RECORD OF PROCEEDINGS

Minutes of Planning Board *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held December 6, 1979 *19*

Members present: Daniels, Cotesworth, Anderson
Guests present: William German, Adelbert P. Cipriani, Jack Brickner, Leon Simpson, Judy Harvey, Tom Harvey, N. R. Cox, Sid Simon
Other officials: Wm. Driemiller

Planning Board meeting was called to order by Chaiman Daniels at 8:07 with roll call. Barriball and Briggs absent. Cotesworth motioned to waive the reading of the 11-15-79 minutes and approve them as recorded, Anderson seconded. Roll call, all ayes.

Ralph Cipriani, Cipriani Investment Co., presented plans for the proposed shopping center and savings and loan located on the southwest corner of Rte. 306 and Bell Road. Cipriani stated he had received the Zoning Inspector's review along with the Village Engineer's review. Engineer stated he has received a revised plan from Cipriani 12-5-79 and has only started the second review. Engineer stated his second review addresses some drainage and grading problems along with some construction details. Engineer stated he could not give any type of approval as they (Cipriani) are still trying to get the drawings in their final form.

Daniels asked the Zoning Inspector, Judy Harvey, if she had any further comments regarding her letter to Mr. Cipriani dated, 11-21-79. Mrs. Harvey stated she wants to point out that a bank is considered an office not a personal service so the parking will be reduced from her original figure. Instead of 38 spaces it would be 15 plus 1 per employee. Daniels asked if all t the areas discussed in Mrs. Harvey had been corrected on the new plans. Cipriani stated they had.

Cipriani stated what he would like to request is approval for a zoning permit subject to the approval of whatever changes the Engineer requests. The Board discussed this request and reviewed the plans.

Tom Harvey asked what was before Planning Board, is it a preliminary application or approval request for a Zoning Application? Daniels stated the preliminary was made last month and approved with reservations of the Engineer's recommendations. Daniels stated they are to review the Zoning Inspector and Engineer's recommendations and approve or disapprove the request for a zoning permit. Daniels stated based on the Engineer's comments, no action can be taken until all points have been approved and when that occurs, Planning Board will want to see the final plan. Cippriani asked if they could secure a zoning permit subject to the Engineers approval. Daniels stated not really, because the Village hasissued zoning permits subject to something and the "subject to" has never occurred. Cipriani asked if he could feel secure in the sense that, if he provides everything to the Engineer that he requests, he then could secure the zoning permit next month. Daniels stated he felt that would be likely. The Board discussed the construction and structural features of the shopping center. Cipriani stated the two tenants they have for sure are Open Pantry and Speice Drug.

Daniels stated he wasn't really sure if it was necessary for Mr. Cipriani to return to Planning Board, as long as he works with the Enineer and Zoning Inspector to receive their approval, the Board has already reviewed the plan and major points. Anderson stated he wanted to see the final plan before approval is given. Cotesworth agreed. Cipriani stated what he is requesting of the Board is if he does meet the approval of the Engineer and the ZI that they can proceed forward and not have to wait until the next meeting. Daniels stated he saw no objection to that, the Board has looked at the planns, we know what it is and we have a city official and a city service agency looking into it. Cotesworth stated if there are to be changes made they should see them first before taking action. Mr. German, Cipriani's Engineer, stated the only changes will be drainage and slopes, there will be no building or location changes. Following further discussion, Anderson motioned that the Zoning Inspector be permitted to issue Mr. Cipriani's zoning permit when the Village Engineer and Zoning Inspector have given their final approval of the plot plan, Cotesworth seconded. Roll call, all ayes.

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Mr. Irwin Frank, W-S Construction, presented preliminary plat plans for the Emerald Lakes Condominiums. Daniels asked if the had received the Village Engineer's recommendations dated 11-26-79. Frank stated no he had not. The secretary made copies and time was taken in order to allow W-S Construction to review them. Daniels then read the minutes of Council's meeting, 12-3-79, where they recommended disapproval of the Emerald Lakes preliminary plat. Frank stated he was taken back by this procedure, one, they did not have notice of the Engineer's report no did they have notice that their plan was going for review before Council, 12-3-79. Daniels stated the problem they have is time, when they receive an application, we have 30 dayes to act, it is a state law. Frank stated all he is saying is they should have had some notice and given an opportunity for their engineerto review the Village Engineer's comments.

Mr. Sid Simon stated they have been coming to Planning Board for 10 months and he thought most of the questions raised in the Engineer's review and Council's discussion had been solved. Daniels stated as he recalled the last meeting, there was a disagreement between W-S and the interpretation of the Engineer -- - the streets though private should be built to dedicated standards. Frank stated their position is they are not private or public streets, they are access drives to the units. Simon explained that the main road is dedicated but the drives off the dedicated road are access ways. Engineer stated the definition in the code of the private street is a private way serving two or more dwellings and there is an ordinance requiring private streets to meet dedicated street standards. Anderson asked Jack Brickner what their Manor Brook plans showed relative to the drives. Brickner stated their plans show their drives just as the Engineer describes in the 12-3-79 Council minutes. Frank refered to Chapter 4, Residential Districts of the Zoning Code, 4.01, #9 - off street parking , and Chapter 8, 8.02, access drives. Frank asked the question of access drives versus private streets be referred to the Village Solicitor for clarification.

The Board and Mr. Simon discussed the preliminary plat submittal process. Mr. Simon asked if he could come in and ask for a zoning permit without a subdivision approval. Simon explained he does not need a subdivision approval because they are not subdividing their land. They are deeding out one big block of land to the homwowners association, not individual lots. The five single lots could even be sold as a condo. Harvey stated this is a logical arguement but planning board can only act on what's before them tonight.

Anderson stated he is hearing the same words we have had before - - where are we now with this application? Frank stated tonight before Planning Board is a plan P/B approved informally. The preliminary plat was presented at the 11-15-79 meeting, there was very little discussion because there had not been a review by the Village Engineer. Now , without their (W-S) knowledge, it's been reviewed by the Engineer and to Council, resulting in a recommendation to disapprove. They have not had any chance to respong to either the Engineer or Council.

Harvey stated he is sorry Mr. Frank was not notified of the Council meeting however the steps taken are very clear in the Code once an application has been filed.

Daniels questioned their position on the beaver dam. Frank stated that anything done to the beaver dam will be in accordance with the wildlife service.

Anderson asked how things stood with their water data. Frank stated Moody and Associates submitted a report however he has heard nothing from the Village hydrologist in response. Engineer stated he is waiting for a report which will include a more detailed study of W-S, T&T, and the Rickleman property from Moody and Associates. Brickner stated this report will be completed in about a month however there is sufficient information at this time indicating there is an adequate water supply for both projects.

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The Engineer stated his report for Emerald Lakes is in two parts. First, are the numbered items, which are in the Code and are pertinent to any action taken. Second are the lettered items, these are opinions which are not requirements but must be considered. The Board reviewed the Engineer's numbered comments with Mr. Simon and Mr. Frank. Item #1, density calculations: Frank stated if their calculations are incorrect they will delete one unit, not a problem. #2, "8 unit" is a mechanical error, it should be "4 unit" #3, water line, Frank stated they accept that recommendation. #4, open ditch, Simon stated it would be no problem to cover it. #5, dwelling distance can be adjusted. #6, storm and sanitary sewer location, Frank stated this recommendation is accepted. #7, Landscaping and open space plan, Frank stated all the open space will remain natural. The recreational area will not be developed until the homeowners association can determine what they want. #8, this is a minor ommission, it will be corrected.

Daniels stated he feels that W-S Construction has tried to be cooperative and he doesn't particularly like the concrete drive but if that is what the code rules we really don't have much choice. Mr. Simon stated if he has to put in drives to dedicated standards he will do so but he does not think it will be attractive. Anderson stated one alternative is to appeal.

Mr. Frank stated this is not the final plan, there will be much more review by their engineer and Village Engineer.

Following further discussion, Anderson moved the Emerald Lakes Condominium preliminary plat be conditionally approved subject to the comments of the Village Engineer's preliminary plat review items 1 through 8, of the letter dated 11-26-79, file #SR 103-18. Daniels stated he wants to include in the motion that there be a resolving of the objections of Council along with the lettered recommendations of the Engineer. Harvey stated it won't make any difference if they go before Council to resolve them or not - - - it means absolutely nothing. Daniels stated this is still a preliminary not the final. Anderson agreed with Harvey and stated he feels the intent of the preliminary plat has been fullfilled. Cotesworth seconded the motion as Anderson stated. Roll call, all ayes.

Mr. Frank stated they will attend Council on Monday night and discuss their comments and answer questions.

Jack Brickner, Thomas and Thomas, came before Planning Board requesting approval for their final plat of Manor Brook Estates. Engineer stated he has reviewed their final plat of Manor Brook and there are some minor changes necessary. Engineer stated he is comfortable with the substance of the final plat as far as their review, subject to some minor changes, i.e. pins along property lines and drafting on certain pin locations. Engineer showed the Board the changes being requested on the final plat.

Brickner stated he is also presenting a second variance request. The first one, presented last month, has been withdrawn. Brickner stated they are reqesting that the utility installation not be a condition of the Engineering approval or Council's acceptance of the improvements. Brickner explained they would complete all improvements per the subdivision regulations, including tree planting and seeding and following Engineering approval and Council's acceptance, the utilities would be installed. Since the utilities will be placed outside the public right-of-way, any damage to previously installed improvements should be minimal and will be completely restored per the maintenence bond. Engineer stated the only pitfall he could see was possible damage to the right-of-ways but this would be covered by the maintenence bond. The Board discussed the variance request briefly and set January 3, 1980 for the public hearing.

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Following further discussion on the Manor Brook final plat, Cotesworth motioned to accept the final plat for Manor Brook Estates subject to the Engineer's final review and acceptance, Anderson 2nd. Roll call, all ayes.

Mrs. Judy Harvey, Zoning Inspector, presented the sign plan for Hampton Antiques and explained it is not too large as they (Planning Board) thought at the last meeting. Harvey explained the posts are not included when figuring the square footage. The Board stated they approved the design and as long as it meets the size requirements, the permit should be issued.

There being no further business, meeting adjourned at 10:00 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Board
Clerk of Council
Solicitor
Engineer
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held November 15, 1979 *19*

Members present: Barriball, Briggs, Cotesworth, Daniels
Other officials: Wm. Driemiller, Dave Lowe
Guests: Ralph Cipriani, William Geer, Edwin J. Ketchel, Norman Cox, Irwin Frank, Sanford Wasserstrom, Sidney Simon, Ken Pike, Jack Brickner.

Chairman Daniels called the meeting to order at 8:00 P.M. with roll call. Anderson absent. Cotesworth motioned to waive the reading of the 10-4-79 minutes and approve them as recorded, Briggs 2nd. Roll call, all ayes.

Irwin Frank, attorney for W-S Construction, presented the plans and application for the preliminary plat for Emerald Lake Condominium project. Irwin stated they received approval on their informal plan at the last meeting and the preliminary plan is basically the same but in much greater detail. Irwin stated the Village Engineer has been given copies of the plan. Irwin explained that the project consists of 97 units, 92 condominium units and 5 single family lots. Irwin pointed out the green areas to the north and east of the project, stating there will be very little visibility of the units from Bell Road.

Briggs asked the Village Engineer if he had received any information from Dr. Eckstein regarding Moody's water study of the Emerald Lake development? Frank stated Dr. Eckstein would not have had time to report because Moody's study had just been received this week. Frank stated what they were proposing is a centrally treated water system which would serve both Emerald Lake and T&T projects. Frank stated the wells that have already been drilled and tested can be put in a well field with more than enough capacity to serve both projects. Frank stated this situation will provide a much better quality of water than that produced from a treatment facility.

Briggs asked if the question of the drives versus public roads had been settled. Engineer stated this still may be a hurdle as far as the true definition in the book of private street — - private streets must meet the specifications for dedicated roads. Frank stated they are not calling the drives to the condo's private streets. Engineer stated he knows they are not calling them private streets but following the definition in the code of any access way serving two separate structures is considered a street. Engineer stated this will be raised in his recommendations.

Ralph Cipriani presented plans for the proposed shopping center and savings and loan for the southwest corner of 306 and Bell. The shopping center will face Rte. 306 and the savings and loan will face Bell Road. There will be one continuous parking lot which can be entered and exited from either 306 or Bell. The shopping center plan showed space for an Open Pantry, drug store and four other smaller shops or offices. Mr. Cipriani stated there will be plantings along Bell, Chillicothe, around the savings and loan and also a planting strip along the rear lot line.

Briggs asked if they had considered Council's request addressing the type of lettering or signs to be used? Cipriani stated they hadn't taken this up yet. The Board discussed the size of the four unnamed stores.

Cipriani presented plans for the proposed savings and loan. Cipriani stated there will be a community room in the basement for residents use in the evening. The building is a colonial style of architecture.

Daniels asked what their timing was as for construction? Cipriani stated just as soon as possible they would like to get under way. Mayor stated tonight is the filing date for the application and the plans must go the Engineer for his review. Daniels stated the application was given to Judy Harvey, Zoning Inspector, on October 24, 1979 and she refered it to Planning Board for developmental approval. Daniels stated all that can be done at this time is accept the application and foward the plans to the Village Engineer.

Dave Lowe, Village Solicitor, stated Council has authorized his office to

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pursue an appeal of the Cipriani case in this fashion. There is a case out of Cuyahoga County which is in direct conflict with the case decided in our district. Lowe explained when there are conflicting decisions in the Courts of Appeals in Ohio, the courts can certify whatever the conflict is between the courts to the Supreme Court and the Supreme Court decides which of the two appeals courts is right. Lowe stated it is his suggestion that this develppment application be processed in the usual fashion and if after review by Planning Board and the Engineer it meets all standards and regulations, ultimately Planning Board would be constrained to issue a permit. However, the developer would be a volunteer at that point, until this question is resolved by the Supreme Court.

Cipriani stated they have pursued this plan for two years and during the two years they have taken a substantial loss in construction costs and interest rates. Cipriani stated to this point they are bearing the burden and any harrassment beyond this will be very difficult.

Ed Ketchel, attorney for Mr. Cipriani, asked if the Solicitor's office had filed a motion? Lowe stated no, they had not. Lowe explained Dale Markowitz is working on it and he is not sure of his timing. Briggs asked when the Supreme Court makes it's decision, is there an appeal to this decision? Lowe stated no there is not, unless you go the the U. S. Supreme Court.

Cipriani stated as he understands it, this appeal can delay them seeking a zoning permit, is this correct? Lowe stated what he is saying is if you proceed with the project and the court finds in the Village's favor, you are proceeding at your own risk. Cipriani stated they have spent a lot of money and tried to work with the Council and everytime they turn around they hit a wall. Briggs stated that in the very beginning Council told him there would be problems because there was a question in the Zoning Code and not to spend a lot of money until the questions were answered.

Cipriani asked if they could secure a zoning permit for the savings and loan project? Lowe stated it is a permitted use under the present zoning and as long as it follows all other regulations, a zoning permit can be granted. Lowe stated the only caution would be to make sure there was sufficient room without using some of the needed area for the shopping center, should it be built at a later date. Cipriani stated he does not want to declare the savings and loan as a separate entity, he wants it (the shopping center and savings and loan) to be treated as one complex. Mayor stated he recognizes the problems Mr. Cipriani has as a developer but that is not his concern, he is only concerned with the welfare of South Russell Village. Daniels asked if it was necessary to amend Cipriani's zoning permit request? Lowe stated they could accept his oral amendment tonight and have the Engineer check it out as though he was applying for the savings and loan alone. Ketchel asked if the application and plans could be reviewed as a whole and if there still remains a question with the shopping center, they could still go ahead with the savings and loan. Lowe stated yes it can be reviewed as one entity.

Jack Brickner, Thomas and Thomas, stated he is presenting two applications to Planning Board. First is their final plat approval of phase one for Manor Brook Estates. Brickner stated the Engineer has done a preliminary review on it for the first phase and upon receiving the necessary signatures and Planning Board's approval, they will record it.

The second application is a variance reqest from the improvement requirements of the Subdivision Regulations. Brickner explained the improvement regulations require seeding and tree planting. These improvements must be completed prior to a sign off by the Engineer in order for Council to accept all the improvements. Brickner stated that once the road is in and grading is done, the utilities come onsite. Following their arrival it generally takes a minimum of two and maximum of four or five months for the utilities to be 100% completed. Brickner stated what they are requesting is during this period, they would be permitted to come in and get a zoning permit and building permit for their first two units. Brickner stated all their improvements would be completed except for the seeding and tree planting. This first phase should be paved by June 1st and it might be September or October by the time the utilities are in and they would like to be able to start constuction during this period.

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Engineer stated the logic of it seems fine however he remembers all the trouble the Village has had with Country Estates and Southwick backing off from completing certain requirements. Brickner stated they do have a performance bond to insure completion of the seeding and trees and they are only requesting building permits, not occupancy permits for only two of the eleven buildings. Mayor stated when Country Estates was under construction, he and Council bent over backwards for T & T and after the problems they had, he vowed any subdivision in the future must stick to the subdivision regulations and follow each procedure as written. Mayor stated he is opposed to this request. The Board agreed. The public hearing for the variance request is set for January 3, 1979.

The Board reviewed a request from Jim Coffey, 1448 Bell Road, to change the contour of his land and create a pond. Engineer stated he has looked at this property and the filling he wants to do is upstream from his own siltation so it is not an offsite hazard. Engineer stated as far as he is concerned it will be self-contained and it has his approval. Engineer explained what Coffey wants to do is divert the storm water into his pond and then short circut it back into the ditch on an overflow condition. Mayor asked if there would be any reason we would have seek advise from the Solicitor's office because we would be diverting water out of the Village drainage ditch onto private property. The point being, what if Mr. Coffey sells his house and after the first spring rain storm, the new owner comes to the Village complaining that the Bell Road water washed his pond out. Engineer stated there is possibly some potential liability. Board asked the Engineer to check with the Solicitor and then if all the proper precautions are taken, the permit may be granted.

The Board reviewed the sign plan for Hampton Antiques. The Board approved the style of the sign however it appeared to be larger than what the code allows. The Board discussed the regulations determining the proper size of pole signs. Board agreed that the style was acceptable however it must be scaled down to conform to the zoning regulations.

There being no further business, meeting adjourned at 9:15 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Board
Clerk of Council
Zoning Inspector
Wm. Jackson
Engineer
Solicitor

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Held 19

RECORD OF PROCEEDINGS

Minutes of Planning Board *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held October 4, 1979 *19*

Members present: Anderson, Cotesworth, Daniels
Other officials: Wm. Driemiller
Guests: Ken Pike

Chairman Daniels called the meeting to order with roll call, Barriball and Briggs absent. The minutes of the 9-20-79 meeting were read. The following corrections were made; page 69, 2nd paragraph, 13th line down should read "to be approved, ...", page 70, 1st paragraph, line 4 should read "Pike stated the spring of 1980, ...", also line 8 of same paragraph should read "determining the total amount of the bond.", Page 70, 2nd paragraph, line 24 should read "hills and areas within the right of way could possibly cause sight problems,", line 27, same paragraph, should read "for creating something (the road) and disturbing ....." and line 36, "OBT should be omitted and replaced with "Western Reserve Telephone Co." Anderson motioned to approve the minutes as corrected, Cotesworth 2nd. Roll call all ayes. Motion carried.

Mr. Ken Pike, developer for the Sun Ridge Lane subdivision, came before the Board to try and clarify exactly where their development was with respect to getting their final approval. Pike stated the Village Engineer, Bill Driemiller, has had some addtional questions come up since the last meeting relative to the construction drawings. First, the building site lines for the rear lots. Pike stated he had met with Dave Lowe, Village Solicitor, and it was Lowe's opinion that the house site, if it was facing west , the westerly line would be the front lot line and it must be 75' back. If the house was facing north or south, then either the north or south line would become the front lot line. Pike stated the concern of the Engineer is that the lots are such that houses could almost be placed in any direction and he felt something should be defined in order to give guide lines for the Zoning Inspector. Anderson stated he felt that the reason for side yard minimums and setback requirements are to prevent houses from being too close together. However, the lots are fairly secluded and shouldn't the individual building the house be allowed to face his house in any direction as long as the regulations are met. Pike stated there is a precedent in other areas of the county where when you have a lot that is not on the road as the rear lots are not, you use side yard clearances all the way around. Pike stated that the Solicitor felt this was not satisfactory and there should be a front and back yard. Pike stated that the Village Engineer must have the building site lines defined on the improvement plans in order to give approval. Engineer stated he has agreed if the Solicitor can get something in writing, regarding the building site lines, to the Zoning Inspector, which she can understand and apply to the rear lots, this will satisfy his requirements.

Pike stated the second item to be discussed is the landscape plan review of Knight and Stolar, letter to the Engineer, dated 9-25-79. Pike advised that his landscape architect has spoken to Mr. Knight and included on the plans the changes which were requested; the cross section of the project has been drawn, the cotoneasters will be placed at 30" intervals, the plantings and mounds at the entry have been moved back to 15' and 28' and they have substituted a different species of tree for the "Malus Radiant" which will not be affected by the Japanese beetle. Pike stated the problem they do have is with item #2. Pike advised he would like to plant red maples along Sun Ridge Lane, however Mr. Knight feels "selection should be made from species which will blend better with the native species and give the feeling that the road has conserved the character of the existing woods." Pike stated this* would be somthing different but very attractive. Anderson stated he tended to agree with Mr. Knight, trees should be picked to blend in. Daniels stated he felt it was a matter of the developer's tastes, there is nothing objectionable to it as far as he could see. Cotes worth agreed. Following a brief discussion, Cotesworth motioned to allow Sun Ridge Lane subdivision to plant red maples on the dedicated roads, Anderson 2nd. Roll call, ayes - Cotesworth and Daniels, nays - Anderson. Motion carried.

(*the planting of red maples)

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Pike explained to the Board they are in the process of transfering the subdivision property to a corporation for the purposes of development. At the present time the recording office in Chardon has not taken off their records the 1½ acre which has been split off and already approved by Planning Board, leaving the subdivision parcel. What the title company needs is a signature on the deed stating that it has been approved by the Planning Commission as a split and this property is one piece of property in the Village at the present time. Pike advised this has been recorded as being being split but they don't update their records for tax purposes except once a year. Planning Board gave approval and authorized the secretary to sign the deed.

There being no further business, meeting adjourned at 8:57 P. M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Board
Clerk of Council
Zoning Inspector
Engineer
Solicitor
Wm. Jackson

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Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held September 10, 1979 19

Members present: Anderson, Barriball, Briggs, Daniels
Other Officials: Wm. Driemiller
Guests: Irwin Frank, Sid Simon, Norman R. Cox, Joan LaRue, Victor J. Cohn, Tom Harvey, Carole Reidere,

Chairman Daniels called the meeting to order with roll call. Cotesworth absent Anderson motioned to approve the minutes of the August 19th meeting, Briggs 2nd. Roll call, all ayes.

Irwin Frank, W-S Construction, presented an altered layout of the Emerald Lakes Condominium development located north of Bell Road, west of Rte. 306. Frank explained this plan is different from the one they presented last month because their request for a variance from the density requirement was turned down by the Zoning Board of Appeals. Frank stated they have 112.77 acres and after deducting the 10% open space, the right of ways and the water treatment facilities, they have 97.24 acres, allowing 97 units to be built. Of these 97 units, 50% will be one bedroom, 40% will be 2 bedroom and 10% will be 3 bedroom units. There will still be the 5 single family lots on Bell Road. Frank stated they have maintained the road system connecting to Thomas and Thomas property at the same location. Frank stated they still request that the road not become a public road for the benefit of the condominium owners, however he realized that this is a decision Planning Board will have to make. Frank stated they will construct the main road, whether private or public, to the code specifications. Frank stated that what they are presenting tonight needs no further variance requests, they would like an approval from Planning Board in order for them to go on to other studies and submissions, i.e. water data. Frank stated there will not be a gatehouse if the main road is public. However if they are allowed the private road, they will put up the gatehouse and put a cul de sac at the end and not tie into T & T. Daniels stated that for the benefit of the community, the main road should go through to T & T for emergency purposes. The Board agreed that the main road should be a dedicated road connecting to T & T. Briggs asked what plans did they have for the green space. Frank stated the recreational area would be planned by the homeowners association. Following some further discussion, Briggs motioned that this plan of Emerald Lakes Development as presented in the informal discussion be approved and recommended to Council with the stipulation that the main road become a dedicated road, Anderson 2nd. Roll call, all ayes.

Ken Pike, Sun Ridge Development, stated they are at the improvement plan stage and there are two areas which are in question and the Engineer has asked that Planning Board be consulted. First is the jogging track, it is not defined on the construction plans as to anything other than where it is going to be. Pike explained that what he is asking is rather than showing a detailed improvement, all the way around the property, they would like to show just a typical section. The reason beind some of the land is relatively inaccessable until they get back there to put the track in. Pike stated they have put a typical section in their improvement plans which consists of a 20" piece of land, with a 4 foot wide wood chip track which will be cleared based on the contour of the land, it will basically be a path through the woods. The problem they have now is in order for the improvement plans to improved, the Engineer has asked that this track be completely engineered. Pike sated his engineer stated that it would cost as much to engineer the track as to build it. So, what they would like to do is to proceed on the basis they will put the track in to the specifications of the Engineer, however not have to engineer it prior to their improvement plan approval. Pike stated they want to set aside emough money in their bonding to be sure that it's properly built and the Engineer will set that amount. Pike stated their intention in to go in and build it and as they go along they will engineer it. Engineer stated he has two concerns with Mr. Pike's plan. One is that any improvement to the open space is to be part of the improvement plan approval and to waive that requirement would have to be a decision of Planning Board. Second, there are two areas that involve water shed areas that must have some forthought before construction. Pike stated they realize there is going to have to be some engineering done, but what they would like to do is wait and do it right prior to constuction and according to the Engineer's specifications. Pike stated the advantage of waiting is a time factor, they

are ready to go ahead as soon as the Engineer gives his approval. They are going to try and get the road in this fall and also get the survey finished in order to get the final plat approval. Mayor asked what would be the completion date of the track? Pike stated the spring, however the engineering possibly could be done by the fall after the survey has been completed. Mayor asked the Engineer if the bonding would be adequate to incorporate additional monies to cover the engineering of the track? Engineer stated it would be a factor in determining the total cost of the bond. Pike stated they are asking for permission to proceed with the improvements insofar as the road is concerned and then at that point go into the jogging track area and this will be included in the bonding to begin with so you would know there is enough money to complete it if necessary. Mayor asked the Engineer if when the other developments, now in existence, were built, did we require engineering of recreational areas. Engineer stated no we did not, the other regulation were in effect then. Engineer stated he was not uncomfortable with the delay on the jogging track's engineering, he just felt he does not have the authority to waive this requirement. Engineer stated his primary concern is that some pre-engineering be done. This could occur after construction and not as part of the original submittal, but prior to the construction of the jogging track, he (Engineer) would need some construction plans, the developer will have to get into some of the possible problem areas and do some survey work. Pike stated he did not disagree with that. Briggs motioned to approve the improvement plans in so far as the roads and utilities, however prior to the construction of the jogging track, improvement plans of the track must be submitted to and approved by the Engineer. The Engineer will set the proper amount of bonding necessary to cover the construction of the jogging track, Anderson 2nd. Roll Call, all ayes. Motion carried.

Pike stated the second question is regarding a typical section of the road through the development. Pike stated the concern they have is that under a typical section it is required by the Code that the land that is in the right-of-way and utility easement slope 3/8" to the foot. Pike stated their road for the most part follows this plan however in the heavily wooded areas it slopes in from one side and out on the other side. Pike stated his concern is they will have to take out trees and add dirt on the bottom side to bring the road up to a typical slope in on the bottom side and then take out more trees and add dirt to get the slope back out. Instead of the right of way being 40' it would be 60'. Damon Braun, engineer for Mr. Pike, presented plans explaining their request. Braun stated that their request, if granted, will disturb far less land than what the code requires. Engineer stated that it is common in municipalities to establish a typical cross section which controlls every thing within the public right of way, historically the idea is that sometime down the road, sidewalks will be built. Mayor stated sidewalks or not, this is part of the subdivision regulations and if you are going to start chopping up the regulations each time something like this comes up, there is no point to having the regulations. It is understandable compromising on something like the running track but when you get down to the basic cross section of the road design, we would be stepping out of bounds if we go against the regulations. Engineer stated he would have to consider this as a variance request. If you allow some deviation from the typical section, you allow yourselves to be open to greater deviation and the Engineer felt he could forsee problems where developing hills and areas within the right of way that could possibly cause site problems. Also, the right of way belongs to the municipality, and drainage should be contained on the 60 or 80 foot strip. Braun stated he does not see the need for creating something and disturbing more area than is necessary, it is a much better idea to carve the roads into the hillside, not destroy them. Pike stated that there is a 60' right of way that is a Village dedicated area and another 10' of utility easement. Why do they have to continue out into the easement area? Engineer stated is has been a criticism by CEI and people that do the ditching that they like a relatively flat area, they don't like to work on an incline. Engineer stated actually the limits on the typical section are at 60', the additional 10' is only an accomadation. Engineer stated they could back off on the slope requirement Engineer stated that if he can get some assurance from CEI and OBT that they could accept a 60' right of way, he could accept a typical section of 60'. If not, if it goes to the additional 10', he wants some control over the slopes put in that 10' strip. Mayor stated he felt that because there is no sanitary sewer or city water, the utilities ought

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to be able to put everything within the 60 feet. Engineer stated in the Subdivision Regulation, Appendix D, it states a 10' easement must be provided for utilities but it doesn't have to be graded. However, the Engineer must have control over the slope of this strip. Planning Board stated Engineer has this control. Braun stated the Engineer asked that he ask Planning Board to determine where the setback lines be for the rear lots. Engineer stated Mrs. Harvey will have a hard time determining the front, rear and side lines are to be. Braun stated other municipalities in this situation have treated everything as a side yard. Mayor questioned how can you determine anything until you know where the individual wants to put his house? Mayor stated the Board should get an interpretation from the Solicitor at Monday night Council meeting. Board agreed.

