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IN RE: OLMSTED TOWNSHIP ZONING COMMISSION.

- - - -

ON THURSDAY, FEBRUARY 23, 2023,  
COMMENCING AT 7:00 P.M.

- - - -

BOARD MEMBERS: GIB WINTER  
JUSTIN WHELAN  
PAUL HAMER  
JUSTIN FUNK

- - - -

REPORTED BY: BRIAN KUEBLER

- - - -

JK REPORTING  
(216) 664-0541  
WWW.JARKUB.COM

1 MR. WINTER: All right. I'm going  
2 call to meeting of the Olmsted -- this is  
3 the Gib Winter -- since we have a  
4 transcription going on, so if anybody  
5 speaks you need to state your name when you  
6 speak, and as when we get to the public  
7 comment, we'll need your name, address,  
8 and/or company represented, but when you  
9 speak, and that includes all the members of  
10 the Board, which I think is going to be  
11 difficult because we're not used to stating  
12 our name every time we talk, but state your  
13 name so that it's properly transcribed.

14 So this is Gib Winter, I'm going  
15 to call the meeting of the Olmsted Township  
16 Zoning Commission to order at 7:01 p.m. I  
17 already mentioned we're recording the  
18 proceedings and the purpose of providing a  
19 historical record, so make sure -- we've  
20 got to stick to that, state your name and  
21 letting us know who you are, even the  
22 members of the Board, or other departments  
23 and public, so...

24 Okay. We already talked about  
25 signing in, I appreciate everyone who is

1 interested in potentially speaking on this  
2 matter, and we will use that list to call  
3 people and to see if you want to speak at  
4 that time.

5 We will be swearing people in to  
6 speak at this meeting of these proceedings.  
7 So with that I'm going to ask the secretary  
8 to please call the roll, and Paul is going  
9 to be acting as our secretary today.

10 MR. HAMER: I'm sorry, I'm looking  
11 at the cheat sheet here.

12 MR. WINTER: You're Paul Hamer.

13 MR. HAMER: I'm Paul Hamer. Roll  
14 call, Paul Hamer, here.

15 Justin Funk?

16 MR. FUNK: Here.

17 MR. HAMER: Justin Whelan?

18 MR. WHELAN: Here.

19 MR. HAMER: Oksana?

20 MR. WINTER: Oksana is out sick,  
21 she called me just a few minutes ago.

22 MR. HAMER: Okay. And Gib Winter?

23 MR. WINTER: Gib Winter, here.

24 MR. HAMER: Okay.

25 MR. WINTER: So everyone please

1 stand and join me for the Pledge of  
2 Allegiance.

3

- - - -

4

Thereupon, the Pledge of Allegiance was recited

5

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6

MR. WINTER: Thank you. So we

7

have the approval of the minutes -- this is

8

Gib Winter -- we have approval of the

9

meeting minutes for the last meeting.

10

Did everyone on the Board get a

11

chance to review those?

12

MR. FUNK: Yes.

13

MR. WINTER: Okay. Were there any

14

corrections, changes, modifications that

15

you folks had?

16

MR. FUNK: None.

17

MR. HAMER: Paul Hamer, none.

18

MR. WHELAN: None for Justin

19

Whelan either.

20

MR. WINTER: Okay. I had a couple

21

of small ones, and that is is that it says

22

"Kip Winter", K-i-p, Winter, and it's Gib,

23

"G-i-b", Winter. It's a minor thing. It's

24

reflected properly in some of the text, but

25

in some of the comment boxes -- and I think

1           that's the only minor modification that  
2           really matters.

3                         With that minor modification that  
4           Kip equals Gib Winter in the meeting  
5           minutes, do I have a motion to approve the  
6           minutes from the past meeting?

