OLMSTED TOWNSHIP ZONING COMMISSION
RESOLUTION F-09

Recommending approval of a request for rezoning to the Olmsted Township Board of Trustees

WHEREAS, Section 220 of the Olmsted Township Zoning Resolution requires plan approval for all rezoning requests in Olmsted Township; and

WHEREAS, Cook Road Investments, LLC., 387 Medina Rd., Medina, Ohio have submitted to the Olmsted Township Zoning Commission for its review and recommendations to the Olmsted Township Board of Trustees a request for rezoning 21.6 acres of land that is known as parcel # 264-12-001 owned by Hall Brothers, Inc, and 264-02-016, owned by Gary Kreigmont, 7133 Stearns Rd., which is located on the east side of Stearns Road north of Cook Rd., from the R-40, single family zoning classification to the RMFA, residential Multi family Apartment District; and,

WHEREAS, The Olmsted Township Zoning Commission has held the required public hearing on November 4, 2009; and,

WHEREAS, The Olmsted Township Zoning Commission has received comments from the residents of Olmsted Township; and,

WHEREAS, the Olmsted Township Zoning Commission has received a recommendation of disapproval from the Cuyahoga County Planning Commission; and,

WHEREAS, The Cuyahoga County Planning Commission based its recommendation on the Olmsted Township Comprehensive Land Use Plan that has not been updated since 1998; and,

WHEREAS, The construction of sanitary sewer lines are accessible to the parcel; and,
WHEREAS, The Olmsted Township Zoning Commission has requested, by Resolution, an examination and update to the Comprehensive Land Use Plan be performed.

NOW, THEREFORE, BE IT RESOLVED that the Olmsted Township Zoning Commission recommends the approval of the rezoning of Permanent Parcel Nos. 264-12-001 and 264-02-016, (hereinafter referred to as “premises”) from the current zoning designation of R-40 to the RMFA (residential multi family apartment) zoning designation with a declaration of restrictions as follows:
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 7 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(3) 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.

THEREFORE BE IT FURTHER RESOLVED that the Olmsted Township Zoning
Commission recommends approval of Resolution E-09 to the Olmsted Township Board of Trustees.

On a motion of Mr. McMakin to recommend approval of Zoning Resolution F-09 to the Olmsted Township Board of Trustees, Seconded by Mr. Lavelle, the foregoing resolution was approved.

AYES: McMakin, Lavelle

NAYS: Campanalie

ABSENT: Gebhard

Date: 11/4/09

Chairman Zoning Commission

Adopted this 24 day of NOVEMBER, 2009

________________________________________

________________________________________

________________________________________

Township Trustees

Attest

Fiscal Officer
Olmsted Township

Building Department

26908 Cook Road • Olmsted Township, Ohio 44138 • (440) -235-8025
Website: olmstedtownship.org

Date: 10-20-2009 Project: Grand Oaks Type of Construction: Unknown
Zoning: R-40
Address: 27368 Sprague Road Owner/Applicant: Olmsted Development Group
Plans by/number: Polaris Engineering & Surveying/unknown

In response to your application for plan approval [Olmsted Township Zoning Resolutions], we have reviewed the plans to determine compliance with the Olmsted Township Zoning Resolutions[OZR]. The following items require clarification, plans to conform to all required codes per Olmsted Township even if not specifically addressed in the following:

Plans have not been approved

1) OZR 130.01 Required lot to be maintained- any division of an existing parcel shall have resulting lots which conform to the area, width, and depth requires of the district in which it is located - the following areas or lots do not comply with zoning requirements, open space “A” and “B”, sub lots, 25-27 and 14-18 or 22.72 % are not in compliance
2) OZR 130.10 Ditches and swales - additional information required
3) OZR 130.11 Required Public utilities- additional information required
4) OZR 210.04(D)(1) Minimum lot size 40000 Square Feet, only 3 sub lots in compliance, 22.74 % are not in compliance lots currently in compliance only if area is zoned R15
5) OZR 210.04(d)94 minimum lot depth 250sf, - 16 lot lines less than 250 feet- 18.18 % of property side yards lines do not comply with minimum depth required
6) OZR 210.06 Height regulations for principal buildings - compliance unknown additional information required
7) OZR 210.07 Dwelling unit area requirements - compliance unknown additional information required
8) OZR 210.08 Accessory use regulations- compliance unknown additional information required
9) OZR 210.09 Regulations for home occupations - compliance unknown additional information required
10) OZR 210.10 family day care, type B - compliance unknown additional information required
11) OZR 210.11 Agricultural uses in residential districts - compliance unknown additional information required
12) OZR 310.04 Off street parking - compliance unknown additional information required
13) OTZ 510.01 Zoning certificate – Plans require variances which substantially change minimum requirements, apply to area, lot depth and frontage of 22.72 % of sub lots to comply with R-40 zoning,
14) OZR 510.04 Zoning Certificate – application deemed insufficient compliance unknown additional information required.
Application significantly reduces requirements of an R40 district, rezoning required per OTZ section 560.02(c) application to be filed by owners for area proposed.
15) OZR 540.06 Variance as a type of appeal – Current plan submitted to Cuyahoga County Planning Commission not in compliance with Board of Zoning Appeal Variance Application 20070623 for 2 variances granted 06-20-2007, as submitted.
   • 1st variance indicated average lot size of 29000 square feet, proposed plan indicates average size of 26197 square feet
   • 2nd variance indicated an average deep of 280 feet with reduction required in only 33% of lots, proposed plan has an average deep of only 248 feet and effects 48% of the lots
   • 3rd variance required areas, depth of lot, land indicated outside of PPN 265-19-007 for plans submitted 10-15-2009
16) OTZ 540.06(h) any existing variances do not extend to proposed changes. Current plans revised after variances granted.
17) OTZ 560.02 Initiation of zoning amendments – Project requires rezoning due to substantial and numerous variances required.

Please return letter with signature and statement of compliance for items indicated, or revise and resubmit 2 sets of corrected plans to our office. It will help the plan reviewer and expedite the review your project (If you identify the changes you have made by circling them in red or otherwise indicating how you have resolved the items of non-compliance [correction letter]).
If you have any questions about any of the above items please contact the building department for further clarification. Items that cannot be resolved can be appealed.

Notice of appeal shall be filed with the officer from whom the appeal is taken and with the secretary of the Board of Zoning Appeals within 20 days after the date of any adverse order, requirement, decision, or determination. Such written notice of appeal shall specify therein the grounds and reasons for the appeal. The officer from whom the appeal is taken shall transmit to the secretary of the Board of Zoning Appeals all data pertaining to the subject matter upon which the action so appealed was taken.

Application to be filed at:
Olmsted Township Board of Zoning Appeals  
25908 Cook Rd.  
Olmsted Township, Ohio 44138  
440-235-4225

Respectfully,  

Anthony Bumbalis  
Acting Building Commissioner

[Signature]

TAMMY TABOR  
NOTARY PUBLIC, STATE OF OHIO  
Recorded in Cuyahoga County  
My Comm. Expires ~ 8-3-2013
MEMORANDUM

TO: Olmsted Township Trustees
    Olmsted Township Fiscal Officer
    Olmsted Township Board of Zoning Appeals Chair
    Olmsted Township Building and Zoning Department
    Olmsted Township Fire Department
    Olmsted Township Police Department

FROM: Kristin M. Hopkins, AICP Principal Planner

DATE: October 19, 2009

RE: Grand Oaks Subdivision, Revised Preliminary Plan (dated 10/15/09)

The developer of the above named subdivision in Olmsted Township has submitted a revised preliminary plan for review and action by the Cuyahoga County Planning Commission (CPC). A preliminary plan for subdivision layout was previously approved by the CPC at their April 10, 2008 meeting.

According to Section 104.5 of the recently amended Cuyahoga County Subdivision Regulations, all of the above named Olmsted Township officials and department heads are to be given the opportunity to review and comment on preliminary plans for proposed subdivisions. The revised preliminary plan dated October 15, 2009 is enclosed. I have also enclosed CPC Resolution No. 080410-C that outlines the 30 conditions initially placed on the 2008 preliminary plan.