Dan Shannon, Con Dev, stated Planning Board had put two conditions on their preliminary plat approval. One, is the water study and two, the retention basin plans. Shannon stated they have had their water study report into Dr. Eckstein for a couple weeks and they haven't heard any response. However, the Engineer stated he has had a verbal approval, Eckstein stated he felt there would be no problem as far as sufficient water supply. Barriball asked Engineer what was the letter dated, September 7, 1979, addressed to the Engineer from Eckstein asking for some clarification on well #5 and some terminology. Engineer stated Moody's report did not really pinpoint the location of the bore holes so he requested additional information requiring their exact location. Engineer stated Mr. Shannon then made up a drawing which was sent to Eckstein. Eckstein has reviewed this plan and given a verbal approval which will be confirmed in a letter which was sent out yesterday. Shannon presented their plans for the proposed retention basins. They will be 300' wide and 8' deep. Shannon stated they are having their landscape architect give them the proper mixture of seed to get a good grass growth so when the water does back up, there will be a minimum amount of damage to the vegetation. Engineer stated he has not seen these revised plans prior to the meeting. Engineer stated these will be considered recreational type areas. Briggs stated the Subdivision Regulations can require that the homeowners association be made responsible for maintenence of these areas however who makes sure they are maintained? Does Council or the Village have the authority to demand the clean up of the lakes? Mayor stated if it wasn't performing it's function, the Village definitely does. Mayor stated he felt they needed input from the Engineer and Council before taking any action regarding these plans. Engineer stated Con Dev is here to present the concept of the retention basins and all the details and calculations can't be worked out until further studies are completed. Briggs stated then if theoretically the concept is approved, the Engineer and developer will work out all the specifics. Engineer agreed. Shannon asked Planning if they could go ahead and construct the retention basins this year, after they have received approval from the Engineer, even though their construction drawings may not be approved. Engineer stated this must be considered an improvement to the land and as the regulations read, they permit no movement of earth until the improvement plans are approved. Mayor stated he felt that the regulations must be followed in this situation and the proper steps taken in the proper sequence. Following a brief discussion, Anderson motioned to approve the concept of the retention basins, this areas will be counted as open space and the homeowners association must include deed restrictions requiring the homeowners to collectively maintain these lakes as the Village deems necessary, Briggs 2nd. Roll call, all ayes. Motion carried.

Secretary informed Planning Board that Council has requested that they change their meetings to the first Thursday instead of the 3rd. Council felt this would provide proper time to get the necessary input to and from Council so Planning Board can act within the 30 days. Briggs motioned to change the

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Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

regular monthly meeting from the third Thursday to the first Thursday, Anderson 2nd. Roll call, all ayes. Planning Board instructed the Secretary to inform the paper.

There being no further business, meeting adjourned at 10:05 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Scretary

xc: Council
Planning Board
Clerk of Council
Zoning Inspector
Wm. Jackson
Engineer
Solicitor

RECORD OF PROCEEDINGS

Minutes of Planning Board Public Hearing Meeting

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held August 16, 1979 19

Members present: Barriball, Briggs, Cotesworth, Daniels
Other Officials: Dave Lowe
Guests: Thomas A. Violante, Mary M. Ford, M. D., R. Brown, Ken Pike
Judy Harvey, George Quay, Mr. Johnson, Mr. Kawalek, George Kormos

Chairman Daniels called the Public Hearing for W-S Construction to order at 8:00 P.M. Roll call, Anderson absent.

Solicitor Lowe stated that he had been contacted by W-S Construction today, 8-16-79, and they stated they would not be at this meeting and would like to be put on the agenda of the next meeting. They are waiting for the decision of the Zoning Board of Appeals regarding their density variance request before proceeding any further with other requests. Lowe stated that because they have suspended this hearing, the 30 day period has been waived until the Zoning Board of Appeals' decision has been made.

There being no further business for the public hearing, meeting adjourned at 8:05 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

Minutes of the Regular Meeting of Planning Board
August 16, 1979

Chairman Daniels called the meeting to order at 8:10 P.M. Briggs moved to approve the minutes of the Public Hearing, 7-19-79, Barriball 2nd. Roll call, all ayes. Barriball moved to approve the minutes of the regular meeting of 7-19-79, Briggs 2nd. Roll call, all ayes.

Dr. Mary Ford, Curtis Clinic, stated she came before Planning Board last month and was given a rough draft of a zoning amendment which would allow the building of medical facilities on Rte. 422, west of Ridgewood. Ford stated she had read the rough draft and the only thing she would like to have amedded would be to include a pharmacy. Lowe stated the definition of the facilities as written in the amendment does not specifically include a pharmacy and it should be written in as a "retail pharmacy". Lowe stated there will be no problem with the retail aspect because it will be a retail operation within a specially zoned area. Barriball stated that when the final draft is presented to Council, they will then schedule a Public Hearing. Ford stated their attorney questioned one section of the Zoning Code, Section 7.02(u). Ford asked if this had anything to do with their request. Mayor stated this portion only pertains to the gas and oil well drilling ordinance. Lowe explained the contents of the proposed ordinance Lowe stated Section II is what the Board should concern themselves with, and the only change to this would be to include the "retail Pharmacy". Briggs questioned if there would be any chance of the pharmacy becoming something similar to a soda shop - grill type. Ford said no, by definition a pharmacy only distributes drugs and medically related items. Lowe stated pharmacy could be defined in the ordinance as dispensing drigs and related medical appliances and supplies only. There being no further discussion, Briggs moved to recommend the proposed ordinance as amended allowing the inclusion of a retail pharmacy to Council, Cotesworth 2nd. Roll Call, all ayes.

Bob Brown, Con Dev, presented a copy of their water study and plans showing the specifications of the retention basins. Brown explained Dr. Eckstein was out of the country so there were no recommendations from him. The Board discussed the run-off directions and the mechanics of the retention basins Daniels stated he did not see any objection with the plan, however it must be reviewed by the Village Engineer. Brown stated he would like to get approval for the preliminary plan in order for the Village Engineer to begin review of their improvement plans. Mayor stated the water hydrologist must give his approval on the water data and the Engineer must review the retention basins before he can proceed to the next step. Daniels stated when and if the Engineer

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Minutes of Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

and hydrologist approve the plans presented, the conditions of the preliminary plat approval have been met and he can then proceed to the improvement plans. Brown stated he was concerned with the time involved with getting the Hydrologists review because he is on vacation for the next few weeks and he doesn't want to be hel be held up any longer than necessary. Brown stated if he can't get approval for the preliminary plat tonight, would it be possible for the Engineer to go ahead and look at the improvement plans so when all the necessary reviews were in the Engineer could go ahead with his recommendations of the improvement plans. Mayor stated the Planning Board has given approval on the preliminary plat contingent on the water data and retention basin plan. This information is here and now should be given to the Engineers office. Briggs motioned to have the Engineer's office begin their review of the drawings of the retention basins and any necessary back up information and the water study, Mayor 2nd. Roll call, all ayes.

George Kormos, 5266 Dhillicothe, came before the Board requesting a permit to change the contour of his land. The Board questioned exactly who issues this permit. The Zoning Inspector stated the Planning Board does. The Engineer's recommendations were reviewed by the Board. There being no further discussion, Mayor moved the permit be issued to Mr. Kormos according to the specifications written by the Village Engineer, Briggs 2nd. Roll call, all ayes.

Richard Kawalek presented plans for the propesed American Computer and Financial Corporation Building. The Building would be part office space and the remaining area would be used to service computers. Daniels questioned what they had done regarding the parking. Kawalek stated they did not need the number of spaces required in the code and would be requesting a variance from that requirement along with the side yard regulation for parking lots. Daniels instructed Kawalek that he must go before the Zoning Board of Appeals to request the variances. If the variances are granted, the plan then comes back to Planning Board for their approval or disapproval.

Tom Violante presented a plan for a new sign for Violantes Pizza, 506 East Washington Street, The proposed sign is 4 feet high and 6 feet wide. The problem is that the existing pole is situated in the right-of-way, only 9 feet from the road. If the the pole is moved any further from the road it will interfere with the parking lot. Mayor stated Planning Board cannot give an approval on the sign until they have been granted a variance from the Zoning Board of Appeals with respect to its location. The Board discussed the front and side yard set back regulations. Violante was instructed as the procedure of asking for a variance from the Zoning Board of Appeals.

Ken Pike, Sun Ridge subdivision, asked the Board if once Dr. Eckstein has reviewed and approved their water data, can the Engineer go ahead and approve their plan without having to return to Planning Board? Daniels stated once the contingency set by Planning Board have been met and approved, the approval in automatic, he does not have to return to Planning Board. Plannning Board just needs to be notified.

There being no further business, meeting adjourned at 9:45 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Board
Clerk of Council
Zoning Inspector
Solicitor
Engineer
Wm. Jackson

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Minutes of Planning Board Public Hearing *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held. July 19, 1979 *19*

Members present: Anderson, Barriball, Briggs, Cotesworth Daniels
Other officials: Dale Markowitz
William Driemiller
Guests: Ruth Lever, Michael & Helene Aikens, Arthur H. Goodrich, Mary M. Ford, M. D., Jean S. Conley, Meredith Matter, Jack Brickner, M. A. Picone, Lorraine M. Anderson, Paul H. Becker, R. S. Sondhe, Joseph C. Monastra, G. E. Parker, Peterr B. Cadoo, Edward Zieg, David Simon, Douglas M. Salyers.

Chairman Daniels called the Public Hearing to order with roll call, all present. Markowitz read the legal notice for Thomas and Thomas' request for a variance from subdivision regulations relating to open space, length of cul de sac and water area. Markowitz explained that anyone who testifies must be sworn in and state their name and address.

Jack Brickner, engineer for Thomas and Thomas, explained that their development has 138 acres with 117 proposed units and the way it is laid out now, 50% will be open space and they (T&T) don't feel the additional 10% requirement is applicable to this type of development. Brickner stated their second request is for a variance from the cul de sac length. Brickner explained the present regulations for a cul de sac is a maximum of 2,500 feet and serving no more than 50 unit homes. Their development would have one primary road that extends to the other side of the CEI lines, approximately 4,700 feet. As proposed now, this main road will hook up with the entrance road of a development proposed for the property between Thomas and Thomas and Bell Road. Brickner explained this main road would only be a cul de sac if the other proposed developments never occur. The third variance pertains to the water area, Brickner explained the code states any water area must be deducted from the total area in calculating the allowable number of units. Brickner stated they are proposing to build a lake in a portion of the common area & it would not cross any lot lines because there are no defined lot lines in the condominimum area. Brickner explained they felt this requirement is more for single family area and not condominimums. Chairman Daniels asked for any comments or questions from the audiance. Pete Cadoo asked what were the exact boundaries of the development. Brickner showed the plans and explained the dimensions. Ruth Lever asked what happened to the plans which were approved last month. Brickner explained the first plan consisted of 123 units, 65 single-family and 58 multifamily. There was a problem a few months ago with a clarification of the 10% open space requirement. With the reinterpretation, Brickner stated they lost 12 to 13 units and due to the economics, they felt they had to go to all condominimums. Brickner explained the location of the units and the entrance. Mrs. Lorraine Anderson asked how large the lake would be? Brickner stated it would be two acres and 8 feet deep. Mrs Anderson asked where the cul de sac would come out. Brickner explained location. Joe Monastra questioned where the overflow from the lake would go? Brickner stated it would go into the existing creek which flows through the property now and the lake is there for aesthetic reasons only. Paul Becker asked if the 10% open space variance is refused, what effect will this have on the development? Brickner stated that the plan as it is now shows the long cul de sac and the lake without reducing the number of units, however it does not reflect the 10% being granted. If the 10% is granted they would pick up 12 to 13 additional units and they would have to resubmit their plan to the Planning Board and Council. Becker asked what benefit would there be to the community if this variance is granted? Brickner stated there will be no particular gain or loss in open space with the variance, it affects the developer much more than the community. Glenn Parker asked what drains into the

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proposed lake? Brickner stated half of their property and a little bit of the Rickleman property will drain into the lake. Parker questioned if it was strictly water shed or was it some drainage from the roads. Brickner stated some of the storm sewers would go into the lake, this would be the natural drainage direction. Parker asked if the lake had anything to do with a requirement of the E.P.A. Brickner stated it did not, the requirement is for erosion control during construction and they have sedimentation basins to protect downstream areas. These would be eliminated once the ground cover is replaced. Mrs. Lorraine Anderson asked how high would the units be? Brickner stated two stories. Mide Aikens asked what would take care of the sewage? Brickner stated they would connect with the central sewage system.

Briggs stated with respect to the 10% request, codominimums by their nature cluster people which gives the appearance of more green space but we are still talking about overall density. Briggs stated he agreed to the cul de sac request. [illegible]
Briggs stated he disagreed with Brickner's interpretation of the water area regulation as stated in his letter, dated 7/ to the Planning Commission. Briggs explained that as far as he knows, this regulation was intended specifically for lots with existing water area. Brickner stated that the only thing this regulation would do is deter them from building a lake for aesthetic reasons.

Cotesworth asked if none of the variances were granted, what would be done. Brickner stated they would come back with a plan showing 120 units right up by Rte. 306.

Ruth Lever stated the present drainage of storm sewer drains into Hidden Lake, what will happen to this lake after the development is in, can Hidden Lake handle this? Daniels stated there is a spillway so it won't be flooded. Brickner explained that less than half of the total area will be developed into either units or streets which is what increases the runoff.

There being no further discussion, Barriball motioned that the variance for the deletion of the 10% open space be denied, Cotesworth 2nd. Markowitz stated the question he has is whether the Planning Board is the proper Board to consider the 10% open space. The problem is that both the revised code and zoning code with the subdivision regualtions talk about Council through the Zoning Code and Planning Commission through the Subdivision Regulations providing for open space. Markowitz stated that density, which the 10% open space is really about, is something this Board cannot consider but be more appropriately a determination that should be made by the Zoning Board of Appeals. Markowitz explained that Thomas and Thomas has asked for a variance from Section 4.06 of the Subdivision Regulations which is the open space regulation. Markowitz stated that Planning Board has the ability to vary any section of the Subdivision Regulations, the problem being there is still the section of the Zoning Code which this body has not granted a variance from and by not having a variance from the Zoning Code section, you'd be approving a plat that dealt with a zoning question that had not received a variance. Markowitz stated the 10% open space is a question that should more appropriately be before the Zoning Board of Appeals. Briggs asked if this variance should go before both board's? Markowitz stated he felt the intent of the Subdivision Regulations is to reiterate what is stated in the Zoning Code. Markowitz stated he does not know what would happen if Planning Board decided to deny the request and ZBA decides to grant it, the problem is there because its in both texts. Markowitz stated as he reads the revised code, it is the ZBA who has the ultimate decision on the density question, Planning Board can make a recommendation but it is not binding.

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Brickner stated that he spoke with Dave Lowe and he stated that they would have to get a positive vote from both Boards on the 10%, if either votes no then the variance request would be denied. Markowitz stated he and Mr. Lowe would have get together and resolve this matter.

Roll call of the Mayor's motion, all ayes. Motion carried.

Daniels asked for futher discussion of the cul de sac variance. Mayor stated the Village saw fit to grant this variance on the previous plat because without it a hardship is created, the rear portion of the property can not be developed. As the developer stated this is the most attractive portion of the land and best suited for the development. Mayor stated as a resident of the Village he would much prefer to see the development further away from Rte. 306. There being no further discussion, Cotesworth motioned to approve the variance for the length of the cul de sac, Briggs 2nd. Roll call, all ayes. Motion carried.

Daniels stated with respect to the water area variance, he feels that with this type of situation its very ridiculous that a man who has solid property and wants to put in a lake for aesthetics, he must deduct from the number of units which he can build. Markowitz stated this is an appropriate situation for the Planning Commission to grant a variance from the literal terms of the sentence. If you have an area which is not already an existing body of water but you plan to put one in, you can waive the literal terms of that section and provide that the water area is not deducted from the lot area as stated in the subdivision regulations.

Anderson motioned to grant the variance from the literal terms of section 2.04C and not exclude water area from the total lot area, Cotesworth 2nd. Roll call, all ayes. Motion carried.

Mr. Caddoo asked what size the condominimums will be. Brickner stated the requirements of the zoning code are 50% be one bedroom, 40% be two bedroom and 10% be three or more bedroom units. This would mean 60 one bedroom, 46 two bedroom and 11 three or more bedroom. There will be 117 units and cost for each unit will be approximately $100,000 or more. Caddo asked how may families per building. Brickner stated regulations allow three to eight units per building.

Markowitz read the legal notice published June 30th for W-S Construction requesting a variance from the subdivision regulations relating to open space, water area, length of cul de sac and nature and construction standards of streets.

Irwin Frank, 2001 Chagrin Blvd., stated he represented the Emerald Lake condominimum development. It is a 112 acre parcel of property located north of Bell and south of Rte 306. Frank stated the development fronts on Bell with 104 condominimum units and 5 single family lots. Frank explained they are asking for a variance on the cul de sac length, the density due to water area and lakes, and the construction of the private street. Frank explained they want to construct the private street with asphalt which varies from the public street construction standards, however these private roads will be in the condominimum complex only. Daniels explained that there will be a guard house set up, making it a private type community. Daniels also explained that Planning Board has asked that a public road be constructed coming from Bell and interconnecting with the proposed Thomas and Thomas development. Frank stated the lakes will be created, they do not exist now, and they are for aesthetic purpose only, both for the residents and the view

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from on Bell Road. There will also be additional recreational facilities; pool, tennis courts, recreational building and playground/picinic area. The lakes will be approximately 15 acres in total.

Joe Monastra asked if the area of their development encompassed all of the remaining area from Thomas and Thomas to Country Estates? Daniels stated it will abutt up against Country Estates. Monastra asked if he could indentify the ajoining property. Frank pointed out the location of Country Estates. Monastra asked where the proposed lakes will drains. Frank stated south across Bell Road.

Marie Abromatis asked if the lakes were adjacent to the power line? Frank stated no, the power lines are on the other side of the proposed road and the lakes will be to west.

Pete Caddo asked if the proposed lakes will disturb the level of Country Estates' lakes. Mayor stated there are two different water sheds, Emerald lakes will be fed by the McFarland creek and Country Estates lake water source flows the opposite direction and works it way across Hemlock Road, down into the Chagrin River.

Ed Zeig asked if the residents of the homes which the lakes will be built behind will be able to use the lakes for recreation? Frank stated it is a private development, you can possibly apply but there is no guarantee they will accept your application. Zeig asked what the price will be for the condominimum? Frank stated they will start at $100,000.

Joe Monastra asked what would the desity be? Daniels stated one family per acre.
Marily Zeig asked what will happen to the traffic with both T. & T. development and Mr. Simon's development. Mayor stated this is only a small portion of the increased volume of traffic which we will see on Bell Road because directly east of us there is Newbury Township that is going through a great rate of growth. Mrs. Zeig asked if there was any plan in the future to increase the size of Bell? Mayor explained Bell Road is a through highway in two counties, Beauga and Cuyahoga. It's a county maintained road except within the municipality and by state statutes it's the Village's responisibility to maintain the surface and safety. The only thing the county does is repair bridges.

Pete Cadoo asked what a condominumum does for a community as oppose to a singe falmily dwelling, is there a benefit? Daniels stated there are usually less children therefore less impact on the school system and school tax wise, this is a benefit. Daniels explained that one of the Boards main concerns is to be able to get safety vehicles into the area. This is one of the reasons that they have asked for certain radii in the turns, so you can get the equipment through. Mayor stated one of the reasons an individual buys a comminimum is because in most complexes you have a maintenence program. Mayor also stated that this entire parcel of land directly east of Country Estates to Rte 306 has been zoned for condominimum and townhouse since 1965.

Pete Cadoo stated the lakes in Country Estates are very close to the western most boundary of the proposed development, can they have any assurance that the coincidence of their lake will not let them gain access to Country Estates lakes. Mayor stated that the linen will by metes and bounds describe the property. This will all be examined by the Village Engineer at the time of the land clearing and when basic construction begins.

Dave Alexander asked how far from the western boundary will the closest structure be and what will the structure be? Frank stated there will be four plexes approximately 100feet apart and 50 feet from the property line.

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Mrs. Stands stated her house is right in front of where the condominmums are proposed and her backyard is already pretty wet, will the lakes increase the water? Frank stated no, the lakes should act as a drain. Mrs. Stands asked what the cost of the house will be? Frank stated they will be basically the same size square footage wise but he doesn't know what the price range will be.

Lorraine Anderson asked if there would be fences? Frank stated no, there is so much open area and trees that the development won't be seen from the road and the only access is through the gate house.

Joe Monastra asked if it was their intent to pull out the trees on the west borderline or are they hoping to leave some of it natural? Monastra explained that there is only 15 feet from their lake to the property line and the condo's are 50 feet from their line making it only 65 feet. Frank stated that there is no construction in that area and the logical thing to do is leave it natural. Solicitor stated there is a formula in the code which determines the distance for side yard minimums based on the height and length of the building. Engineer stated it cannot be less that 50 feet.

Briggs stated he questioned what exactly Frank was requesting? As he (Briggs) understands they are requesting first to exclude the 10% open space requirement. Frank stated originally that request was made but it has been withdrawn because application has been made to the Zoning Board of Appeals. Frank stated the length of the cul de sac is still a request as is the private road construction and water area. Briggs questioned the letter written by Mr. Frank to the Planning Board, dated in paragraph #3, it states "in order for the developers to reduce the density for this proposed project an unnecessary hardship would result due to the request that a public street be created, running the length north and south of the property". Briggs asked why the road creates a hardship? Frank stated evertime you lose a unit in density it costs you money. The road is a $250,000 investment which they do not need to have, they can bring the gate house to Bell Road. Frank explained that if they require him ro reduce density and build the public street, he cannot economically build the project.

Mayor asked Frank why he felt there was a need for a security system in South Russell? Frank stated its not so much a security system but a gatehouse adds something the exterior aesthetically and it will be up to the association whether or not to have it manned.

Daniels stated Frank has asked for a variance on having the Village allow private roads of less rigorous construction than a public road. Frank stated theyplan on using state specifications for asphalt roads and these are used as public roads for state purposes. This however will still be subject to the Village Engineer's approval. Markowitz stated the Board can not grant a variance and leave it to the Engineer as to the extent of the variance. You have to have a specific proposal with your specifications for the Board to look at. Frank stated the variance would be that the specifications for the private street be the state specifications for asphalt road, 4" base with a 4 1/2 " asphalt surface. Engineer stated the present code requires 8". Frank stated there would also be no curb, and there would not be a full right of way width as there is on a public street.

Engineer stated that the Zoning Code states private streets shall

be approved by their office and as yet they have not set standards for private streets. Before any deviation from the standard requirements of the Village, it has to be demonstrated as far as the subgrade's ability to take whatever section they propose. Engineer explained that in the preliminary stage, these are detailed requirements that are inappropriate at this time. Engineet stated he felt there is sufficient latitude within the Zoning Code that give them just cause to make their own decision whether the road is of proper constuction. Frank stated they are willing work with Village Engineer and come up with a construction drawing that he can recommend to Planning Board. Mayor stated he disagreed. Mayor explained that if the Village is going to allow private roads it should be up to the Engineer to determine what the standards of a private road will be, period. Mayor asked if the code does provide for private roads? Markowitz stated there is nothing in the code that prohibits private roads, its defined in the Subdivision Regulations and in the Zoning Code, chapter 10 of the development regulations it states "all private streets shall be built according to plans approved by the Village Engineer". Cotesworth asked if Planning Board could grant a variance conditioned on the Engineer's approval. Markowitz stated you run into a problem with this because there are no specific standards set up now and if you delegate the authority to the Engineer to make the final determination and you don't like what was done, you can't overrule the Engineer. Markowtz stated there should be some input by the developer and Engineer to the Planning Board as to the reasons for or against any deviation from the standard regulation. Frank explained as they saw it, if the variance was granted they would come forth with a proposal for the construction drawing of the private streets, it would be subject to the Board approval. Markowitz stated Mr. Frank could consent to a continuation of the public hearing so their engineer and the Village Engineer could come up with a proposal to present to the Board. Briggs asked if private streets are allowed in the code, why must they ask for a variance. Markowitz stated its a variance in construction of the the private road not private roads themselves. Cotesworth asked Markowitz what problems he forsaw with a development like this having private streets? Markowitz stated the only problem he sees is the possibility of the residents coming to Council to complain if their road needs repair, it has happened in other communities. The Village has no legal obligation, its up to the homeowners association to fix them. Markowitz explained that this type of development is preferable for a private street for two reasons. First, because the Village does not have to pay for the cost of maintaining the road it saves tax dollars and second they have assessments which include the cost of maintaining all the common areas and by state statute they have to have declarations defining all the common areas, which is a common cost of all the unit owners. Markowitz stated he saw no reason why private streets in this type of development should not be permitted. However its another question whether or not the Village should deviate from the construction standards. Mayor stated his only concern about the quality of the street is whether you can get fire trucks in to the area year round.

Sidney Simon from W-S Construction stated he is the developer and all they are asking for in the construction of the roads is to eliminate the curbs. Simon stated they are not trying to change the thickness of the pavement or its strength, they just don't want to see any concrete. Engineer stated if the Board agrees to their plan, in addition to the curb deviation, they will have to deviate from the horizontal geometry which is establish for the dedicated roads.

Simon stated the Village has no liability to maintain these roads, its all the responsibility of the association. Engineer stated they do have the responsibility by the code to approve the drainage, landscaping, grading and pavements on the development plans.

Markowitz stated as he understands the subdivision regulations and their enforcement posers, the street standards set out in

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Minutes of Planning Board *Meeting*

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the enforcement powers, the street standards set out in the subdivision regulations must be complied with unless the Planning Board, by request, waives these regulations. The regulations are specifically spelled out in the back of the book. Markowitz stated if the developer wants to vary from these regulations, he must ask the Board however he must present his specifications for their review.

Frank asked if there could be a continuation of this public hearing in order to prepare construction drawings of the private roads for the Village Engineer to review and make recommendations to Planning Board. The Board aggreed.

Daniels asked for any comments on the two remaining variance requests, water area and cul de sac length. Engineer stated their office denied T&T request for cul de sac variance based on hardship requirements for a variance read that hardship shall be based on unusual topographic or other natural features. Engineer explained his office felt this didn't apply to T & T and doesn't apply to W-S Construction. Engineer stated he gave 2 recommendations to the Board assuming the variance for T & T would be granted, 1) four lane entry way and 2) a collector type street with thicker pavement. Engineer stated if the Board feels that the W-S Construction's request does not deviate from T & T, you must compare the two and request the same conditions for Emerald Lake. Mayor stated W-S's variance deviates from T & T because it is a private street. Briggs stated that Councils objection to long cul de sacs has been safety factors. There being no further discussion, Briggs moved to allow the cul de sac as proposed by W-S Construction, Anderson 2nd. Roll call, all ayes.

Daniels stated the third variance being requested is to allow the developer to create a lake and not have this area deducted from the gross area. Dave Alexander asked if by granting the third variance, is the Village making the assumption that the whole area is dry ground. Daniels stated not necessarily, it is not a lake as such, there is a beaver pond. Alexander asked if anyone of authority has checked the amount of this particular mass that is now water, in order to establish the gross to get the net. Markowitz stated the way they had interpreted the section dealing with the definition of lot area is that literally it can be interpreted as being existing or proposed water area. Markowitz explained as he understood it, W-S Constuction's request for a variance tonight is from a deduction of any existing water area proposed.

There being no further discussion, Cotesworth motioned to grant the variance from the literal term of section 2.04c, requiring exclusion of water areas from lot area for density purposes, Briggs 2nd. Roll call, all ayes. Motion carried.

Markowitz asked the Board to set a date for the continuation of the Public Hearing for W-S Construction. Board agreed on the next regular Planning Board Meeting, August 16, 1979. Barriball motioned to authorize the secretary to advertise for this Public Hearing, Anderson 2nd. Roll call, all ayes. Motion carried.

Public hearing adjourned at 10:00 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male

xc: Council, Clerk of Council, Planning Board, Zoning Inspector
Engineer, Solicitor, Zoning Board of Appeals

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Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of Regular Planning Board *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held July 19, 1979 *19*

Members present: Anderson, Briggs, Barriball, Cotesworth Daniels
Other officials: William Driemiller, Dale Markowitz
Guests: Please refer to page #155

Regular meeting of the Planning Board was called to order at 10:10P.M. by Chairman Daniels. Roll call, all present. Daniels asked for any additions or corrections of the 6-21-79 minutes. Engineer asked what action had been taken on Con Dev's development. Markowtiz stated the Board gave conditional approval subject to further data and until this information is provided they can not go on to the next step. The Board discussed the retention/detention basins of Con dev's development. Engineer stated that improvement plans come directly to his office and he can't accept the application until the Board is satisfied as far as the preliminary plat and all conditions have been met. The Board agreed. Cotesworth motioned to accept the minutes as recorded, Briggs 2nd. Roll call, all ayes.

Markowitz asked that the Board adjourn to executive session to discuss the potential of litigation.

Meeting reconvened at 10:30P.M.

George Kormos requested a permit to change the contour of his land. Kormos explained that he wants to put fill in the front yard and drain the water away from the house. Kormos stated he submitted plans to the Engineer illustrating his plan. Engineer stated he saw the plan, made some comments and sent it back for some additional information. Kormos stated what the Engineer asked for was a note stating he would top soil and grass seed the land and show arrows pointing in the direction which the water flows for drainage. Kormos stated he did this the next day and left the plans on the filing cabinet in the office, the Chief of Police let him into the building. Kormos stated there is absolutely no chance of any erosion problem or drainage problem. Daniels stated what he was doing is finishing off the lot. Briggs asked if the Engineer saw any problems. Engineer stated it is a sensitive area because of the pipe which drains from east of Rte. 306 onto Kormos' property is a trubutary to the lake area behind Kormos' house. Kormos stated he plans to extend the pipe to take the water off his property. Briggs stated he should present his plan before doing so. Kormos stated it is already shown on the present sketch Daniels questioned if Kormos was at the point of putting down the top soil and seed? Kormos stated he was in violation of the Ordinance for changing the contour of his land, there has been a charge filed against him in Chardon by the Village Zoning Inspector. The Board reviewed Kormos' plan. Daniels stated that what Kormos is asking for is a permit to do some work that has already been done. The Engineer asked that the Board not take any action until he has had a chance to review the plans and look at the site. Kormos stated he needs the permit for this work, he will conform with what ever needs to be done on the contour. Mayor stated Mrs. Harvey will give the permit on the recommendation of the Engineer however the Engineer has to review the plan and site before he can approve the plan and give the OK to issue the zoning permit. The mayor stated that to resolve the situation properly, the Engineer has to go over the revisions of the sketch and then make his recommendations to the Zoning Inspector.