7                         MR. FUNK:    Yes.

8                         MR. WINTER:  Justin Funk has made  
9           a motion to approve.

10                        MR. WHELAN:  Second.

11                        MR. WINTER:  Second by --

12                        MR. WHELAN:  Justin Whelan.

13                        MR. WINTER:  -- Justin Whelan.

14                        Secretary, please call the roll.

15                        MR. HAMER:  Paul Hamer?  Yes.

16                        Justin Funk?

17                        MR. FUNK:  Yes.

18                        MR. HAMER:  Justin Whelan?

19                        MR. WHELAN:  Yes.

20                        MR. HAMER:  And Oksana is not

21           here.

22                        Gib Winter?

23                        MR. WINTER:  Yes.  Okay.  The

24           meeting minutes are approved.

25                        Okay.  Moving on to old business.

1                   There aren't really any old business items  
2                   on the agenda, but before we move on does  
3                   any member of the Commission have any items  
4                   for discussion on old business?

5                   How about anything from the  
6                   building department, Joe?

7                   MR. SCHALLER: No, nothing.

8                   MR. WINTER: Okay. All right.  
9                   With that, we'll move on to -- there being  
10                  no new old business items --

11                  MR. WHELAN: Gib, did you mean to  
12                  amend the agenda to take out Item No. 6.

13                  MR. WINTER: I think -- so they do  
14                  that in the Trustees meeting -- that was  
15                  Justin Whelan asked if we need to amend the  
16                  agenda. They do that at Trustees meetings,  
17                  but it's not a common practice in the  
18                  Zoning Commission meetings. Thank you for  
19                  asking though, I appreciate. Justin is  
20                  keeping me honest on the proceedings.

21                  So, with there being no old  
22                  business let's go on to new business.  
23                  We'll now hear the matter of application  
24                  No. 230LMT-ZC001 submitted by Valore  
25                  Properties for consideration of minor

1 modifications of the previously approved  
2 planned residential development, also known  
3 as a PRD, at 26376 John Road. Proposed  
4 modifications include the partitioning of  
5 Phase 2 of the development into Phase 2A  
6 and 2B. Phase 2A of the Sanctuary will  
7 contain nine sublots, Sublots 57 through  
8 65, and includes a proposed minor  
9 realignment of the intersection of Grand  
10 View Drive and Morning Side Drive. Phase  
11 2B will contain the remaining 18 sublots  
12 from the original Phase 2.

13 So that's the matter before us.  
14 The Building Department's report and  
15 comments start with those, and I have the  
16 Building Department report here if I can  
17 get it -- Joe, do you have a copy? I'm  
18 sorry, I misplaced mine. When I was  
19 preparing, I apparently stashed away  
20 carefully.

21 So the Building Department's staff  
22 report, the Phase 2A plat includes the  
23 installation of improvements to support  
24 nine sublots, Sublot 57 through 65, along  
25 the portion of Grand View Drive from the

1 east end of the Pulte Development in Phase  
2 1 and a portion of Summer Place Drive from  
3 John Road south of limits of Phase 5.  
4 There are no new lots proposed or any  
5 increases in density proposed.

6 Second bullet, there are minor  
7 changes to a single lot. The overall lot  
8 area and configuration of Sublot 57 is  
9 changed. The elimination of the roundabout  
10 feature on the entry street allows the  
11 proposed right-of-way to be reduced, and  
12 subsequently the size of Sublot 57 has  
13 actually increased. No other lots in Phase  
14 2A appear to be affected or changed.

15 Item 3, there are no proposed  
16 modifications that affect the previously  
17 approved open space acreages for the  
18 development.

19 Item 4, the improvement plans for  
20 the Phase 2A portion have been received and  
21 are presently being reviewed in conjunction  
22 with the County Department of Public Works.  
23 Storm water pollution and prevention plans  
24 are part of the improvement plans submitted  
25 as part of this change to the county.



1                   These are presently under review by the  
2                   Cuyahoga County Sewer Water District on  
3                   behalf of the Township -- together with the  
4                   Township's consulting engineer, as is the  
5                   standard practice.