The applicant’s request will be on the agenda of the Cuyahoga County Planning Commission’s next meeting, which is scheduled for November 12, 2009 at 2:00 PM in the CPC board room.

Any official or department head that wishes to comment on and/or make a recommendation for action on the revised preliminary plan must submit comments in writing on the enclosed comment form to the County Planning Commission no later than November 2, 2009.

If there are any questions on the revised preliminary plan for this proposed subdivision, please feel free to contact me.
CUYAHOGA COUNTY SUBDIVISION REVIEW
COMMENT FORM

Please return no later than November 2, 2009

CUYAHOGA COUNTY PLANNING COMMISSION
323 Lakeside Avenue, West, Suite 400
Cleveland, Ohio 44113-1009
ATTENTION: Kristin Hopkins
Phone: (216) 443-3713; Fax: (216) 443-3737; Email: khopkins@cuyahogacounty.us

RE Revised Preliminary Plan for Grand Oaks Subdivision, Olmsted Township,
dated 10/15/09
Submitted by Polaris Engineering and Surveying, for Grand Oaks, LLC
PPN 265-19-007

RECOMMENDATION for ACTION:

Approval ___ Disapproval ___ Conditional Approval ___

COMMENTS:

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________
APPLICATION FOR ZONING MAP AMENDMENT

Applicant / Agent

George Smerigan
Oxbow Engineering, Inc.
10 West Erie Street, Suite 201
Painesville, Ohio 44077

Phone - 440-352-9222

Cook Road Investments, LLC  (Contract Owner and Developer)
387 Medina Road, Suite 600
Medina, Ohio 44256

Phone - 330-239-6109

Property Owners

Hall Brothers, Inc.
27040 Cook Road
Olmsted Township, Ohio 44138

Gary Kreigmont
7133 Sterns Road
Olmsted Township, Ohio 44138

Parcels To Be Rezoned

Permanent Parcel Numbers
264-02-016
264-12-001
Area to be Rezoned

21.61 Acres

Current Zoning Classification

R1-40 Residential One Family District

Proposed Zoning Classification

RMF-A Residential Multi-family Apartment District

Proposed Use

Attached Single Family Dwellings
May 19, 2008

Tammy Tabor
Olmsted Township Zoning
26908 Cook Road
Olmsted Twp, Ohio 44138

Re: 27040 Cook Road; PP# 264-12-001

Dear Ms. Tabor:

Please accept this letter as consent for Pride One to submit application to Olmsted Township for the proposed apartment use.

Please contact me if you have any questions. Thank you.

Sincerely,

[Signature]

Hall Brother Inc.
May 27, 2008

Tammy Tabor
Olmsted Township Zoning
26908 Cook Road
Olmsted Twp. Ohio 44138

Re: 7133 Stearns Road; P# 264-02-016

Dear Ms. Tabor:

Please accept this letter as consent for Cook Road Investments, LLC to submit application to Olmsted Township for the proposed apartment use.

Please contact me if you have any questions. Thank you.

Sincerely,

Gary Kriegmont

[Signature]

5/27/08
REZONING APPLICATION
August 28, 2009

Zoning Commission
Olmsted Township
26900 Cook Road
Olmsted Township, Ohio 44138

Re: Rezoning Application
Cook Road Investments, LLC
Sterns Road Properties

Dear Commission Members:

Our client, Cook Road Investments, LLC is the contract owner of two (2) parcels of land containing 21.61 acres located on the east side of Sterns Road north of Cook Road which are currently titled to Hall Brothers, Inc. and Gary Kreigmont respectively and which are referred to as Permanent Parcel Nos. 264-02-016 and 264-12-001 in the Cuyahoga County Land Records. The combined properties constitute the subject site which is triangular shaped with approximately 260 feet of frontage on Sterns Road and extends to a depth of 1,665 feet.

The subject site is bounded on the north by a series of long, narrow parcels which have frontage on Sterns Road and which extend back over 700 feet from the Sterns Road right-of-way, and by several subdivision homes located on the south side of Hunters Ridge Lane. Further to the north is the Oakwood Estates multi-family development. The subject site is bounded on the east by two large parcels which extend to McKenzie Road. An existing stream separates the subject site from those adjacent properties to the east along a portion of their common boundaries. On the southern edge of the subject site is a large First Energy power line easement which contains main transmission lines and support towers for the utility. South of the power lines are commercial and residential properties fronting on Cook Road. The power lines also extend across the property immediately west of the subject site on the opposite side of Sterns Road.

The subject site is currently zoned R1-40 Residential One Family District, which permits single family residences on lots with a minimum area of 40,000 square feet. The site is bounded by both R1-40 and R1-15 Residential One Family Districts. Commercial zoning exists south of the subject site on Cook Road and RMF-A Residential Multi-family Apartment District zoning exists slightly north at Oakwood Estates.

On behalf of our client, Cook Road Investments, LLC, we are requesting a map amendment to rezone the subject site from R1-40 Residential One Family District to RMF-A Residential Multi-
family Apartment District. It is the intent of Cook Road Investments, LLC to develop the property under the provisions of the RMF-A Residential Multi-family Apartment District in conformance with the attached Concept Plan prepared by TGC Engineering, LLC.

The Olmsted Township Comprehensive Plan contains a policy statement recommending that high-density residential developments be located in areas where higher densities already exist and where such development will be consistent with the existing zoning. In the subject instance, there is a substantial area of RMF-A zoning, (Oakwood Estates), located just to the north of the subject site. There is also a mobile home park with higher density development located to the west of the subject site on the north side of Cook Road. Finally, there are local business commercial zoning and uses to the south of the subject site along Cook Road. It is evident that the general vicinity of the subject site is one which is characterized by higher densities and more intensive development. Those uses are consistent with the location near the intersection of two arterial roadways, Sterns Road and Cook Road. As such, zoning for RMF-A on the subject site would be consistent with the locational criteria for such zoning as set forth in the policy statement contained in the Comprehensive Plan. The Comprehensive Plan also recommends use of the RMF-A standards for higher density developments.

Based upon the recommendations contained in the Olmsted Township Comprehensive Plan, the subject site is in an area proposed for expansion of utilities. The Comprehensive Plan proposes extending water and sanitary sewer service along Sterns Road to improve health and safety, increase marketability, and reduce demand for annexation. Water and sanitary sewer service have now been made available to the site as recommended in the Comprehensive Plan.

Finally, the Comprehensive Plan recommends that the Township encourage clustering of units to allow for increased preservation of open space particularly in buffer yards. The proposed development on the subject site as shown on the attached Concept Plan will conform with that recommendation.

The proposed zoning change from R1-40 Residential One Family District to RMF-A Residential Multi-family Apartment District is not only consistent with several of the noted policy recommendations contained in the Comprehensive Plan, but the existing site conditions make development of the property under the current R1-40 Residential One Family District classification both unlikely and problematic. The power transmission lines traversing the site, with the large supporting towers and wide easement significantly reduce its desirability for detached single family homes as required under the present zoning classification. Single family residences on individual building lots are more sensitive to and less tolerant of such imposing physical features. Houses or building lots impacted by such site conditions and are typically less
desirable and have a reduced capability to compete effectively in the marketplace. As a result such properties must be discounted and take significantly longer to market.

In addition to the impacts of the power lines, the existence and future potential for commercial development immediately south of the subject site further reduce its potential and desirability for development with detached single family lots. The result is that development under the current R1-40 Residential One Family District zoning is neither likely nor economically viable.

It is our position that classification of the subject site as RMF-A Residential Multi-family Apartment District and development of the property in conformance with the proposed Concept Plan will result in a land use pattern which is harmonious and compatible with the established character of the surrounding area. It will also provide an excellent transition use that can absorb the potential impacts of the commercial uses on Cook Road and the major power transmission line and protect the existing single family residential properties to the north.

