The regular meeting of the Olmsted Township Board of Appeals was called to order September 18, 2013 at 7:00 p.m. Present were James Prosek, Herbert McTaggart and Karl Patay. Also present was Secretary Tammy Tabor.

Pledge of Allegiance
The minutes of February 20, 2013 will be held until the next meeting, lack of members present.

Mr. Prosek made a motion to approve the minutes of June 19, 2013. Roll call: all approved.

Mr. Prosek held the approval of minutes of June 25, 2013 until the next regular meeting of the Board.
Mr. Prosek stated that he will make a change the order of the agenda to allow St. Innocent, application # 20130802, to present first. Mr. Prosek stated that the application for CVS, #20130793 may be more involved and time consuming.

Mr. Prosek asked for a representative for application #20130802, St. Innocent Orthodox Church. Jonathan Kocinski, of Bowen and Associates was sworn in. Mr. Kocinski stated that he was present along with Father Butler regarding the application to expand the parking for St. Innocent Church on Usher Road.

Mr. Kocinski stated that St. Innocent Church would like to expand the parking at their property. Mr. Kocinski stated that the location of the church on the property prohibits parking in the rear of the parcel. Mr. Kocinski explained that the parking lot requires approval of the expansion of a conditional use and a variance. Mr. Kocinski stated that the parking lot is proposed to be located on the church property, within an area in a CEI easement. Mr. Kocinski stated that the proposal would create 67 parking spaces, greens space landscaping and a dry storm water retention basin. The storm water retention will be created and approved by the approved codes.

Mr. Kocinski stated that they are working with a landscape architect and are aware of the screening necessary. Mr. Kocinski stated that they are aware of the neighbor to the north and are working to provide screening. Mr. Kocinski stated that there are specific height requirements in a CEI easement.

Mr. Prosek asked how many parking spaces will be added. Mr. Kocinski stated 67 additional, 118 total.
Mr. Prosek asked who owns the parking lot. Mr. Kocinski responded that the church does. Mr. Kocinski stated that there are two parcels owned by the church, the parking lot will be used by the church. Mr. Kocinski stated that the church is working on an agreement to allow Vita Mix to use the parking lot for overflow parking.
Mr. McTaggart asked if Vita Mix would be using the lot during the week and the church would use the lot on the weekends. Mr. Kocinski stated that the church will work out a schedule with Vita Mix.
Tom Kish, Vita Mix was sworn in. Mr. Kish stated that Vita Mix is proposing to maintain the lot in exchange for shared parking. Mr. Kish stated that they are working with Father Butler and the church on an agreement to share the parking.

Mr. Prosek asked if Vita Mix would use the parking lot primarily on weekdays for customers and employees. Mr. Kish stated that Vita Mix would use the parking lot for some special events, contractors and some employees. Most of the customer and employee parking are available on Vita Mix property.

Mr. Patay stated that he is concerned for the safety of people crossing the road. Mr. Patay stated that the parking lot is just south of a bend in Usher Rd.

Mr. Kocinski stated that they are pursuing discussions with Cuyahoga County regarding installing a crosswalk and flashing pedestrian signals.

Mr. Kish stated that Vita Mix is also concerned with safe passage of the employees and contractors working at Vita Mix.

Mr. Prosek asked if there would be a fence around the basin. Mr. Kocinski stated that the basin and fence would conform to all adopted codes. Mr. Kocinski stated that they are proposing a 2 rail fence that would not exceed 30 inches in height within 25 feet of the right of way.

Mr. McTaggart asked if the variance is because the number of spaces exceed what is permitted. Mr. Kocinski stated no, the variance is for parking in the front yard.

Mr. Patay stated that the nine parking spaces facing toward Usher Road may cause problems with headlights into oncoming traffic.

Mr. McTaggart asked how many of the proposed spaces are handicapped. Mr. Kocinski stated 4 are existing and they will be adding one more.

Mr. Prosek stated that section 310.04 of the Olmsted Township Zoning Resolution states that there is a minimum number of seats required, a maximum number is not stated. Mr. Prosek asked what the setback for the parking lot is. Mr. Kocinski stated 30 feet.

Mr. Prosek asked if there are lights in the parking lot. Mr. Kocinski stated that there are 2 existing lamp posts. Mr. Kocinski added that additional lighting is not permitted in the CEI easement.