Steve Charleton stated he is a representative from Chagrin Lakes and would like to present to the Board the plan for signs for the two entrances, one at Sheerbrook and Rte.306 and one at the corner of Maplesprings and Bell Road. Charleton explained

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Chagrin Lakes Club wanted to have the entrances redesigned to provide a safer entrance. The signs are designed to highway specifications, 6'6" feet clear underneath the sign, so there is clear vision. Charleton asked the Board exactly what are they in violation of, is there a problem with both signs. Mayor stated he saw concrete pads for the sign post and they both are in the Village right-of-way. The Board discussed the sign regulations of the Zoning Code. Charleton asked if they could get a variance. Markowitz stated if they wanted to moved the sign back so its not in the rt-of-way, they would only need a permit. Charleton stated he thought it was impossible to get the out of the rt-of-way. Markowitz stated that you can put something in the rt-of-way, but you are a volunteer subject to it being ripped out. Charleton stated he understood this. Markowitz stated if there is some reason why you can't put it out of the rt-of-way, maybe this could be considered a hardship. Mayor asked if he had a zoning permit for the project. Charleton said he was told he did not need one. Board discussed the procedure for Mr. Charleton to request a variance. Mayor stated he should apply for a zoning permit and then go to the ZBA.

Jack Brickner came before the Board requesting approval of the preliminary plat for Manorbrook Estates. Brickner explained the plan reflects the result of the Board voting on the variance requests. Brickner stated the first phase would have the main road going back from Rte. 306 about 2,200 feet, creating a temporary cul de sac, to service 52 units. Daniels asked if this road would be of heavier construction. Engineer stated yeas, it would be what is known a a collector street. Brickner stated the 2nd phase would consist of 65 units, some east of the CEI and the remaining to the west. Brickner stated the rear area is exactly the same as their previous plan. Cotesworth asked if the road extentions to the north and south were all right with the adjoining developments. Brickner stated that copies of their property have been given to both Rickelman and Simon. Daniels questioned the status of the water studies. Engineer stated they are a condition on the improvement plans. Brickner explained the water studies were done under the previous submittal and part of the report from Dr. Eckstein was there is plenty of water for the entire development in the portion of the land that is being developed. Brickner stated they will be putting in a central system in the area which has been tested and shown to have an ample supply. Markowtz asked when the study was done, how many units difference is there between the two proposals. Brickner stated they have less units now, 117 compared to 123. Engineer stated he would like Dr. Eckstein to review this plan again because its a little different in concept. The Board reviewed the Engineer's comments of 7-12-79 for Manorbrook Estates. #1 - 10 % open space variance was denied; #2 & #3 - these variances were granted; #4 - will be included in the construction drawings; #5 - will be shown on the development plan; #6- access from dedicated street: Engineer stated that as the code reads any entryway serving more than one dwelling has to be considered a street, public or private. Brickner stated they have a drive going to a group of units or a unit and what the engineer wants is the drive to be considered a road because it serves more than one unit, however only one dwelling. Brickner stated he felt the zoning conde defined a multifamily building with several units as a dwelling. Brickner stated they would like to put the access drives in as an asphalt driveway as oppose to the regulations of street. Brickner stated these drives would be no more than 100' The Board and Engineer discussed the definition of a dwelling and drive at length. Markowitz stated he agreed with the Engineet until he read the definition of a private drive which allows a private way into an industrial establishment which could have a hundred employees, certainly more created traffic than found in a six-plex or eight-plex. Markowitz stated because the code allows private ways for industrial establishments he feel that all that is required for the drives to the condominium units is to be paved like

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access drives and not public roads. Item #7- tennis court, Brickner stated they will be putting one in, but would like to have the owners decide where to put it. Item #8- Landscaping will be included in the improvement plans. Cotesworth motioned to approve the prelinimary plat of Manorbrook Estates conditioned upon the landscaping plan being submitted with the construction plans. Briggs 2nd. Roll call, all ayes. Motioned carried.

Markowitz stated it was just brought to his attention some of the access drives go to more than one dwelling. Brickner stated they have no trouble putting one drive per building if necessary. Markowitz stated he would have to in order to meet his interpretation. Markowitz explained that he has interpreted a dwelling to be a multifamily unit and a private drive can serve only one dwelling. If it serves more than one it must be considered a private street. Markowitz stated in order to follow the literal interpretation, each unit should have it's own drive. Brickner agreed. Cotesworth motioned to rescinde her motion, Briggs 2nd. Roll call, all ayes. Motion carried.

Cotesworth motioned to accept the preliminary plat conditioned upon the development plans showing that there will be a private drive for each multifamily dwelling unit and show the landscaping as required in the preliminary plat and appendix C in the improvement plans. Briggs 2nd. Roll call, all ayes. Motion carried.

Dr. Mary Ford of the Curtiss Clinic presented plans to build a new facility on Rte. 422, west of Daisey Lane. Because their proposed use is not included in the B-2 district they are requesting an amendment to the zoning. Markowitz stated that their office has written a first draft of an ordinance which creates a new zoning district, B-3. Markowitz stated that instead of making this a conditional use, they made it a permissive use and included clinics and hospitals. They then took the property they have an option on based on the legal description and placed it in the B-2 district. The ordinance also makes some other changes to schedule 5 that they felt were errors in typing as well as an error in the accessory use in the B-2 zone - these changes have nothing to do with Curtiss Clinic's request. Dr. Ford stated they went to council to request rezoning or whatever they felt was needed. Ford stated this ordinance appears to serve their needs and purpose and what needs to be done next? Markowitz stated Council will introduce this ordinance or something similar at their next meeting, August 13th. After it is initiated, it comes to Planning Board and they make their recommendations to Council. Then Council holds a public hearing and three readings. The Board reviewed and discussed the plans presented .

Mr. Kawalek presented a plan to build an office building for American Computer and Financial Corporation on the Barr property. The exterior would be wood and the style is something similar to a chalet. The Board discussed the drive and truck turnaround Kawalek stated that Mrs. Harvey sent him to Planning Board, she stated on his application that it does meet zoning regulations however the parking must be checked. Daniels asked if there is a side yard requirement for parking lot. Engineer stated there is, its 30 feet abutting an R district and 15 feet abutting a B or I district. Daniels stated it abutts a B district which must have 15 feet and he only has 5 feet. Daniels stated he will need a variance. The Board discussed placing the parking elsewhere but due to aesthetics, it seemed best left where it was. Daniels stated the parking seemed to be the only problem.

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Engineer stated in order to get a zoning permit he needs to present a development plan for the review of Planning Board and the Engineer. Markowitz stated he should go back to the zoning inspector, make out an application with the data and it will then come to the Planning Board. At that time Plannin Board will decide if it complies with the parking regulations. If it doesn't, you can then ask for a variance.

There being no further business, meeting adjourned at 12:20 A.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Clerk

xc: Council
ZBA
Clerk of Council
Planning Board
Zoning Inspector
Engineer
Solicitor

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

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Held June 21, 1979 19

Members present: Briggs, Anderson Daniels, Cotesworth
Other Officials: Wm. Driemiller, Dave Lowe
Guests: R. Phend, J. Conley, Jean Conley, M. Mac Ritchie, M. Picone, M. Seliga, K. Oebger, S. Kunz, J. Kunz, J. Brickner, R. Brown, K. Pike, D. Syllaber, S. Wasserstrom, A. Simon, D. Simon, D. Otto, B. Leonhard, B. Leonhard, W. Vogt, J. Barry, G. Barry, P. Swank, A. Lindsey, R. Lindsy, J.Delaframarin M. Delagramarin, J. Miller, W. Kelley, G. Kelley, K. Miller, D. Braun, J. Aspley, P. Chalf, K. Smith, D. Baurerman, M. Collier, H. Veit.

Chairman Daniels opened the public hearing for Dick Phend's request of a conditional use permit. Mr. Phend requested a conditional use permit so that he can put a sports instruction operation in the barn located at 1317 Bell Road. He intends to buy the house and barn, live in the house and use the barn for all the operation's activities. Daniels read Mr. Phend's proposal explaining all the specific facilities that would be offered. Anderson asked if the appearance of the barn would change? Phend stated yes, he would definitely do some landscaping and the whole general area would be cleaned up. Daniels read a letter from Ken and Joan LaRue, stating that they wanted to be on record of having no objection to Mr. Phend's request. Mrs. Silaber questioned whether her property would be used for a public thorofare as there is no room for parking on Coryell's property. Phend explained that there would be no more than four or five cars at a time because the kids would be dropped off, the parents won't stay. Also on the left side of the barn there is space for parking if cleared. The parking and traffic situation was discussed at length by Phend and the audiance. Jeff Kuntz stated he was very concerned with the safety on Bell Street. He explained that with the change of classes there will be people coming and going in the circular drive, there will be possibly some students driving themselves, also there is the new development being purposed for across the street which will cause added traffic. Kuntz stated he would like to recommend that the police department look at this in terms of traffic patterns and the times of day which will be involved. Daniels asked if there could be a bus that would pick up and take home the students. Phend stated this is a possibility. One resident of Bellwood stated that the intersection of Leaview and Bell is on a hillside and somewhat of a blind spot and if the traffic increases there will be greater danger for the children. One resident asked if granting the conditional use permit would set a precedent. Solicitor LOwe stated that by granting this conditional use permit you would be setting precedent because nothing like this has been done in South Russell before, however it would not be setting a precedent in terms of granting future conditional use permits just because this particular one is granted. One resident stated one problem that is possible is if Phend pays his dues to Bellwood, he and his students would have access to all the facilities. Phend stated that all activities with the children would be inside the barn, nothing would be done outside. Daniels stated he didn't feel it was economically feasible by the time you conform to all the regulations. Mr. Berry asked what a conditional use pemit means? Solicitor read section 7.00 of the Zoning Code. Solicitor explained that conditional use permits are not permitted by right but by the code under certain guide lines that the Planning Commission sets up for the conditional use applicant. Solicitor stated that not only would Phend have to have the conditional use permit but he also would need a variance of the acreage required for a school. Briggs read the qualifications for granting a conditional use permit. Briggs stated his opposition is primarily based on the two qualifications which Phend can not meet. #1, not interfering with appropriate neighborhood development and #2, not impairing the value of the surrounding area. Daniels stated he thought the idea has merit but there are also a lot of detrimental assets such as traffic, danger of kids walking on Bell Road and parking. Daniels questioned if Phend could possibly use some of the schools in the late afternoon, Phend explained they were already in use most of the time. There being no further discussion, Anderson motioned that Mr. Phend's conditional use permit be disapproved, Cotesworth 2nd. Roll call, all ayes. Motioned carried.

The regular meeting of the Planning Commission was called to order at 9:15P.M. Bob Brown from Con Dev came before the Board. Solicitor Lowe summarized the minutes of the special Council meeting of 6-16-79. Lowe stated the major portion of discussion was about whether the common area should include the retention basin or whether the retention basin is in fact a utility and should not be counted in the open space. Driemiller stated the major question

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was whether there would be a retention or detention basin. Driemiller explained a retention basin would be like a permenent lake and during heavy runoff there would be controlled discharge. If this were the case it would be more likely accepted as open space. However, if it would be a detention basin or a dry type basin that would only accumulate water during periods of heavy rain, the Council felt this would have to be fenced, depriving residents of the common use of the land. Lowe stated the Council also discussed the water testing. Eckstein reported that he felt more testing was needed or Con Dev could await the results of the Sun Ridge tests. Lowe stated the Council then moved to reject the plan based on improper use of common land for utility drainage easements, concept of the retention or detention basins being hazardous to the health, safety and welfare for those people living in this community and lack of final water data. Brown stated they sank one well and tested two others and from the one well they sank there was enough water to serve all the proposed lots. Daniels stated that while the water was being tested he did not have any water at his house. Daniels further explained that what Dr. Eckstein was refering to is, granted you may be able to service the whole community from one well but you are not planning to put in a central water system but individual wells and this is what Eckstein wants the tests for. Brown explained that all the test wells to be drilled are in the Sharon Conglomerate and the drilling is vey shallow. The Board discussed the retention/detention situation and the requirements which pertain. The Board and Developer discussed the possibility of putting in a lake to handle the run-off. [illegible] Briggs stated one problem with the lake is catching sediment and the problem of dredging. Daniels stated Council has recommended disapproval of this plan, they are concerned with the balance of water study and also the retention and detention problem. Cotesworth stated that Council also felt it was an incomplete application. Daniels stated it was incomplete to the extent that not all the landscaping was considered at that time. Brown stated he did not know it was mandatory and what Council wanted was a front landscaping plan. Engineer explained that what Council wanted was some reference to the buildings and how they would be razed and what would be done with the runway. Brown sated that all the buildings would be removed as would be the runway. Brown stated Pike's water data will be completed within the next three weeks and they would like approval conditioned on getting this data. Brown stated as far as the retention basins go, they have always wanted to deal with them in the construction drawing phase and let the engineers work it out. Brown explained he would like to go with the lake because they don't want to give up the land. Daniels asked if there is anything that says the bottom of the basin has to be sand or dirt - what about concrete. Daniels stated that the Council was concern about a quagmire condition developing. Engineer stated he felt that there are ways to grade the basins so it won't become a quagmire without using cement. Daniels stated that what the question is now is Mr. Brown would like to get conditional approval so he will be able to continue what he is doing, to get the Village Engineer together with Con Dev's engineer and determine what is the best use of that land to make it so it will restrain and disperse any excess water which it collects. Cotesworth stated that Council wanted the Solicitor to advise the Planning Commission as to what constitutes a complete application. Lowe stated it is spelled out on the application and he couldn't advise them beyond that. There being no further discussion, Daniels motioned that the Board conditionally approve the preliminary plat contingent upon Dr. Eckstein's water study of Mr. Pike's property and the engineering problems of the retention/detention basins be solved on the NW and NE corners of the property in cooperation of the Village Engineer, Anderson 2nd. Roll call, Anderson and Daniels, ayes, Briggs, Cotesworth - nays. Briggs explained that it was his feeling that by definition this application is incomplete. Briggs stated that to him the basins are integral to the success of the development and he doesn't feel it should go any further without a workable solution. Brown stated if the Board would ask the Engineer he would say these problems can be worked out, it is merely an engineering problem. Briggs stated his concern is that even if Brown and the Engineer came up with a solution that was acceptable to them it very well might be unacceptable to Council and Planning Board. Brown stated that all he wants is a conditional approval, not a blanket approval, which will allow them to go ahead with improvement plans. Briggs asked why Brown couldn't go ahead with these plans without the approval? Briggs explained that as he sees it he is being asked to vote to say that whatever is OK with the Engineer on the catch basins is OK with the Planning Board. Briggs stated he would like to give him permission to go do some more

engineering but he (Briggs) didn't think Brown needs this permission. The Board discussed at length the question of the retention basins and completed applications. Briggs stated that when the Engineer doesn't have any criteria for retention basins, he feels the application is incomplete. Anderson stated that Brown received conditional approval last month and this has not been rescinded, they have met all the conditons set-forth in last months motion.

Damon Braun came before the Board to report that the condition of last months meeting regarding the drainage has been met. The North drainage area is shown to go off the Village property and the South drainage area carries onto and down the south side of Bell Road. Braun stated he has 19 buildable lots. Braun stated he went before Council at their last meeting and they recommended approval as presented. Solicitor stated no further motion is needed, Braun has met the drainage condition and now has only the water study to complete and present to the Board.

Chairman Daniels read the letter from the Village Engineer dated June 11, 1979, stating they had discontinued their review of the Emerald Lake development based on the Solicitor's advisement the CEI easement can not be used as open space, private streets are not allowed in the Village and the cul de sac does not conform to the regulations. Lowe stated that they have since the writing of that letter by the Engineer obtained a warranty deed of the CEI parcel and they have read language in this deed that reserves to the grantor, the owner of the property, certain rights. Included in these rights are the right to park autos, build roadways, use it for utility and recreational purposes, as watering ponds and in computing density for townhouse zoning and development. Lowe explained that in the case of density, the land will be considered under the control of the grantor, who are the property owners, provided that no building or structures be placed upon the CEI property. That property is owned CEI in fee simple, it is not an easement, however with the reservation of rights to the owners of the surounding property, Lowe stated he would advise that the acreage of the CEI parcel could be counted toward the gross acreage of the project. Therefore the first item of the Engineers letter is incorrect. Mr. Frank asked the Solicitor to clarify if the code provides for private streets. Lowe stated that the clarification should be made that this project presented to the Village is a subdivision. Interior roads into subdivisions are permit and these would be public thoroughfares and ultimately dedicated. Streets into a condominimum, multi-family development can be private, however they are subject to the same requirements of the code with respect to construction. Lowe stated section B.01 of the Subdivision Regulation specifies the street standards. Frank questioned if the specifications for the private roads would be the same as they are for public roads. Engineer stated there are no other specifications than those for public roads. Engineer explained the only other information on street construction is in Chapter 10 of the Zoning Code, Development Regulations, item (e), Paving: All private streets, access drives and parking and loading areas shall be built according to plans approved by the Engineer. Frank stated it was his opinion that there is a distinction between the construction of public and private streets. Frank explained that private roads are constructed all the time in multi-family type situations and they are not public specifications as far as improvements because they do not take the truck traffic. Frank stated he didn't believe the criteria imposed for public streets should be imposed on private streets and he felt that the Planning Commission and the code provides for this exception. Daniels stated that they would still have to have the minimum lane widths and a system to handle runoff. Frank stated the lane width wouldn't hurt them, and they have already provided for storm systems and drainage. It would be the curbs which are formidable as far as expense wise. Frank stated they have a unique situation here and it has been their feeling that the Board likes their layout and plan, and what they were hoping for tonight was either a yes or no answer regarding the preliminary plat. Lowe stated [illegible] that it is the unique situations to which variances address themselves. Frank explained another area of difference

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which must be addressed is the 10% open space. It is their contention that the open space does not deduct from the net area which the density is based on. Lowe stated it is the opinion of his office that the 10%, in a subdivision situation, has to come off the top of the gross acres. Therefore with the 112 acres of property, you take 11.2 acres off, deduct the streets and utilities and on that basis you arrive at the number of units allowed. However, Lowe stated, there is another problem in that Emerald Lake has alot of water planned and this water area, according to the Zoning Code, would have to be excluded as well. Frank stated that all they can do tonight then is ask for a disapproval so they can go on to another administrative process to have this plan approved. Lowe stated what they can do is on the 10% open space, the lake area and whatever other items of the subdivision which appear to be a hardship, there is a provision in the Code for a variance. Lowe explained the procedure for a variance hearing. Frank asked the Solicitor if he could give them the exact items which they are asking a variance from. Lowe stated that the items that do not go along with the code are the water area, the 10% open space and the length of the cul de sac. The Board scheduled the public hearing for the next regularly scheduled meeting, July 18, 1979.

Jack Brickner of Thomas and Thomas stated he would like to present their revised preliminary plat for Manorbrook Estates. Brickner explained that they initially presented half single family and half multifamily however due to some economical problems which they ran into becaused of the 10% open space interpretation, they have decided to go with all condominiums. The first phase would consist of 50 units, placed from Rte. 306 to the CEI easement and second phase would have 65 units, placed on the other side of the CEI easement. Brickner stated they have also submitted as part of their application a variance request for the cul de sac length. Brickner explained that not knowing whether ajoining projects to the north and south would be completed by the time they are ready to start the second phase, they want to protect themselves by getting the cul de sac variance. Brickner stated they a requesting the cul de sac length be increased from 2,500 feet to 4,600 feet, which is similar to the variance they received on a previous application, and also for the cul de sac to serve more than 50 units. Brickner stated that as part of this variance application, if it can be amended tonight, they would like to include the fact that they would like to construct a lake on the property and not have it deducted from the total number of units. Daniels questioned how when one starts with a dry area, and this is open space,.. then you put a lake in it, and it deducts from the open space -- it should still be considered open space. Lowe stated he did not like the way the code was written but that is how he interprets it. Brickner stated now that there has been a change in the interpretation regarding private roads, they would like to have their roads regarded as private. Brickner explained they have no problem putting in the physical improvements meeting the Village Engineer's requirements, therefore they would like them to be called private drives and then get the increase on number of units by seven. Therefore, the third variance request would be to allow private roads provided that all the specifications of the Village Engineer were met. The Engineer stated that the road on Hughes property which extends from Bell to the Thomas and Thomas line will be dedicated and are we then going to have a dedicated road continuing onto a private road? Daniels stated he felt if Emerald Lake's road is dedicated, Thomas and Thomas' road would have to be dedicated. Brickner stated the only reason Simon was going to put in the dedicated road is becaused their road (T.&T.) was going to be dedicated. Daniels stated the main purpose of taking a road across Hughes property to Bell would be to create a better traffic flow. Brickner stated the only other change they had made on their plat was relocating the entrance further south away from Lever's property. Brickner stated as far as tonights meeting, they would like the Planning Commission to accept and initiate review of their application along with consideration of the variances for the length of the culdesac and for the construction of the lake in the common area without deducting it from the total area. The variance for private road will not be asked for at this time, however possibly at a later time. Lowe stated he will recommend to Council that they change the text of the code to reflect that the water area, if it is after the fact, not be counted in the net area.

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Ken Pike presented a plan to put in an island in the cul de sac located in the Sun Ridge development. This island would be primarily for esthetics. The island would be mounded and landscaped, it would be up above the normal area of the road. The main purpose of the mounding would be to prevent someone coming down the road from seeing the driveways. Daniels asked how large trucks, i.e. moving vans, will be able to turn around. Pike stated the roadway will still have to be the same size. Daniels questioned if he had enough land, could he make the cul de sac larger than whats specified in the code. Engineer stated the specifications in the code are minimums and there are no maximums. Daniels asked Pike if increasing the cul de sac property would be a problem? Pike stated it would not, there is enough land. Engineer stated they prefer a solid cul de sac but there is nothing in the code that requires it. Engineer explained the Service Department finds the solid cul de sac much easier to plow and maintain and if you look at Laurelbrook and Spring Drive the islands can become a real eyesore if not maintained. Engineer stated if the radius were increased 5 to 10 feet it would greatly ease the difficulty for the Service Department. Pike stated that would not cause a problem with his net area and would work this into his plan. Pike then questioned the Solicitor on Building line versus building site, where exactly can you put a house. Pike explained that they have lots which are reverse cul de sacs, with 150 feet at the building line. Is the minimum lot width at the building line or the the building site. Pike stated it was the opinion of the Engineer and the Zoning Inspector that it would be the building line. The Solicitor agreed.

Daniels read a letter from the Zoning Board of Appeals asking the Planning Board to consider initiating an amendment to the code changing the side yard requirements in already platted or developed areas. After a brief discussion Cotesworth motioned that the code allow the Zoning Regulations which were in effect at the time the area was platted determine the reqired set back and side yard minimums as long as it maintains the existing building line on the previously constructed house, Anderson seconded. Roll call, all ayes. Motion carried.

There being no further business, meeting adjourned at 12:05 A.M.

Charles M. Daniels

Charles M. Daniels, Jr., Chairman

Cathy Male

Cathy Male

xc: Planning Commission
Council
Clerk of Council
Engineer
Solicitor
Wm. Jackson

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Minutes of PLANNING BOARD Meeting

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Held May 17, 1979 19

Members present: Anderson, Barriball, Cotesworth, Daniels
Other Officials: Solicitor Dave Lowe
Guests present: W. B. Shields, Robert Pfeiffer, Carroll V. Sargent, Carmest Meek, D. Simon, Dick Rickelman, Donna Pike, Paul Swank, Victor Cohn, Robert Brown, Dan Shannon, Sanford Wasserstrom, Louise Cox, Norman Cox, Paul Snavely, John Snavely.

Meeting was called to order by Chairman Daniels at 8:00 P.M. with roll call. Briggs absent. Daniels asked for any additions or corrections to the 4-19-79 minutes. Mayor stated on page 141, first sentence, Mr. Brown should be Mr. Braun. Anderson pointed out that Solicitor Dale Markowitz was in attendence and this was not shown. There being no further corrections, Anderson motioned to approve the minutes as corrected, Cotesworth 2nd. Roll call, all ayes. Motion carried.

Ken Pike, developer of the proposed Sun Ridge development, stated he was here last month and received approval and was sent on to Council which then recommended disapproval. Pike questioned if he has to come back to Planning Board again or if their approval still holds from last month. Mayor stated according to the flow chart, Planning Board is suppose to have input from Council. Clerk read Council's action, April 23 - Council disapproved plat specifically due to lack of water data and lot layout, rear lots not in conformance. May 14 - Pike returned to Council to appeal action of 4-23-79 and Council again recommended disapproval of plat due to safety factor regarding emergency vehicle access to rear lots. Mayor stated Council's concern was the rear lots and the length of the narrow entry to each lot and the fact that there will be driveways three to four hundred feet long. Another concern of Council's was the open space layout around the perimeter of the subdivision, creating the possibility of someone using the open space coming into conflict with one of the abutting property owners, i.e. mini-bikes. Anderson stated that the drives were long but they do have a thirty foot access. Mayor stated he didn't feel the layout was a bad design. Mayor questioned if the concern of emergency vehicles getting into someones driveway, is this necessarily a responsibility of the Villages? Daniels questioned what the driveway length would be on the cul de sac lots? Pike explained that to lay this parcel out with 1 1/2 acre minimum was very difficult but this plan proved to be the best to retain the natural contours of the land and to have as minimum amount of road, which would disrupt the contours. Cotesworth questioned what Council suggested for open space? Pike stated they wanted the open space to be grouped in one area instead of spread out around the perimeter. Pike explained he intended to put in a jogging track within the 20 foot buffer zone. Mayor asked Pike what information they had on their water data. Pike stated they asked if they could defer that until the construction drawings because they have not been able to confer with Dr. Eckstein and find out what his requirements will be and there are also some tests being done on the property next door that might shed some light on their water situation. Mayor stated he felt that approval must be conditioned on receiving proper data to prove sufficient water. Daniels questioned Lowe as to what action is necessary from Planning Board at this time. Lowe stated they should make the motion they wish and vote again. Anderson motioned to conditionally aprove the preliminary plat for Sun Ridge subject to the determination that sufficient amount of water is available. Roll call, all ayes. Motion carried.

Damon Braun came before the Board to resubmit the preliminary plat for Silver Springs subdivision. Braun explained at the last meeting there were two areas of disaggreement. #1, the drainage problem to the north and south and #2, the accessability and safety factor of the entrance roads. Braun explained they have taken the entrance road as far west as it could go in order to obtain the longest site distance. Braun stated the drainage to the north has two possibilities, both keeping the pump house dry. The first alternative is to drain the water northwest onto Russell Township and into the main drainage channel, missing the pump house all together. The second would be to take it through the existing channel, carry it through in its natural course until it gets up near the pump house and then put it into a confined drainage area, raise the elevation around the pump house, create a new drive and carry it though an oversized culvert

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back into the existing channel. Braun stated it ends up in the same place and keeps the pump house dry. Expense wise they are about the same. Mayor stated that the one that would give the least opportunity of creating any problem for Paw Paw Lake's water supply would be the one draining to the northwest. Braun stated that Mr. Taylor expressed some concern with regard to the possibility of severing the water supply and Braun explained that they have done some soil testing, going down 8 feet, which is approximately the depth of the storm sewer and there is no rock, just clay, which precludes any possibility of severing the water. Braun stated that the water adequacy had not been determined, he has requested Dr. Eckstein to give them some direction as to what he wants to see with drilling, pumping and testing. Mayor asked if the southernly drainage would drain in the same direction? Braun stated it would, they would keep the outlet control such that the two 18" culverts along Paw Paw Lake Drive will not at any time get any more water that they can handle. Mayor asked if it would be valve controled, Braun stated it would not, it will be a controlled outlet which will have a nominal size pipe that will flow full at heavy rain times and it will fill up the resevoir in the mean time and only discharge certain amounts. The water will be stored up with an outlet that is sufficiently small, that it will not cause problem down stream. Braun stated the resevoir will be dry most of the time and the engineering for the size has not been determined for sure, but what they are thinking is and will discuss with the Engineer is uncontrolled at 5 to 10 years and controlled between 25 and 50 years. Bill Jackson, resident of Paw Paw Lake, stated he and several residents are present tonight and are very concerned with the proposed drainage solutions. Jackson asked what Braun was recommending for the northernly drainage. Braun stated that he was not recommending either one, it's whatever might be suited to the Village the best or the people of Paw Paw Lake. Jackson asked if there would be any preference to bring the water down through Wiants property versus taking it northwest. Braun said there was not. Jackson stated it was his opinion that it would be wise to recommend that it go north in order to totally avoid any possible chance of affecting the sigle source of water supply. Braun stated he is in favor of whatever might be best for Paw Paw people or the Village. Mayor stated he as Mayor will make sure that this water be diverted in the direction that will keep it the furthest from that public water source. Jackson stated he was also concerned that with this area being constructed, the runoff will be definitely greater and with a heavy rainfall, the retention basin will fill and overflow and there just is no way that the swail with a very small pipe that goes under Paw Paw Lake Drive could handle this type of flow. Jackson stated what he felt must be done is to take the water out to the road and then down into their settling basin. Any water allowed to flow down as proposed will bypass the settling basin and flow right into the lake. Braun stated if he is allowed to discharge on the other side (south) of Bell in an open ditch, he could do it this way but he understood the engineer to recommend that if we put it on the south side of Bell it should be piped. Jackson stated that the silt which will flow should be directed out away from the lake and if it is to come anywhere into Paw Paw Lake property, it should come into the silt pond. Jackson further explained that he and the Paw Paw Lake residents present feel that any consideration of the Board to approve this with the possibility of runoff flowing through their property and into Paw Paw Lake, will be strongly opposed. Mayor stated he will make sure that the northernly diversion will be away from the water source and as for the southernly retention basin, there is no reason why the drainage can't be handled in the right-of-way alon Bell Road, down into the siltation pond, other than disapproval from the Village Engineer. Mayor stated that we as a Village have the responsibility to make sure that we do not cause down stream problems. We must have the Engineer study the drainage and make sure there is no possiblility that any action by this Village from the Planning Board to Council and Engineer will cause a problem for Paw Paw Lake because if it does the Village will be held liable. There being no further discussion, Daniels entertained the motion to conditionally approve the preliminary plat with the stipulation that the water from the southernly retention basin be diverted underneath Bell Road to the south side and down to the silting pond adjacent to Paw Paw Lake and the water from the northernly storm drainage be diverted to run northwest, by-passing the central water supply and pump house. Also a water availability study must be provided along with compliance to all the Engineer's recommendations. Cotesworth so moved, Anderson 2nd. Roll call, all ayes Motion carried.