The proposed development, as shown on the attached Concept Plan, provides for the construction of 138 attached single family dwelling units on the 21.61 acres, which results in an overall density of 6.39 dwelling units per acre. The Concept Plan indicates 40 feet setbacks along the eastern property line and on a portion of the northern property line. A setback of 50 feet is proposed adjacent to the homes on Hunters Ridge Lane. The entire northern property line is also proposed for treatment with a landscaped mound to provide buffering for adjacent properties. Approximately forty percent (40%) of the site will remain as open space. Detention will be provided on-site to adequately control storm runoff resulting from the development. The large amount of open area on the site plan provides ample area for construction of storm water management facilities of sufficient size to handle projected flows.

The proposed dwelling units are attached single family dwellings in a townhouse style configuration where units are attached side to side in a building. Each dwelling unit has an individual entrance directly from the outside and each has its own driveway and attached garage. Of the 138 proposed dwelling units, 102 will have two (2) car attached garages and thirty-six (36) will have a single car attached garage. The proposed dwellings are one-story ranch style units with a second floor loft area. The dwelling units would be identical to those constructed in the Cook Road development constructed by Cook Road Investments, LLC in Olmsted Township.

Although the RMF-A Residential Multi-family Apartment District permits the construction of both multi-family dwellings and attached single family dwellings, Cook Road Investments, LLC intends to construct only attached single family dwellings on the subject site as shown on the Concept Plan. RMF-A Residential Multi-family Apartment District classification is being
Olmsted Township
Zoning Commission
Zoning Map Amendment
August 28, 2009
Page 4

requested because that zoning district provides the greatest flexibility with regard to site layout and design. That design flexibility is crucial to creating a workable plan considering the site development impacts of the large power line easement and the difficulties inherent in developing a triangular shaped property.

In order to provide the Township with appropriate assurances regarding the ultimate development of the property under the RMF-A Residential Multi-family Apartment District zoning classification, we are also including with this application, a proffered deed restriction which will further limit the type of dwelling units and the density of dwelling units permitted on the subject site regardless of the zoning provisions. The deed restriction technique was used effectively as an adjunct to the standard zoning provisions in our client’s Cook Road project.

In addition to the Concept Plan depicting the proposed development and the proffered deed restrictions, we have also attached to this application the standard required documentation including legal descriptions of the properties to be rezoned, a vicinity map showing the general location of the subject site, a map depicting the existing topography of the subject site and surrounding areas, and a list of adjacent property owners as shown on the County Auditor’s current tax list with their listed mailing address.

We look forward to the opportunity to appear before you at your meeting on September 23, 2009 to present our proposed map amendment. We believe that this proposal will provide for the most appropriate development of the subject site and result in a land use pattern that will benefit Olmsted Township.

Sincerely,

George Smerigan
Vice President
DECLARATION OF RESTRICTIONS
DECLARATION OF RESTRICTIONS

This Declaration made this _______ day of _____________, 2009, by Cook Road Investments, LLC (hereinafter "Declarants"), is to evidence the following:

WITNESSETH

Whereas, Declarants are the contract owners of approximately 21.61 acres of land located on the east side of Sterns Road in Olmsted Township, Ohio referred to as Permanent Parcel Nos. 264-12-001 and 264-02-016, which property is hereinafter referred to as the "Premises"; and

Whereas, Declarants desire to develop said Premises with attached single family residences under the provisions of the Residential Multi-family Apartment (RMF-A) District as set forth in the Olmsted Township, Ohio Zoning Resolution; and

Whereas, Declarants have made representations to the officials of Olmsted Township, Ohio, (hereinafter the "Township"), with regard to the use of said Premises; and

Whereas, Declarants intend to restrict the use of said Premises under the provisions of the Residential Multi-family Apartment (RMF-A) District zoning classification as set forth in this Declaration of Restrictions.

Now therefore, Declarants, for themselves and their successors and assigns, hereby covenants and declares that:

1. Unit Type. The style of dwelling units constructed on the Premises shall be limited to attached single family dwelling units.

2. Density. The number of dwelling units constructed on the Premises shall not exceed a maximum density of 7.0 dwelling units per gross acre of land area.

3. 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.

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 in 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.

In witness whereof, this Declaration of Restrictions is executed by Declarants this ___ day of ____________, 2009.

COOK ROAD INVESTMENTS, LLC

Witness: ____________________________

By: ________________________________

, Manager

State of Ohio

)  

County of Cuyahoga

) ss:

Before me, a Notary Public in and for said county and state, personally appeared the above named ___________________ and ____________________, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed individually and as Manager of Cook Road Investments, LLC and the free act and deed of said Cook Road Investments, LLC.

In testimony whereof, I have hereunto set my hand and notarial seal at ______________, Ohio, this _____ day of ______________________, 200__. 

______________________________

Notary Public
LEGAL DESCRIPTIONS
That, Arthur L. Hall and Martha S. Hall, husband and wife, who claim title by or through instrument, recorded in Volume Page County Recorder's Office, for the consideration of Ten Dollars and other valuable consideration received to their full satisfaction of Hall Brothers Incorporated whose TAX MAILING ADDRESS will be Cook Road, North Olmsted, Ohio do give, grant, bargain, sell and convey unto the said Grantee, its successors and assigns, the following described premises, situated in the Township of Olmsted, County of Cuyahoga, and State of Ohio and known as being part of Original Olmsted Township Lot No. 11, Tract No. 5, and bounded and described as follows: Beginning on the center line of Cook Road, 60 feet wide, at its intersection with the Easterly line of said Original Lot No. 11; thence Easterly, along the center line of Cook Road, 365 feet; thence Northerly, along a line drawn at right angles to the center line of Cook Road, to its intersection with the Northeasterly line of the eleventh parcel of land conveyed to the Lake Erie and Pittsburgh Railway Company by deed dated June 6, 1905 and recorded in Volume 970, Page 117 of Cuyahoga County Records; thence Northwesterly, along the Northeasterly line of said eleventh parcel to the center line of Stearns Road, 60 feet wide; thence Northerly, along the center line of Stearns Road, to its intersection with the Northerly line of said Original Lot No. 11; thence Easterly, along the Northerly line of said Original Lot No. 11, to the Northeasterly corner thereof; thence Southerly, along the Easterly line of said Original Lot No. 11, to the place of beginning, be the same more or less, but subject to all legal highways.

Excluding therefrom that part conveyed to the Lake Erie and Pittsburgh Railway Company, recorded in Volume 970, Page 117 of Cuyahoga County Records. 

HUSBAND. 

WIFE.
To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto the said Grantee, its successors and assigns forever.

And Arthur I. Hall and Martha S. Hall, husband and wife, the said Grantors, do, for themselves and their heirs, executors and administrators, warrant with the said Grantee its successors and assigns, that at and until the renting of these premises, they are well seized of the above described premises, as a good and indefeasible estate in FEE SIMPLE, and have good right to bargain and sell the same in manner and form as above written, and that the same are free from all encumbrances whatsoever except current taxes and assessments, zoning ordinances, easements, restrictions and limitations of record.

and that they will Warrant and Defend said premises, with the appurtenances thereof belonging, to the said Grantee, its successors and assigns, against all lawful claims and demands whatsoever except as aforesaid.

And for valuable consideration

Arthur I. Hall and Martha S. Hall, husband and wife, hereby release, release and forever quit-claim unto the said Grantee, its successors and assigns, all their right and expectancy of interest in the above described premises.

In Witness Whereof we, the parties above mentioned, have hereunto set our hand this 27th day of November, in the year of our Lord one thousand nine hundred and fifty-one (1951).

Signed and acknowledged in presence of

[Signatures]

State of Ohio

Cuyahoga County, ss.

Before me, a Notary Public, in and for said County and State, personally appeared the above named

Arthur I. Hall and Martha S. Hall, husband and wife, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

In Witness Whereof, I have hereunto set my hand and official seal, at North Olmsted, Ohio, this 27th day of November, A.D. 1951.