6                   Bullet 5, the proposal submitted  
7                   also includes the elimination of the  
8                   roundabout feature previously proposed and  
9                   is replaced with a standard T-type  
10                  intersection. The modification of the  
11                  street layout to a T-type intersection is  
12                  subject to a detailed review of the  
13                  improvement plans and are subject to the  
14                  confirmation of adequacy for emergency  
15                  equipment (unintelligible).

16                  Item 6, additionally the  
17                  improvement plans are subject to the final  
18                  approval of the County engineer's office.  
19                  Regarding any comments from the Township  
20                  consultants will be coordinated and  
21                  addressed prior to final approval by the  
22                  County.

23                  And Item No. 7, County Planning  
24                  has issued additional approval of the  
25                  proposed split of Phase 2 into Phase 2A and

1           2B. And that was the report from the  
2           Building Department.

3                   Are there any discussions on that  
4           report by the members of the comission, any  
5           questions on that to our Building  
6           Department?

7                   MR. HAMER: I have none.

8                   MR. WINTER: I don't see any  
9           indication that anybody has any questions  
10          or clarifications on that.

11                   So with that, I'm going to ask the  
12          applicant if they want to discuss it, but  
13          before we do that, anyone who may want to  
14          discuss it, I'm going to ask you to stand  
15          so we could swear you in since this is an  
16          administrative-type hearing.

17                   So with that, I'll stand with you  
18          and what we're going to do is have you each  
19          come up and state your name after you raise  
20          your hand and then I ask you to -- and  
21          actually we'll have you come up and you can  
22          just say -- raise your hand and say "I do"  
23          or "yes" into the microphone.

24                                   - - - -

25                   Thereupon, participants were sworn in

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MR. SHAW: Ron Shaw, I do.

MR. VALORE: Tony Valore, I do.

MR. WINTER: Anybody else?

Okay. So now it's time to -- I'd like to ask the Applicant if they would like to speak to their proposed change before the Board. And please use the microphone, state your name, and your affiliation, company affiliation.

MR. VALORE: My name is Tony Valore of Valore Properties, we're the developer of this property, and we developed it in conjunction with Pulte Homes, and it started almost five years ago.

And in that five-year timeframe the whole world shifted on us, I think we're aware of that, between the pandemic and rising costs of interest rates, the home sale slow downs, and the development of this project actually came to a stall point from the Board property side of it. Although Pulte continued on and they did what they had to do, and part of our

1 request is to help them too with our  
2 neighbors. Because in their approval, they  
3 have to have a secondary access. And as we  
4 were going through it with them, they would  
5 have the secondary access.

6 Since we put ours on hold being a  
7 little different dynamic than Pulte Group,  
8 we stopped the project from our  
9 perspective. So when they came to them  
10 that they had to put in the secondary  
11 access, we started discussing the options  
12 of how we can make it happen from our  
13 perspective and not be wasting cost and  
14 dollars for them as well as another  
15 entrance coming off of John Road.

16 So what we elected to do is to put  
17 it in two phases rather one, so we put in  
18 the nine lots in, and that would connect to  
19 the Pulte property, which would then go out  
20 to the street, which you get another  
21 secondary exit, and then at the same time,  
22 we changed it to try to bring the cost  
23 down.

24 So our original design of the 27  
25 lots had us develop and use the eastern



1 it's minor (inaudible).

2 MR. WINTER: Okay. This is Gib  
3 Winter again, thank you. With that, I'm  
4 going to ask the Commission if they're --  
5 are there any questions for the Applicant  
6 at this phase?

7 MR. FUNK: So what is the reason  
8 for --

9 MR. WINTER: Wait, state your  
10 name.

11 MR. FUNK: Justin Funk. What is  
12 the reason that two entrances are required,  
13 where is that requirement coming from?

14 MR. WINTER: This is Gib Winter, I  
15 can address that, and so can Joe very well,  
16 but it's where I learned it from. The  
17 County actually has it required for 50  
18 homes or more you must have a secondary  
19 entrance to a development, correct, Joe?