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Dave Simon, developer of Emerald Lake subdivision, stated they were coming before the Board requesting approval of their preliminary plat subject to the Engineer recommendation and water study data. He explained what they are trying to do is in keeping with the comprehensive plan of the community and they are abiding by the code and regulations of the Village. It was explained the road leading from Bell Street to Thomas & Thomas' development will be dedicated but the roads in the development itself will be private. Mayor asked if they had set aside the basic 10% for open land. Simon stated they already have quite abit of open space, they have 112 acres and after deducting the right-of-way acreage along with the acreage for the water treatment plant, they are left with 109 acres. Of the 109 acres at least 50% is open space. The Board, Solicitor and developer discussed at length the open space and density requirements. The Mayor explained that the developer has 112 gross acres, 10% of this has to be set aside for open space, which is 11.2 acres. Out of the remaining 100.8 acres they must take the right-of-ways and treatment facilities, leaving the net acreage from which you then plan the total number of units. Mr. Simon stated their attorney had spoken with somone from the Village Solicitor's office which had interpreted the code the same way he had and that is why they proceeded as they did with the 109 units. Simon said if there is a problem with the interpretation he would like the application to be tabled until his attorney can get together with the Solicitor's office and straighten the matter out. Simon further explained that they can not afford to do more than they have done and still make a successful development. Daniels questioned if any water studies had been done. Simon stated there had not, approval would be sugject to the water study however he has had some preliminary discussions with Dr. Gale and he seemed to think there would be no problem. Daniels questioned if the 2 1/2 acres of right-of-way were inside the development? Simon said no, the 2 1/2 acres were for the dedicated road only. Mayor asked the Solicitor if they could file their application tonight and then give it to the Engineer and Council. Lowe stated yes they could and then resolve the one dispute before Council and or Planning Board's next meeting. Lowe stated he would contact Mr. Simon's attorney when he returned from vacation.

Mr. Dick Phend came before the Board requesting a conditional use permit for a private gymnastics school. Phend explained that he has made a tentative offer on Mr. Coryell's property in hopes to put the gymnastics school in the barn. Phend currently runs the school out the Valley Lutheran Church. Phend stated he is not sure that a conditional use permit is exactly what he wants due to the fact it must be reviewed every three years and if he puts alot of money in and after three years they revoke his permit, he has lost his investment. Chairman Daniels read the Zoning Inspector's comments regarding Phend's application. Daniels asked for comments from the Solicitor. Lowe stated that this is a use not specified in the code, schools however require a 10 acre parcel and Mr. Phend only has 2 1/2. Lowe explained the only way he could see it going is by a variance under that acreage requirement if in fact this is a school and then since it is not the type of school that the code addresses itself to, you would have to get a conditional use permit. It doesn't matter which you would get first, the variance or conditional use , however one would be conditional upon the other. Phend asked what the conditions are for the review period, after three years. Solicitor stated the permit has certain restrictions and you must adhere to the guide lines they originally set out for you and if at the end of three years you have not been adhering to them the Board doesn't have to renew your permit. Daniels asked where most of Mr. Phend's current were from. Phend stated from Solon and about 1/2 from Russell, Kenston and South Russell. Daniels asked how many students could the school handle. Phend stated that at one time not more than 30 with 5 to 6 coaches. Mayor pointed out that under the residential regulations, a home business must be operated out of the house and not accessory structures. The barn being used as the school and not the house violates this there fore when requesting a variance, this would have to be taken into consideration. Mayor stated he read from the Zoning Inspector's comments that if he goes for a variance , the Village would lose control - how could this happen? Solicitor stated it couldn't, and it was his opinion that Phend could not do what he wants to with just a variance, he must have the conditional use permit. Solicitor explained the procedure for Planning Board to hold a public

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meeting. Daniels asked if he had contacted any of the neighbors to get their feelings. Phend stated Mr. Coryell has and he has all their names and addresses and thus far he has not heard of any objection. Daniels asked Phend if he planned on using the basement for anything. Phend stated he would like to sometime use it for tutorial activities, one on one relationships, both for acedemics and sports. Mayor asked that all the other skills Phend was proposing be incorporated in the application. Phend passed out a sheet stating all the activities he planned to provide. Mayor asked the Solicitor if the variance and conditional use permit is granted, does the Village have any obligation in regards to the state fire code requirements. Solicitor stated they do and it would have to be one of the conditions. Solicitor stated the reason why he suggested a variance is because for want of any other category to put this operation in, he put it in schools and the requirement is 10 acres. Whether or not he would have to get a variance or whether it could be handled under the conditional use permit is something the Solicitor had not resolved yet. Solicitor told Mr. Phend before he applies for a variance to call him because if he doesn't have to go through that prodedure the Village doesn't want him to waste his time. Solicitor stated the filing date would be tonights meeting and the public hearing should be scheduled 30 days beyond this meeting. Board agreed to hold the public hearing at the next regularly scheduled Planning Board meeting, June 21, 1979.

Dan Shannon and Bob Brown from Con Dev presented a new preliminary plat for the Kensington Square subdivision. Mr. Brown stated he received the Solicitor's letter regarding the density and open space requirements and if this is the requirement, would it be possible to pay $350 for each dwelling unit in lieu of the 10% as it states in Section 4.06B of the Subdivision Regulations. The Board determined that Mr. Brown had an outdated copy and the Solicitor stated this had been taken out with the revisions made in September, 1978. Brown stated they would then like to file with the Board their preliminary plat based on the removal of 12 lots which would provide the 10% open space required, leaving 105 acres for buildable land. Brown stated the lots to be omitted are 1 thru 5 and 80 thru 86. Mayor stated he liked the whole design better than the first and omitting the lots along Bell Road will provide a nice buffer. Brown asked why Coundil would not review their plan at the last meeting when they had the engineer's recommendation? Mayor stated that the Planning Board must receive it first for filing and then it is to go to Council for their recommendations and then back to Planning Board for their action. Mayor asked the Solicitor if the Board could take the application with the understanding that the blottedout lots will not be on the corrected copy going to the Engineer. Solicitor stated that they could accept the plat for filing with that proviso. Mayor motioned that Planning Board conditionally accept the preliminary plat with the proviso that the front lots on Bell that are indicated as being stricken, S/L's 1,2,3,4,5,80,81,82, 83,84,85 and 86, will be so shown as open land on corrected drawings to be submitted to the Village Engineer and Council along with the water study analysis by the Village water hydrologist, Anderson 2nd. Roll call, all ayes. Motion carried.

Jack Brickner from T. & T. stated they are in the same bind with respect to eliminating lots as Con Dev, however at this time he can not make a decision as to which lots will be taken out and could he waive this pending a couple of days to try and determine where the 9 to 11 lots or units will be taken. Brickner stated due to the realignment of the road going back to the condominium area, the Engineer felt this was a significant enought change to necessitated reappling for preliminary plat approval. Tonight they would like to present their new application. Brickner stated when they were going through engineering drawings and physically staking out the centerline of the road through the multifamily area, they ran into a low swampy area. Consequently they realigned the road and in doing that the architect determined that the new location shown for the condominiums is best due to the trees, topography and the proposed lake. It also gets the units further away from the C.E.I. easement than before. Mayor asked Brickner if he didn't have the 10% open space incorporated, is this going to cause any change in the location of the other roads? Brickner stated as of now he wasn't sure what units or lots would be taken out so it would be hard to tell. Mayor stated the only reason he is asking is because Thomas and Thomas had asked for permission to clear and stake out the roadways and if there will be changes, Mayor stated he would recind this go ahead. Brickner stated this would not be done now until they can determine where the 11 units can be eliminated.

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Brickner stated he felt that within a week they would have new drawings showing the elimination of the necessary lots submitted to the Village. Mayor asked the Solicitor if the Board could give a conditional approval pending new drawings with the corrected number of lots shown. Solicitor stated yes they could. Mayor motioned that Planning Board conditionally accept the preliminary plat of Thomas and Thomas' Country Estates II with the proposed changes of the North South Road and to redefine the 10% open land, Cotesworth 2nd. Roll call, all ayes. Motioned carried.

There being no further business, meeting adjourned at 10:35 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Clerk

xc: Planning Board
Council
Engineer
Solicitor
Clerk of Council
Zoning Inspector
Wm. Jackson

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Minutes of PLANNING BOARD Meeting

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Held April 19, 1979 19

Members present: Barriball, Briggs, Cotesworth

Guests: David Simon, Bob Brown, Irwin Frank, Louise Cox, Norman Cox, Ken Pike, Dan Shannon, Warren Wiant, Jeanne Trip, William Dreimiller, Damon Braun Judy Harvey

Meeting was called to order with roll call at 8:00P.M. Chairman Daniels and Anderson absent. Cotesworth nominated Briggs to act as Chairman Pro-tem, Barriball 2nd. Roll call, Barriball and Cotesworth, ayes, Briggs, abstained. Motion carried.

Solicitor Markowitz asked that after the meeting is opened, Planning Board go into in executive session to discuss potential litigation. Briggs asked for any additions or corrections to the 3-15-79 minutes. Mayor moved that minutes be approved as recorded, Cotesworth 2nd. Roll call, all ayes. Motion carried. Planning Board left at 8:05 to meet in executive session. Planning Board re-convened at 8:30.

Briggs called the regular meeting to order and asked Judy Harvey, Zoning Inspector, to present her report. Mrs. Harvey stated she would like to bring two things to the attention of Planning Board in hopes that you would then recommend these two items to Council. First, the western end of the Village is still under the building ban and now that the sewers are almost completed, this ban should be lifted. Second, the way the zoning is written now there is a 25' side yard requirement. This means for everyone in the Village who wants to add to their home, they have to have a 25' side yard, which also probably means that 90% of those requests for additions would require a variance. Mrs. Harvey stated she would like to recommend that this somehow be changed to read something to the effect that the zoning governing the house when it was built should be the same for the addition being built today. Either that or there will be a deluge of variance hearings to come. There are already three coming up in a couple weeks. Mrs. Harvey stated that by having to request a variance, the individual is set back approximately 6 weeks. She stated she spoke with the solicitor and he stated the recommendation should come from Planning Board to Council as fas as the wording and then go from there. Briggs stated he knew what prompted the lengthening of the side yard regulations, and that was the aesthetics of houses being that close together. Mayor asked if it wasn't Councils intent to change the side yard requirement because of the new zoning on the East end of the Village, the lots sizes were increased. Mayor further stated if you take the West end of the Village in the Chagrin Heights area, you can't possibly under the present regulations put a house on one of the remaining lots and still maintain the 25'side yard. Even with a newer area like Bel Meadow, with a building site of 100' you would still have a problem. Mrs. Harvey asked if possible there could be a classification for additions. Markowitz stated that what the Village might want to do is with the subdivision completely built, is to go back to the regulations that pertained when it was under construction, unless there seems to be some safety hazards evident. Then with areas that are not completely improved, they are subject to the new zoning regulations.

Dave Simon came before the Board for a second informal discussion for the proposed multifamily development off of BEll Street, west of Rte. 306. Simon introduced Irwin Frank who presented their plan. Irwin stated what they proposed to do is put in 109 units, 104 condominium units and 5 single family units. They propose to make this as private a project as possible, providing for 50 to 60% open space, recreational use of the land. There will be tennis courts, pool, picnic area, play ground area, putting green and alot of lake area for boating. The condominiums will be kept apart from the single family units to provide as much pivacy as possible, so when they look out their back yards they will see a lake, not other units. From the road, the entrance would be a gatehouse security system. The price per unit would go from 90 to $100,000. Briggs stated he thought it was a nice plan for condominiums. Briggs asked their plan for water. Frank stated a centralized system would be developed for the site. Briggs asked if the roads within the development were private. Frank stated they were as provided by the regulations. The roads would be maintained by the condominium association. Each condominium unit, Frank explained, is obligated to pay so much a month toward the

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maintenance of all condominium area, common area, streets and also the exterior of the units. In the event the people don't pay, the charge becomes a lien on their property. It's basically a self-contained community, the city would have no responsibility for snow plowing or any other services except security; fire and police. Briggs asked about a speed limit, Markowitz stated private roads do not have an enforceable speed limit. Frank stated the roadway itself does not lend itself to speed due to the curves and with the security gate, people within have a specific place to go. Markowitz stated he lives in a similar type development and if a fire truck got into the development and had to turn around quickly, it probably couldn't and he questioned if this would be a problem here. Frank pointed out that each area is provided with a turn around for such equipment. The roads will be 20 feet in width Frank stated. Markowitz questioned if the road going into the property from Bell Street would be a dedicated road. Frank stated that when they had originally looked at the site, they had no intention of putting in any public roads due to the fact that it defeats a little of the purpose of the privacy. What the road does do if it is made public is allow the public to stop and drive through. Markowitz asked why they would want the entrance road to extend all the way to Thomas and Thomas' development. Frank stated this is what they would really like to avoid- what he would like to propose is bringing the road only in as far as the gate house. Frank explained that if the Village requires this portion of the road be public, which they are against because they are trying to maintain privacy, they would take it just to the gate house hopefully preventing access to those who want to use it as a short cut to Rte. 306. Frank stated what they ideally would like to do is put the gate house at Bell Street and have all private streets. Cotesworth questioned how privacy would be lost by people driving by. Frank stated that the recreational area; pool, picnic area, is over near the proposed road and also another factor we must consider is the additional construction cost for extending the road would be very substantial. Mr. Wiant of Paw Paw Lake stated he really didn't like condominiums but from living on a provate road, he would have to support Mr. Frank because they have nothing but trouble keeping people out. Frank stated he was proposing 3 items; #1, is to extend the road through to Thomas and Thomas, #2, is to extend the road to the gatehouse with a culde sac, reserving the land for Thomas and Thomas to connect at a latter date, #3, keep gatehouse at Bell Street and maintain all the roads as private. Markowitz questioned the area of the CEI easement, how would this be used? Frank replied it would be maintained in its natural state. There is so much open space due to the density of one unit per acre, it will basically be similar to a big park setting. Engineer questioned if the CEI easement was a direct ownership and not leased? Frank stated they have all the rights of usage but its in the name of CEI and they can't build on it. Engineer asked if this area was figured in the amount of open space? Frank replied yes, and further explained that when CEI came into put up their lines, the previous owner came to the Village and asked if this would affect the density when he would be maintaining all the rights of usage. The Village then issued a letter to the previous owner stating that this property (CEI easement) maybe included in the density calculation. Markowitz stated his office wrote a letter in 1969 stating that because of the nature of the taking by CEI, we would probably be able to use it in the density because it's something that could be attributable to open space, i.e. lakes, ball diamonds, etc. Markowitz further stated this is something that we would want to review now again, even though he knew of no reason at this time why they might change their opinion. Mr Frank asked for any feed back from the Board, pro or con, what changes would be made, for the benefit of the community, for aesthetics, any constructive comments that they could incorporate in the plan. The main issue, Frank stated, is what to do as far as their privacy and the main road from Bell - does it have to be public? Cotesworth stated she was in favor of the public road because it makes it more accessable for not only the Thomas and Thomas development but your residents too. Engineer stated that when you think about where the Chagrin Falls fire department is going to have to go to get to the rear of T & T development to fight a fire, this road would certainly be a benefit. Briggs felt that 4 or 5 years from now, traffic on Bell will be such that being able to offer a secondary road to get to Rte. 306 would be good. Mayor stated Planning Board is still concerned with the emergency vehicle access to the back of T & T development. Having to provide fire protection to the community along with the heavy traffic situation creates a very difficult problem. To bring fire equipment up Bell, out Rte.306, and back down into T & T, the Board thought that if any one did develop this piece of property, they could get access through to Bell, just for public safety, if nothing else. Frank then questioned if they could build the

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road first to the gatehouse and wait until the T & T development was ready to connect and then finish the road. Briggs stated that the regulations were written such that all the improvements must be completed before construction. Frank stated that on T & T they had a roadway stopping with a temporary cul de sac, reserving a piece of land for a future connection and how was the Village providing for that situation. Mayor stated to his knowledge they have not told them what procedure to follow. Engineer stated he has had informal conversations with Tony Picone, regarding this matter, and he indicated that once they had firmly established a location for the roadway, they would abandon the cul de sac and provide for the road. Briggs stated that with the contour lines as they were, he thought it might benefit the developer to put the improvements for the road in first before the more expensive areas, i.e. recreational facility. By putting in the improvements early, cutting the contour lines, you have an obvious downhill slope. By putting in the roadway after the pool, tennis courts, etc, you have to skin the dirt, trees and brush or what ever is holding moisture and sediment and the minute you do that, you'll have a gully washer that will leave nothing but a mud pie in the picnic area. The Engineer stated he felt there was a larger problem in that the Board had told T & T that there were no private streets allowed in their condominium area and here we have private roads. Mr. Frank stated that the code does provide for private streets in Chapter 2, Section 2.06 of the subdivision regulations. Following a lengthy discussion, the Board still felt there is something that does not allow private roads but could not locate it. Frank stated that in light of what the code asks for in Section 10.01 of the Zoning Code, private roads would definitely maximize privacy. Markowitz stated that one thing he did notice in the subdivision regulations is that you can require that there be some type of coordination between adjoining properties in terms of access. Section 4.04B explains this point. Frank questioned what procedure is taken now, following the informal discussion? Markowitz stated with the informal discussion no action is taken. From here, you should feel free to file your preliminary plat with the Secretary. Mayor stated he would again like to make the point that the Village's concern has been in the availability of access of emergency vehicles within these subdivisions. Recognizing the heavy traffic, we felt there was a need for a road thru that area. Frank stated they were always going to try and protect the people that live in the development but if the Board's feeling is that the road is necessary and it would be a total help to the community as a whole, then they will go ahead and proceed that way. Frank thanked the Board for their time.

Mr. Shannon & Bob Brown presented the preliminary plan for the airport property. Mr. Brown stated that they had drilled 4 test wells and pointed out their location. A water hydrologist, Mr. Simpson, will be evaluating them next week but he would leave the logs if the Board wanted. Mr. Brown stated that when drawing up their plans they were a little bit ignorant of all the regulations so consequently they have quite a check list from the Engineer, Letter dated April 13, 1979, file # SR 103-15. Brown stated that most of these points would not be a problem, alot of them they thought would come under the construction drawings and not the preliminary plat. The Board and Mr. Brown then decided to take each item and discuss it. Item #1, existing culverts were not shown along Bell Road but will have them shown on the construction drawings. Item #2, Brown stated he felt the job could be done in 18" pipe or less. Engineer stated that what we have in the regs now is a curb & gutter construction, what they want to use is the inlet structures themselves as the recptacle for the interconnection of the pipes in between them. Engineer stated they object to that when we have a case like this when the pipe is running under the street as they propose. Engineer explained where they have a continuous line and you have the pipe going the full length, they prefer to see the storm manhole. Mayor asked if the storm manholes were in the regulations, describing the way they are to be constructed. Engineer stated there is a typical section of the roadway which shows the pavement and storm sewer. Shannon stated that he thought something like this would be discussed more at the improvement plan stage than at the preliminary. Engineer stated that when he sees something that the plat requires and it's either not there or incorrect, he feels approval can't be given to the preliminary plat with

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out acknowledging these areas. Engineer stated he would not ask that the plat be redone as long as it a condition that it will be addressed in the improvement plans. #3, storm sewer connections- Brown explained what they planned to do is not hooking the basements into the storm sewer, but rather pumping them out on the surface and letting the inlet basins pick the water up on the street. Engineer stated the foundation drains will have to go into the storm sewer system and that is the way the regulations are written. #4, Preservable trees - Engineer stated they had waived this requirement with T & T by requesting that they ourline the wooded area. Ken Pike questioned what was the necessity of marking each one foot tree. Briggs stated he presumes its in order to preserve the larger trees. Engineer stated that the trees could be a consideration in placing the roadway. Brown pointed out the heavily wooded areas. Markowitz stated he thought Planning Commission could waive that requirement due to hardship because there are so many trees. #5, open space development and landscaping plan - Brown explained they didn't get into this because they were not sure the lots and streets would remain as drawn. Brown stated that all the buildings on the property will be torn down and all be replaced with screening and grassed in. The driveways will be removed, only a couple of the parking areas that are in good shape will be left. #7, show former inter-urban right-of-way along the Southerly property line and how acquired by present owners - Brown stated they ran a boundary survey and what they show on the plat is what they own, it is a tree boundary survey. Engineer questioned if they had a platted survey, Brown stated yes, this was it. Engineer asked if this had been done by a certified surveyor? Brown said it hadn't but he would get it done. Engineer asked if he would get a record of that and have it imposed on the plat itself. #13, Brown stated the Engineer is correct on this and they would make the proper adjustments. #14, unacceptable lots - Brown stated this is their biggest problem. Brown explained that they have on each corner lot, not quite triangular because they do have 4 sides, but triangular shaped lots. Brown stated they like the way the house would sit on such a lot and they feel there is sufficient back yard, and isn't sufficient or insufficient a matter of our marketing? There will be 20 such shaped lots. The Board discussed the layout and possible placement of homes on these lots at length. Engineer stated what precipitated a question on this type of lot is the requirement on corner lots that the side and front yard be equal. As the code reads the shape of the lots can not restrict development or the utilization of yards. Brown stated he did not feel these lots did this, it's a matter of who determines whats usable and not usable. Engineer stated that there are a couple of items to consider - first the arguement that Mr. Brown makes is the fact that some of these are four sided and in effect when you talk about the rear line being the line parralell to the front line, this looks like you really do not have a rear line. Second, you have a case where most people feel they can go out their back door and build their patio and you do have a diagonal line across the property which possibly could cause problems. Brown stated again he felt that was a marketing problem. Engineer stated the name of the game is to maximize the number of lots on the acreage and they had to do this in order to get the number they wanted. Engineer stated he felt that the triangular lots violated the code. #15, Brown stated this has been resolved with the Engineer. Mayor stated after reading the subdivision regulations and hopfully interpreting them correctly, he feels the Engineer's interpretation is correct. If we are not going to follow the regulations, then we should adopt new ones. Mayor feels the Board can't give approval to this plan with triangular shaped lots when Section 4.05 says "Triangular, elongated or other shapes that restrict development or the utilization of yards shall be avoided." Mayor stated he

agreed with the Engineer's statement of #14 and feels it is well founded. Briggs stated the situation as it stands now is, the regulations are against it but if enforced, Con Dev is forced to make 4 lots into 3. The Board further discussed the definition of front and rear lots and the problems of triangular lots. Mayor asked Markowitz if he interpreted it as being legal to have triangular shaped lots. Markowitz stated that there could be an insolated incident or two within a subdivision and be permitted but with this development there appears to be more of a general scheme, and Council would have to find some reason to vary the requirements of Section 4.05 of the subdivision regulations to approve it. Brown stated the rest of the items on the Engineer's letter were no problem, they can all be taken care of. Cotesworth stated she felt that the plan did not conform to the regulations and some changes must be made. Mayor stated that it is Planning Board's responsibility to be responsive to the community and to do this we have to go by the text of the subdivision regulations and zoning code, they are our guides. Mayor stated it is unfortunate that Mr. Brown has a situation here where there are so many triangular lots in the one area which does not comply with Section 4.05. Mayor moved to follow the Engineer's evaluation and request that those triangular lots be redesigned. Briggs questioned if there were any other major problems, Brown stated everything else would be taken care of at the construction drawing phase. Cotesworth 2nd. Roll call, all ayes. Motion carried.

Damon Braun stated before he presented his plan for Silver Springs he wanted to clarify one point. Braun stated on the Simon plan he did not allow for open space as far as the 10% requirement, is he not required to do that? Markowitz stated he (Simon) is and Markowitz thought it wasn't specifically shown on there but there is an intent to be there. Braun stated the acreage did not agree with it at all, there are 109 parcels out of 112 acres and there is not 11 acres set aside for open space. Engineer stated this is a problem and he thinks it is an error and it's not within the intent ofwhat was originally intended. Engineer explained that when you talk about density, you talk about so many units per acre based on net area of the subdivision. By looking at the codes definition of density, you have gross area minus street, minus treatment facility and there is no reference to open space. The code also gives an inconsistance with the 1/4 acre option. For example if you have 100 acres, and you take 10% off for open space because code says so and another 10 acres for roads you are left with 80 acres. However, the guy who is taking the 1/4 acre option can take 10% for streets, leaving 90 acres and he builds 90 units and puts 1/4 or 22.5 acres into open space, he exceeds the 10% and builds 90 units where as the one acre guy in only building 80 units. Engineer stated he felt the intention was for the definition of density to have some reference to open space. Briggs stated they tried to get this squared away when they rewrote this 8 months ago. Engineer stated what this does is force the developer to the 1/4 acre option. Mayor stated the intention of the 1/4 acre option was to allow the developer to build a minimum of a 3/4 acre lot size and the 1/4 acre plus the 10% set aside. Board resolved to discuss this matter at a latter time. Braun presented the preliminary plat for Silver Springs development and stated he would like to go through the Engineer's recommendations(letter dated 4-6-79, file # SR 103-16), except those that were in common with Mr. Brown and already discussed. #2 and #3, northernly and southernly drainage. Braun stated he spoke with the Engineer about putting some retention basins in instead of some of the ideas he had, not that they aren't good, but he (Braun) feels that they can do it better and will actually keep the water from creating any erosion problem downstreams. Braun stated he has indicated a couple small retention basins as answers to these two areas. The construction plans would have more detail and

before they get into those, more comment from the Village Engineer. Braun explained items 2 and 3 will be answered directly but not on a preliminary plat, he is addressing them but not giving answers only suggestions. Cotesworth questioned if Braun's indications would follow the Engineer's recommendation. Braun said he follows them by addressing the two questions the Engineer poses as to where the two outlets would go and what ways they will treat them. Mayor questioned if the northernly drainage outlet is the one which goes near the central water supply system of Paw Paw Lake. Braun stated it was. Mayor said that this is the one thing we definitely have to concern ourselves with, because it is a central water system. Braun stated there will be controlled water flowing down there afterwards probably less in nature than there is today. Braun stated the idea of retention is to hold water and outlet at a regular rate. Mr. Wiant of Paw Paw Lake, stated he disagreed and felt that the water that comes from that area is retained as only nature can do it and retention basins can not be as efficient. Mayor stated we have to be concerned because if we approved a subdivision we could be liable as a Village. Markowitz stated it was a Supreme Court decision that leaves this question up in the air to be decided by the court at a latter time. However, the Court of Appeals in Cuyahoga has now held that the lower property owner does not have to receive the water from an upper area. Markowitz stated that when you permit a subdivision to go in, but do not provide for adequate systems to prevent the additional run off or acceleration, from the actions of recent court rulings you would not have a strong case in court. This doesn't mean that you can't let someone develop their property, however you must have acceptable engineering offsets for the problem. Wiant stated he is a resident of Paw Paw Lake and was asked to represent their association as far as water supply and it was his opinion that the Board would be very remiss if they let this decision precede beyond the preliminary stage. Wiant further explained it was his lot that the run-off dumps into and which has had no problems but will if this is allowed. Mayor stated if for no other reason than moral obligation we must make sure we aren't getting run-off into a central water system. Engineer stated that other than retention, you don't have a whoe lot of choices left. One of the problems you have with a retention basin is the maintenence. And the second problem is safety due to the periodic ponding. Wiant stated retention basins are a calculated engineering guess as to what size and how big an area you need to do it. The Board discussed this problem at length. Mayor stated due to the possibility of a law suit, before he would approve any preliminary plat, this problem must be addressed and solved. Braun stated regarding the sight distance entrance on the road, there is 415 feet of sight distance which is good for 55MPH and since Bell Road is set up for 35 MPH, that allows for 240'. Braun stated it's not that they wouldn't change the location of the road but he has addressed it and shown they do have ample. Engineer stated he hadn't checked it but will. #11, preservable trees - Braun stated he would be willing to note on the drawing that no tree one foot in diameter shall be disturbed if it is not in the direct path of the roadway or grading. Braun stated that the above were the only points he felt needed discussion, the rest of the Engineer's check list was agreeable to him. There being no further discussion, Cotesworth motioned to disapprove the preliminary plat as presented until the problem with the northernly water retention is solved to the Engineers satisfaction, Barriball 2nd. Roll call, all ayes. Motion carried

Ken Pike presented the preliminary plat for Sun Ridge development. SR10
Pike stated he received basically the same list from the Engineer, file# 17
as the previous two, most of which as already been covered. #1, this is just a matter of showing the dwellings that are already there. #3 - show existing culverts and show EOG line and #2 - show all off-right-of-way storm sewers and drainage channel to be in 20' min. easements, will be planned in construction drawings.

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Numbers 4,5,6, and 7 were discussed with Mr. Brown. #8 open space development will be shown on the construction drawing. As far as the running track screening and cross section, Braun stated he really didn't know what to do, he could show what they propose but they wouldn't be detailed plans. Pike stated what their concept is, for this to be an area 4 to 6 feet wide cut through the natural terrain and wood chipped for an all weather base that would blend with the natural terrain. Briggs stated this seems to be a problem of the regulations and he would make note. Mayor stated he didn't feel it was necessary to screen the running track, he could under stand tennis courts or something like that but not jogging track. #9 - would be shown on the construction drawings. #10 - the county health department has their (Pike's) plan and they will comment on their plan for on site treatment. #11 - show boundaries, Pike questioned the status of Haskins Road, has the Village vacated Haskins? Mayor stated the Solicitor's office went through all records on Haskins and found no place in any county records that indicated it to be a dedicated road in South Russell. Pike stated he then assumes that they own up to the center of Haskins Road which is the way the deed reads. # 12 - set back on lots 15 and 18 is just a matter of connecting the two building lots on a more diagonal basis. #13 - Pike stated this was no problem. #15 - will be shown on improvement plans. #14 - Lots 16, 20, 21, 26, and 27 are lots that are connected to the main access road by driveways. Pike stated that in their opinion the lots are the same as any other lot and they are rectangular in shape. Mayor pointed out the Detwiller and John's property which is similar and they allowed this to be developed. Braun showed examples of other homes with the same situation. Braun stated he felt these examples show that the long driveways and rectangular lots do not make an inferior type lot. Pike stated that the rear lots each have their own 30' access but they plan to only put in one driveway. Pike stated recognizing the problem that you have if anyone happens to get mad at the other, he still has 30 feet to build his own drive. Braun stated they didn't see any concern with the rear lots, i.e. sales, configuration or access. The Board again discussed at length the definition of the front and rear line, set back lines and building lines. Braun stated he felt that due to the large lots, the house could be put almost anywhere and the building line is anywhere on the lot behind the minimum building line. Mayor asked Pike if they agreed to have on their working drawings the data which the Engineer wants. Pike agreed. Engineer said he agrees as long as it is a condition for approval. There being no further discussion the Mayor moved to accept the preliminary plat with the stipulation that it be a conditional acceptance upon the submission of those detailed items required by the Village Engineer in his letter dated April 6, 1979, file #SR-103-17, to be shown on the working drawings with exception of items #8, 11, and 14. Cotesworth 2nd. Roll call, all ayes. Motion carried.