[Seal]

E. M. Jenkins
Notary Public

Notary Public

COUNTY RECORDS

[Stamp]
Warranty Deed

KNOW ALL MEN BY THESE PRESENTS THAT, Karen L. Durant, married, Kenneth A. Pugh, married, Dan E. Pugh, married, the Grantors, who claim title by or through instrument 200212230470 recorded in Cuyahoga County Recorder's Office, for the consideration thereunto given, and especially for the sum of Ten and no/100 Dollars ($10.00) received to the full satisfaction of Gary L. Kriegmont, the Grantee, whose TAX MAILING ADDRESS will be 7133 Stearns Road, Olmsted Township, OH 44138
do

GIVE, GRANT, BARGAIN, SELL AND CONVEY unto the said Grantee, his heirs and assigns, the following described premises:

Situated in the Township of Olmsted, County of Cuyahoga, and State of Ohio and known as being part of Original Olmsted Township Lot No. 9, Tract No. 6, bounded and described as follows:

Beginning in the center line of Stearns Road (60 feet wide) at its intersection with the Southerly line of said Original Lot No. 9; thence Northerly along said center line 106.17 feet; thence Easterly at an included angle of 89 deg. 03' 30" to said center line 803.79 feet to the Easterly line of said Original Lot No. 9; thence southerly at an included angle of 90 deg. 18' to said last described line and along said Easterly line, 109.61 feet to the southeasterly corner of said Original Lot No. 9; thence Westerly at an included angle of 89 deg. 37' 30" to said last described line and along the Southerly line of said Original Lot No. 9, 802.60 feet to the place of beginning and being further known as Sub-lot No. 5 in the Fred S. Jones, Inc. proposed Subdivision of part of Original Olmsted Township Lot, No. 9, Tract No. 6, and containing 1.99 acres of land, as appears by the survey of Paul Bidwell, Surveyor, dated March 25, 1935, be the same more or less, but subject to all legal highways.

Property Tax ID: 264-02-016
Property Address: 7133 Stearns Road
Olmsted Township, OH 44138

TO HAVE AND TO HOLD the above premises, with the appurtenances thereunto belonging, unto the said Grantee, his heirs and assigns forever.

AND THE SAID Grantors for themselves and their heirs, executors and administratirs, hereby covenant with the said Grantee, his heirs and assigns, that said Grantors is the true and lawful owner of said premises, and is well seized of the same in fee simple, and has good right and full power to bargain, sell, and convey the same in the manner aforesaid, and that the same are free and clear from all encumbrances,

EXCEPT, reservations, conditions, limitations, easements and restrictions of record, zoning ordinances, if any, and real estate taxes and assessments both general and special, which are a lien but not yet due and payable

and further, that said Grantors will warrant and defend the same against all claims whatsoever except as provided herein.

AND FOR VALUABLE CONSIDERATION Paul D. Durant husband of Karen L. Durant; Sheryl L. Pugh wife of Kenneth A. Pugh; and Joy E. Donnelly wife of Dan E. Pugh does hereby remise, release and forever quit-claim unto the said Grantee, his heirs and assigns all their right and expectancy of Dowan in the above described premises.

Executed this ______ day of _____________________________

 parcel No. 264-02-016
 CONVEYANCE IS IN COMPLIANCE WITH SEC. 318.202 O.R.C.
 PAID

PAUL D. DURANT for Dowan Purposes
State of Ohio

County of Lorain

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named Karen L. Durant and Paul D. Durant, wife and husband, who acknowledged that they did sign this Warranty Deed and the same is their free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at Columbus, Ohio this 24th day of March, 2013.

Connie L. Smith
Notary Public, State of Ohio
Recorded in Erie County
My Commission expires April 13, 2023

State of California

County of Orange

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named Dan E. Pugh and Joy E. Donnelly, husband and wife, who acknowledged that they did sign this Warranty Deed and the same is their free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at Carlsbad, CA this 30th day of March, 2013.

Isabel C. Stevens
Notary Public

State of Illinois

County of DuPage

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named Kenneth A. Pugh and Sheryl L. Pugh, husband and wife, who acknowledged that they did sign this Warranty Deed and the same is their free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at Naperville, IL this 27th day of March, 2013.

Notary Public

This instrument was prepared by:
Anthony Asher
1370 W. Sixth St
Ste 300
Cleveland, OH 44113
216-861-5225
File # 0304869
<table>
<thead>
<tr>
<th>PARCEL NO.</th>
<th>PROPERTY OWNER</th>
<th>PROPERTY ADDRESS</th>
<th>TAX Mailing ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>264-04-065</td>
<td>Mark A. Wingenfield</td>
<td>28499 Hunters Ridge Lane, Olmsted Twp</td>
<td>44138</td>
</tr>
<tr>
<td>264-03-048</td>
<td>Robert T. Miller</td>
<td>28521 Hunters Ridge Lane, Olmsted Twp</td>
<td>44138</td>
</tr>
<tr>
<td>264-03-047</td>
<td>Daniel Vankuren</td>
<td>28533 Hunters Ridge Lane, Olmsted Twp</td>
<td>44138</td>
</tr>
<tr>
<td>264-03-046</td>
<td>Robert Bayda</td>
<td>28555 Hunters Ridge Lane, Olmsted Twp</td>
<td>44138</td>
</tr>
<tr>
<td>264-03-045</td>
<td>Mark Kaufhold</td>
<td>28577 Hunters Ridge Lane, Olmsted Twp</td>
<td>44138</td>
</tr>
<tr>
<td>264-03-044</td>
<td>William &amp; Eileen Terrell</td>
<td>28599 Hunters Ridge Lane, Olmsted Twp</td>
<td>44138</td>
</tr>
<tr>
<td>264-03-043</td>
<td>Michael Radigan</td>
<td>28611 Hunters Ridge Lane, Olmsted Twp</td>
<td>44138</td>
</tr>
<tr>
<td>264-03-042</td>
<td>Robert Wapperer</td>
<td>28633 Hunters Ridge Lane, Olmsted Twp</td>
<td>44138</td>
</tr>
<tr>
<td>264-03-041</td>
<td>Richard Zlvesak</td>
<td>28655 Hunters Ridge Lane, Olmsted Twp</td>
<td>44138</td>
</tr>
<tr>
<td>264-03-040</td>
<td>Chris &amp; Michelle Hope Griffin</td>
<td>28697 Hunters Ridge Lane, Olmsted Twp</td>
<td>44138</td>
</tr>
<tr>
<td>264-03-039</td>
<td>Timothy &amp; Joecken Draves</td>
<td>28719 Hunters Ridge Lane, Olmsted Twp</td>
<td>44138</td>
</tr>
<tr>
<td>264-03-038</td>
<td>Peter Murray</td>
<td>28741 Hunters Ridge Lane, Olmsted Twp</td>
<td>44138</td>
</tr>
<tr>
<td>264-11-001</td>
<td>Ronald McCooig</td>
<td>7188 Stearns Road, Olmsted Twp 44138</td>
<td></td>
</tr>
<tr>
<td>264-11-002</td>
<td>Raymond Cantrell</td>
<td>7188 Stearns Road, Olmsted Twp 44138</td>
<td></td>
</tr>
<tr>
<td>264-11-003</td>
<td>Doris Feimer</td>
<td>7206 Stearns Road, Olmsted Twp 44138</td>
<td></td>
</tr>
<tr>
<td>264-11-004</td>
<td>Harold &amp; Edith Wilk</td>
<td>7224 Stearns Road, Olmsted Twp 44138</td>
<td></td>
</tr>
<tr>
<td>264-11-005</td>
<td>Robert &amp; DJ Feimer</td>
<td>7260 Stearns Road, Olmsted Twp 44138</td>
<td></td>
</tr>
<tr>
<td>264-12-002</td>
<td>Halls Brothers Inc.</td>
<td>27040 Cook Road, Olmsted Twp 44138</td>
<td></td>
</tr>
<tr>
<td>264-12-004</td>
<td>Alan Wood</td>
<td>27070 Cook Road, Olmsted Twp 44138</td>
<td></td>
</tr>
<tr>
<td>264-12-005</td>
<td>Thomas Holmes</td>
<td>27060 Cook Road, Olmsted Twp 44138</td>
<td></td>
</tr>
<tr>
<td>264-12-007</td>
<td>William &amp; Arthur Englemann</td>
<td>26855 Cook Road, Olmsted Twp 44138</td>
<td></td>
</tr>
<tr>
<td>264-12-008</td>
<td>Judith Toich</td>
<td>27088 Cook Road, Olmsted Twp 44138</td>
<td></td>
</tr>
<tr>
<td>264-12-010</td>
<td>William &amp; Arthur Englemann</td>
<td>26855 Cook Road, Olmsted Twp 44138</td>
<td></td>
</tr>
<tr>
<td>264-12-006</td>
<td>27098 Cook, LLC</td>
<td>26855 Cook Road, Olmsted Twp 44138</td>
<td></td>
</tr>
<tr>
<td>264-12-009</td>
<td>Doris Feimer</td>
<td>7260 Stearns Road, Olmsted Twp 44138</td>
<td></td>
</tr>
<tr>
<td>264-13-012</td>
<td>Olmsted Greenhouse</td>
<td>7166 Mackenzie Rd, Olmsted Twp 44138</td>
<td></td>
</tr>
<tr>
<td>264-13-011</td>
<td>Charles &amp; Francis Dimarco</td>
<td>7320 Mackenzie Rd, Olmsted Twp 44138</td>
<td></td>
</tr>
</tbody>
</table>
1,2,3 FAMILY BUILDING/ZONING APPLICATION