20 MR. SCHALLER: Yeah, this is Joe  
21 Schaller, Consulting Engineer. That's  
22 correct, the County regulations state that  
23 at that point, 50 lots would require a  
24 second means of access. And we've had that  
25 discussion with the safety forces and they

1 concurred prior to this going before the  
2 County itself that that is a limit that  
3 they want to adhere to.

4 MR. FUNK: Justin Funk again. So  
5 we're not at that though, right? I mean,  
6 only 38 homes in Phase 1 are done?

7 MR. SCHALLER: Well, you have to  
8 remember -- Joe Schaller again -- that  
9 there's also Phase 3 that's coming probably  
10 within the next few weeks to be signed off  
11 and be opened up for home development. So  
12 the combination of Phase 1 and Phase 3,  
13 which is the loop to the south will  
14 approach that 50. And I think what Mr.  
15 Valore has indicated that doesn't want to  
16 bring the Pulte side of this to a  
17 standstill, and that's the reason why, that  
18 there's more than 50 when you add Phase 1  
19 and Phase 3 together.

20 MR. WINTER: Okay. Any other  
21 questions from the members?

22 Okay. So prior to any public  
23 comment, the Zoning Commission first must  
24 administratively decide if this matter is  
25 submitted -- as submitted, qualifies as a

1 minor change. It's -- or it should be  
2 elevated to a major change, Section  
3 520.1.14, Subsection A, Subsection 1 of  
4 Subsection A of the Zoning Code, Olmsted  
5 Township Zoning Code, clearly delineates  
6 the criteria for major changes. And under  
7 Subsection 2 then goes on to say, minor  
8 change is anything not classified per  
9 Section 1 as a major change. So, and then  
10 it further states the Zoning Commission may  
11 determine to forward or elevate this as a  
12 major change to the Board of trustees.

13 So with that I'm going to read  
14 really quickly the criteria for major  
15 change, that's 520.14, Subsection 1, so  
16 that's what we're considering at this. So  
17 from there we can make a decision as to  
18 whether this is a -- categorize it as  
19 whether it's a major or minor change.

20 So, major modifications shall  
21 include, but are not limited to changes to  
22 the approved plan that involve A, a change  
23 of use or density to a more intense use, or  
24 density then permitted by the approved  
25 preliminary development plan or changes to



1 the location or amount of land designated  
2 for specific land use or open space; B, a  
3 reduction of more than 5% in the number of  
4 parking spots; and C, any change that will  
5 increase demand on any on or offsite  
6 infrastructure including modifications in  
7 the internal street and thoroughfare  
8 locations or alignments, which  
9 significantly impact traffic patterns or  
10 safety considerations.

11 So that is the specific pertinent  
12 section out of our zoning code on how to  
13 classify major change. Anything that's not  
14 a major is then a minor, unless we decide  
15 to escalate it as a major.

16 Just so you know, this  
17 determination also goes towards whether or  
18 not this even gets referred to the  
19 trustees. According to our code, if it's a  
20 minor change, it doesn't go before the  
21 trustees, it's an administrative action and  
22 it's considered an administrative change.

23 So with that, giving those guiding  
24 criteria -- and I gave them to every member  
25 of the Board, and if anybody wants a copy

1 I'm happy to share my copy of the pertinent  
2 section -- and so, I would ask the Board if  
3 there's any discussion and then we need to  
4 vote on the classification's particular  
5 change to establish whether it's major or  
6 minor in accordance with the artifacts --  
7 yeah.

8 MR. WHELAN: This is Justin  
9 Whelan. Before we get to voting and  
10 discussing that, I did just have one  
11 question then for Mr. Valore.