Father Butler of St. Innocent Orthodox Church was sworn in. Father Butler stated that there are sodium lights on the south side of the church and on the north west corner of the building that illuminates the back of the property.

Mr. Prosek asked if the issues of wheel stops and curbs are in conformance with off street parking requirements.

Mr. Kocinski stated that those items have been added in response to the plan review by Mr. Bumbalis.

Beth Bodnar was sworn in. Mrs. Bodnar stated that she lives on the property to the north of St. Innocent. Ms. Bodnar said that the church has always been a good neighbor, although she is concerned that eliminating 3870 square feet of trees would remove the existing buffer on her property. Ms. Bodnar stated that her driveway and patio are on the south side of her property and would face directly into the parking lot if the trees were removed. Mr. Prosek asked if the area is currently treed. Mr. Kish stated that no trees would be removed from Ms. Bodnar’s property.

Mr. Kocinski stated that there will still be tree line buffering the property. Mr. Kocinski stated that some of the trees will be removed and 5 new pine trees will be planted as an
additional buffer. Mr. Kocinski stated that there are restrictions on what can be placed in the CEI easement.

Ms. Bodnar stated that after it rains along the sidewalk and the area by the parking lot has standing water. Ms. Bodnar is concerned that the parking lot will force storm water onto her property. Mr. Kocinski stated that the grading plan will not impact her property and should remove any standing water.

Ms. Bodnar stated that Usher Road has become a busy road and safety should be addressed for pedestrians and animals (deer).

Michael McKenna was sworn in. Mr. McKenna stated that he is concerned with people crossing the road from St. Innocent to Vita Mix. Mr. McKenna asked if they have considered a crosswalk near the intersection at Kingswood. Mr. McKenna also stated the the main Vita Mix headquarters is not aligned with Kingswood. Mr. Prosek asked if on the east side of Usher Rd. the Vita Mix driveway crosses a swale. Mr. Kocinski stated that the east side of Usher Road is primarily roadway material. The swale is covered by a pipe.

Mr. McKenna stated that the amount of traffic on Usher Road will greatly increase with traffic entering and exiting from both sides of Usher. Mr. McKenna asked how many total parking spaces does Vita Mix currently have. Mr. Kocinski stated approximately 610-620.

Mr. McKenna stated that approximately 35 cars are present on Sunday. Mr. Kish stated that the parking lot will help Vita Mix and help the church to grow the parish.

Mr. McKenna asked how deep the basin will be. Mr. Kocinski responded that the dry basin will be 2-4 feet deep.

Mr. McKenna asked where the storm water will go. Mr. Kocinski stated Plum Creek.

Mr. McKenna asked if smoking is permitted in the parking lot. Mr. McKenna stated that many employees leave the Vita Mix property and smoke on Kingswood or Usher Roads.

Mr. Kish stated that Vita Mix is working with the church council to keep the parking lot smoke free.

Mr. McTaggart stated that Vita Mix may want to include that as part of the application.

Father Butler stated that St. Innocent has no objection to keeping the property to smoke free. Father Butler further explained that the parking lot is frequently at capacity for the free community meals offered twice each month.

Mr. Prosek asked if the traffic will be increased by Vita Mix with the expansion of the parking at St. Innocent.

Mr. Kish stated that Vita Mix is currently using the parking lot and front yard for Vita Mix contractors and employees.

Henry Bormann, 8559 Usher Rd., was sworn in. Mr. Bormann lives on the first parcel north of Vita Mix. Mr. Bormann stated that the construction of more parking south of his house is and will be disruptive. Mr. Bormann stated that car doors and headlights when shifts end cause noise. Mr. Bormann said slamming car doors and headlights into his house at midnight wakes him up.

Mr. Kish stated that Vita Mix only has one shift. Currently they begin at 6 am and are done by 6 pm. There are some folks who work until 9 p.m., they will be moving off site shortly and the latest shift will end by 6 pm.
Mr. Prosek asked if there are multiple shifts at Vita Mix.
Mr. Kish stated that most workers are leaving by 6 PM. Some employees leave as late as 8 or 9 PM.
Mr. Prosek stated that he is most concerned with the parking lot that faces into Usher Road traffic and neighboring residences. Mr. Prosek stated that he feels the headlights may cause a hazard to drivers on Usher Road. Mr. Prosek asked if there is a barrier proposed for the parking. Mr. Prosek asked if the plan would still be feasible if the 9 parking spaces that face onto Usher Road were eliminated.
Mr. Kocinski stated that each parking space is critical for Vita Mix. Mr. Kocinski stated that currently the traffic is being routed through the receiving area.
Mr. McTaggart asked if there are a maximum number of parking spaces allowed for the church.