There being no further business, meeting adjourned at 11:50.

Charles Briggs

Charles Briggs, Chairman Pro-tem

Cathy Male

Cathy Male

xc: Council
Planning Board
Clerk of Council
Solicitor
Engineer
Zoning Inspector
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of Planning Board *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held March 15, 1979 *19*

Members present: Barriball, Briggs, Cotesworth, Daniels

Guests present: J. Brickner, H. Holz, D. Shannon, B. Brown
T. Picone, H. Pitz

Meeting was called to order at 8:00 P.M. by Chairman Daniels with roll call, Anderson absent. Briggs motioned to waive the reading of the 2-16-79 minutes, Cotesworth seconded. Roll call, all ayes.

Jack Brickner of Thomas & Thomas presented the revised plans for Country Estates II. Brickner stated that the plan presented last month was a phasing plan including the main road through the single family and multifamily areas. All the improvements were provided for the multifamily units allowing all the units to be completed in Phase I. Brickner stated that this seemed to be causing a problem so what they are proposing now is to put an upper limit on the number of townhouses to be built in Phase I. The first phase has been revised to include 29 single family units and 36 multifamily units, and the second phase will include 36 single and 22 multifamily. Mr. Brickner further explained that as per our Village Engineer's recommendations, the entire development will be platted in Phase I with the Phase II areas broken out in blocks A, B, C, & D. Daniels questioned if there would be any significance to the letters with respect to time of development. Brickner said no there was not. Briggs asked how the common land would be allocated. Mr. Brickner stated the common area would be platted to an association as part of the first phase. Briggs stated that at the last meeting the Solicitor indicated that allocating the common land to one association might be awkward. Brickner stated that this problem is something they have to work out, whether to go with one or two associations. Chairman Daniels read the letter from Thomas and Thomas to the Planning Board dated 3-12-79 requesting approval of their phasing plan for Country Estates II. Daniels asked what the target date is for completing all the undergrounds and roadways prior to construction. Brickner stated as for the first phase, they are hoping to have that completed by October 1st of 1979. Briggs stated that he knew Council would want to know the specifics regarding water. Briggs asked what information did they have? Mr. Brickner stated other than regional information put out by Geauga County, there had been some test wells done several years ago and they have that data but nothing else has been done since then. Daniels stated that was it not correct that the single family units would have individual wells and the multifamily units would be on a common well system. Mr. Brickner stated yes. Mrs Ruth Lever asked if the main road had been moved further south from her property as promised at the last meeting. Mr. Brickner stated it had. Daniels stated he knew he was jumping around the agenda but he was going to do it for one reason. Lyndall Hughes has property which abutts to Thomas and Thomas and the main concern with Thomas and Thomas' plan in the beginning was the fact that they had the horrendously long cul-de-sac and no way to get out at the other end. Daniels asked if there had been any discussion between Thomas and Thomas people and Lyndall Hughes people on what can be done with this main road into Country Estates II, can access be accomplished to Bell Road. Mr. Dave Simon stated he had never met with Thomas & Thomas, he had just purchased the property from Lyndall Hughes two days ago and what he has to show the Board is a preliminary sketch of what they would like to do. Mr. Simon stated there would be no problem with him in meeting with Thomas and Thomas and they will cooperate with them in any shape or form. Daniels showed Mr. Simon Thomas and Thomas' plans and explained the cul-de -sac situation. Mr. Simon showed the Board his plan, 112 acres with 112 multi-family units, tennis courts, recreational facilities with three lake with three culverts allowing individuals to canoe through the three lakes. Daniels showed the approximate area where

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Thomas and Thomas would connect and bring their road through. Mr. Simon stated that as far as they were concerned there would be no problem. Mr. Simon stated they intended to have private roads, the Board informed him there were no private roads allowed, all streets must be dedicated. Briggs questioned if the total acres to figure density is less streets, Mayor stated yes. Mr. Simon stated he has 112 acres and plans for 112 units. Daniels stated they will have to calculate how much area is being used for right-of-ways and also the 10% open space requirement in order to determine the density allowed. Mrs. Harvey stated the updated zoning code and subdivision regulations would be ready within a week but she had given a copy of procedures to Mr. Simon. Daniels questioned about the area around the C. E. I. easement, Simon stated there will be green area and eight single family lots facing Bell Street. The Board suggested Mr. Simon contact the Village Engineer in order to get more specifics on density and required frontage for single family lots. Mr. Picone stated he felt the Engineer could put these two plans together without much problem. Mrs. Lever questioned what guarantees that Thomas & Thomas will complete Phase II after Phase I. It was explained that due to the money being spent to improve the entire development in Phase I, to financially make it they must finish Phase II. Following a brief discussion, Briggs moved that Planning Board recommend to Council to accept Thomas & Thomas' revised plan based on adequate water information, Cotesworth seconded. Roll call, all ayes. Motion carried.

Damon Braun presented the preliminary plat for Silver Springs subdivision, developed by IDA Development, Inc., located on Bell Road between Paw Paw Lake and Maple Hill. The development consists of 19 lots, with open space along Bell Road and running along the western edge of the property. Daniels stated that Mr. Haueter had requested to dump fill on this property at the last meeting and the Board had requested he consult the Soil and Water Conservation people for their recommendations. Mr. Braun stated Haueter was looking to dump the earth from the sewer project temporarily and he needed someplace then. Braun stated he felt that by this time he probably had found another place. Daniels asked what purpose did they have in mind for the front area which they wanted to dump the fill. Braun stated it would be open space, possibly for future tennis courts. Braun pointed out they have provided a 60 foot buffer in the rear of the property for Paw Paw Lake's water wells. Daniels stated he didn't see anything that violated the zoning and the next step would be to have the Village Engineer review the plans and make his recommendations.

The preliminary plat for Sun Ridge subdivision, Sunbow, Inc. developers, was presented by Damon Braun. Sun Ridge is located on the south side of Bell Street, east of the airport property. There are 29 single family lots, with individual wells and on site sewer systems. Five of the 29 lots are "rear" lots and Braun stated what they had planned for access to the rear lots is building one driveway on one of the parcels, giving an easement for the right to use it and should there be any squabbles at any time the other person does have enough area to build a second drive. Following some brief discussion Daniels recommended that this also be fowarded to the Village Engineer for his recommendations.

Bob Brown of Con Dev, Inc. presented his informal plan for developing the airport property. There are 173 acres and they propose to build 117 single family units. There will be sanitary sewers with on site water. Mr. Brown pointed out the four retention basins which are located on the property. Brown stated he had spoken to Mr. Weiss in regards to making the basins big enough to hold the run off but eventually letting it back out. Brown explained that there is no storm sewer to tap into now so they will have to be able to take care of the run off on their own property and return it back to the same sheds that it comes from now. Brown pointed out the common

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Minutes of PLANNING BOARD *Meeting*

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Held March 15, 1979 *19*

areas and the layout of the basins themselves. Mayor stated that there is a serious runoff problem during the winter months on Bell Street. Brown stated they intended to take the ditch along Bell Street and run it into one of the basins and then allow it to flow back after a period of time. Mayor stated that water runoff is an extremely serious problem and now that the Supreme Court has ruled the Municipality can be held liable for any downstream damage they are very concerned to make sure it is handled properly. Briggs asked if they had collected any water information? Mr. Brown stated they have an O. D. & R. report which shows that 20 to 40 feet under the property is sandstone which allows for 25 to 125 gallons of a water a minute. Brown stated he will also be getting the well logs from the surrounding property to be sure. Brown asked if it would be better if he would drill some tests wells himself. He explained that with sandstone he could bring in a rotary and do the wells. Mayor stated if he could get three test wells, so they could see exactly what there was, it would be most helpful. Brown stated that there are no staked lots so it would not be easy to scatter them but he could drill 3 or 4 pretty easily. The Board gave the Preliminary Plat application forms to Mr. Brown and informed him when the next meeting would be.

Herb Pitz came before Planning Board and explained he has a piece of property on Rte. 306 which he did not sell with the farm. The piece has 230 feet frontage and has been assessed for two sewer connections. Mr. Pitz stated as he understood it Council had passed something that stated they couldn't divide his land into two lots. Briggs stated what had been passed was the minimum frontage has been increased to 130' and because he only has 230', he is 30' short of the requirement. Mayor stated his personal feeling is Mr. Pitz has a legitimate hardship complaint for a variance. Briggs stated he agreed but what authority does Planning Board have. Mayor stated that the Solicitor should be contacted for his opinion and what he will most likely recommend is to go before the Zoning Board of Appeals and request a variance due to hardship. Mayor asked the Secretary to contact the Solicitor and notify the Pitz's what procedure must be followed.

There being no further business, meeting ajourned at 9:40P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Clerk

cc: Planning Board
Council
Solicitor
Village Engineer
Zoning Inspector
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of Planning Board *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held February 15, 1979 *19*

Members present: Anderson, Briggs, Cotesworth, Daniels

Guests: Bill Dreimiller, Jack Brickner, Judy Harvey, M. A. Picone D. A. Braun, Clint Taylor

Meeting was called to order at 8:05 P.M. by Chairman Daniels. Roll call taken, Barriball absent. The minutes of the 1-18-79 meeting were read. The following corrections were made 1) the 2-16-79 letter refered to in the sixth paragraph should be the 1-16-79 letter; 2) the third sentence of the fifth paragraph in incorrect, the distance between buildings would not be 80 feet; 3) Weiss and Thomas and Thomas are misspelled in 3rd paragraph 4) the minutes of the 12-21-78 meeting were approved and should be noted as such. There being no further additions or corrections, Cotesworth motioned to approve the minutes, Anderson seconded. Roll call, all ayes. Motion carried.

Jack Brickner presented the revised plans of Country Estates II. He explained that in November they had projected to complete the entire project in one construction phase, based on a two to three year sales projection period. Due to interest rates and sales in the last two to three months, Thomas & Thomas is now looking at going to two phases. Mr. Brickner stated that what they would like to do is have the first phase involve the entrance way and the main road back into the multifamily area. The entire project would be platted, which would include all the common land and the breaking out the future phase two area into designated blocks. Mr. Brickner explained that the blocks of phase two would not be platted as lots or right-of-ways, they would be designated only as blocks A, B, C, and D. Mr. Brickner stated phase one would consist of 29 single family units and 58 multifamily units. Phase I would be constructed in '79 and phase 2 in '82. Daniels questioned if phase I could be finished in '79. Mr. Brickner stated the roads and undergrounds for phase I would be in in '79, residential construction would be in by '80 and '81. Phase II residential construction will be in in'82 and '83. Briggs questioned why they decided to place phase I so far back into the project. Brickner stated one reason is the sanitary sewer and the second is they will be able to then market both condominiums and single family instead of just single family. The Village Engineer stated he had reviewed the plans, and explained that with the multifamily units there is the problem that there are only 48 acres of open space surrounding the 58 units and they need 58. They first considered splitting up the common area by taking 10 acres from another area but that became too cumbersome, so they determined it would be best to put all the common area in phase I. Engineer stated the reason they prefer the second phase in blocks rather than platting lots is to prevent sales people from selling lots until it is ready for development. Bruggs stated his concern lies in the possibility of having only the first phase completed, which is 2/3's condominiums. Mr. Picone stated the owners are in a joint venture with a financial agency, and the financial agency couldn't afford to leave it unfinished. The Engineer stated he saw one potential problem. With the condominiums there will have to be an agreement where by the open space will be owned by the condominium association. In order to get enough green area to support the 58 multifamily units they would have to take from areas which will be surrounded by private owners creating a situation where the condominium owner couldn't enter the open space without crossing private property. The Engineer stated the solution they came up with is the condominium association take ownership of the entire green area and easements be conveyed where needed. Briggs questioned why the common area is not shared by all property owners. Engineer stated there is 48 acres of open space in the multifamily area and they need 58. In other words they have to take 10 acres from other areas to meet the required acreage.

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Therefore, if there needs to be definition because the condominium owners will share a percentage of the open space designated to them it would be simpler to deed all open space to the condominium owners and then provide easements. Daniels stated he felt that with a development like this the open space is shared equally by all owners. Engineer explained that the condominium situation is a unique one and the amount of common land requires definition in writing, not only the piece of ground you own but also a divided interest of what the association owns. Daniels questioned why if all the people are within the same subdivision why is it necessary to define multi-family common land from single family common land. Solicitor stated the ownership of the land in the condominium area is different from the single family area in that condominium declarations have to be filed in which they have to specifically outline what an individual owns, not only his particular condominium but every other common area, i.e. stairwells, sewer, and they have to define the ownership of the specific amount of green area. Briggs questioned why the ownership of all the common land could not be divided by the entire number of property owners. Solicitor stated there is no law against it but to get the condominium declaration drawn up, it would be a very complicated document. Mr. Brickner stated they are in touch now with management companies that specialize in working with this type of situation. They will be getting reccomendations on how to set up the associations and management. Daniels stated that the real question is the phasing itself. Briggs stated he felt that the proposal should either be tabled or have an executive session. Solicitor questioned the purpose for the executive session. Briggs stated he had some legal questions. Solicitor stated the only two reason for the executive session is for hiring and firing or possible litigation and he didn't see any possibility for either. Following some discussion, Anderson motioned to approve the phasing proposal as presented according to the Village Engineer's reccomendations and zoning regulations, there was no second. Briggs motioned to table the approval or disapproval of this proposal, Cotesworth seconded. Roll call, ayes - Briggs, Cotesworth, nays - Daniels, abstained - Anderson, motion carried.

Damon Braun presented Mr. Pike's application and plat for a minor subdivision. Mr. Pike is requesting to take out a 1 1/2 acre lot, occupied by a house built by Mr. Pike, and also a small portion for a curb return in order to allow for a future roadway, from a larger parcel located on the south side of Bell, west of Haskins Road. The engineer stated that all his requests and requirements had been completed and he appoved it. Following a brief discussion Briggs motioned to approve the application, Anderson seconded. Roll call, all ayes. Motion carried.

Chairman Daniels read a letter from Russell Haueter Excavating Inc. requesting a permit for depositing earth fill in the low area on the front of the property situated on the north side of Bell Road and Paw Paw Lake Subdivision and Maple Hill Subdivision. Daniels asked the Engineer if there would be any change in the drainage. Engineer stated that Haueter would not be changing the quantity, there would not be an increase in the amount. Daniels questioned what will happen to the water when Haueter fills in the swail. Engineer stated the first thing is it will impound water and from the trapped water you could get some siltation. Engineer stated he would definitely recommend that a diversion ditch be constructed to take the water off. Daniels questioned why they might want to elevate this area. Engineer stated he thought it would be for a base for a future road. Clint Taylor stated that when East Ohio Gas built the driveway back in the property they put in two 26 inch culvert and right now due to these culverts, his property and his neighbor's property is so wet until July they can not get a lawn mower throught it. Taylor stated he understood that there wouldn't be necessarily any more water but it would be muddy water. What concerned Taylor is the fact that any silt that runs through will run right into Paw Paw Lake. He

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national graphics National Graphics Corp., Cols., O. Form No. 1097

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further explained that Paw Paw Lake just spent $3,000 in cleaning out their siltation pond and they didn't want to have to do it again soon. Engineer explained that if the swail is filled in they must have a diversion ditch constructed in order to divert the water around so it won't flow over and erode it away. Taylor stated that he felt Haueter should not be allowed to dump any ground until he is ready to improve the land for development. Taylor explained if he dumps land now he will cause a muddy mess and then when he decides to develop he will cause another muddy mess and he feels it will be the Paw Paw Lake people who have spent thousands of dollars dredging their lake who pay for it. Taylor stated if he is allowed to dump now it will be June before he can seed and there will definitely be erosion with all the spring rains and no grass. Briggs stated that there are two alternatives the Board has; one is either accept with the Engineer's recommendations or deny; or second if they feel there is a possible problem with erosion or siltation request Haueter to contact the Soil and Water Conservation people and get their recommendations. Daniels stated Haueter has already dumped a large amount of earth there illegally. Daniels asked the Engineer if he would suggest possibly putting in a culvert, Engineer stated not at this point, it would not help in preventing siltation. Taylor stated that any dirt dumped, if the run off is not directed down the Bell Street right-of-way will end up in Paw Paw Lake. Following a brief discussion, Daniels motioned for the Secretary to contact Mr. Temple and inform him Planning Board's approval in subject to the Soil and Water Conservation Service's review of the possible siltation and drainage problem which may be created as proposed. The results of the review must be submitted to Planning Board for review, Briggs seconded. Roll call, all ayes. Motion carried.

There being no further business, meeting adjourned at 9:50 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Clerk

cc: Planning Board
Council
Clerk of Council
Zoning Inspector
Solicitor
Engineer
Wm. Jackson

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Minutes of Planning Board *Meeting*

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Held January 18, 1979 *19*

Members present: Anderson, Barriball, Briggs, Cotesworth, Daniels

Guests present: Jack Brickner, Ruth Lever, Gerry Rickelman Richard Rickelman, M. A. Picone

Meeting was called to order by Chairman Daniels at 8:00P.M. Roll call taken, all members present. Daniels asked for any additions or corrections on the minutes of the 12/21/78 meeting. Mayor pointed out the date 12-18-78 should be 1-18-79. Briggs stated "years" should be added following "2 to 3" in the second paragraph.

Chairman Daniels opened the public hearing for Thomas and Thomas' variance request by reading the public notice printed in the Geauga Time Leader. Following this he read the 1-14-79 and 1-13-79 letters from Mr. Picone addressed to the Planning Commission requesting a public hearing for their cul de sac variance request and stating that the sub-division will be constructed in one phase. Daniels then read the recommendations of 1-16-79 from the Village Engineer with respect to the cul de sac variance.

Daniels asked for any comments by the Board. Briggs asked if the developers had a chance to see the Engineer's letter. Mr. Picone said they had and they have no objection with any of the Engineer's recommendations. Briggs stated he has heard many arguements against long cul de sacs but felt this point, i.e. traffic and road construction, which Weis has brought up, is a very sound one, and as far as he could see the only sound one in this particular space. Briggs further stated that with the Engineer's recommendations for road construction, he felt the variance request should be granted. Daniels stated that he felt that Hughes would not let his land stand vacant forever and since Thomas and Thomas are incorporating in their plans a means to interconnect to an access road back to Bell, they are doing the best they can to that point. Anderson agreed, stating that there is a hardship due to the shape of the land.

Daniels asked for any comments from adjacent property owners. Mrs. Ruth Lever asked about the police and fire protection, would the increased need due to the increased population lower the quality of service. Also would the schools be able to absorb the additional number of children. Daniels stated it would be hard to tell what problem there would be for the school if any with the way the birth rate has been going. Mrs. Lever also stated she was concerned with the amount of traffic there would be on the road that is so close to her property. She stated it was 40 feet from her property line. The Mayor stated with regard to police and fire protection there is no problem. First of all, need for additional police manpower doesn't increase by additional houses, it's when there is an increase in commercial structures i.e. shopping centers. With fire protection, the contractural arrangement would be the same however when the next contract would be negotiated, the population would theoretically increase so much, you are then working on an increased percentage of the overall protection afforded against the township. Mayor stated he felt there would be no problem with either fire or police protection or the school population. Mayor stated with Country Estates I there was an addition of 40 children, ages 6 months to 17 years. Mrs Lever also asked if there would be any problem with the water supply. Mayor stated he understood that each house would have it's own well and the town houses will have a central system. Mayor asked if the existing wells would be used for the townhouses. Mr. Picone stated they would not but due to information from the Department of Natural

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Resources, they felt there would be no problem with the quantity of water available. Briggs asked if the total project including the condo's would be completed in two to three years? Mr. Brickner stated yeas.

Mr. Rickleman asked of what did a condominium consist. Mr. Picone stated as per the regulations they would be as large as four units down to two units. Mr. Picone further explained that the distance between each building is determined by the width of the building times its height plus 1/2. So if the building is 80 feet long, the distance between would be approximately 80 feet. Mr. Rickleman asked if there would be any apartments. Mayor stated rentals were not allowed. Mayor further explained that the condominiums are under the same zoning passed in 1965. You can build townhouses and single family units and it's all based on single family density.

Chairman Daniels entertained a motione to approve the variance. Briggs questioned if Planning Board approves the variance request, does P/B send their recommendations to Council or is it final with this meeting. Daniels read the P/B's conditional approval for the subdivision subject to the variance approval. Mayor stated he thought it would be final with the P/B's recommendation but he is not positive. He further stated that he thought the motion should state that the recommendations made by the Village Engineer in his letter of 2-16-79 are incorporated in Thomas and Thomas' plans. Briggs moved that the variance be approved subject to the conditions set by the Engineer in the 2-16-79 letter to the Planning Commission, file #SR103-13. Anderson seconded. Mayor asked Mrs. Lever if he had given her a satisfactory answer about the roadway going into the development. She stated she was concerned with how close it would be to her own home. Anderson asked if Thomas & Thomas had considered moving the road any further south. Mr. Picone stated they would move it as far south as they possibly can. Briggs asked if they had been considering moving it south. Mr. Picone said yes. Mr Brickner stated that the edge of the road to the corner of Mrs. Lever's house is about 80 feet. There being no further discussion, roll call taken, ayes all, motioned carried.

Mrs. Lever questioned if they were going to take the location of her house in to consideration when putting in the road? Daniels stated that Mr. Picone has agreed to move the road so there is a lot that abutts your property and the road will be placed between that lot and the next one.

There being no further business, meeting adjourned at 8:50P.M.

Charles M. Daniels, JR.

Cathy Male, Clerk

cc: Planing Board
Council
Clerk
Zoning Inspector
Solicitor
Engineer
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of Planning Board *Meeting*

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Held December 21 *19*78

Members present: Anderson, Daniels, Briggs

Guests: Robert Macko, R. D. Schneller, Tony Picone, Jack Brickner

Planning Board was called to order at 8:05 P.M.. Minutes of the November 12, 1978 meeting were read. Chairman Daniels motioned minutes stand as read, roll call all ayes. Barriball and Cotesworth absent.

Mr. Schneller of Thomas and Thomas presented the revised plat for Country Estates II and their application for subdivision variance. Only change made from the previous plan is that the phase lines are eliminated. Briggs questioned Mr. Schneller if there are no phases, what would be the time schedule for the improvements--i.e. roads and sewer. Mr. Schneller responded that the entire area will be improved all at once. Their estimations for completion would be approximately four to five months for the improvements. However, after the roads were in, they would develop a small portion of the area a a time. To develop the entire area, would take two to three for completion according to Mr. Schneller. Daniels stated he had no objection with this development being unphased. He questioned when the public hearing would be scheduled. The secretary stated it would be December 18, 1978 at 8:00 P.M. and the solicitor would be placing advertising in the paper and notifying adjacent property owners.

Mr. Robert Macko presented the sign plan for Martha's Restaurant. It shows an aluminum construction pole. Colors will be yellow, gold, brown, and black. The sign itself will be perpendicular to the road. The dimensions of the sign side to side is 8 feet. It will be twenty feet from the road and from the ground to the sign is 13 feet. At the present, the code allows a sign to be 49 square feet and the proposed sign is only 40 square feet. Therefore, the board agreed the sign conformed with all code regulations and approved same. Daniels signed the application.

There being no further business, the meeting was adjourned at 8:45 P.M.

Charles M. Daniels, Jr.

Cathy Male, Clerk

cc: Planning Board
Council
Solicitor
Engineer
Clerk of Council
Zoning Inspector
Wm. Jackson

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national graphics National Graphics Corp., Cols., O. Form No. 1097

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RECORD OF PROCEEDINGS

Minutes of Planning Board *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held November 16, 1978 *19*

Members present: Briggs, Cotesworth, Daniels

Guests: P. D. Schneller, Tony Picone, Jack Brickner

Meeting was called to order at 8:10 P.M. with roll call. Anderson and Barriball absent. Briggs motioned to waive the reading of the 10-19-78 minutes, Cotesworth seconded. Roll call, all ayes.

Mr. Schneller and Mr. Picone of Thomas & Thomas presented their final plans for Country Estates II. Picone stated that along with the plans there is a formal request for a variance on the cul de sac regulations. This letter will be presented to Council at their next meeting. Daniels asked Schneller if they had contacted Mr. Hughes in regard to getting an easement through his property in order to have access to Bell Road, therefore eliminating the cul de sac. Schneller stated they had not. Picone stated that getting an easement from Hughes would be the least expensive but he further explained if this is not possible there are three alternatives for the sewer. 1) Running the sewer along Bell Street, 2) bringing the sewer thru the CEI easement or 3) installing a lift station. Picone stated that Mr. Nall has indicated that any of the above would be fine. Daniels stated the only problem he saw with the lift station alternative is t that the village will have to maintain the station. Mr. Picone felt that most likely alternative 1 or 2 will be used. Picone explained that Phase I meets all village requirements with regard to the cul de sac length, they do not need a variance. For Phase I they would be putting in a "T" turnaround which has been approved by the Engineer. Cotesworth asked if there would be any physical conection to Country Estates I. Mr. Picone said no. Following a brief discussion on the prodedure of requesting a variance, Cotesworth motioned that Planning Board approve the subdivision plat as indicated on amended set of plans dated 11-8-78 and approved by the Village Engineer on 11-16-78 subject to the issuing of a variance concerning the length of the proposed cul de sac or a possible easement for exit through the Hughes property to Bell Street, Briggs seconded. Roll call, all ayes.

Following a brief discussion, the Board decided not to meet in December due to being so close to Christmas.

There being no further business, meeting adjourned at 8:30P.M.

Charles M. Daniels, Jr.

Cathy Male, Clerk

cc: Planning Board
Council
Solicitor
Engineer
Clerk of Council
Zoning Inspector
Wm. Jackson

RECORD OF PROCEEDINGS

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national graphics National Graphics Corp., Cols., O. Form No. 1097

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RECORD OF PROCEEDINGS

Held Ocotber 19, 1978 *19*

Members present: Anderson, Barriball, Briggs, Cotesworth, Daniels

Guests: Mrs. Vajda, Tony Picone, Judy Harvey (ZI)

Meeting was called to order by Chairman Daniels at 8:10P.M. Roll call taken, all present. Minutes of 9-21-78 meeting were read. Daniels motioned to approve the minutes as read, Cotesworth seconded. Roll call, all ayes.

Mrs. Vajda, 525 E. Washington, came before Planning Board requesting to put a bakery type business in he home. It would be located in the existing structure and the business would be wholesale not retail. Her residence is located on the north side of Rte. 422 in the limited business area. Judy Harvey, Zoning Inspector, stated that in such an area you wouldn't have food production but if you look at it as a home, which it is, under home occupation you can have a business occupying not more than 300 square feet. Mrs. Vajda's business area is less than 300 sq. ft. Mrs. Harvey stated that she has spoken with Dale Markowitz and he felt that under home occupation it can be allowed but that it would be a good idea to bring it to planning board so that it would be in the minutes that it was discussed. The mayor questioned what were the Health Dept's. qualifications. Mrs. Vajda stated she spoke to them and they will approve it under the one condition of hooking up to the sewer. Mrs. Vajda stated she contacted Chagrin Falls and they will allow her to hook up and as soon as a contractor is available she will have it done. The Mayor pointed out that with a business in the home, you are allowed to have no more than one assitant other than the members of the family residing in the dwelling. Mrs. Harvey stated that Mrs. Vajda would also be in contact with the fire marshall. for his recommendations. Chairman Daniels stated he saw no problems with Mrs. Vajda's request and thanked her for letting the Board know of her plans.

Tony Picone, engineer for Thomas and Thomas, presented revised plans for Country Estates II. Mr. Picone pointed out the only revision made was the roads were changed from private to public. Mr. Picone stated that he had reviewed the engineer's report and what he would like do is take each item and discuss it with the Board.

Note #1: Total length of streets is 7,500 ft. with 126 total units violates Section 4.03 (c) which requires the maximum length of a cul-de-sac street to be 2,500 with 30 abutting lots. The distance from the most westerly 4-plex to Chillicothe Rd. is about 4,000 ft. Mr. Picone stated that there is no way to develop this piece of property and still meet the code. What they will have to do is request a variance. The only other solution might be to get access to Bell Road from Lyndall Hughes' property.

Note #2: Plat should show revised dimensions of the Lever pareel Picone stated there was a survey of the Lever property done but it was not to scale on this plat.

Note #4: New yard requirements under R-2 multi-family specify minimum width of 130 feet and minimum side yard of 25 feet. Mr. Picone stated he thought that they had submitted the plans before the new requirements were in effect. The secretary stated the filing date of their application would be tonight, 10-19-78, as per the solicitor's advise. Picone stated that he saw no particular problem in meeting the 130 foot frontage, there is plenty of area to make adjustments.

Note #5: Utilities in Chillicothe Road right-of-way to be shown. Picone stated he did not feel this was necessary because they did not intend to use them. Daniels asked Picone to question the engineer why it was requested just in case there is a reason they did not know about.