12 So this was intended to be a  
13 roundabout counterclockwise continuous with  
14 what, landscaping in the middle?

15 MR. VALORE: Yes.

16 MR. WHELAN: And now are we a  
17 four-way stop?

18 MR. VALORE: Yes.

19 MR. WHELAN: Okay. I mean,  
20 that's -- I guess that's the only thing  
21 I --

22 MR. VALORE: Actually a three-way  
23 stop, coming in --

24 MR. WINTER: Coming in is not  
25 stopping?

1 MR. VALORE: Right.

2 MR. WHELAN: Okay.

3 MR. VALORE: The current Pulte  
4 entrance is being duplicated here, which is  
5 beautiful if you haven't seen it.

6 MR. WHELAN: And then I actually  
7 was wondering if --

8 MR. WINTER: If you're going to  
9 speak, you need to use the mic. It's okay,  
10 but let's just pause a second.

11 MR. WHELAN: Do I need to use the  
12 mic?

13 MR. WINTER: No, just keep your  
14 voice up.

15 MR. WHELAN: The one other  
16 question I had is that our Engineer  
17 Building report stated that the only lot,  
18 and I'm assuming only lot in Phase 2A  
19 that's going to be affected is 57, but this  
20 would affect two other lots that are in  
21 Phase 4; is that right?

22 MR. SCHALLER: That would be 2B.

23 MR. WHELAN: Or 2B, sorry.

24 MR. SCHALLER: Mr. Chairman, Joe  
25 Schaller, the other lots that will be

1           impacted by this reduction of the  
2           right-of-way needed for the roundabout  
3           would ultimately be in Phase 2B.

4                   MR. WHELAN:   And both just  
5           becoming larger?

6                   MR. SCHALLER:   Yes.   The  
7           right-of-way shrinks actually is what  
8           happens.

9                   MR. WHELAN:   Okay.

10                   MR. SCHALLER:   And just for a  
11           point of update and clarification, we've  
12           coordinated with the County and with  
13           Cuyahoga Storm and Water Conservation, and  
14           all those comments have been transmitted to  
15           the consultant working for Mr. Valore, and  
16           they've indicated that they're in the  
17           process of addressing those comments.

18                   The improvement plans are  
19           recognized as being submitted, but the  
20           final signoff on those is not yet done, but  
21           it's just a matter of addressing a few  
22           comments.

23                   MR. WINTER:   So this is Gib  
24           Winter, this is part of the discussion that  
25           I'm soliciting from the Board, so I

1 appreciate the questions.

2 Are there other questions from  
3 others on the Commission?

4 And again, this is particularly  
5 just in categorizing the change as  
6 requested for the existing PRD.

7 Paul, any questions? I'm going to  
8 ask Paul Hamer, any questions.

9 MR. HAMER: I have no questions.

10 MR. WINTER: Justin Funk?

11 MR. FUNK: I don't think so.

12 MR. WINTER: And Justin Whelan,  
13 any questions?

14 MR. WHELAN: No further questions.

15 MR. WINTER: Okay. With that I'm  
16 going to -- this is Gib Winter still -- I'm  
17 going to propose that we approve it as a  
18 minor change, that somebody make a motion  
19 and I'll word that motion. And if -- you  
20 know, we'll take a vote on that.

21 MR. WHELAN: I'll move to --

22 MR. WINTER: So let me --

23 MR. WHELAN: Sorry.

24 MR. WINTER: I'll read it and then  
25 you can -- the motion, specifically be to

1           classify Application No. 230LMT-ZC001  
2           submitted by Valore Properties for  
3           consideration of modifications of the  
4           previously approved planned residential  
5           development at 26376 John Road as a minor  
6           modification.

7                   MR. WHELAN:   And I will move to do  
8           exactly what you said.

9                   MR. WINTER:   Justin Whelan is the  
10          first.  Do I have a second on the motion?

11                   MR. HAMER:   I'll second, Paul  
12          Hamer.

13                   MR. WINTER:   Paul Hamer, second.  
14                   Secretary -- acting secretary,  
15          please call the roll.