Mr. Bormann stated that he is concerned with flooding and water retention also.
Mr. Kocinski stated that the plan should eliminate some of the flooding. Mr. Prosek responded that when you remove dirt and foliage and replace with pavement you increase the storm water runoff.
Mr. Kocinski stated that they are designing for a 25 year event.

Mr. Prosek asked for any further comments. Hearing none, Mr. Prosek moved to approve application 20130802, the expansion of the conditional use and variance, submitted by St. Innocent Orthodox Church, parking lot as proposed excluding the nine (9) eastern most parking spaces and the paving in that area, and the concerns of safe crossing by Chief Minek the crossing be approved by the Trustees, Chief Minek, Planning Commission and Cuyahoga County for the safe crossing of people to and from Vita Mix.

Seconded by Mr. Patay. Mr. Patay moved to amend the motion to note the right of way setback to 49 feet. Roll call: all approved.

**Application #20130793**
**CVS Conditional Use and Variance.**

Mr. Prosek asked for a representative for Application # 20130793, variance and conditional use for proposed new construction for CVS.
Mary Ann Wervy representing the Zaremba Group, developers of the property and Michael Wohlwend, engineer for the project were sworn in.
Ms. Wervy stated that Zaremba is a preferred real estate developer for CVS. Ms. Wervy stated that Zaremba searches sites and follows through to construction and then turns over the project at completion to CVS.

Mr. Wohlwend stated that the property they are proposing to develop consists of an existing used car lot, volley ball courts and a single family house. Mr. Wohlwend stated that the site will have full access drives on Stearns and Bagley Roads, 67 parking spaces are planned for the site including a drive thru pick up window.

Olmsted Township Board of Appeals
Minutes September 18, 2013
Mr. Wohlwend stated that he contacted the Cuyahoga County Public Works office regarding the proposed Stearns Road grade separation and Mr. Sulzman with the CC Dept of Public Works stated that what was presented would not be affected by the grade separation. Mr. Wohlwend stated that there are sanitary sewer, water and all utilities available at the street. Mr. Wohlwend continued that there will be a catch basin on the property to control storm water. At the rear of the parcel a 6 foot high vinyl fence will be part of the 10 foot buffer zone. Mr. Wohlwend explained that the trash dumpsters will be enclosed and the street will be landscaped and include sidewalks along the right of way. The facility will have 4 handicapped spaces near the entrance a single line drive thru that will be paved concrete with an overhead canopy, the existing CVS does not have a drive thru.

Ms. Wervey stated that the plan review stated that the signs do not comply with the Township’s requirements. Ms. Wervey stated that the sign contractor will submit plans and request any variances necessary.

Mr. Prosek asked if a front yard variance was necessary. Ms. Wervey stated that The property line goes to the center of Bagley Rd., the right of way is 30 feet. The variance needed is for 8 feet.

Mr. Wohlwend added that the variance will still allow for a green belt and a sidewalk along the right of way that do not exist on the other corners of the intersection.

Mr. McTaggart asked if they were unable to find a lot large enough to meet the requirements. Ms. Wervey stated that the lot on the northwest corner of the intersection is two different parcels and the lot on the south side was much larger than they needed.

Mr. McTaggart asked what the total land size is. Ms. Wervey stated 1.35 acres.

Mr. McTaggart asked if there is enough area if the property to the north were purchased. Ms. Wervey stated that adding additional property would place additional costs on the project and CVS has not authorized additional land at this time.

Ms. Wervey stated that they will have a 30 foot green belt along the road, they chose to keep the buffer along the rear of the property to allow for delivery trucks.

Mr. Prosek stated that the development of the CVS is very positive and welcomed in the township. Mr. Prosek stated that the area proposed for CVS is in the newly conceived Town Center. Mr. Prosek stated that this is very early in the development of the Town Center and is hesitant to start the development by granting variances. Mr. Prosek stated that he does not want to compromise what may happen in the future for the development at the intersection of Stearns and Bagley Roads. Mr. Prosek stated that there is uncertainty as to how the Stearns Road grade separation may impact the site.