Date of submittal: 09-03-09

Project Address
Property Owner's Name: Hall Brothers, Inc. - Gary Kriegelment
Property Owner's Address: 21040 Cook Road and 7133 Steams Road
Property Owner's Phone: 440-235-3262

Lot #
Permanent Parcel #: 264-12-001 / 264-02-010

Homeowner is acting as contractor
Contractor Name: Cook Road Investment, LLC
Contractor's Phone #: 330-890-8012

Address: 381 Medina Rd
Street: State:
City: Medina
Zip: 44256

Contractor's Phone: 330-231-0200
Wireless Phone: 330-410-0605

GENERAL PROJECT INFORMATION

Single Family [ ] Two Family [ ] Three Family [ ]

Describe project: Rezoning of land from R-40 to RM-F-A

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL AND ANY NEW ELECTRICAL WORK PERFORMED IN CONJUNCTION WITH THIS INSTALLATION.

Authorization
The undersigned stated that he/she is the owner of the property or authorized agent for the owner of the project address. This permit is subject to the observance of all resolutions of Olmsted Township and the laws of the State of Ohio, and is subject to revocation if these are not observed.

Signature of Property Owner
David Conwell
Date: 09-03-09
Printed Name: David Conwell

Signature of Contractor/
Owner's Authorized Agent (if applicable)
Date: 09-03-09
Printed Name: David Conwell

It is the responsibility of the owner and/or contractor to notify the Building Department for all required inspections.

DEPARTMENT USE ONLY

Permit fee (a) 
Permit fee (b)
Permit fee (c)
Permit fee (d)

Total Permit fee: $250.00

Zoning Use: R-40 Vacant
Zoning District: R-40

Review Approved by: Date: 11-4-09
Review Disapproved by: Date:

NOTES:
September 3, 2009

Kristin Hopkins
Cuyahoga County Planning Commission
323 Lakeside Ave. West
Cleveland, Ohio 44113

Dear Kris:

Please find the enclosed application for rezoning requests. The Olmsted Township Zoning Commission has scheduled a public hearing on this application for September 23, 2009. Please forward your comments and recommendations to the Olmsted Township Zoning Commission.

Please feel free to contact me if you have any further questions or concerns regarding this request.

Sincerely,

Tammy Tabor
Office Coordinator

Cc: Olmsted Township Zoning Commission
CPC STAFF REVIEW
OLMSTED TOWNSHIP ZONING RESOLUTION F-09

APPLICANT/AGENT: George Smerigan on behalf of Oxbow Engineering
10 West Erie Street, Suite 201
Painesville, OH 44077
Phone: (440) 352-9222

Cook Road Investments
387 Medina Road, Suite 600
Medina, OH 44256
Phone: (330) 239-6109

PROPERTY OWNERS: Hall Brothers, Inc.
27040 Cook Rd.
Olmsted Township, OH 44256

Gary Kreigmont
7133 Sterns Road
Olmsted Township, OH 44138

DATE REZONING REQUEST RECEIVED: September 4, 2009

DATE OF CPC STAFF REVIEW: September 9, 2009

DATE OF COUNTY PLANNING COMMISSION MEETING: September 10, 2009

DATE OF TOWNSHIP ZONING COMMISSION HEARING: September 23, 2009

PROPOSED ZONING AMENDMENT: A request by the applicant to rezone approximately 21.6 acres of land from R-40 Single-Family Residential District, with a minimum lot size of 40,000 square feet, to RMF-A Apartments District, which allows a maximum density of 12 units per acre.

LOCATION OF REZONING: The subject site is located on the east side of Sterns Road, approximately 1,000 feet north of Cook Road, in the north central part of Olmsted Township (see Map 1). According to the application, the rezoning would apply to Permanent Parcel Numbers (PPN) 264-02-016 and 264-12-001. However, based on the concept plan submitted with the application, it is clear that the request is to rezone only a portion of PPN 264-12-001 – the part that is located north of the land owned by First Energy (PPN 264-01-010). The First Energy property splits PPN 264-12-001 in two, with a small portion of the parcel located along Cook Road, south of the First Energy property (see Map 2). The proposed rezoning site is triangular in shape with approximately 245 feet of frontage on Sterns Road and a depth of 1,866 feet from Stearns Road (as noted on the concept plan submitted with the application).

PROPOSED USE: As previously noted, the RMF-A Apartments District allows a maximum density of 12 dwelling units per acre. The applicant proposes to develop a total of 138 attached units at a gross density of approximately 6.4 units per acre. Of the 138 units, 102 will have a 2-car attached garage, and 36 will have a single-car attached garage. A concept plan was submitted as part of the application, and indicates that no buildings will be constructed within the 150-foot wide First Energy easement, though this area would be utilized for storm water
detention basins. When the land area of the easement is deducted from the total site area, the net density increases to approximately 8.9 units per acre, which is well within the maximum 12 units per acre permitted in the RMF-A district.

The concept plan appears to erroneously include the land area owned by First Energy (PPN 264-01-010) as being part of the development site (as evidenced on the concept plan by the 40-foot wide setback line shown on PPN 264-01-010.)
PRESENT LAND USE/LAND COVER: There is a single-family house on PPN 264-02-016. The portion of PPN 264-12-001 located north of the First Energy property has been used for farming and is currently listed with the Cuyahoga County Auditor's records as being taxed at its Current Agricultural Use Value. A 150-foot wide power line easement is located along the entire southern boundary of subject site, entirely on the subject site. There is a small stream along the south eastern boundary of the site. (See Map 2)
RELATIONSHIP TO ADJACENT LAND USE AND ZONING (Maps 3 & 4):

Land Use (Map 3)

North: The northwestern portion of the site borders a series of residential parcels fronting on Stearns Road. These parcels generally have lot dimensions of 110 feet of lot width and approximately 780 feet of lot depth, resulting in a lot size of approximately 2 acres. The houses on these parcels are situated approximately 100 feet from the front lot line on Stearns Road. The two residential parcels directly north of the site utilize the majority of their lots, each having a pond in the rear yards.

The northeastern border of the subject site abuts the back yards of several homes in the Hunters Ridge subdivision. Lots in this subdivision have a minimum area of 15,000 square feet.