16                   MR. HAMER:   Paul Hamer?  Yes.  
17                   Justin Funk?

18                   MR. FUNK:   Yes.

19                   MR. HAMER:   Justin Whelan?

20                   MR. WHELAN:  Yes.

21                   MR. HAMER:   And Gib Winter?

22                   MR. WINTER:  Yes.  Motion so  
23          carries.  This is classified and  
24          categorized as a minor change.

25                   So with that I'd like to open the

1 floor to public comment.

2 Is there anyone who wishes to  
3 speak? If so, I'd like to have you --  
4 we'll have to swear you in if you haven't  
5 been sworn in already. No.

6 Okay. With that I will close the  
7 public comment period -- or the public  
8 comment section of our meeting. And I want  
9 to open up the matter for discussion on the  
10 Board -- and what we're discussing now is  
11 to approve this minor change as proposed.

12 And first let's discuss -- so  
13 let's discuss that. Are there any  
14 discussion points? I know you already had  
15 some -- we had some discussion, but are  
16 there further discussion points?

17 MR. HAMER: No, I have none.

18 MR. WINTER: Okay. That was Paul  
19 Hamer, he didn't have anything. So I'm not  
20 seeing any, I'm going to make a motion  
21 to -- or if somebody could make a motion  
22 for Application No. 230LMT-ZC001 submitted  
23 by Valore Properties for consideration of  
24 modifications of the previously-approved  
25 planned residential development at 26376

1 John Road, proposed modifications include  
2 the partitioning of Phase 2 of the  
3 development into Phase 2A and Phase 2B.  
4 Phase 2A of the Sanctuary will contain nine  
5 sublots, Sublot 57 through 65, and include  
6 proposed minor realignment of the  
7 intersection of Grand View Drive and  
8 Morning Side Drive.

9 Phase 2B will contain the  
10 remaining 18 sublots from the original  
11 Phase 2.

12 So, anybody want to make that  
13 motion?

14 MR. WHELAN: I'll move.

15 MR. WINTER: Justin Whelan made a  
16 motion. Do I have a second?

17 MR. HAMER: Second.

18 MR. WINTER: Paul Hamer made the  
19 second. With that, Secretary please call  
20 the roll.

21 MR. HAMER: Paul Hamer? Yes.

22 Justin Funk?

23 MR. FUNK: Yes.

24 MR. HAMER: Justin Whelan?

25 MR. WHELAN: Yes.



1 MR. HAMER: And Gib Winter?

2 MR. WINTER: Yes.

3 The request is approved. With  
4 that, we have no other new business. I do  
5 want to thank the public for coming and for  
6 your attendance and interest in this. And  
7 I want to thank the Applicant as well.

8 With that, I'll make the date of  
9 the next regularly-scheduled meeting is  
10 March 23rd, 2023 at 7:00 p.m., if we have  
11 matters before us.

12 Do I have a motion to adjourn?

13 MR. FUNK: Motion.

14 MR. WINTER: Justin Funk motions.  
15 Is there a second?

16 MR. WHELAN: Second.

17 MR. WINTER: Justin Whelan is the  
18 second. Secretary, please call the roll.

19 MR. HAMER: Paul Hamer? Yes.

20 Justin Funk?

21 MR. FUNK: Yes.

22 MR. HAMER: Justin Whelan?

23 MR. WHELAN: Yes.

24 MR. HAMER: And Gib Winter?

25 MR. WINTER: Yes.

Meeting adjourning at 7:27 p.m.

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C E R T I F I C A T E

I, Brian Kuebler, a Notary Public within  
and for the State of Ohio, do hereby certify that  
I attended the foregoing hearing in its entirety,  
that I wrote the same in stenotypy, and that this  
is a true and correct transcript of my  
computer-aided notes.

IN WITNESS WHEREOF, I have hereunto set my  
hand and seal of office, at Cleveland, Ohio, this  
14 day of MARCH 2023.

=====  
Brian Kuebler, Notary Public, State of Ohio  
My commission expires June 12, 2027

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