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Note#6: Show woods lines and preservable trees 1 foot in diameter and greater. Picone stated there are 1500 trees with a foot diameter, showing each tree individually would not be possible. What he can do is show the property as wooded if it is agreeable with the Board.
Note #7: Show struc ures, transmission lines, towers, etc. on and within 200 feet of property line. Picone agreed.
Note #8: Show proposed street grades and improvements. Picone stated he intends to but first wanted an ok on the street layout.
Note #10: show development and landscaping plans of open space areas. Cotesworth stated she thought it wasn't necessary to show each shrub but just an idea.
Note #12: Plans for drives, parking, etc. in multi-family area is subject to engineer's approval. Mr. Picone agreed.
Note #13: Denote number of bedrooms in multi-family units. Mr. Picone agreed.
Note #14: The 58 multi-family units are located on approximately 50 acres although the density of the entire parcel does meet the 1 acre requirement. Mr. Picone stated they do have 58 acres and will speak with the engineer regarding this.
Note #15: Two garage spaces required for each multi-family unit. Mr. Picone stated he will note this.
Note #16: A temporary sedimentation basin will be requred in the vicinity of S/L 8 as part of the improvement plans. Mr. Picone stated there is plenty of room and they will put one in.
Note #17: Sight distance at Road E intersection appears inadequate to the West. Mr. Picone stated it meets the state highway requirements and he will work this out with the Engineer.
Note #18: Consider making Road "B" continuous, curving to Chillicothe Road so that East-West traffic on "A" and "B" will not be required to stop and make a 90° turn and the "A-B" intersection. Briggs stated that he didn't understand this recommendation to make Road "B" continuous. Picone stated he felt that as a safety factor it would be best to require a stop at the intersection of "A&B". The Board agreed and wanted to question the Engineer's reason for this.
Note #19: Provide a 60 ft. easement at the southerly terminus of Road "B". Picone stated it is provided but not clearly shown.

Mr. Picone stated that the entrance would be a double road with landscaping and there will be three exits from the development. Mr. Picone advised that the cul-de-sac requirement is their biggest problem and for that they will request a variance. Picone felt that all the other requests on the Engineer's report could be met. Mayor stated that what will be necessary in the near future will be a discussion between the Engineer, Solicitor and probably Council in regards to the cul-de-sac length. Mayor stated that unless he was wrong, Council is the only one that has a say in the sub-division regulations. This is not a zoning problem, it is strictly dealing with the sub-division. Mr. Picone stated he would contact the Engineer and begin to work out these recommendations and redraw the lots.

Judy Harvey, (ZI), asked the Board if the Village would allow someone to have a 4-H animal at their home, such as a lamb. According to the zoning you must have 5 acres to house a farm animal. Mayor stated that there is nothing that Planning Board can do, the only way would be for council to rewrite the ordinance.

Briggs stated that he took Tony Campagne's request for land fill to the Soil and Water Conservation people and they said you must check with the County and State regulations xxxxxxxxx governing flood plains. Briggs stated the recommendations were complicated and he will try and talk to Dolan's office within the next week to get his advise.

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national graphics National Graphics Corp., Cols., O. Form No. 1097

Held October 12, 1978 *19*

Mayor asked that if it was possible, speak to the Solicitor as soon as possible so that he might be able to give some feed back by Monday's Council meeting. Briggs agreed.

There being no further business, meeting adjourned at 9:30P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Clerk

cc: Anderson
Barriball
Cotesworth
Briggs
Daniels
Council
Solicitor
Engineer
Clerk of Council
W. Jackson
J. Harvey

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of Planning Board *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held September 21, 1978 *19*

Members present: Barriball, Cotesworth, Daniels

Guests: Virgil White, Laura White, M. A. Picone, P. D. Schneller
Judy Harvey (ZI)

Meeting was called to order at 8:05 P.M. by Chairman Daniels. Roll call was taken, Briggs and Anderson were absent. Minutes of the 8-17-78 meeting were read. Daniels motioned minutes be approved, Cotesworth seconded. Roll call, all ayes.

Mr. Virgil White presented his application for zoning amendment. He is requesting that his property on Bell Road be amended from residential to commercial. Daniels asked White why he felt the present zoning was unreasonable. White stated that he felt with the proximity to Rte. 306, the highest and best use for this property would be commercial. He also stated that the property has been up for sale six months now and the interest which has been shown is for commercial. In addition, Mr. White felt that being so close to the intersection of Bell and 306 would not be the best area to build a home and if the property were commercial, it would be beneficial to the Village economically by increasing the tax base. Daniels asked the Mayor what his feelings were on White's request. Mayor stated this is a subjective issue, as the owner of the property I might feel the same way but that doesn't mean as a member of the board I would agree. Mayor stated its a case where someone is requesting a zoning change on a piece of property and by law he has the right to request such an amendment. Daniels questioned White why it would take two acres to put a real estate office. White stated that his plans were to build a model home and for the first two years he would lease 1/2 as a real estate office and show it as a model home. When the lease expired, he would then have either a doctor or some professional service take it over. Following some discussion on the procedure which Planning Board should take with a request for zoning amendment, Cotesworth motioned that Planning Board recommend to Council to take Mr. White's request for rezoning into consideration and schedule a public hearing, Mayor seconded. Roll call, all ayes. The secretary then presented a letter from the Solicitor stating that Planning Board must make a recommendation of approval, disapproval or conditional approval before sending it to Council. Following a brief discussion, Cotesworth motioned that Planning Board disapprove White's request for rezoning, Barriball seconded. Roll call, all ayes.

Paul D. Schneller, Executive Vice President of Thomas and Thomas Development Company, presented the preliminary plat for Country Estates II. The development is located on the west side of Rte. 306, known now as the Fencl property. Daniels asked what the time frame would be, Schneller responded it would be three years. The development will be 48% multifamily and 52% single family units. Daniels questioned what the density per acre would be for the multifamily units. Mr. Picone, Thomas & Thomas' engineer, stated it would be one family unit per acre. There will be 15 multifamily buildings, four units each totally 60 units. There will then be 68 single family lots. The homes will be along the same style as those found in Country Estates I. Mayor stated he saw one problem and that is with the private road shown on the plat. South Russell's existing zoning does not allow any private roads. The Mayor asked the secretary to contact the Solicitor and have him put in writing his findings on private roads and be sure to send a copy to Mr. Picone.

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Held 19

There being no further business, meeting was adjourned at 9:20 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Clerk

cc: G. Anderson
Mayor Barriball
M. Cotesworth
C. Briggs
C. Daniels
Council
Solicitor
Engineer
Clerk of Council
W. Jackson
J. Harvey (ZI)

RECORD OF PROCEEDINGS

Minutes of Planning Board *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held August 17, 1978 *19*

Members Present: Anderson, Barriball, Briggs, Cotesworth

Guests Present: Virgil White, Rick Kuzmiak, Judy Harvey, Bob Nailler

Meeting was called to order at 8:10. Roll call, Daniels absent. Cotesworth nominated Anderson Chairman Pro-tem, Barriball seconded. Roll call, all ayes. Barriball motioned to waive the reading of the July 20th meeting, Briggs seconded. Roll call, all ayes.

Bob Nailler came before the Board with a plan for expansion for the building at Chillicothe Road (the old Gravely Bldg.). He explained what they wanted to do was put an addition on in order to use for office space and possibly some retail outlets. The problem that Nailler faces is that his building is nonconforming due to only having a 10' side yard and the zoning code requires 15'. Mrs. Harvey, Zoning Inspector, explained that before adding to a nonconforming structure the entire building must be made conforming before any addition be started. Mrs. Harvey stated this information can be found in the Zoning Code under section 12.02 B. The Mayor had advised Mr. Nailler to come before Planning Board so that he could get an interpretation as to whether this would be allowed, if it is not, this would necessitate requesting a variance from the Zoning Board of Appeals. Barriball stated Planning Board would have to deny his request due to the Zoning Inspector's advice, but he does have the privilege of requesting a variance. The parking facility requirements were discussed and Nailler would be able to meet the required number of 24 spaces, and if there should be any need of more there is land available for parking lot expansion. Briggs stated that that as he saw it, Mr. Nailler could not meet the side yard requirements without a variance. Mayor stated there are two routes which Nailler could take. The first and most expediant would be to have a public hearing with the ZBA to request a variance. The second would be to try to obtain from the abutting land owner a strip of land large enough to give him the required 15'. Nailler asked what the side yard requirements are for a parking lot next to a residential zone. Board stated 30 feet. Mayor stated that what Nailler is attempting to do necessitates working off the common wall which at the present is the wall that encroaches on the 15' minimum. The fact that the building was there before zoning, this would be reason for making the approach to the ZBA. The Mayor explained that the ZBA is a quasi-judicial board which has the final decision as far as the Village is concerned and the Planning Board has absolutely no say in their decisions. If the ZBA rules against you, you could go then to the common pleas court. Briggs motioned that P lanning Board deny Mr. Nailler's application due to being a nonconforming structure because of inadequate side yard clearance. Roll call, all ayes. Motion carried.

Virgil White came before the Board requesting to have his two acre parcel with 200' frontage on Bell Road rezoned from residential to commercial. Mr. White would like to build a real estate office on this property. White explained that this parcel is located between Holtzheimer and Daniels. It has been up for sale for sometime and all inquires have desired it for commercial, and Mr. White explained that if it could be rezoned, he himself would like to be in this area. Mr. White explained he felt that it would be in the best interest of the village to rezone to commercial due to the proximity to Rte. 306. He further stated that it was his opinion that the highest and best use of this land would be for real estate. Briggs stated that the Board voted to turn down Holtzheimer's request and was he aware of that. White stated he felt both Century 21 and Holtzheimer would be in favor of the rezoning and he also felt that this property would not be suitable to build a home because it is so close to Rte. 306. The Mayor stated that the Village has a situation here that the property

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directly east of Mr. White's is a residential piece of property that is now being used in a non-conforming manner and that particular piece is going to be brought to a public hearing for the purpose of hearing rezoning. The Mayor further explained that the Board will have to make a recommendation regarding White's request and foward it to Council. Council will then decide whether to accept or deny the Board recommendation and hold a public hearing. It's a matter of successive public hearings, Mr. White's request must be separate from Holtzheimer's. The Board explained to Mr. White that he must file the application along with a deposit of $500 before any action can be taken. Briggs stated that the application and deposit can be filed before the next council meeting, which meets in about a week and half. From there council will send it back to Planning Board to get their reccomendation. White asked the Board if they could render their recommendation without the formal application in order to save time. Board stated they must have the application and deposit before any action is taken. The proper forms were given to Mr. White.

Mr. Kuzmiak came before the Board requesting a permit for a regrading plan which he has for his property at 800 Bell Road. Kuzmiak is clearing land to build a home and has a swail on his property which does not drain well. At this spot there is only 12" of top soil and below this is solid rock. Kuzmiak explained that when it rains heavily, it remains very swampy and one is unable to even walk in this area for a week, and it is in this area Mr. Kuzmiak wants to put the driveway. Kuzmiak has set the elevation of the east side of the lot which is 100' and in this low spot the elevation is only 92'. Kuzmiak stated he made an agreement with the sewer project to get fill before he knew about the Village ordinance. Kuzmiak is now applying for a permit to regrade his property as his plan shows. Briggs presented the Village Engineer's recommendations which are: 1) The owner seed immediately after placing fill material and topsoil to minimize erosion potential and downstream sedimentation. 2) The owner use care in placing fill so that overland flow from east to west across his property will not be impeded. 3) No fill be placed in natural drainway through the property. The Engineer also noted that the 75 foot set-back shown on plan should be measured from r/w not center line of Bell Road. The Engineer recommended to approve Kuzmiak's plan subject to the above items. Anderson questioned what Kuzmiak's set back was. Kuzmiak stated he was over 100' but he is not sure if it is 105' which it must be if the 75' set-back is measured from the r/w and not the center line of Bell Road, Mayor stated he wouldn't be so concerned about it because our regulations state 100' from center line and 70' from r/w and we have had this for all homes being built for the last 10 years. The Mayor asked Mrs. Harvey to speak with the Engineer and get a clarification on the requirement as it might possibly be in error. It was moved and seconded that Kuzmiak's regrading plan be approved. Roll Call, all ayes. Mrs. Harvey stated the ordinance requires applicant to obtain a permit from Planning Board. Mayor stated that the secretary should write letter giving him permission to regrade as per the engineer's instructions, being sure to include a copy of the engineer's memo.

Briggs presented a request from Tony Campagne to accept some fill dirt from the County's sewer project on his land located across from Snyder 1/4 mile south of Bell Road. Where he wants to fill, it borders on swampy land. It is poor land and what Campagne would like to do is fill these low spots. One problem Briggs stated is that where they have already dumped 6 loads, it is next to a creek. The engineer has asked that the dumping be stopped until the Village is consulted. The Mayor stated that this is a rather unique situation due to this area has been designated as a Federal Flood Plan. Before any more dirt goes in or grades are changed, the Village will need legal advise because anything built there will need federally approved foundations and other requirements. Due to the Village participating

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in the Federal Flood insurance plan, if the requirements are not followed, the Village can be found in a difficult situation. Mayor stated that filling the low areas would not change the flood plan status so before any grade changes cam be made the Solicitor must be consulted, with more input from the Engineer. Briggs agreed to contact the Solicitor.

There being no further business, meeting adjourned at 9:50.

George Anderson, Chairman Pro-tem

Cathy Male, Clerk

cc: G. Anderson
Mayor Barriball
M. Cotesworth
C. Briggs
C. Daniels
Council
Solicitor
Clerk of Council
W. Jackson
Engineer
J. Harvey

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Minutes of PLANNING BOARD *Meeting*

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Held July 27, 1978 *19*

Members Present: Anderson, Daniels, Briggs

Guests Present: John Neylon, Jack A. Bares, Bob Macko, Roy Poggianti, Jack de Hamel, Thomas Holtzheimer, Tim Ristau, Ian Hampton, Deborah Naiman (GTL)

Meeting was called to order by Chairman Daniels at 8:05 with roll call. Barriball and Cotesworth absent. Briggs motioned to waive the reading of the 6-15-78 minutes, Anderson seconded. Roll call, all ayes.

Ian Hampton, Hampton Antiques, presented his plans for dividing the old Speed Selector Building, 516 E. Washington Street, into twelve small shops. He presented the parking lot plan, a large area of which is not developed yet, but when the space is need there will be no problem in doing so. Mr. Hampton stated that when they began they found that there were many areas which were not up to the fire code. He is presently working very closely with Geauga County, making sure all requirements are being followed. Hampton showed the location of the diferent stores. Daniels asked how many employees there would be in total. Hampton stated there will be twelve stores, three stores will have more than one and the others will only have one. Daniels questioned what type of stores there will be, Hampton stated they will all be related to the antique business in some respect. Hampton assured the Board that all fire regulations had been complied with. Hampton went on the describe specifically what had been done and explained the construction of the building itself. Following a brief discussion, the Board approved Mr. Hapton plans for a zoning permit.

Mr. Jack de Hamel came before the Board requesting zoning approval for an addition to Milbar, 530 E. Washington. de Hamel presented the plans, explained they will be adding 140 feet, three walls and a roof. He stated that there is 1.88 acres which is well within the present code, parking facilities provide 72 spaces and there is only a need for 60. Daniels questioned if he was going to increase the truck dock, de Hamel said no but they would be putting in a truck door. Daniels questioned how much excavating there would be done in back to level the ground, de Hamel explained there would be very little done. Daniels went on the explain that there is a Soil and Water Conservation Ordinance that must be complied with. Daniels asked if this addition was to be used as storage? de Hamel stated that it would be composite to move the existing operations as they are now just for expansion for the manufacturing area. Mr. de Hamel questioned what specifically did the S & W Conservation Ordinance require. Daniels stated that it basically prevents an individual from coming in and removing all the top soil and not replacing it. What is required is a sketch presented to Planning Board for their approval and a permit is issued. Following brief discussion the Board approved the plans of Mr. de Hamel for Milbar.

Mr. Roy Poggianti, architect for Martha's on Washington, presented the final plans for the new restaurant. He stated that all the suggestions discussed at last months meeting have been incorporated into the final plans. Anderson questioned whether the sale of the property had been finalized. Poggianti stated it had and one of the owners, Bob Macko, was with him tonight. The water and sewers have all been taken care of, there will be a well for water and the sewer tie in is already provided. The Board reviewed the plans and after some discussion, the Board gave their approval for a zoning permit.

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Mr. Thomas Holtzheimer, 1184 Bell Road, presented his application for amending the zoning of his property from residential to commercial, B-2. Specifically, he is requesting the commercial zone be extended from the corner of Rte. 306 and Bell to include his property. Along with his application, Holtzheimer presented a six page informational document detailing the history of events that has led him to request a zoning change. Briggs questioned who the individuals from the Village were that he refers to in this document that told him his property was commercial. Holtzheimer stated it was Mrs. Harvey and Bob Hamilton. Briggs questioned whether or not the five page document was prepared in order to be presented to the Zoning Board of Appeals. Mr. Ristau Holtzheimer's attorney, stated it was not, it was drawn up just for the purpose of making sure the Board understood the series of events which brings Holtzheimer to the meeting tonight. Ristau stated that because there has not been any complaints concerning the commercial use, he has decided to ask for rezoning rather than go before the ZBA and request a variance. Briggs stated that rezoning would obviously be more advantageous for Mr. Holtzheimer in the long run but the conditional use permit would be a real nice compromise for the Village. A conditional use permit would allow a desirable and pleasant enterprise and probably prevent some of the problems that the village might have with rezoning. Daniels stated he disagreed, the way Holtzheimer has reworked the home, it is no longer a livable home. Anderson stated the two things that bothered him were that this would be spot zoning and second, what would the effect be on the zoning across the street. Ristau questioned whether or not Shandle had requested any zoning change for his property. Board stated he had not. Ristau further explained that not only are they asking for Holtzheimer's property, but they would also be including the small portion of Shandles lot which still remains zoned residential when they extended the commercial zone. Holtzheimer stated that there was a provision in Shandle's zoning permit that stated the commercial zone would be extended. Daniels stated that Shandle was given conditional approval contingent upon the balance of the lot being rezoned commercial B-2. Anderson stated no one as far as he knows has applied for the rezoning. Briggs stated there is also another factor to consider and that would be the effect it might have on the litigation presently taking place with the zoning of the southwest corner of Bell and 306. Briggs stated he didn't want to be giving in on one to lose another. Daniels stated it was his personal feeling that this shouldn't be thought of as giving in, everybody along the line before and when Holtzheimer purchased the land said it was commercial and he purchased it on that basis and commited himself to that investment. Holtzheimer stated that another point for which the conditional use permit would not be acceptable is becuase if and when he decides to expand for extra space, the conditional use permit would not allow him to do so. Anderson questioned whether there should be further verification of the statements made in Holtzheimer document regarding the Village officials stating that Holtzheimer's property was commercial. Daniels stated that he recalled Bob Hamilton was originally the one to state it was commercial because that is what the map showed. Briggs stated that if this was a legal document he felt that there should be specific names. Ristau stated it was not a legal document, it was prepared only so that the Board would have a basic understanding of the facts leading up to Holtzheimer being here tonight. There being no further discussion, Briggs made a motion that Planning Board's reccomendation to Council be to disapprove the application of Mr. Holtzheimer for amending the zoning of his property from residential to commercial, B-2, Anderson seconded. Roll call, Danniels - no, Anderson and Briggs- ayes.

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The Board reviewed the sign plan for the Industrial Parkway off of Rte. 422. After a brief discussion, Anderson motioned to approve the plan, Daniels seconded. Roll call, all ayes.

Briggs stated that with the rezoning of the eastern part of the Village the only question that remains is the open land requirements in the Subdivision and Zoning regualtions. Briggs stated as the law reads now, 10% of the plat must be set aside as open land. With the large lot requirements, do we want to maintain this requirement? Daniels stated that possibly with one acre developments, 10 % would be fine, with two acre developments, 5% would be fine, 3 acre developments, possibly 3%, and so on. This would allow the same amount proportionately with large developments as with small ones. Briggs questioned whether the Board wanted to maintain the 1/4 acre reduction for common land. Board responded that if the percentage of open space is determined according to the size of the lots, the 1/4 acre reduction would not be allowed.

There being no further business, meeting was adjourned at 9:15.

Charles M. Daniels, Jr., Chairman

Cathy Male, Clerk

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national graphics National Graphics Corp., Cols., O. Form No. 1097

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RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held June 15, 1978 19

Members Present: Anderson, Briggs, Barriball, Cotesworth and Daniels

Guests: Roy Poggianti, Judy Harvey, Dave Carpenter

Chairman Daniels called the meeting to order at 8:05 with roll call. All present. Anderson moved to waive reading of the 6-1-78 meeting, Briggs seconded. Roll call taken, all ayes.

Mr. Roy Poggianti, the new architect for Martha's on Washington, presented the revised plans for the proposed restaurant. Poggianti stated that the first plans for the restaurant had already been before the Planning Board and received approval and Chardon had issued building and sewer permits. After receiving the bids, the cost was $80,000 above what the owner wanted to spend. The Leasee, Larry Macko, is purchasing the land from Duckworth and asked Poggianti if he would take the plans and somehow take the excess cost out. Macko requested that a more modern idea be followed rather than the log cabin idea. As of Tuesday night. the owner had approved the second plans, Poggianti went to Chardon, they stated there could be a foundation put in but nothing above grade until Planning Board had been consulted. Poggianti presented the plans to the Board and stated that it was the same plan as the first however there is no fire place and the side was to be extended one foot in order to accomidate double doors instead of single. There will not be columns but steel bar joist with 12" concrete block. He then plans to take the block structure and wrap it in rough sawn cedar. Poggianti stated that alot of the refinements were not yet completed, i.e. he wants to put in larger windows than what is shown and the equipment on the roof must be covered up more aesthically. Poggianti spoke to Cy Weiss' office and received permission to put in a black top driveway instead of concrete with railroad ties for parking curbs instead of concrete. Mayor asked Poggianti how he planned to bring together the cover-up for the roof equipment. He stated that the roof will be all at the same level and drew on the plans the wall which will hide all the equipment. The canapy for the drive-in window has been removed with just a small overhang in it's place. The Mayor asked whether the one foot extension would be in conflict with the side yard clearance. The plans showed it would not. Briggs asked if Macko owned the Duckworth property, Poggianti stated it was in escrow and Macko would own and operate the restaurant. Mayor stated the only problem he could see would be that there would have to be new zoning permits issued in the new owner's name. Mayor also stated that there could be no work started until the new zoning permit had been granted. Daniels stated that as far as he could see there was nothing incorrect with the plans. Poggianti left copies of the proposed plan. Judy Harvey, Zoning Inspector, asked the Board if they were holding off a final decision until the final plans were presented. Barriball stated the Board must have final plans, all they have now is a rough draft. Briggs asked if the Board didn't like the exterior of a plan could the Board turn it down. Mayor stated that not only do they act as the Zoning Commission but also as an architectural board and they do have such authority. Mrs. Harvey asked if Poggianti's next step would be to come back to Planning Board and the Board stated that before any work is started he must come back with the final plans.

Dave Carpenter stated that the problem of the fencing of swimming pools, ponds is still with us. He stated that his initial thoughts of not fencing ponds were shot down by other Council members so he has revised his approach a little bit. In doing so, he was reading the Codified Ordinance and found a section dealing with swimming pools which is in conflict with our Zoning Code. He stated that he felt the two should be brought to the point of agreement and possibly the portion of the Codified Ordinance put in the Code. Carpenter stated he had done a little revising and because amendments to the code are to be initiated in the Zoning Board, he was in hopes there could be some thought from the Board and then send to council in order to get the ordinances and zoning to agree. Daniels stated that in the preamble of the code it states that any ordinance previously adopted which is inconsistant or in conflict with the Zoning Code is automatically repealed, consequently there is not a conflict. Carpenter stated that he still would like to see the zoning changed. Anderson asked what was the conflict Carpenter was speaking of. Carpenter stated that in the codified ordinance [illegible] require anyone wishing to build a swimming pool to come to Council for a permit, he also needs a permit to build the fence required and also a permit to use the pool, Carpenter stated that he didn't feel it should be Council handling pool permits but Planning Board and the regulation be part of the Zoning Code.

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He went on to say that if in fact the Zoning Code precludes the ordinance then there is no fencing regulation for pools other than what is stated in the Code which in fact does not define fencing to any great extent. All it says is that it bar the uncontroled access by children but not how it should be made. Carpenter stated there is a situation in his neighborhood where an individual built a pond and went to the Zoning Board of Appeals for a variance for not putting a fence around it. His request was denied and the ZBA required a wire fence to be constructed. Carpenter stated that maybe there should be some distinction made between pools and ponds in such a way that a pool be used for swimming and fenced and ponds for decorative purposes and ~~xxxfenced~~ not for swimming, ~~xxxxxx~~ use some sort of natural barrier and fences which would preclude the uncontrolled access by children. He went on to further explain that it should be Planning ~~Board~~ Board's duty to determine what is a pool or a pond and what type of barrier or fence should be required. The Mayor read the requirement for constructing swimming pools in the 1966 Codified Ordinances. Mayor questioned the definition of a fence, possibly a living fence could be used. If the Village is going require a fence, the types should be spelled out. As to the size of a pond in determining whether to fence or not, this does not make sense, should it not be the purpose and not the size. Briggs asked if the Board would legally have the authority to determine in each individual case whether it was a pond or pool. Carpenter suggested that possibly one determining factor for whether it is a pool or pond is whether you use it for swimming or not. After some further discussion, the Mayor stated that what he felt must be done is in the Zoning Code and Subdivision Regulation definitions for ponds, pools and lakes must be specified. If an applicant presents something that is something in between possibly Planning Board would be given the authority to make the final decision. The Board agreed~~d~~ to indiviually draw up their own definitions of pools, ponds, lakes and fences for the next meeting. Briggs stated he would ask the Solicitor of the Board would have the legal right to interprete each specific case.

Dave Carpenter stated that he felt there should be some method of trying to educate the residents so if they want to make some change on their property; i.e. fence, pond, addition; they know they must first go to Planning Board. Mayor stated he felt the Village should put out a small publication, welcoming the new residents to South Russell, telling him how his government functions and if he wants to do certain things, how he goes about it. Daniels stated he felt initially they should be given to all present residents, Board agreed. Other items suggested to be included, emergency numbers, tax form and a history of South Russell.

Judy Harvey stated that when Mr. Hampton came before the Planning Board at the beginning of the year he asked the Board if there would be any problem in putting several smaller shops in the Speed Selector Building along with his own. He had no specific plans but was just asking if it would be possible. Board had no abjections. Mrs. Harvey questioned the Board if it would be necessary for Mr. Hampton to do anything further such as get approval on a specific plan. Mrs. Harvey received a call from an individual who wants to go into that building. Mayor questioned if party walls are zoned in that area, Harvey stated they were. Mayor stated two things that would be necessary to check are fire regulations and toliet facilities. Harvey suggested that Mr. Hampton be asked to provide a plan showing how the building is to be divided before he does anything else.

Mrs. Harvey stated that in the past when a business moved into an existing building, they just moved in, no zoning permit issued. After speaking with Dale Markowitz, he stated every business should have a zoning permit. From this, the Village would be able to know what type of business there is and where they are located. Harvey questioned if the $25.00 permit fee would be necessary. Mayor stated some fee is necessary to cover the cost of issuing the permit, phone calls, etc. Possibly not the $25.00, maybe they could combine the sign and zoning permits. After a brief discussion, the board felt the $25.00 was not in excess.

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Daniels questioned if Dann Pitz had picked up the S-1 forms for his land split. Secretary said no. Daniels stated he had informed him of proper procedure and expected him to be at tonights meeting. Neither the forms nor Mr. Pitz were at the meeting so no action could be taken.

Briggs stated he asked the Solicitor if it was possible to transfer a conditional use permit from one owner to the next. The Solicitor stated it was not.

Cotesworth asked what the effect would be if the commercial zone was extended to include Holtzheimer's property. Mayor stated that what you would be doing is spot zoning. By doing this your are taking the highest zoning and downgrading it. If you do it there you will have weakened your entire zoning.

Anderson asked if there had been any follow-up of the 90 day sign permit which was issued to "Our Feathered Friends Pet Shop". The 90 days will be up sometime in July and the sign is still there. Judy said she would call Ed Gottschalk and ask what has been done to correct the situation.

There being no furtherbusiness, the meeting was adjourned at 10:05.

Charles M. Daniels, Jr., Chairman

Cathy Male, Clerk

cc: G. Anderson
Mayor Barriball
M. Cotesworth
C. Briggs
C. Daniels
Council
Solicitior
Clerk of Council
W. Jackson
Engineer

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Minutes of *Meeting*

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RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD SPECIAL MEETING Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held June 1, 1978 19

Members Present: Daniels, Briggs and Anderson

Guests: George Kormos, Michael Mc Kay, Thomas Holtzheimer
Ruth Lever.

Meeting was called to order at 8:10 P.M. by Chairman Daniels.

Ruth Lever, 5116 Chillicothe Road stated that she had contracted Mr. George Fencl to buy a strip of land along side her property. She accepted the title but when she went to have it recorded she was told that it could not be recorded until the Planning Board approved the land split of Fencl's property. Mrs. Lever presented a drawing showing the location of the strip of land purchased xxx with respect to her own property. She explained that what she needed the extra land for was to build a pole building which she was going to use as a garage. Forms S-1 were given to Mrs. Lever which she filled out and then Mr. Daniels instructed Mrs. Lever that she must have the land surveyed and get the engineer's approval before she will be able to get the title recorded. Because of the type of structure Mrs. Lever is building, she will not need the Health Dept. or the Sanitary Engineer's recommendations.

Mr. George Kormos, 5260 Chillicothe, presented his application for a minor subdivision. At the April 20th meeting, Mr. Kormos stated he wanted to split his land in half in order to build a second house. The necessary procedure and forms were given to him at that time. The board reviewed the application and plat and following a brief discussion unanimously approved the land split.

Michael Mc Kay, attorney for Mrs. F. A. Hayes, presented application for sub-dividing xxxx the Hayes property on Route 306. Mr. Mc Kay presented the S-1 forms and a surveyors drawing of the proposed land split. The Board reviewed the forms and plat. Daniels stated that because the land will be sewered there should be no problem with the health department and sanitary engineer's recommendations. Following a brief discussion, Briggs made a motion to approve the land split, Anderson seconded. Roll Call, all ayes. Mr. Mc Kay asked that the plat be given to the Village Engineer and after his recommendations, be returned to him.