Oakwood Estates, a multi-family apartment complex constructed in 1990, is located approximately 1,000 feet north of the subject site and is accessible from Stearns Road by a private street. The apartment buildings are located at least 400 feet from Stearns Road behind single-family homes fronting on Stearns Road, so there is minimal visible presence of the multi-family development as one travels along Stearns Road.

East: The subject property is bounded to the east by two large parcels (average lot size of 12 acres) that front on McKenzie Road. These parcels each contain a residential structure on them but were previously used for greenhouse operations. There are five single-family homes and three vacant parcels located on the east side of McKenzie Road. Land further east is characterized by suburban subdivision development.
South: As previously noted, the land south of the subject site is owned by First Energy and is adjacent to the 150-foot easement located on the subject site. The First Energy property and easement contain a main transmission line and support towers. South of the power lines there are approximately 17,700 square feet of commercial development, 5,600 square feet of which are used for auto-repair with frontage on Steams Road. The other 12,100 square feet comprise the Hall’s Quality Meat Market, 27040 Cook Road, owned by the applicant and occupying the remainder of PPN 264-12-001. There are four single family residences between the commercial property at the Cook Road/Steams Road intersection and Hall’s Meat Market. A large portion of the land between the subject site and Cook Road is vacant or underutilized and remains heavily wooded, see also Map 2.

West: The western border of the triangularly-shaped subject property includes approximately 245 feet of frontage on Sterns Road. The power lines on the southern border of the property continue westward into North Olmsted. All of the parcels on the west side of Steams Road, north of Cook Road (in Olmsted Township) are occupied by single-family houses on large lots that generally range in depth from 700 feet to 840 feet, and in width from 100 feet to 400 feet.

In North Olmsted, behind the single family parcels on the west side of Steams Road, detached single-family developments abut the First Energy powerline.

There is a mobile home park on Cook Road located approximately 1,740 feet west of the Cook Road/Steams Road intersection.

Approximately one mile west of the Cook Road/Steams Road intersection, land on both the north and south side of Cook Road was annexed to North Olmsted and developed for cluster homes at 4 dwelling units an acre. In 2004, 13 acres on the north side of Cook Road, located between the land annexed to North Olmsted and the Township boundary with Lorain County was rezoned to the RMF-A Apartment District. This site became the Arbors At Olmsted townhouse development with 8.9 units per acre.

Zoning (Map 4)
The subject site is currently zoned R-40 Single-Family Residential with a minimum lot size of 40,000 square feet. Nearly all of the frontage along Steams Road, from the railroad tracks north of Bagley Road to the Olmsted Township boundary with North Olmsted is also zoned R-40, single-family residential.

In general, land that has been developed for residential use in this portion of Olmsted Township (generally described as the area bounded by the railroad tracks (north of Bagley Road) and Fitch Road) has been rezoned from R-40 to the R-15 Single-Family zoning district. These subdivisions are typically located behind existing residential frontage that is zoned R-30 Single-Family.

Concerning residentially zoned land in this area of the Township, there are only two exceptions to the single-family zoning and both are zoned RMF-A Apartments: Oakwood Estates is located 1,000 feet north of the subject site behind residential parcels and Arbors at Olmsted is located more than one mile west of the site. The mobile home park located one-half mile to the west became a nonconforming use in the mid 1990s when the Township updated its zoning regulations. At that time, the Township eliminated the mobile home zoning district from the Township Zoning Resolution and rezoned the mobile home parks to the single-family zoning classification.

The commercial land uses noted in the above section are located in two areas zoned R-B Retail Business: the closest one (comprised of 8.8 acres), is located just south of the First Energy
power line in the northeast corner of the Cook Road/Stearns Road intersection, and the second one is located on Cook Road, approximately 1,000 feet east of Stearns Road and is comprised of 4 acres.

The Township’s primary industrial area is located in the western portion of the Township, generally south of residential parcels that front on Cook Road and west of residential parcels that front on Stearns Road. A small portion of the industrially zoned land has frontage on Cook Road approximately one-half mile west of the Stearns Road/Cook Road intersection. The Olmsted Township/Olmsted Falls Joint Economic Development District (JEDD) encompasses the entire industrially zoned land.

UTILITIES PRESENT: Construction of water lines and sanitary sewer lines along Stearns Road, installed as part of the Cook Road / Stearns Road reconstruction project, and utility lines installed as part of the Cook/McKenzie sanitary project are nearing completion.
HIGHWAY ACCESS: According to the Cuyahoga County Engineers Office, the average daily traffic at the Stearns Road-Cook Road intersection was 12,466 vehicles in 2000. Stearns Road, a north/south two-lane paved county road, is classified as an urban minor arterial and connects directly to I-480 to the north. Cook Road, an east/west two-lane paved county road, is classified as an urban collector and connects with Lorain Road to the west. Lorain Road has direct access to the Ohio Turnpike, I-80.

The Cook Road/ Stearns Road reconstruction project was approved for Surface Transportation Program funds in October 2001. The project involves the grading, draining, paving and widening Stearns Road, from 1,000 feet south of Cook Road to I-480 and the realignment of the Cook Road/ Stearns Road intersection, as well as the utility improvements noted above. Construction of this project is nearing completion.

The volume of traffic in this area is expected to increase when industrial uses in the Joint Economic Development District (JEDD) are established. It is unclear where the entrance to the industrial development will be located. If the entrance is located at the eastern end of the JEDD, as illustrated in some of the JEDD’s concept drawings, it is likely that truck traffic will choose to access I-480 at the Stearns Road interchange.

RELATIONSHIP OF PROPOSED USE TO TOWNSHIP PLANNING:
Olmsted Township’s 1998 Comprehensive Land Use Plan, which has been approved by the Olmsted Township Board of Trustees, indicates that high-density residential developments should be located in areas where such development will be consistent with the existing zoning. RMF-A zoning exists to the north and west of the proposed development. However, the 1998 Comprehensive Land Use Plan recommends that this site (as well as most of the area east of Stearns Road) be developed in such a way that “maintains the suburban residential pattern.”

The Olmsted Township Zoning Resolution includes a range of residential districts with the current R-40 Single-Family (with a density of approximately one unit per acre) being the residential district with the lowest permitted density, while the requested RMF-A Apartment District at 12 units per acre is the residential district with the highest permitted density. The current Comprehensive Plan does not recommend multi-family development for this site, but the Township should consider an alternative residential zoning district that takes into consideration the increasing potential for development along Stearns Road and Cook Road, but which still advances the comprehensive plan policy of maintaining the suburban residential pattern. In the north central portion of Olmsted Township, the suburban residential pattern is characterized by the R-15 Single-Family district.

CPC STAFF RECOMMENDATIONS:
The CPC Staff recommends that this rezoning from R-40 to RMF-A be disapproved for the following reasons:

A. The requested zoning map amendment to the RMF-A Multi-Family Apartment District is inconsistent with the Township’s current comprehensive land use plan recommendations which call for this area to maintain a suburban residential pattern; and

B. In the north central portion of Olmsted Township the suburban residential development pattern is predominantly characterized by the R-15 Single-Family Residential District.
CUYAHOGA COUNTY PLANNING COMMISSION
RESOLUTION NO. 080910 - E

Recommend that the Olmsted Township Zoning Commission and the Township Trustees Disapprove Applicant's Request for Zoning Map Amendment F-09 for the Cook Road Investments Site on Stearns Road in Olmsted Township.