Mr. Prosek stated that he has some reservation regarding the buffer requirement to the north. In a retail business district the buffer is 10 feet and the plan meets that. The use to the north is zoned for business however the use is residential and may not be effective.

Mr. Prosek agreed that the sign requirements were requested to be heard at a later time and the Board would not consider the signs as part of this approval.
Ms. Wervy stated that she wished that he resolution stated signage be approved separately. Mr. Prosek stated that if a conditional use and variance were granted, the signs would be approved at a later time.

Mr. Patay questioned the proposed Stearns and Bagley Road intersection. Mr. Prosek stated that he also did not see changes to the proposed intersection and would not be comfortable going forward with anything that involves variances to the setback. Mr. Wohlwend stated that he was told that there would be no repaving of Bagley Rd. there may be repaving and utility work in the right of way, but no changes to the right of way. Mr. Wohlwend asked if Stearns was existing as three lanes. Mr. Prosek stated not currently.

Mr. Patay asked if it would be possible to acquire additional land to the north and that would eliminate the need for variances. Ms. Wervy also stated that our code requires specific sizes for parking, it may be possible to shorten the length of the parking stalls to 18 feet from 19 and that would shorten the distance needed for a variance.

Mr. McTaggart stated that if variances are granted for new construction, it will create a “domino effect” for future development in the area. Mr. McTaggart stated that if property to the north is available, the applicant can stay within the code requirements for Bagley Road and setbacks.

Mr. Prosek stated that the variance requested is a 40% variance from the requirement.

Mr. McTaggart asked if CVS is currently leasing the space they occupy. Ms. Wervy stated yes.

Ms. Wervy stated that the Zaremba group had approval from CVS for this project as presented. Ms. Wervy explained further that if additional costs were incurred, CVS will need to decide if they want to pursue the project.

Mr. Prosek stated that item number 1 on the review looks like it will comply. The drainage issues are for the engineers to figure out. The sign issues do require variances. Ms. Wervy stated that the lot coverage calculations were figured incorrectly and are under the maximum 80% lot coverage, in section 7 of the application submittal, the figures are listed. Mr. Wohlwend discussed the calculations of the lot coverage and open space. Mr. Prosek asked if there is enough room for 10 waiting spaces for the drive thru. Mr. Wohlwen demonstrated the area for waiting cars. Mr. Prosek asked if cars are waiting in the drive thru lane, are vehicles able to pass. Mr. Wohlwend stated that they are.
Mr. Patay and Mr. Prosek expressed concerns regarding the proposed intersection changes.

Mr. Prosek stated that he would like to table the hearing to receive additional information on the right of way changes and possible changes to the site, if a conforming building can be put on the site.

Mr. McTaggart moved to table the hearing until the next month to allow for input from the master planning board and the County.
Mr. Prosek stated that the buffer to the north may not be enough to buffer the residential use to the north. Mr. Prosek further explained that although the 10 foot buffer is required, under a conditional use the Board has more latitude to require an additional buffer to protect what is currently existing.
Mr. Wohlwend asked if the Board would be requesting additional information. Mr. Prosek said that he Board would be requesting information, however the applicants should also look into obtaining any information.
On the motion to table, Mr. Patay seconded the motion. Roll call: All approved.

Mike McKenna asked if the Township has rezoned the property, what is the problem with the setback. Mr. McKenna stated that there will be an access road that will eliminate any setback issues. Mr. McKenna stated that there is a developer and why is the Township hesitating. Mr. Prosek stated that the Board is not denying the application just requesting more information.

Janice Rager 8148 Stearns Road was sworn in. Ms. Rager is concerned that the noise and traffic at the proposed site will disrupt her property. Ms. Rager stated that her living space and bedroom are along the south side of her property and will be located closer than 10 feet to the property line. Ms. Rager stated that she has issues with flooding and noise from Razzles. Ms. Rager stated that her property is approximately ½ acre and if purchased would eliminate the need for variances.

Mr. Prosek stated that Ms. Rager should speak with the developer regarding the sale of her home.

Mr. McTaggart moved to adjourn. Seconded by Mr. Patay. Roll call: all approved.

Respectfully submitted,

Tammy Tabor, Secretary

James Prosek, Herbert McTaggart

Olmsted Township Board of Appeals
Minutes September 18, 2013