved.

Chairperson Straka moved to approve the purchase of a 1998 Medtec Voyager ambulance not to exceed \$117,140.00 along with entering into an agreement with American Financial Network, Inc. for 4 year annual payments in arrears equating to \$33,669.46 per year, conditionally upon approval of the Cuyahoga County Prosecuting Attorney. Seconded by Trustee Stallard. Roll Call: Venefra-no, Stallard-yes, Straka-yes.

Chairperson Straka moved to suspend the rules of Resolution 1-98 for the purpose of roll call under new business. Seconded by Trustee Stallard. Roll Call: All approved.

Chairperson Straka moved to hold an executive session for the purpose of personnel matters. Seconded by Trustee Stallard. Roll Call: All approved.

Chairperson Straka moved to adjourn the meeting at 12:20 a.m. Seconded by Trustee Venefra. Roll Call: All approved.

Respectfully submitted,

Annette L Wey
Clerk

Karen L. Straka 12/7/98
Chairperson Date

PUBLIC HEARING FOR RESOLUTION D-98

The Public Hearing for Resolution D-98 (Butternut Ridge Properties) began at 8:12 p.m. Present were Chairperson Karen Straka, Vice-Chairman Michael Stallard, Trustee Robert Venefra, Assistant County Prosecutor Robert Matyjasik and Clerk Annette Wey. Chairperson Straka asked that the format of the public hearing be that audience members will be recognized one at a time and at that time state your name and address. Clerk Wey read the legal notice that was published in the Plain Dealer.

Mr. DeLorenzo, the petitioner, introduced himself and explained that he is requesting to rezone a parcel located on John Road from R1-40 to R1-15. He stated it is his intention to build six (6) single family homes.

Trustee Stallard asked if this parcel was one contiguous piece of land. Mr. DeLorenzo stated that the parcel he wished to rezone was one lot. Trustee Stallard asked about another lot that had the same permanent parcel number. Mr. DeLorenzo stated that there is another piece of property that is not attached to this lot that the County shows belonging to the same parcel number. Mr. DeLorenzo stated that he does not know if he legally owns the detached piece of property or not. He explained that the property was transferred in 1994 to Bidduiph Inc. and sold to North Olmsted, as part of the golf course. Mr. DeLorenzo stated that North Olmsted never requested a deed transfer and that it still shows that he owns it. Trustee Stallard asked what the deed showed. Mr. DeLorenzo stated the deed at the County shows that he does own it. He explained that he has asked the County what should be done. The County recommended that a lot split be done, assigned new parcel numbers and the property transferred. Mr. DeLorenzo further explained that he is willing to do this. He stated that the Olmsted Township Zoning Inspector informed him that he cannot sign the lot split because it is forming an illegal lot split. Mr. DeLorenzo stated that he is not going to do anything with the land because it is landlocked. Mr. DeLorenzo explained that in order to transfer the land to its rightful owner, which is the City of North Olmsted, a lot split needs to be done. Mr. DeLorenzo stated that it is his intention to take land that he owns, develop it, generate some taxes for the Township and keep it in the Township. He stated he has no intention of transferring it to the City of North Olmsted.

Trustee Venefra asked that on the proposed zoning map it looks like it would be rezoned R1-15 anyway, so why argue about this parcel. Mr. DeLorenzo concurred that is it on the proposed zoning map as R1-15.

Norma Oehme stated that when this application was before the Zoning Commission Mr. DeLorenzo did not have assurances of water and sewers. She asked him if he have them now. Mr. DeLorenzo answered that they have all been supplied to the Board. Mr. DeLorenzo stated that he has fulfilled all the requirements of the County Planning Commission recommendations in regards to utilities. Trustee Venefra read a letter from the City of North Olmsted stating that sewers could be provided after full capacity is verified. Mr. Venefra also read a letter from the City of Cleveland, Division of Water that stated that an extension of the water main would not adversely affect the water supply. Norma Oehme expressed concern regarding whether these letters are actual assurances of water and sewers.

Chairperson Straka asked Mr. DeLorenzo if he would be extending the sewer lines through the road right of way, as recommended by the Sanitary Engineers. Mr. DeLorenzo answered that they recommended going east from Eliza Jennings down John Road. Mr. DeLorenzo explained that he would not be able to obtain any building permits unless he has water and sewer.

Trustee Venefra asked Mr. DeLorenzo why the Zoning Commission turned down his request. Mr. DeLorenzo stated he was not given any reason. Mr. DeLorenzo stated the Zoning Commission requested that he give them a letter stating that he would have access to the easement for sewers. Mr. DeLorenzo stated he did provide the Zoning Commission with a letter of approval for easement access.

Allia Workman asked if Mr. DeLorenzo had a letter from the County stating that the piece of land would be attached to the other property. Mr. DeLorenzo answered that yes he did have that letter.

Michael Moir, Olmsted Township Zoning Inspector, expressed his concern over attaching a piece of Olmsted Township land to another piece of property owned by the City of North Olmsted.