Mr. Thomas Holtzheimer came before the Board and questioned if any action had been taken on his zoning situation. He purchased the home at 1181 Bell Road and placed his decorating business there. When he purchased the land he was told it was zoned commercial. It was not until January, 1978 when he was informed that in fact it was not commercial but residential.. Mr Holtzheimer is requesting that the commercial zone be extended to include his property. Daniels stated he fully understood that when Holtzheimer inquired as to the zoning for his property, he was told it was commercial by the Village officials.when it was actually residential. This happened for one reason, the zoning map was incorrect. Now that the map has been corrected, Holtzheimer's property is shown to be residential. Daniels stated that he felt Holtzheimer should go before the Zoning Board of Appeals to request variance for non-conforming use. Holtzheimer stated that at the present he has a minimum amount of space for his business. He could see very easily that in the future he would want to expand and add on to his existing building. With only a variance, would there be difficulty in doing such. Daniels stated he hadn't considered that aspect. Holtzheimer asked what the procedure is xxxx that he should follow. Daniels stated he should go before the Zoning Board of Appeals and request a variance. From there, even if the Zoning Board of Appeals feels you have a very valid case,for a zoning amendment, it still has to go before the public. Holtzheimer asked

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why not go directly through the public procedure for a zoning amendment. Daniels stated that he would first have to go before the Zoning Board of Appeals for a variance. Briggs then questioned Daniels whether or not Holtzheimer needed to go before the Zoning Board of Appeals to request a zoning amendment. Daniels stated he believed so, looking back to the situation where Millstein went to Bob Hamilton, Zoning Inspector at the time, and asked him to rezone the corner at Rte. 306 and Bell Road. When Hamilton stated he did not have authority to do that, Millstein went directly to the Zoning Board of Appeals. After further discussion, Mr. Holtzheimer asked the secretary to set up a meeting for the Zoning Board of Appeals and let him know the date.

There being no further business, meeting adjourned at 9:30P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Clerk

cc: G. Anderson
Mayor Barriball
M. Cotesworth
C. Briggs
C. Daniels
Council
Solicitor
Clerk of Council
W. Jackson

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Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 P.M. May 18, 1978 *19*

Members Present: Daniels, Cotesworth

Guests: George Kormos; Judy Harvey (Z. I.); Councilmen Carpenter, Mills, Sutcliffe, Taylor and Harvey

There was not an official meeting held due to there not being a quorum. A work session was held with both the Planning Board and Council.

Charles M. Daniels, Jr., Chairman

Cathy Male, Clerk

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national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

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Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held April 20, 1978 *19*

MEMBERS PRESENT: Anderson, Cotesworth, Daniels, Briggs

Others Present: George Kormos

Meeting was called to order at 8:17. Prior to the official meeting the Board reviewed the Zoning Map as it contains and reflects the corrections of the commercial zones. Roll call was taken, Mayor Brriball absent. It was moved and seconded to waive the reading of the March 16, 1978 minutes.

Mr. George Kormos, 5260 Chillicothe, advised the Board that he owns almost 3.5 acres and would like to split his land down the middle and build a second house. There is already one house on the property which Mr. Kormos is presently living in. Mr. Daniels informed Mr. Kormos that this would be considered a minor subdivision and to file the appliction there is a $100.00 fee. Daniels initially suggested to Mr. Kormos to wait to file for a minor subdivision until he is ready to sell his present home and move into the new one for reasons of increased taxes and the cost of splitting the lot. After further discussion Daniels then questioned whether or not an individual can have two houses on a single lot. Even though acreage wise Mr. Kormos is legal, the area is zoned only for single family use. Mr. Briggs suggested they could ask the Solicitor for an interpretation. Daniels stated he thought in order to get the building permit the lot would have to first be split. The board discussed with Mr. Kormos the procedures needed to be taken in order to get a land split. Mr. Anderson questioned Mr. Kormos if there were to be sewers available for his land, he stated there were. Mr. Kormos questioned the Board as to the possibility of the surrounding area being zoned commercial. Board stated that they did not feel that this would occur, zoning would remain as it in now. Mr. Kormos stated that he had one other question and it was in regard to a drainage pipe on his property. He went on to explain that there is a drainage easement in back of his property, with a large pipe coming in from the side which drains into a small creek on his property. He questioned who might be able to instruct him on what to do to change it's location as he wants to place his house in the same area. Mr. Kormos further explained that the pipe handles excess water off of Route 306 and there is no easement shown on his deed for this pipe. The Board suggested that Mr. Kormos contact the County Engineer and he would be able to instruct him as to the best action to take. Board also stated that they would question the Solicitor on the land split to determine if it was necessary in order to get a building permit.

Anderson questioned the Board regarding Mr. Holtzheimer's property. He stated he understood Mr. Holtzheimer's situation but he was not in favor of amending the zoning from residential to commercial. Briggs stated he spoke with the Mayor and Solicitor with respect to the possibility of setting a precedent if they extended the commercial zone; i.e. what might happen across the street? Why couldn't it be considered a non-conforming use and stay that way until he wanted to sell the property. Briggs stated that someone mentioned if Mr. Holtzheimer paid a commercial price for the property and if and when he did decide to sell, the zoning would revert back to residential and selling price would be reduced. Briggs asked that this information be acquired so that the Board can be assured of making a fair decision. Cotesworth stated that it was not Board's responsibility to down grade zoning and possibly set a precedent. Daniels stated that possibly they could give it a non-conforming use that states it is an interior decorating concern and as long as it remains that, the non-conforming use withstands. Cotesworth felt that this was not possible. Once the property changed owners, the non-conforming use would be dropped. Briggs stated he would consult the Solicitor.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

Cotesworth questioned whether anything had been done regarding the signs for Ed Gottschalk's building. Briggs stated that the Framms, owners of the Brass Shoppe attended the last Council meeting and it was determined that all the signs were incorrectly located. It appeared that a solution could be worked out, one possibility being a "communities" type sign, similar to those in Hemlock Hills, listing all the businesses.

Briggs reported on the work session which Council held to discuss the proposed amendment rezoning the eastern area of the village. The first recommendation council made was to increase the minimum frontage requirement from 120 feet to 130 feet for a one acre lot. Council agreed with 150 feet minimum for 1 1/2 acre and larger. The Council questioned the reduction of the ten acre minimum to two acres for a two family dwelling due to fact that it would allow five two family dwellings on a ten acre lot. Daniels stated that their reasoning was to try and discourage the large developments of two family and multifamily dwellings. Council work session also wanted to leave the 100 acre minimum with a 400 foot set back. Briggs asked for a definition of frontage for multiple family dwellings. Anderson stated he understood it to be from the main thoroughfare to the first line of buildings. Council work session wanted to delete the 10% open space requirement for the rezoned larger lots, the Board agreed. Council recommended that the maximum length of a cul de sac be increased to 2,500 feet with a maximum limit of 50 units per entrance. Board agreed that the exposure is determined by the number houses not the legth of the road and approved of the work session recommendation. The maintenance bonds were discussed and a two year bond was recommended for the Village. The Board agreed. The Board resolved to recommend to Council their approval of the proposed zoning amendment and requested that it be put on the agenda for the next meeting.

Briggs stated he felt and the Solicitor agreed, Mr. Kardum, builder for Southwick, should be cited for violation of the Soil and Water Conservation Ordinance. Mr. Kardum dredged a hidden lake in Southwick and never properly completed the job. The Planning Board also never received a sketch for the lake which is the requirement of the Ordinance. There are clear cut erosion and safety hazards that should be corected. After a brief discussion, Briggs motioned that the Kardum Land Company be cited for vilation of the Soil and Water Comservation Ordinance, 1974-10, Cotesworth seconded. Roll call, all ayes.

Anderson questioned about the lake being dredge in Paw Paw Lake, is there a permit for this? Briggs stated that if there is not and there was some work done, they are in jepardy of being cited also. Board agreed to check and find out what was done and if it was justified or not before any further action is taken.

There being no further business, meeting was adjourned.

Charles M. Daniels

Charles M. Daniels, Jr. Chairman

Cathy Male

Cathy Male, Clerk

cc: Council
Planning Board
Solicitor
Clerk of Council
Zoning Inspector

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held March 16, 1978 *19*

Members present: Anderson, Cotesworth, Daniels

Others present: Thomas Holtzheimer, Todd Lewis, Judy Harvey

Meeting was called to order at 8:10 with roll call taken. Minutes of the 2-18-78 meeting were read and approved.

Mr. Thomas Holtzheimer, 1181 Bell Road, requested to have the commercial zoning extended approximately 120 feet to include his property. When he purchased the land last year he was told that the property was zoned commercial and a permit was issued. Mr. Holtzheimer is presently in business at the above address as a decorator. It was not until a couple of weeks ago that he was informed his property was zoned residential and he was in conflict with the zoning code. Daniels stated that he felt there would be some difficulty in getting the property rezoned but there would not be in granting a variance. Mr. Holtzheimer asked if the variance would pass through with the title should he ever want to sell. Daniels stated he didn't think so. Holtzheimer went on to explain that he would want to get his property rezoned in order to protect his investment. After some discussion, Daniels stated he could not give a definitive answer at that time but when the entire board was present, they would review this and do their best to get it reclassified to protect his interest.

Mr. Todd Lewis presented sign plans for shop "Our Feathered Friends Pet Store". The shop is located at 200 Industral Park 2nd story of Ed Gottschalk's building. Judy Harvey asked the board to first act on the design of the sign itself and second the placement. Lewis is requesting to put his sign on East Washington, in line with two existing signs. Judy stated that in order for the zoning code to be followed, the sign must be 15 feet from the side yard line. The problem lies in that the side yard line of Mr. Gottschalk's property has not been definitely determined. Judy also stated that even though the side yard line is not known, she is positive the two existing signs are not 15 feet from the line. In fact, there is a possibility the the existing signs are on the Brass Shoppe's property. The board discussed with Mr. Lewis that his sign would not be approved due to the current zoning regulations. However due to the fact that he is presently in business, needing the exposure which the sign would give him, a temporary permit could be issued. Anderson motioned to grant a temporary sign permit for 90 days to 'Our Feathered Friends Pet Shop", Cotesworth 2nd. During the time Judy stated she would contact Mr. Gottschalk and ask him to have his property surveyed in order for the board to recommend to Mr. Lewis where his sign may be permanently placed.

Judy Harvey advised the Board that Mr. Bob Farrow would like to put in a real estate office at 1188 Bell Road. The property is owned by Clifford Shandle. The house and all property except 20 feet on the west side fall within the commercial zone. The permit requests to put the office in the existing structure adding landscaping and additional parking along the driveway. It was noted that this property is located directly east of Mr. Holtzheimer and Daniels stated that when zoning is extended to include Holtzheimer's property, Mr. Farrow's will also be included. The Board agreed to give conditional approval contingent on the balance of the lot being rezoned commercial.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

The Board reviewed the new ordinance drawn up by the Solicitor for increased zoning in the eastern end of the village. The following areas which were brought up, the Board felt needed further explanation and or discussion:

1. The minimum side yard clearance for R-1 and R-2 one family dwelling on schedule 4. The ordinance stated 15 feet and the Board thought they were to be increased to 20 feet.

2. Section 7 can not be approved as written because as Daniels stated there is already one case (Mr. Holtzheimer) which is not affected by the new ordinance but still is in conflict with the zoning map and must be amended.

3. In Exhibit A under Accessory, #4 states: "Dimension determined by applicable formula of the Code; but in no case shall development exceed 40% of the lot area or a dwelling be located closer than 400 feet from an existing street." The Board did not understand the reason for this and felt the 400 feet set back was a bit unreasonable.

Mr. Daniels asked the secretary to find out exactly what the board must do with the ordinance before is is sent to Council. If it should be more that what was done tonight, a work session should be set up.

There being no further business, meeting adjourned at 10:15.

Charles M. Daniels, Jr. Chairman

Cathy Male, Clerk

cc: Council
Planing Board Members
Solicitor
Clerk of Council
Zoning Inspector

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held February 16, 1978 19

Members present: Mayor Barriball, C. Briggs, M. Cotesworth, G. Anderson
Others present: Mr. Miozzi, D. Braun, K. Pike

Planning board was called to order at 8:15. Roll call was taken, Daniels absent. Anderson nominated Cotesworth to act as chairman pro-tem, Mayor 2nd. Roll call vote, all ayes. Motion to waive reading of 1/19/78 minutes was made by Briggs, 2nd by Mayor Roll call vote, all ayes.

Mr. Miozzi presented his plans showing three lots, 42, 43, and 44, which he has purchased on Forest Drive. Total acreage 3.6 acres. Two lots face on Forest and the third is land locked to the rear. He stated that what he would like to do is get an easement on the two front lots in order to have access to third. It will be also necessary to take a portion from each of the two front larger lots and add to the third to make all three no less than on acre. Mayor stated there should be no problem with the easement because Mr. Miozzi owns the land from which he is getting the easement. But what he is actually creating is a land split and all land splits must be approved by the village. Mayor went on to explain that he first needs to get a survey, showing the location of the drive and third house. Second, he needs to get approval from the county sanitary engineer with respect to sewers. Once this has been done, Mr. Miozzi was instructed to return to planning board for approval on the land split. Forms were given to Mr. Miozzi at that time so that he could get them completed by the time he returned. Further discussion was made on the set back and side yard clearance requirements of the third house. Mayor recommended to the board that they should discuss with the solicitor legal interpretation of the set back requirements, in that there may be a need to request for a variance on the third site.

Briggs reported that the Solicitor is in the process of drawing up proposed legislation for larger lot size requirements in the eastern portion of the village. In addition to this there will also be a separate piece written concerning the entire village increasing the front and side yard clearances. Other areas which need to be considered for posible change were brought to the boards attention; length of maintanence bonds, sub-division regulation, major minor variances, and drainage ditches. Briggs asked that a work session be set-up to discuss the above and make recommendations to Council. March 7th was scheduled for the first session. Mayor asked that a comprehensive plan also be added to the above list.

Mr Braun questioned the board whether they had considered reducing the open space requirements for sub-divisions due to the fact that they have doubled the lot size requirements in the eastern area of the village. This had not been considered and the Mayor stated that when these open space and common land regulations were put into effect, they anticipated one acre density throughout the area. Now that the increase lot size legislation has been drawn up, the Mayor suggested that this question must be taken to the Solicitor and Engineer for interpretation. Briggs is to contact Dave Lowe on Friday so he will be able to incorporate this in the proposed legislation.

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national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

The Friedman application was reviewed. Mayor stated that the plans were marked retail, but not what type of retail. Because the area is zoned restrictive commercial, in order for the Board to take action, they must know what type retail Mr. Friedman is proposing, Mayor asked that a letter be sent to Mr. Friedman, registered mail, requesting the above information.

There being no further business, Mayor motioned meeting adjourn, Anderson 2nd. Meeting adjourned at 9:20. Next Meeting is March 16, 1978.

Marilyn Cotesworth, Chrm. Pro-tem

Cathy Male, Clerk

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held January 19, 1978 19

Members present: Mayor Barriball, C. Briggs, M. Cotesworth, C. Daniels
Others present: D. Markowitz, B. Farrow, Ed. Ketchel, E. Hampton, J. Harvey

Planning Board was called to order at 8:05. Roll call was taken; Anderson absent. Clerk read minutes of 12/15/76 meeting. Motion to accept minutes was made by Barriball, 2nd by Cotesworth. Roll call vote; all ayes.

Dale Markowitz advised Solicitor's office had further reviewed zoning code, particularily zoning map and that additional changes are incorporated in zoning amendment ordinance to correct error in zoning map before the Board this evening. Changes are; 1.) Title changed; now refers to both business and industrial uses whereas only business uses were defined. S.W. Quadrant of Village will be changed to industrial and B-1. Legends will be changed to reflect B-1 and B-2 and combined additional I-1 which is industrial; 2.) Page 5 under Section 4-A adding business district B-1 and legal description of the triangular piece of property South of 422; 3.) Page 6 language has been added to Part B-specifically (erroneously shown as local business on 2/24/75 zoning map); 4.) Page 8, Section C added Industiral I-1 and legal description of triangular secion on 422; 5.) new Section 6 which changes the legends to Local Business and B-1 & B-2; 6.) Section 8 which further clarifies the purpose of the new zoning herein. Section 8 was read to the audience and a copy of the revised ordinance was available for review. Mayor said he felt changes clarify existing conditions in 2 areas and recommended the Planning Board take ordinance as amended and return to Council for next regularily scheduled meeting which is Monday and then proceed from that point and determine whether Council wants to set up Public Hearings to try to resolve. Page 6-B was questioned by Daniels. Markowitz advised corrected map will show area to be 800 x 1000' dimension. There being no further discussion, Briggs made motion to forward amendment to Council, 2nd by Mayor. Roll call vote, all ayes.

Mr. Hampton asked procedure of having zoning of a building changed. He advised that he is presently negotiating taking over Speed Selector Bldg. and would like to relocate his antique business and sub-lease part of building to associated businesses-purely and basically high-priced retail. Both Mayor and Daniels could see no reason to rezone; zoning is presently industrial and commercial. Hampton said there is no intention to add on to bldg. but plans are for extensive remodeling. They hope to have occupancy by March.

Mr. Bob Farrow advised an application had been made by Mr. Cipriani and was denied by the Zoning Inspector because the area was not zoned for the requested use. Daniels stated that Mr. Sawhill was advised previously not to spend time and money on the project because of a transposition error. Daniels further noted that map shown was drawn 1/3/78 and revised 1/18/78. Ed. Ketchel stated Zoning Code provides the type of use that proposed property is going to be devoted to and further stated what Planning Board has before them is an adendment to the Zoning Code to change use. Daniels said Zoning Code is not being changed but rather clarifying what should have been. Daniels further stated Village has Ordinance going back to 1966 spelling out exactly what property is to be used for but was missed when Zoning Map was remade and due to the transposition, is shown incorrectly. This is the reason for the correction in the map as it presently does not reflect the stated zoning. Markowitz advised there is a partial change in that the recommendation is to change not having limited retail - will become B-1 and B-2. Ketchel said as he understands code, map has been out for the public to rely on ever since Zoning Ordinances have been adopted and attached map makes it part of the articles. Original map says local business; Schedule 5 says B-1 & B-2. Markowitz advised it is clear map and schedule are in conflict. Ketchel said he doesn't know how you can say they are in conflict. Map says area is local business. Schedule B-1 refers to certain usuages permitted and is entitled "Business District Regulations" and if you look at the map, there is only one (1) business district. Ketchel said he couldn't see any confusion; one cannot confuse in any manner, shape or form residential single family, residential multi-family, light industrial with business. Schedule 5 pertains to business district regulations.

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It happens to be broken down into B-1 and B-2. The main uses in B-1 District are residential, offices, limited retail, personal services. In B-2 District are offices, limited retail, general retail and personal services. If you look at definition on Page .29 of limited retail, main uses are listed. Ketchel said there is no general retail defined in definetions, however, cannot see that that is of any consequence in proposed use being requested because same use is permitted whether it be a B-1 or B-2 District. Limited retail is permitted in each of 2 districts shown on Schedule 5. Ketchel advised they have relied on zoning text for application; use required is retail and office use, retail sale of baked goods, etc. Ketchel asked if property not presently zoned for that use, what is it zoned for? Markowitz advised property is zoned B-2 which is defined in Zoning Code and Amendment. Difference between B-1 and B-2 is that what you see on page 2.9 under C (1 thru 5) is included in B-1 but not in B-2. Retail sales, hardware, etc. are not included in B-2 but are included in B-1. Ketchel asked, "Is this not the Zoning Code without changes as passed approximately 2 yrs. ago?" Markowitz advised research of law says even though if what we did was incorrectly printed, we cannot just say that is so - we must pass an ordinance saying it was incorrectly printed and make the necessary changes. The Zoning Book is not the Zoning Ordinance. Ketchel asked where is Zoning Ordinance passed as Council intended it? He would like to make application conform to the original ordinance. Ketchel asked to see original ordinance as it was passed if not reflected correctly in this book. Mayor stated, your client when he came to Planning Board in December was told that text and map as written was in error. Urban Research and Planning did not transpose 1966 Ordinance correctly. Property on 4 corners has been restricted commercial for 12 years. Unfortunately, it was not spelled out in text and error was found last Fall and we began to make corrections. Since that time, Barriball continued, whoever has come before this Board with any proposed developement in the Village of any nature that did not fall within the realm of the zoning as the ordinance was adopted, was notified of the problem and were told that the Village was trying to correct the error in the text and the map. This occurred before Mr. Sawhill or anyone else appeared and the minutes will show that Mr. Sawhill was told not to proceed any further until the Village held Public Hearings. Mayor further stated that the zoning has not changed on 4 corners-it is still restricted commercial (B-2) and does not allow food. Ketchel said he is trying to establich what the use of the property is. "Do I not understand that complete Zoning Code was revised in the ordinance that was passed in 1975?" Daniels advised there is no intention to revise. It was a clerical error when transposed into the book. Markowitz advised Book is not new; 1966 ordinance is not inconsistant. Ketchel stated "This body has determined there was some sort of transposition between the Ordinance that carries the original signatures of Mayor and Sec'y of Council and the publication of this book. Is that correct?" Markowitz replied yes. Ketchel read preamble to Zoning Code and stated those of you sitting here are bound by this Ordinance. We have presented to you this evening plans requiring your action. Map includes limited retail and defines what we are making application for. Daniels again stated that Mr. Sawhill was advised not to invest time and/or money because of the error. Ketchel stated they proceeded because he feels Ordinance tells them they have right to use the property as they are proposing. Section 3 Administration, page 3.2 Section 3.04 was read. Ketchel advised they are making application for developement approval for a business use. Clerk advised she had received deposit of $250.00 at the beginning of tonight's meeting. Markowitz asked what it is Mr. Ketchel wants Planning Board to do. Ketchel referred to page 3.3 "--Sec'y shall forward copy to engineer and place on agenda at next regularily scheduled meeting. Filing date shall be date of this meeting.*** Ketchel stated the duty of this Board is to review application in accordance with Developement Regulations. Daniels advised his understanding is that after forwarding to engineer, it will be placed on agenda for next meeting which means next month, not now. Ketchel advised he was told application could be brought in. Markowitz stated filing date would be date of next meeting. Mr. Farrow said he was told they could bring it to the meeting tonight and the fact that Mr. Sawhill is on the agenda, are

RECORD OF PROCEEDINGS

asking that the filing date be tonight. Mayor said his interpretation is that the filing date be next meeting. Mayor stated engineering review can start as soon as drawings can get to his office but the way the text reads - filing date shall be next meeting. Markowitz advised if the Board desires, filing date can be next meeting and they can also make their decision. Mr. Farrow advised he represents Mr. Wilbur and potential owner of property, Mr. Cipriani. He understood he had very little time to prepare and present to the Board. Made effort to be sure they got on agenda to file tonight. In conversation with Mrs. Harvey, she advised it would be alright to bring plans to the meeting tonight. Mrs. Harvey stated she told Mr. Farrow that the plans he brought to her would be here at the Village to pick up tonight. She advised she had no idea they were going to make a presentation. Daniels said regardless of whether or not filing date is tonight, it will be 30 days before a decision. Markowitz advised that applicants were told not only is the use proposed not permitted in the area but the type of structure and type of shopping center proposed is not permitted within the business district. Farrow advised he does not recall any such notice. Markowitz stated you were told either through your Council or directly to you or one of your Associates directly by the Solicitor. Markowitz advised diagram on Page 2 does not comply with Zoning. Markowitz further stated if purpose of meeting tonight is to start ball rolling or any attempt to obtain a permit and show substantial expenditures, then the minutes should also show that you have been advised that not only is there a question as to use in area but the type of structure the shopping center calls for is in question. Ketchel advised he will acknowledge that in conference with Village Solicitor, they were told that a shopping center is not permitted. Would you define shopping center or tell me specifically what there is objectionable about the use? asked Ketchel. Markowitz advised it is not permitted structure on Schedule 5 under Business Districts. You have what is considered common wall. Ketchel stated have one building; a common roof with interior petitioned walls all as defined for local retail use. Markowitz stated assumming your use applies; it is not a permitted structure. Ketchel asked, "Would you mind citing the specific section of the Zoning Code that doesn't permit this?" Markowitz cited Schedule 5 under side yards. Zoning Code does not permit multiple uses such as you have presented under one structure. Ketchel stated Zoning Code deals with uses of the parcel of land. Markowitz stated Zoning Code also deals with structures. Ketchel advised their intention was that structure placed on lot as evidenced by plot plan meets those conditions. He further stated that the only thing the general public has to go on is and for that matter Planning Board also, is ordinance as it is enacted. Daniels stated Hampton was asking for a similar request except that he is in a different area. Markowitz said as he interprets what is in Zoning Code and Amendment, request by Hampton would not be permissable either under B-1 or B-2. Ketchel stated have received denial of Z-1 Form submitted; understands must appeal to Zoning Board of Appeals if they want to proceed within 20 days and that a $500 deposit is required. Since they are not asking for a variance but rather asking for a review of the Zoning Inspectors' interpretation, $500 seems stiff deposit when you are dealing whether or not a proper decision was made when no public notices are made. "Is it your opinion in order to bring an appeal, Mr. Markowitz, that we would have to put up $500?" Markowitz replied that if asking Zoning Board of Appeals to interpret what a section of the Zoning Code might mean, $500 might not be necessary. If you are asking to reverse the decision made by the Zoning Inspector, then $500 would be required. Mayor stated before Zoning Board of Appeals can listen or hold a hearing, they must advertise in the local newspaper. Mr. Farrow advised they will get necessary forms and feed to Clerk as quickly as they can.

Briggs stated building ban ran out in Eastern part of Village and Council has asked for Planning Board to come up with recommendation by Monday on whether or not to rezone and if so, how. Briggs said soils, terrain & downstream

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Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

areas were taken into consideration; also observation and notes from Gale's report in studying the area. Briggs stated he divided the Eastern part of the Village as follows:

1. Area A - immediately East of airport; reasonably flat, soils are clay (semi-permiable); least critical area - 1½ acres.

2. Area B - Between Paw Paw Lake & Maple Hill; distinction of contour; 2 acres.

3. Area C - Bowling Alley Lots; terrain much like A but more woods; 2 acres.

4. Area D - East of Lake Louise; lots of forest; recharge area; wet, loam soils; upstream from Paw Paw Lake - 2-2½ acres.

5. Area E - S. E. Area - steep terrain; moderate forest; wet soils; 2-2½ acres.

Zoning map is attached to the minutes. Briggs advised in each area, strick environmental controls should be observed such as maintaining as many trees as possible and try not to disturb the growth around the trees. Briggs further suggested if sediment basins are used by any developer, there should be some kind of maintenance control; if natural drainage is used, there should be some environmental control. Deed restrictions relating to silting were discussed. Mayor suggested ways of protecting property owners downstream be incorporated into Sub-Division Regulations. Markowitz advised an option available is that acreage size can relate to whether or not a sediment control is imposed. Briggs said it was his understanding that if a developer had not spent extensive amount of money he would be subject to the proposed rezoning. Markowitz stated that not only would they have to spend an extensive amount of money but they would have to have first obtained a zoning permit. Disposal systems were discussed relating to cost and size required for leach fields. There being no further discussion, upon unanimous vote recommended to Council the rezoning of the areas of the Village as proposed by Mr. Briggs and 2nd by Cotesworth which are spelled out in the minutes herein and the zoning map attached hereto.

Braun suggested the updating and revising of the Village Sub-Division Regulations would not be anything different than what the County would require on pavements. Briggs stated he would like to see a change in curb requirements for handling water run-off. Ketchel questioned what the position of the County is on sewers. Briggs stated the Commissioners were opposed to a pump station because it involved moving water from one shed into another; airport East is in Silver Creek Water Shed not McFarlad Creek. Pros and cons of sewering were discussed.

Ken Pike stated he would like to proceed to develope his property as rapidly as possible and asked if he should come in with Sub-Division Plat, what do they have to operate with and what sort of time table can be expected as far as revised Sub-Division Regulations? Mayor stated the first thing to be done would be to get the lot size worked out and once that is done, the Sub-Division Regulations would have to be developed accordingly. Pike asked that Planning Board move expediently once lot change has been made so he can develope under the new Regulations. Briggs is to call Engineer and ask if he could have cursory report on what potential changes might be made based on increased acreage.

Regarding work sessions, Mayor suggested they start in Feb. There being no further business, meeting adjourned. Next meeting is February 16.

Charles M. Daniels, Jr., Chairman

Joan LaRue, Clerk

cc: Council
Planning Board Members
Solicitor
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held December 17, 1977 19

Members present: Anderson, Barriball, Briggs, Daniels
Guests: William Radcliffe, Jim Frederick, Ralph Duckworth, Ralph Cipriani, Dave Lowe, Wm. Driemiller, Lee Johns

Meeting was called to order by Chrm. Daniels. After clerk read minutes of November meeting, motion was made by Briggs, 2nd by Anderson to accept. Roll call, all ayes.

Wm. Radcliffe presented survey of his property requesting approval to split 3.6 acres to be sold to Mr. Lee Johns. Remaining acreage is 1.39. Forms were discussed and reviewed. Eng. advised he would like to review the copy of the changed original. After brief discussion, Briggs made motion to approve a conditional land split subject to the final approval by the Village Engineer, 2nd by Anderson. Roll call vote, all ayes.

Jim Frederick advised he had finished the architectural plan for the Duckworth property to be known as "Martha's on Washington". Structure will be log cabin motif with seating capacity for 52 people. Frederick said they have approval for sanitary tie-in and would like to break ground for foundation as soon as they get building permits. The size of the sign was discussed to comply with the Zoning Code. Mayor explained getting zoning permit from Mrs. Harvey. Eng. stated their office is required to review plans for drainage and grading and advised their office is still reviewing 12" drainage pipe on Washington St. There being no further discussion, Briggs made motion, 2nd by Anderson to approve plan for zoning. Roll call vote, all ayes.

Mr. Ralph Cipriani stated that he has an interest in the Southwest quadrant on Bell and 306 (property owned by Alfred M. Wilber, Jr.) and anticipates using a 167 ft. x 61 ft 8" area for a business complex (grocery store, office bldg. etc.) with parking space for 78 cars. Mayor Barriball advised that the zoning in the area proposed is for limited business and that the Zoning Map is in error. The Mayor advised that Council is in the process of correcting the error by way of a zoning adendment and suggested that Mr. Cipriani refrain from any further expenditures of time and/or money and from relying on the error on the zoning map. The Mayor further stated that the area involved was zoned for limited business in 1966, and that in the process of drawing up the zoning text and map, there was an error in transposition. Mr. Sawhill asked about seeking a variance. The Mayor advised that the Zoning Board of Appeals operates as a separate entity from the Planning Commission and that the Planning Commission would have no input as to what the Zoning Board of Appeals would do in the instance of a variance request.

The Planning Commission received the proposed zoning amendment from the Clerk of Council and will take the said amendment under advisement and will act on it at the next regularly scheduled Planning Commission meeting. Planning Commission felt that a public hearing by the Commission is not necessary in this case. The Mayor advised that Council must have a public hearing on the matter. The Mayor again stated that the zoning adendment came about as the result of a mechanical error in the zoning text and map and that the matter will be rectified with the zoning amendment. He again stated he would not want a developer to proceed with time and money expenditures knowing that the error existed.