WHEREAS, the Olmsted Township Zoning Commission received an application to amend the Olmsted Township Zone Map by rezoning approximately 21.61 acres of land that lies within the boundaries of Permanent Parcel Number 284-02-016 and a portion of Permanent Parcel Number 264-12-001 from Single-Family, R-40, to the RMF-A Apartments District; and,

WHEREAS, the proposed amendment was prepared as Olmsted Township Zoning Resolution F-09; and,

WHEREAS, such resolution was submitted to the Cuyahoga County Planning Commission for review and recommendation as required by Section 519.12 of the Ohio Revised Code as amended; and,

WHEREAS, in July 2008, the Cuyahoga County Planning Commission recommended denial of a nearly identical zoning map amendment presented by the same applicant, as reflected in CPC Resolution No. 080710-H; and,

WHEREAS, the staff of the Cuyahoga County Planning Commission reviewed the proposed rezoning request, determined that no substantial changes have occurred since this matter was considered in 2008 and, as noted in the attached staff report, found that:

A. The requested zoning map amendment to the RMF-A Apartments District is inconsistent with the Township's current comprehensive land use plan recommendations which call for this area to maintain a suburban residential pattern; and

B. In the north central portion of Olmsted Township the suburban residential development pattern is predominantly characterized by the R-15 Single-Family Residential District.

NOW, THEREFORE, BE IT RESOLVED that the Cuyahoga County Planning Commission recommends that the Olmsted Township Zoning Commission and the Board of Township Trustees disapprove Olmsted Township Zoning Resolution F-09 as submitted; and,

BE IT FURTHER RESOLVED that the Director is hereby directed to deliver copies of this resolution and the attached staff review report to the Olmsted Township Zoning Commission.
On a motion of Mayor Blomquist, seconded by Mayor Kelley, the foregoing resolution was disapproved.


NAYS: None.

ABSTENSTIONS: None.

NOT PRESENT: E. Patton, K. Patton, and Welo.
September 21, 2009

Tammy Tabor
Olmsted Township
26908 Cook Road
Olmsted Township, OH 44138

Re: September Zoning Commission Meeting

Dear Tammy,

I am respectfully requesting to table the Stearns Road Apartment application for the Zoning Commission Meeting on September 23 and move it to October’s Meeting on October 28th. I am unable to attend the meeting on Wednesday due to other matters requiring my attendance in Columbus.

I am sorry for any inconvenience this may have caused. If you have any questions, please feel free to contact me at 330-590-8012.

Regards,

David Conwill

Cc: George Smerigan
August 28, 2009

Daniel J. Gargas
Building Commissioner
Olmsted Township
26908 Cook Road
Olmsted Township, Ohio 44138

Re: Application for Zoning Map Amendment

Dear Mr. Gargas:

On behalf of our client, Cook Road Investments, LLC, we are hereby submitting our formal application for a Zoning Map amendment. Attached are fourteen (14) copies of our application package which includes:

- Our name, address and phone number as agent for the applicant for the rezoning, as well as the name and addresses of the currently titled property owners;

- A statement of the current zoning classification and the proposed zoning classification;

- The Permanent Parcel Numbers and legal descriptions for each of the parcels to be rezoned;

- A letter describing our request and setting forth the reasons and basis for the requested map amendment, an explanation of how the proposed zoning map amendment relates to the Olmsted Township Comprehensive Plan, and a description of the proposed use of the subject parcels;

- A Concept Plan showing the proposed development of the subject parcels with attached single family dwellings in a townhouse-style layout and indicating setbacks and buffers;

- A proposed Deed Restriction in favor of the Township providing additional control over the nature of the proposed development;

- Signed affidavits from the current title holders authorizing Cook Road Investments, LLC and Oxbow Engineering, Inc. to seek rezoning of the properties;
Daniel J. Gargas, Building Commissioner
Olmsted Township
Application for Zoning Map Amendment
August 28, 2009
Page 2

- A map depicting two foot contour intervals, property lines, and rights-of-way;
- A vicinity map showing the general location of the proposed site; and
- A list of property owners within 350 feet with names and addresses.

Also attached is a check in the amount of Two Hundred Fifty Dollars ($250.00) as payment of the application fee for a zoning map amendment. Please process our application for hearing at the September 23, 2009 meeting of the Zoning Commission.

Sincerely,

[Signature]

George Smerigan
Vice President
<table>
<thead>
<tr>
<th>Field Definitions</th>
</tr>
</thead>
</table>

**Real Property Information**

- **PARCEL ID**: 264-12-001
- **OWNERS NAME**: HALL BROS INC
- **ADDRESS**: 0 COOK RD
- **CITY**: OLMSTED TOWNSHIP
- **ZIP**: 44138

<table>
<thead>
<tr>
<th>Land Record</th>
<th>EFFECTIVE FRONT</th>
<th>AVG DEPTH</th>
<th>LOT SIZE (SQFT.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RECORD NUMBER: 1</td>
<td>138.4</td>
<td></td>
<td>87,120</td>
</tr>
<tr>
<td>LAND TYPE: PRM</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LEGAL FRONT: 138.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LEGAL DEPTH: 1106.4</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

__Cuyahoga County assumes no liability for damages as a result of errors, omissions or discrepancies contained in these pages. Prospective purchasers should consult a real estate attorney and purchase a title insurance policy prior to the sale.__

---

http://auditor.cuyahogacounty.us/repi/land.asp

9/3/2009
Real Property Information

Primary Owner: Hall Bros Inc
Property Address: 00000 Cook Rd, Olmsted Twp, OH 44138
Tax Mailing Address: Hall Brothers Inc, 27040 Cook Rd, Olmsted Falls, OH 44138-1111
Legal Description: 5-11 N OF CLE CO STRIPINCL EASEMENT EP 1532.50 FT E OF CL STEARNS RD
Property Class: CASH-GRAIN OR GENERAL FARM (CAUV)

2009 (pay in 2010) TAXBILL SUMMARY

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Taxset</th>
<th>Tax Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>264-12-001</td>
<td>Olmsted Township</td>
<td>2009 (pay in 2010)</td>
</tr>
</tbody>
</table>

Flags:
- Escrow: N

PMT. Amount: 0.00
Account:

2009 (pay in 2010) Charge and Payment Detail

<table>
<thead>
<tr>
<th>Taxset</th>
<th>Charge Type</th>
<th>Charges</th>
<th>Payments</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Olmsted Township</td>
<td>Prior year tax - 2008</td>
<td>641.72</td>
<td>0.00</td>
<td>641.72</td>
</tr>
<tr>
<td></td>
<td>Prior year penalty - 2008</td>
<td>64.17</td>
<td>0.00</td>
<td>64.17</td>
</tr>
<tr>
<td></td>
<td>DELQ BALANCE</td>
<td>705.89</td>
<td>0.00</td>
<td>705.89</td>
</tr>
</tbody>
</table>

Total Balance: 705.89

---

Cuyahoga County Assumes no liability for damages as a result of errors, omissions or discrepancies contained in these pages. Prospective purchasers should consult a real estate attorney and purchase a title insurance policy prior to the sale.

© Cuyahoga County Auditor's Office
**Real Property Information**

<table>
<thead>
<tr>
<th>Field</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIMARY OWNER</td>
<td>KRIEGMONT, GARY L</td>
</tr>
<tr>
<td>PROPERTY ADDRESS</td>
<td>7133 Stearns Rd, Olmsted Twp, OH 44138</td>
</tr>
<tr>
<td>TAX Mailing Address</td>
<td>FAR-First American Real Estate Tax Service, 1721 Moon Lake Blvd, Suite 400, Hoffman Estates, IL 60194</td>
</tr>
<tr>
<td>LEGAL DESCRIPTION</td>
<td>6-9 SP</td>
</tr>
<tr>
<td>PROPERTY CLASS</td>
<td>SINGLE FAMILY DWELLING</td>
</tr>
</tbody>
</table>

**2009 (pay in 2010) TAXBILL SUMMARY**

<table>
<thead>
<tr>
<th>PARCEL NUMBER</th>
<th>TAXSET</th>
<th>TAX YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>264-02-016</td>
<td>Olmsted Township</td>
<td>2009 (pay in 2010)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FLAG(S)</th>
<th>ESCROW FLAG(S)</th>
<th>ACCOUNT(S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.5% RED.</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>HOMESTEAD</td>
<td>N</td>
<td>PMT. AMOUNT</td>
</tr>
<tr>
<td>FORECLOSURE</td>
<td>N</td>
<td>ACCOUNT</td>
</tr>
<tr>
<td>CERT. PEND.</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>CERT. SOLD</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>PAYMENT PLAN</td>
<td>N</td>
<td></td>
</tr>
</tbody>
</table>