Chairperson Straka asked who was paying the taxes on parcel 2. Mr. DeLorenzo answered that he is paying the taxes on both lots. Chairperson Straka asked how much of the front footage would have sanitary sewers. Mr. DeLorenzo stated that it would go halfway through the lot. Chairperson Straka asked if the dimensions of 542' front width, left side width 107' and right side width 293' were correct. Chairperson Straka stated this was a non-conforming lot.

Michael Moir asked how Mr. DeLorenzo was going to resolve the issue of North Olmsted owning the landlocked piece of land. Mr. DeLorenzo answered that he did not feel that it

is the landowners responsibility to make sure the property gets transferred properly.

Trustee Stallard moved for a continuation of Resolution D-90. Seconded by Chairperson Straka. Roll Call: Venefra-no, Stallard=yes, Straka=yes.

Respectfully submitted,

Annette L Wey
Clerk

Karen H. Straka 12/7/98
Chairperson Date

PUBLIC HEARING ON RESOLUTION E-98

The Olmsted Township Board of Trustees Public Hearing on Resolution E-98 was called to order. Present were Chairperson Karen Straka, Vice-Chairman Michael Stallard, Trustee Robert Venefra, Assistant County Prosecutor Robert Matyjasik and Clerk Annette Wey. Clerk Wey read the legal notice that was placed in The Plain Dealer and also the recommendations from the Cuyahoga County Planning Commission. Clerk Wey also read a memo from D.B. Hartt, Inc. regarding Resolution E-98.

Chairperson Straka opened the public hearing by thanking the Citizens Advisory Committee for the many hours they devoted over the last two years for the development of Olmsted Township's Comprehensive Master Land Use Plan and Zoning Update. Chairperson Straka introduced Kris Hopkins from D.B. Hartt, Inc. Chairperson Straka explained that D.B. Hartt, Inc. was the planning consultant for the Master Land Use Plan and Zoning Updates.

Richard Baker of Olmsted Falls asked if this proposed plan affects Olmsted Falls residents. Chairperson Straka stated this proposed map is strictly for Olmsted Township. Trustee Venefra informed Mr. Baker that his property located at Cook and Fitch Roads would be changed from Local Business to R1-30. Mr. Baker stated that he did not know why the Township would want to change the zoning of his property. He stated that he has always maintained the property and it is located near other local businesses. He further stated the reason why he has not developed is because of the lack of sewers. Kris Hopkins explained that the proposed zoning map coincides with the Comprehensive Master Land Use Plan.

Mr. Baker of Berea stated he concurred with both Trustee Venefra and Mr. Baker of Olmsted Falls. He also stated he felt that proper notification of affected property owners of this proposed zoning update and map was not done. Kris Hopkins explained that the Ohio Revised Code requires the Township to notify individual property owners if there are 10 or fewer properties being rezoned. She further stated that due to the extent of the rezoning and the elimination of certain districts, the Township decided to decline individual notification.

Trustee Venefra asked why this was not put on the ballot because of the extent of the rezoning. Kris Hopkins stated that that is your choice. Norma Oehme stated that you have 30 days to referendum this issue. Kris Hopkins explained that there were numerous meetings on these issues that were open to the public.

Kathy Bennett asked why change the zoning on a parcel from local business to residential when it is contiguous to local businesses. She also asked why the 2-family zoning district is being eliminated, but the Township is allowing a development to have three times as many houses per acre than the present residents. Kris Hopkins explained that existing developments have requested rezonings from R1-40 to R1-15. She stated that the concern when the plan was first initiated was that land in Olmsted Township is susceptible to annexation from surrounding communities. She explained that one of the reasons that property owners chose to annex to a neighboring community is because the development potential of that neighboring community is

higher. She gave the example of the Falls Pointe development. She explained that the RCD district would allow the R1-40 standards to remain and at the same time allow conservation development. A developer would set aside a sizable amount of open space and at the same time the Township would permit the 2.25 units per acre.

Trustee Venefra asked why the open space provision was changed from 20% to 40%. Kris Hopkins answered that the term 'conservation development' occurred at the time the model regulations were being prepared. The goal was to emphasize conservation of natural features. The model recommended open space on a sliding scale. The Western Reserve Board, a parent of the Countryside Program, decided that to truly be a conservation district a sizable amount of land had to be set aside for open space. It was determined that in order to be termed conservation development, a development had to set aside 40% for open space. The Township had already finalized the plan and did not go back and make the changes. Kris Hopkins explained that County Planning probably looked at the model regulations of 40% open space and made that recommendation. Kris Hopkins stated that the memo that D.B. Hartt generated was a result of concerns that Chairperson Straka had regarding the Conservation District. She further explained that it was D.B. Hartt's recommendation that in order to keep everything the same, that the PUD Overlay District be applied. Chairperson Straka stated it was County Planning that had made the recommendation of 40% open space and that a conservation district should fit the guidelines set forth by The Countryside Program.

Trustee Stallard asked how the Township can fight off annexation if the zoning regulations call for 40% open space and Olmsted Falls has 20% open space, which he thought the C.A.C. had agreed to. Kris Hopkins stated that the C.A.C. had agreed to 20% open space with 2.25 units per acre with the 100 acre project size. She did state that the C.A.C. had discussed 25% open space and the proposed provision in the text for an additional increase in density in exchange for additional open space.