No charges and payments are found for this parcel and tax year.
### Real Property Information

<table>
<thead>
<tr>
<th>Field</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>PARCEL ID</td>
<td>264-02-016</td>
</tr>
<tr>
<td>OWNERS NAME</td>
<td>KRIEGMONT, GARY L</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>07133 STEARNS RD</td>
</tr>
<tr>
<td>CITY</td>
<td>OLMSTED TOWNSHIP</td>
</tr>
<tr>
<td>ZIP</td>
<td>44138</td>
</tr>
</tbody>
</table>

#### Residential Building

<table>
<thead>
<tr>
<th>Field</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>BLDG NUMBER</td>
<td>1 of 1</td>
</tr>
<tr>
<td>OCCUPANCY</td>
<td>1 FAMILY</td>
</tr>
<tr>
<td>STYLE</td>
<td>RAN</td>
</tr>
<tr>
<td>QUALITY</td>
<td>C</td>
</tr>
<tr>
<td>CONDITION</td>
<td>AVG</td>
</tr>
<tr>
<td>EXTERIOR WALLS</td>
<td>A/V</td>
</tr>
<tr>
<td>BASEMENT TYPE</td>
<td>SLB</td>
</tr>
<tr>
<td>ATTIC TYPE</td>
<td>N</td>
</tr>
<tr>
<td>HEAT TYPE</td>
<td>FHA</td>
</tr>
<tr>
<td>STORY HEIGHT</td>
<td>1</td>
</tr>
<tr>
<td>YEAR BUILT</td>
<td>1935</td>
</tr>
<tr>
<td>EFFECTIVE YEAR BUILT</td>
<td>1951</td>
</tr>
<tr>
<td>ROOF TYPE</td>
<td>GBL</td>
</tr>
<tr>
<td>ROOF MATERIAL</td>
<td>ASP</td>
</tr>
<tr>
<td>AIR CONDITION</td>
<td>N</td>
</tr>
<tr>
<td>BASEMENT SOFT</td>
<td>0</td>
</tr>
<tr>
<td>FINISHED BASEMENT</td>
<td>0</td>
</tr>
</tbody>
</table>

#### Residential Amenities For Building: 1

<table>
<thead>
<tr>
<th>AMENITY TYPE</th>
<th>ENCLOSED PORCH</th>
<th>AMENITY MEASURE</th>
</tr>
</thead>
</table>

CUYAHOGA COUNTY ASSUMES NO LIABILITY FOR DAMAGES AS A RESULT OF ERRORS, OMISSIONS OR DISCREPANCIES CONTAINED IN THESE PAGES. PROSPECTIVE PURCHASERS SHOULD CONSULT A REAL ESTATE ATTORNEY AND PURCHASE A TITLE INSURANCE POLICY PRIOR TO THE SALE.
September 3, 2009

David Conwill
Cook Road Investments, LLC
387 Medina Rd. Suite # 600
Medina, Ohio 44256

Dear Mr. Conwill:

The Olmsted Township Zoning Commission will hold a public hearing on your application #20090556, to be known as Olmsted Township Zoning Resolution F-09, September 23, 2009 at 7:00 p.m. The meeting will be held at the Township Hall, 26900 Cook Rd. Please notify this office if you will be unable to attend.

Sincerely,

Tammy Tabor
Secretary

Cc: File
Cuyahoga County Planning Commission
OT Fire Dept
OT Police Dept
OT Service Dept
George Smerigan
September 3, 2009

Dear Resident:

The Olmsted Township Zoning Commission will hold the following public hearing on Wednesday September 23, 2009 at 7:00 p.m. at the Township Hall, 26900 Cook Road.

Application # 20090556, to be known as Resolution F-09, submitted by Cook Road Investments, LLC., 387 Medina Rd., Medina, Ohio, seeks approval of a rezoning request from R-40, single family residential to RMFT, residential multi family apartments. The request is for parcels 264-12-001, owned by Hall Brothers, Inc, and 264-02-016, owned by Gary Kreigmont, 7133 Steams Rd., located approximately 900 feet north of Cook Road on Steams Road.

Copies of this application are available for review at the Olmsted Township Building Department.

Sincerely,

Tammy Tabor
Secretary
PUBLIC HEARING

The Olmsted Township Zoning Commission will hold the following public hearing on Wednesday September 23, 2009 at 7:00 p.m. at the Township Hall, 26900 Cook Road. Application # 20090538, submitted by The West Side Irish American Club, 8559 Jennings Rd., Olmsted Twp., Ohio, requesting approval of a development plan to permit the construction of an addition to the existing structure. The West Side Irish American Club is proposing the addition of a 3688 square foot multi purpose room.

Application # 20090556, to be known as Resolution F-09, submitted by Cook Road Investments, LLC, 387 Medina Rd., Medina, Ohio, seeks approval of a rezoning request from R-40, single family residential to RMFA, residential multi family apartments. The request is for parcels 264-12-001, owned by Hall Brothers, Inc, and 264-02-016, owned by Gary Kreigmont, 7133 Stearns Rd., located approximately 900 feet north of Cook Road on Stearns Road.

Copies of these applications are available for review at the Olmsted Township Building Department, 26908 Cook Rd. Any person attending the hearing will be afforded the opportunity to be heard.

T Tabor
Sun Herald Sept. 10, 2009
September 3, 2009

Kristin Hopkins
Cuyahoga County Planning Commission
323 Lakeside Ave. West
Cleveland, Ohio 44113

Dear Kris:

Please find the enclosed application for rezoning requests. The Olmsted Township Zoning Commission has scheduled a public hearing on this application for September 23, 2009. Please forward your comments and recommendations to the Olmsted Township Zoning Commission.

Please feel free to contact me if you have any further questions or concerns regarding this request.

Sincerely,

[signature]

Tammy Tabor
Office Coordinator

Cc: Olmsted Township Zoning Commission
October 9, 2009

David Conwill
Cook Road Investments, LLC
387 Medina Rd. Suite # 600
Medina, Ohio 44256

Dear Mr. Conwill:

The Olmsted Township Zoning Commission will hold a public hearing on your application #20090556, to be known as Olmsted Township Zoning Resolution F-09, September 28, 2009 at 7:00 p.m. The meeting will be held at the Township Hall, 26900 Cook Rd. Please notify this office if you will be unable to attend.

Sincerely,

[Signature]

Tammy Tabor
Secretary

Cc: File
Cuyahoga County Planning Commission
OT Fire Dept
OT Police Dept
OT Service Dept
George Smerigan
September 3, 2009

Tammy Tabor
Olmsted Township Zoning
26908 Cook Road
Olmsted Twp, Ohio 44138

Re: 27040 Cook Road; PP# 264-12-001

Dear Ms. Tabor:

Please accept this letter as consent for Cook Road Investments, LLC to submit application to Olmsted Township for the proposed apartment use.

Please contact me if you have any questions. Thank you.

Sincerely,

Richard A. Hall

Hall Brother Inc. Richard A. Hall

OLMSTED TOWNSHIP
BUILDING DEPARTMENT

SEP 10 2009
RECEIVED

9-10-09

9-10-09
September 3, 2009

Hall Brothers
27040 Cook Road
Olmsted Falls, Ohio 44138

To Whom It May Concern:

Enclosed is a consent letter for Cook Road Investments to submit an application to Olmsted Township on your behalf for the proposed apartment project. You signed the same letter in May of 2008, however, we had to resubmit and Olmsted Township is requesting an updated letter.

Please sign the enclosed letter and send back as soon as possible. If you have access to a fax machine, you can fax the signed letter to 330-239-6200. If not, please return via mail.

You can contact me at 330-590-8013 if you have any questions.

Regards,

Glynnis Hughes