Norma Oehme stated that at no time did the C.A.C. envision the 20% open space to include retention basins and roads. Kris Hopkins responded that it does not include roads. Norma Oehme further asked how a P.U.D. comes in as a Overlay in a Conservation District. Kris Hopkins stated that there would need to be a rezoning. She further explained that a Planned Residential Development Overlay is a separate zoning district. In order for those regulations to apply to a specific parcel, that parcel would need to be rezoned. Norma Oehme stated that a P.U.D. is not included in the proposed zoning. Kris Hopkins answered that the map is incorrect and that it should show Planned Residential Development and not P.U.D. Norma Oehme stated that no one discussed creating a new district. Kris Hopkins stated that the proposed zoning regulations dated May 4, 1998 have a Planned Residential Overlay District in it along with the description of the district. Norma Oehme stated she was never given a full final copy of the proposed zoning regulations. Kris Hopkins stated that the Township was provided copies of the proposed zoning regulations. She further stated that there was discussions on the PRD Overlay District and it was not something that was just put in there. Chairperson Straka asked if there is a separate PRD District. Kris Hopkins answered that the RCD District allows, by right, 40,000 square foot lots. As a conditional use, it permits the PRD-Overlay District. A PRD-Overlay District is a floating zone and can go over top any residential district. She further explained that

proposed map reflect their recent rezoning on the north side of Schady Road and also strongly recommended that their property on the south side of Schady Road be zoned PRD Overlay, to circumvent the rezoning that would have to be done in the future.

Cynthia Duncan asked how many residents would be impacted by the proposed zoning changes. Kris Hopkins stated that she did not have an exact count, but showed on the map the parcels that would be changed.

Trustee Venefra asked why have Light Industry zoning contiguous to Berea with no access to it. Kris Hopkins explained how the access would be gained and also how this was a way to promote economic development in the Township. Trustee Venefra asked if this might promote annexation. Kris Hopkins replied that yes this was true. Chairperson Straka added that Joint Economic Development was the basis for this.

Fred Maurer stated his concerns over the proposed zoning change to his property. He stated that his land has been zoned commercial since 1952 and now that water and sewers are coming, the Township wants to change his zoning to residential. Chairperson Straka explained that the reason for the proposed zoning changes is consistency. Howard Kilpatrick stated that Mr. Maurer's property is in his backyard and when he purchased the property he was told that Mr. Maurer's property was unbuildable.

Mr. Baker asked if his property is changed to residential would the Township allow offices to be built there. Chairperson Straka explained that a property owner always has the option of applying for a rezoning. Mr. Baker further stated that they have been waiting for sewers to be put in in order to develop their property. Mr. Baker stated that his personal opinion is that the lack of advance notice of these proposed zoning changes be noted and also stated that Baker Funeral Home has never abandoned the idea of building a funeral home there. He further stated that Baker Funeral Home provided the Township with ambulance service for a number of years prior to the Township obtaining E.M.S.

Ryan Thomas asked what percentage of a P.U.D. in a 100 acre development is covered by roads. Kris Hopkins stated that approximately 10% on average. Ryan Thomas asked what the percentage is for retention ponds. Kris Hopkins stated that she could not answer that. It is specific to the development. She further stated that roads should not be included in the open space configuration.

The Renaissance offered to provide notification to affected property owners regarding E-98. Chairperson Straka expressed her concern over how they would go about getting this information and it would have to be something they did on their own.

Norma Oehme expressed her concern over the discussions held between D.B. Hartt, Inc. and Forest City concerning the proposed zoning regulations. Jim Schiely, representative of Forest City, explained that he conveyed to D.B. Hartt that Forest City needed to have zoning equal to Olmsted Falls. He further stated these discussions were also held with the Trustees. Mr. Schiely stated that he knows that David Hartt has informed the Trustees that they cannot make the

zoning more restrictive than any adjacent community, if they want the land to stay in the Township. Kris Hopkins again explained the basis for the memo sent by D.B. Hartt. regarding the open space requirement. She reiterated that Chairperson Straka had phoned regarding the recommendation made by County Planning for the 40% open space. She stated she had told Chairperson Straka that if she chose to address County Planning's recommendations, she would have to make certain technical changes to the proposed zoning text. As a result, D.B. Hartt, Inc. issued a memo dated October 22, 1998 regarding this issue.

Trustee Stallard asked why the C.A.C. was not informed of these changes. Kris Hopkins stated that D.B. Hartt, Chairperson Straka and herself agreed that in all fairness to the C.A.C., the Committee should reconvene and reconsider.

Trustee Venefra moved to send the proposed zoning regulations and zoning map back to the Zoning Commission to reconsider these proposals. Seconded by Trustee Stallard. Roll Call: Venefra-yes, Stallard-yes, Straka-no.

Chairperson Straka asked for amendment of the prior motion and moved for a continuance of E-98 public hearing and for referral of E-98 back to the C.A.C. for further study and review. There was no second.

Respectfully submitted,

Arnette L. Wey
Clerk

Karen R. Straka 12/7/98
Chairperson Date