Lowe explained that the proposed amendment referes to a change in the zoning map and that the zoning map should show two classifications of business use, referred to as B-1 and B-2. To correct the zoning map, the engineer will have to make up a new legend for review and consideration at the next Planning Commission meeting.

There being no further business, meeting adjourned at 10:30.

Charles M. Daniels, Jr., Chrm

Joan LaRue - Clerk

cc: Planning Commission
Council
Solicitor
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held November 17, 1977 *19*

Members present: Barriball, Briggs, Cotesworth
Guests: Bill Adams, Mrs. Lillian Barr

Mayor Barriball appointed M. Cotesworth chairman pro-tem. Motion to waive reading of Oct. 20 minutes was made by Barriball, 2nd by Briggs; all were in favor.

Mr. Bill Adams advised he was interested in commercial developement for property on North Side of 422-plot 10 presently owned by Mrs. Barr. Briggs said parking requirements often come up on commercial developements and questioned if this had been looked in to. Mayor questioned Mr. Adams if he had seen Village Zoning Text and map and advised that he had found mechanical error in zoning map which is now being discussed with Village solicitor. Mayor advised that when map was drawn, areas on North Side of 422 and 306 and Bell and as such are restricted business area, did not get marked ~~xxxxxx~~ correctly on map, Mayor advised there would be certain types of commercial businesses that would not be applicable to that side of the street. Mayor said the Village is in error and the situation will have to be recified. Mayor advised he has asked the Solicitor to have report ready for Council and suggested that Mr. Adams not proceed any further with money expenditures until Village has been advised of their positions. A review of the plan showed parking facilities for 64 cars. Mrs. Barr questioned if one can park on an easement. She advised that when property was purchased from Thayer's, an easement was written up. Cotesworth advised that an easement must be in two names to be valid. Adams advised he would take care of situation so there would be access for Mr. Petit. Mayor advised North Side of 422 is zoned restricted commercial which means no gas stations or bowling alleys but does allow certain soft commodities to be sold and services such as instrument repair and offices. The present map does not show that but reflects what is permitted on South Side of 422 which is a combination of light industry and general commercial. Mayor said map should have been marked differently and as it stands now, Village has Zoning Text which is in force with an incorrect map. Mrs. Barr said she did not want to see a quick food carry-out such as MacDonalds or Chicken-in-a-Basket on her property. Mayor advised present Zoning Code was effective 2-24-75 and does not provide for drive-ins or quick eating type of establishments on North Side of 422. Sewers were discussed and Mayor advised that any agreement to tie into the sewers for the Duckworth property would have to be resolved with Chagrin Falls. In discussing error of map, Mayor requested Mr. Adams and Mrs. Barr to persevere with Village long enough for Village to get answers in solving the problem. Both agreed to wait and clerk is to notify them after information is ~~reviced~~ received from the Solicitor.

There being no further business, meeting adjourned at 9:00. Next Planning Board Meeting is December 15.

Marilyn Cotesworth, Chrm. Pro-tem

Joan LaRue, Clerk

cc: Anderson
Barriball
Briggs
Cotesworth
Daniels
Council
Solicitor
Clerk of Council
Zoning Inspector

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD MEETING Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held October 20, 1977 19

Members present: Anderson, Barriball, Briggs, Cotesworth, Daniels
Guests: Irv. Fine, William Radcliife, Wm. Grierson, Rudy Lever, Judy Harvey

Meeting was called to order at 8:00; roll call taken. Motion to waive reading of September minutes was made by Briggs, seconded by Cotesworth. All members were in favor.

Mr. Fine, Properties Developement, advised that after research and study, decided best use of land with respect to single family residential sub-division, in view of condition re sanitary sewers, was to decrease the density and go with on-site systems. Daniels questioned how many square feet were required for each on-site system? Fine said he had submitted preliminary studies to Geauga County Health Dept. and that the original plan for 64 lots was now reduced to 45 lots with denisty of 1.6 per acre. Fine pointed out 10 lots which will require further study because of topography and soil conditions. Pegarro pointed out the holly type soil in low area of creek and said it is felt that further study will show that that particular area will not be a problem. Fine advised he did maintain same open space and ponding and said he is still willing to grant easements in creek area. Briggs said he was personally pleased with the developers approach but questioned why they were before P/B with all the publicity of the building ban? Fine advised they were present because of over-all involvement in project and that he has purchase right to the land which they have not taken title to and in such a situation, they have obligations not only to the project and the community but to the seller. Fine said they are not asking for building permits but would like to get all of the preliminary approvals out of the way up to the building point. Fine pointed out that approval of a sub-division and taking out a building permit are two different things and that they would never cut an inch of land for roads without knowing they could get building permits. In discussing zoning, Daniels pointed out that zoning cannot be changed where there are sewers. Fine said he anticipated further work with septic tank approvals. Daniels read Nall's comments on Form S-2 and and Kellogg's letter dated Oct. 19 from Geauga County Dept. of Health. Both are attached to the original minutes. Pegarro said that he didn't think another piece of land within the County had undergone more studies. Barriball stated building ban in East End of Village has been extended until 1-9-78. Countil believes prior to that date the Three Rivers Watershed Study will be completed and published and the Village will use the document to help Council evaluate how lot size will be zoned. Pegarro said difficult situation is that there are 3 to 5 different soil conditions making each lot to be considered on an individual basis. Mayor advised that the real concern is to hold as much water on the land as possible to replenish the recharge area. Fine said his basic concept to the property is to apply all the studies made and didn't think further findings of a general study would change the specific conditions of the property. Fine said outisde of digging and having laboratory analysis, he didn't think they would find out anything they dond't already know. Fine said for the several lots in questions, if they can't satisfy the Health Dept., they don't have a buildable lot. Mayor advised that P/Bd. has responsibility of reviewing plan and making a reccommendation. Mayor further stated that the enforcement of existing ban is function of Village Gov't per se; Council would have to state that building ban is in that area and if developer wanted to proceed with the engineering, it would be his perogative. Mayor said ban is on building only and not with the review of plats; P/Bd cannot be concerned with Dr. Gail's report and their only responsibility is to review the plat. Fine said with regard to Gail's study, he would be happy to take his plans and review with Gail prior to coming to Council. Fine said he could forsee a few minor problems in developing the property with the Sub-Division Regulations such a storm drainage for a rural country setting vs. 1 acre city-type lots. Mayor said Sub-Division Regulations were designed for 1 acre density and that the Village is in the process of updating sub-division and Zoning Regulations.

Motion was made by Briggs, seconded by Cotesworth to recceoommend plans submitted by Properties Developement to Council for review. All members were in favor.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

William Radcliffe, 1597 Bell Road, advised he wants to sell 3½ acres from the back of his 5 acre parcel to Lee Johns to enable them to have a back yard. After reviewing proposal, Radcliffe was advised that a registered surveyor would have to do survey showing meets & bounds of land split with placement of pins. Village Eng. would then give his approval. Radcliffe was advised that the County will not accept a land split within the Village without first having a survey. He was further advised that the original survey is good for the entire piece of property but now that he is considering selling 3½ acres, a new survey would have to be made showing the placement of the pin. Pl/ Bd. advised Radcliffe that they are not trying to prevent his sale of the 3½ acres but they do have to follow the procedures. Radcliffe asked if Pl./ Bd. sees no objection and if the bank requires 2 legal deed, why go through the problem of having to wait? Briggs advised our Regulations say the engineer has to approve a land split and that cannot be done without a survey showing the acreage surveyed to show meets and bounds of both a front and back parcel; the survey could be done very easily and would be legal for a bank and legal for our engineer. Radcliffe was advised to contact the clerk and she would advertise for a special meeting if necessary which would allow Pl/Bd to meet for the purpose of approving the land split. The special meeting would have to be advertised for the benefit of the public so that no accusations could be made about holding a private meeting.

Mr. Petroff presented drawing showing proposed land split of the Wm. Grierson property at 115 Fernwood. The request is to have 3 lots (75ft. – 75 ft. - 40 ft.) split into 2 lots with one having 100 ft. frontage and the other showing 90 ft. frontage. (Copies of land split proposal and drawing are attached.) The actual split would show 2 lots of record. The zoning inspector said she had been in contact with the solicitor on this property and he advised that he didn't forsee any problem. Grierson advised that he had received 2 sewer assessments for the 3 parcels. Planning Board advised Grierson of the required survey and proved forms for completion.

There being no further business, meeting adjourned at 9:30.

Charles M. Daniels, Jr., Chairman

Joan LaRue, Clerk

cc: Anderson
Barriball
Briggs
Cotesworth
Daniels
Council
Solicitor
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held September 15, 1977 *19*

Members present: Anderson, Barriball, Briggs, Cotesworth, Daniels
Guests: Robt. Viezer, Mr. Evans

Meeting was called to order at 8:00 with roll call taken. Minutes of 6-16-77 were read and approved.

Mr. Viezer, Bel-Meadow said he wished to construct a pond in his back yard; approximately .15 acre and roughly 600 sq. feet in size. Viezer advised it is basically free form in design and purpose is to utilize the property by clearing some trees and clearing underbrush. Viezer presented survey report from Soil Conservationists and advised the proposed dam would exceed specs shown. The depth of the pond will be approx. 8' and graduate down to 3'. Mayor questioned if there is sufficient run-off to keep pond fresh. Viezer said "yes" according to conservationists statistics. Mayor asked what measures are being taken to handle heavy rains? Viezer advised emergency spill wave would be utilized to continue flow of water and that he was damming a natural stream; there would be no more or no less water than what is presently going through there now. Viezer said he had started construction of dam & and cleared property but in conversation with C. Carpenter, he was told a permit was needed which Chardon apparently was not aware of when an inquiry was made prior to the start of the project. Misunderstanding between Village and Chardon has now been clarified by County Commissioners. Mayor advised that according to Sec. 4.03, the pond would require fencing. When Anderson questioned if the intention was to fence the pond, Viezer's answer was "no", intend to ask for a variance from Board of Appeals. Mayor advised drawing must go through Village Engineer for his approval as his main concern would be the down-stream run-off. After further discussion, motion was made by Barriball, seconded by Cotesworth that upon review and approval of Village Engineer, Mr. Viezer has the right to proceed with project as outlined on drawings for .15 acre. Roll call vote; all in favor.

Mr. Evans said he was representing T & T and that he was requesting a Deed Split on Sublots 31 & 32 in Country Estates for the purpose of straightening lot line. Change involves 3' and does not interfere with present ordinance which specifies minimum lot size and side yard clearance. Present plan shows driveway being on lot line. After review of plan and discussion, motion was made by Anderson, seconded by Cotesworth to permit moving boundary line on Sublots 31 & 32. Roll call vote all ayes. Stamp of approval and necessary signature was put on deed for filing in Chardon.

Briggs said joint work session with Council and Planning Board was scheduled for Oct. 4 to review Gail's report. Meeting is at 8:00 and open to the public.

There being no further business for P/B, meeting adjourned at 9:00.

Charles M. Daniels, Jr., Chairman

Joan LaRue, Clerk

cc: G. Anderson
Mayor
C. Briggs
M. Cotesworth
C. Daniels
Council
Solicitor
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held June 16, 1977 19

Members present: Anderson, Barriball, Briggs, Cotesworth, Daniels

Guests: Robt. Shefchuk & son, Ralph Duckworth

Chairman Daniels called the meeting to order at 8:00 with roll call. Motion to waive reading of May minutes with correction of date May 21 to read May 19 was moved by Barriball, seconded by Cotesworth. All were in favor.

Mr. Robt. Shefchuk, Strout Realty, presented request for sub-dividing the Hayes property on Route 306 for purpose of sale. Legal description was presented and reviewed by P.B. Entire parcel consists of 8.46 acres. Intention of Mrs. Hayes is to sell 2.13 acres. Mayor questioned when did Mrs. Hayes indicate she was going to sell the 2.13 acreage as he had received untold number of calls saying she did not want to sell that property. She alleged to Mayor that she did not want to consumate purposed deal. Mayor said he advised her that she would have to resolve the matter with the realator which Shefchuk advised she did. Shefchuk advised that the deal was off but when he contacted Mrs. Hayes as recently as last week, she implored him to come to P/B and get the deal through. Mrs. Hayes advised Shefchuk that Mr. Manlove was no longer involved. Shefchuk said as soon as he received notification of the scheduled P/B meeting, he again called Mrs. Hayes to be sure she still wanted to go through with the deal. Mrs. Hayes asked Shefchuk if she should attend and Shefchuk said he told her it would not be necessary if he was to act in her stead. Shefchuk advised Mrs. Hayes has a legal contract. Daniels advised he had received several phone call from Mrs. Hayes and as late as yesterday, he had talked to Mr. Manlove. Daniels further stated that when he talked to Mrs. Hayes, she advised him that Sefchuk's son had told her that he had talked to Daniels, which was not true. Supposedly Sefchuk's son said everything was all set. Mr. Sefchuk asked if P/B isn't over-reaching their province in questioning the terms of the deal? Sefchuk said he was present tonight at Mrs. Hayes' request. Daniels advised that Mrs. Hayes's attorney was apparently called by the Murphey's attorney and Mrs. Hayes is concerned she may be sued for breach of contract and her attorney advised her that a suit could be possible. Daniels questioned what the prospective owners intended to do with the property; build home? Shefchuk advised yes. Mayor advised primary concern is that conceiveably a 2 acre parcel is being split off and then 4 1½ acre parcels could be split off thereby creating a minor sub-division that would be created without going through necessary channels in the Village Govt. Shefchuk said Mrs. Hayes told him she has no intention of sub-dividing the rest of the land and that it is not a recorded plat. Daniels said Hayes told him the same thing and that Helen Frank advised her not to sub-divide for tax reasons. Daniels said he advised Mrs. Hayes that should she decide to sell more lots off, she would have to go through the same process as for the land split. Daniels said he wanted to make certain that it is being purchased with the intent that it is a buildable lot because of the sewer installation. Mayor advised she is being assessed for 5 building sites and once the land is split, it starts the mechanics of a minor sub-division. Shefchuk said it appears to him that P/B's position is to rule on whether or not allow 1 parcel of 2 acres and another parcel covering the balance. Mayor advised the sewer line is set up with so many units per acre for tap-in charges and there are 5 building sites. Shefcuk said legally there is no sub-division because you have 1 parcel being cut into 2 parcels. Daniels advised that constitutes a sub-division. Mayor advised P/B is not trying to stop the sale of property but P/B is trying to protect the Village from someone coming in and not going through proper procedures. Daniels advised Hayes' attorney told him she doesn't want the hassell and to go ahead and make the land split. Daniels questioned if there are any easements; Mayor advised no. Mayor instructed Clerk to contact Manlove and ask him to come and straighten this matter out. Clerk could not reach Manlove at his office or at home. Shefchuk said if Manlove were acting in Mrs. Hayes' behalf, wouldn't he be here? Shefchuk said the only reason he is at meeting tonight is to try and conclude a deal Mrs. Hayes wanted finalized.

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national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

Mayor said one reason for contacting Manlove was because of date on document; Manlove came into picture sometime in May. Shefchuk said he did not attend previous meeting because he felt Mrs. Hayes did not want to go through with the deal; it then appearred she changed her mind. Mayor questioned as of today's date, are you acting as Mrs. Hayes' agent? Shefchuk replied only her agent in so far as a real estate contract. Mayor then asked Shefchuk if he would be the individual responsible for the land split? Shefchuk replied responsible only to the effect that she signed a contract. Mayor advised she must come to P/B and go through precedure of land split; document presented tonight is not a recorded deed or taken from a recorded deed of a land split. Mayor advised he had explained necessary procedure for land split to both Mrs. Hayes and Mr. Manlove. Shefchuk's son said Manlove has notarized her signature on Deed; isn't that saying she wants to seel that land? If Manlove is representing her, why isn't he here tonight or why hasn't he sent you a letter? Daniels advised he talked to Manlove yesterday and he said he was not coming to the meeting because Mrs. Hayes had told him she did not want to fight it; let it go through. Daniels then talked to Mrs. Hayes and told her she should be at the meeting. Mrs. Hayes advised Daniels that she didn't feel able to attend the meeting. Shefchuk said he could not sign in her behalf. Mayor advised that before deal can be consummated, Mrs. Hayes or her agent must appear before P/B and fill out the necessary forms for the creation of what is called a minor sub-division; the land split must spell out meets and bounds and a registered surveyor's report is necessary. Shefchuk said the original survey was never recorded. Mayor advised if Mrs. Hayes wants survey recorded in Geauga County, she must come through Village, go through minor sub-division regulation procedures, file drawings and very likely would get land split by following proper procedures. Mayor said Mrs. Hayes is going to need help from someone but P/B cannot act in that capacity. Mayor said if the man who did previous survey is alive and is still a registered surveyor, he would have record of survey and could show the 2.13 acres and the balance in total on another drawing. Daniels read Ord. 1974-14 re filing fees. Mayor said it has been most difficult to try to communicate with her by telephone.

Ralph Duckworth said when he previously came before P/B, he was considering a Brazier Queen franchise but that project is no longer and he is now considering a medium priced family type restraurant. Duckworth questioned if P/B would entertain a variance on the 100' set-back requirement to conform with existing properties on Rte. 422. Duckworth questioned parking area requirements. Mayor pointed out existing regulations require 1 parking space per 2 seats. Mayor read parking requirements which state minimum front yard set back at 25'. After further study of plan, Daniels advised Duckworth he is not in violation of set-back or parking requirements.

There being no further business, meeting adjourned for work session at 9:00.

Charles M. Daniels, Jr., Chairman

Joan LaRue, Clerk

cc: G. Anderson
Mayor Barriball
C. Briggs
M. Cotesworth
C. Daniels
Council
Solicitor
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held May ~~24~~ 19, 1977 8:00 P.M. 19

Members present: Barriball, Briggs, Cotesworth, Daniels

Chairman Daniels opened the meeting at 8:00 with roll call and asked that the minutes of 21 April be read for the benefit of the residents in attendance tonight. Mimutes were approved as read.

A resident asked why zoning was being changed to 3/4 acre. Daniels explained density of one family per acre and said house could be on 3/4 acre as long as the balance of 1/4 acre was in recreation area within a sub-division.

Mr. Fine presented plot plan layout incorporating suggestions made at previous meeting; 64 lots on 3/4 acre with 12.3 acres in recreational area. Fine advised he would do as little as possible to disturb the terrain of the land although there is one huge mound, part of which would have to be taken away. Fine advised they have protected the banks of the stream and propose offering easement to Village. Resident questioned what developement would do to natural water which flows into Paw Paw? Fine said nothing; there are only two points of creek which are not in recreation area and the intention is to grant easements to the Village so as not to disturb natural flow of water. Beduin asked if there are any plans for ponds to retain flow of water. Fine said yes. Beduin said retention ponds can be very ineffective of effective depending on construction. Carpenter questioned gas line. Fine pointed out gas easement and said it will do nothing to prevent developement as long as building is not done within 30 feet. Another resident questioned if phasing is being considered. Fine said he anticipated no more than possibly 2 phases. Resident questioned if any calculations had been done on what the impact would be on the school system. Fine said no - only the tax duplicate would hopefully contribute as much support as currently. One resident said 2 children per family does not support their way. Fine said the school system has not been contacted and further stated that he does not see developement totally occupied by young people. Price range of houses was estimated at $90,000 on up based on today's market. Resident questioned amount of traffic on Bell Rd. with number of new houses proposed. Fine said there is no doubt additional traffic would be created but no traffic light is anticipated at this time. In answer to a question about fire protection, Fine advised ponding was incorporated at suggestion of Planning Commission. Beduin questioned the effectiveness of the ponds for pumping for fires and cited previous situation in which a house was destroyed. Mayor said every property owner in community receives the same fire protection; South Russell is under contract with Russell Fire Dept. When Russell responds to a fire, they respond with a minimum of 1 pumper containing 1000 gal. of water. He further stated they usually send 2 pumpers - 1 with 1000 gals, the other having 750 gal. of water. Russell now has a stainless steel tanker which holds 3400 gal. of water. A common house fire under most conditions can be put out with 5000 gal. of water. The problem with drafting that particular night out of the basin at Paw Paw was the strainer used by the fire dept. was a non-floating strainer; it settled to the bottom and pulled out mud with the water. Mayor further stated that the purpose of having ponds or lakes in sub-divisions is to give fire dept. additional water they may need. Resident asked Council's position in approving plan; would they or are they obligated in any way to approach school board? Daniels advised P/B is in no position to approve or deny request because it hinges on County approval for treatment of sewage. Resident said school board, after discussion, may make another requiremnt based on impact of kids to school. Daniels advised that it is not P/B practice to discuss with the school board the prospect of a new developement. Rudy said a committee of residents was formed when a previous developement was under consideration; impact was studied and these figures probably still are available. Daniels said there appears to be nothing wrong with basic idea but does not concur with figures that enrollment is going up- in fact it is dropping off. Briggs said it was his understanding that it is the recommendation and discussions with School Bd. which are used in putting together zoning regulations. Briggs advised P/B can guide developers in meeting those regulations. Rudy advised relating to

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Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

Zoning Regulations, Village appearred to have year 2000 in mind for completed growth. It appears Village is growing at a faster pace and impact of growth will undoubtedly not make the schools happy. Daniels pointed out average household has 1.2 children and a $100,000 house does not necessarily mean a large number of kids. Fine observed C.F. school system envelopes parts of Moreland Hills & Bentleyville which currently are developing. One resident said he felt school board should be contacted as a curtious thing to do and by doing so could save developer from spending lots of money. Mayor advised P/B does not have authority to do that (go to school board) and P/Bd's only responsibility is to go over proposed sub-divisions and proposed zoning changes. If a sub-division complies with zoning regulations, P/B must make a recommendation to Council. At that point, it would behoove Council to make a study because Council makes the ultimate decision whether or not a sub-division is allowed. Daniels advised residents present that Fine was asked to come to P/B meeting tonight because board was not happy with some of the previous ideas. Mrs. Agar-Lake Louise asked who Mr. Fine was representing. Fine replied Properties Developement which he has part interest in and is located in Woodmere Fine advised closest developement in this area which he has been involved with is Bridlehurst in Kirtland with homes ranging in $100,000 bracket. Fine said anyone was welcome to question city govt. on how developement was handled. Mr. Caulder-Maple Hill asked about impact developement would have on Village equiptment use and police protection. Mayor advised that basic strain on service dept. and especially safety would be shopping centers. He said there will come a time when out of necessity, Village service dept. and police force will need to be increased but a 64 house developement would not necessarily constitute an increase. Briggs explained Peter Gail's two year study on Silver Creek and advised that final draft of study would be released this summer. Briggs said his interpretation of Gail's rough draft is that the ponding is dead center of the recharge area. Briggs questioned if Fine had talked to Gail and Fine advised not yet. Beduin said he had received all reports and analysis Gail had made and one report states nature of soil in area is such that it does not absorb water well. Rudy asked who owns land and Fine advised he has purchase rights. Fine said design is in accordance with Zoning Regulations and he is not asking for rezoning; further stated he felt development is something Village would be proud of. Fine asked for reccomendation from P/B to go through channels for sub-division approval with reservation that they must be successful in securing sanitary sewer. Fine said he felt they must first have a sub-division that is acceptable to SO. Russell before talking with sanitary engineer and County Commissioners. Mayor said real concern about this sub-division or any other sub-division in East end of Village is how it is going to be sewered. At previous meeting indication was for a force main anda left station into McFarland Creek. Mayor cited developement in Bainbridge which is in McFarland Creek system and they were told they could not tie in. The proposed developement Fine is seeking is en entirely another water shed andis of utmost concern to the Village. Fine pointed out that he has no guaranteed acceptance into the McFarland Creek System. Mayor said he would like to know what Fine's engineer is proposing should County negate moving water from one water shed area to another. Fine said he could not answer that question at this time. Mayor said he definetely wants to know what alternate plan would be. Briggs said it would be unfair to give any kind of approval because it might require unnecessary spending of funds on Fine's part and could influence Commissioners to make an exception. Briggs suggested Fine contact County for their approval for method of handling sewage and then come back to P/B. Fine said alternative plan might be not to develope land if unable to tie into sewage plant. Briggs further stated that there is no mention in existing plans to develope land in So. Russell by year 2000. Mayor commented that CEI had done a study and projected that So. Russell would have population of 5700 by 1985. Mayor said he liked the way plans had been modified but stated he is very much concerned about sewer problem. Fine advised an all together different approach would have to be taken on site design if unable to solve sewering because he didn't feel can go with on-site system with wells; present layout would not be presented without making it conditional of tieing into McFarland Creek. Mayor asked that Fine get back to P/B with some definete word after seeing County Commissioners. Daniels advised

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national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

everything in proposed plan has met regulations except for sewage. When asked if P/B would give letter reccommendation to Fine before going to County, both Mayor and Daniels advised no as So.Russell would be setting themselves up for possible litigation. Fine asked "can we quote the reaction of this body as our interpretation of your reaction to the design and layout?" Mayor said comments made as well as the minutes are public record. Resident questioned whether or not there is sufficient voltage in area to handle developement without constructing additional lines. Fine advised he was sure there would be. Rudy questioned Maple Hill, Paw Paw Lake, etc. being brought into sewer system. Daniels advised those parcels are not involved in Fine's proposal; if go ahead given by County, looking at Lake Louise and possibly Paw Paw. Daniels further advised residents that it has been the Village's desire to sewer all parts of the Village but County has not gone along with it. Daniels commented that Village does not know with the amount of so-called reserve capacity that is being built into purification facility that it would support that much more, although we think it would from what statistics have been heard. Daniels said the better system is utilized, the less it will cost on a per household basis. Briggs said his understanding is that McFarland Creek System will be utilized at only 30% capacity. If system is being built for Bainbridge and So. Russell existing and projected growth and if have capacity for benefit of existing residents, would not want to offer sewers to new residents without first taking care of present residents. Carpenter reminded P/B that some citizens did raise questions about tieing in. Council put moratorium on building to study problems and stated that it would be studied fully. Cotesworth said it would be difficult to give a yes or no on plan without knowing what is going to happen with the sewers. Barriball advised Fine not to just talk with County Sanitary Engineer but he must have dialogue with all three County Commissioners.

Ken Pike said he assummed his request with Braun would get same answer as Fines. Mayor advised that Council does not want to get involved until Planning Board makes presentation to Council. Pike said he would like to join with Mr. Fine in approaching sanitary engineer and Commissioners and asked if there was any objection from P/B to talking to Commissioners. Mayor advised P/B does not have right to object to conversations with the Commissioners. Pike said he would like to make a clarification - some residents in other developements are concerned they will have to sewer in 1978. Sewering proposal is strictly for 3 new sub-divisions; developement of lift station, if allowed has nothing to do with other developements. Daniels commented that at the previous meeting, the pipe size would take into consideration the possibility of both Paw Paw Lake and/or Lake Louise being able to go into that line. Pike said that seems to be a misunderstanding; pipe size for the three developements would not necessarily have to take Paw Paw and Lake Louise into account but it might be wise in the planning stage that that be taken into consideration because obviously if the Commissioners say the approach is logical for the 3 parcels, would then require some future planning but not necessarily any tir etable for tieing into system. Pike said no one would incurr any costs at this time and very possible some savings may be realized; construction costs go up by leaps and bounds; if something in the ground now can be used 5 or 10 years from now, it would be cheaper to put in now. Rudy questioned cost of lift station. Pike said he had no idea. Maintainence cost was questioned. If sewer goes in with 6" pipe versus 10" pipe, what happens 4, 5 or 6 yrs. from now if Silver Creek System comes into being and all of the equiptment has tobe torn out? Daniels said that was the reason for discussing larger pipe size. Pike said developers are proposing to pay all of the trunk line costs, not So. Russell Village Govt. or residents. Mayor advised sewer system in Village is County operated and this is one reason why developers must confer with the County. Rudy asked when this is in, does it become property of County and what about maintainence costs? Mayor advised by State Law, once you have been assessed for land, trunk, plant & collectors, you cannot be reassessed.

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national graphics National Graphics Corp., Cols., O. Form No. 1097

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Daniels read letter from Council Clerk dated 19 May. Points 1 & 4 were discussed re; if increase side yard distance, may also want to increase frontage requirement. Daniels questioned how many houses are 75' long? Mayor advised most are now 65'- 80' including garage, if 80' there is only 10' side yard distance. Mayor pointed out that problem was brought about by 3 new houses built on North side of Bell; they are large homes and all are within present requirements but it is felt greater distance should be required. Daniels said acre is 104 x 430', could increase width and reduce depth. After discussion, Cotesworth made motion to reccommend to Council that side yard distance be increased from 15' to 25' with 150' requirement at building line and allowing no common driveways for new developements and housing only, seconded by Briggs. Motion carried unanimously. Mr. Tripp if 150' requirement at building line would effect Fines proposal. Yes, if passed by Council. Mayor explained public hearing requirement and said sub-division could be in progress if sewering was accomplished before the 150' requirement was passed.

Major and minor variances were discussed. Briggs referred to discussion of same at December meeting and both Briggs and Daniels questioned what constitutes a major and minor variance. It was felt a major variance would be sub-divison or change of use of property and should require $500 bond. Mayor suggested elaborating and spelling out major and minor differences so all facets would be covered. Briggs said he still does not feel $500 fee unreasonable. Carpenter asked who is going to make decision between major and minor variance? Mayor said only way to reduce bond or fee is to spell out differences between variances.

Mayor said in Zoning Regulations there is provision for free standing accessary structure provided it has 200' maximum floor area. If resident unable to attach structure to house, 200' floor space is not adequate amount for garage. Mayor said should incorporate in Zoning Regulations that individual resident has the right to construct free standing garage if it is not possible for them to attach another unit to their house or if they already have a 2 car attached garage; they should have right to construct cover for boats, campers, etc. Schedule 4 was read and discussed.

Briggs discussed increasing Maintainence Bond requirements. Mayor read Twinsburg City requirements and said he does not feel 3 year maintainence bond is exorbatant period of time especially in street construction. Example is new streets in Country Estates which are not holding up. Mayor suggested it might be appropriate for Council and P/B to get together in some work sessions and go over Zoning and Sub-Division Regulations. Cotesworth made motion that joint sessions for discussion be held in September, seconded by Mayor; all were in favor.

Summer schedule was discussed. Daniels said there would be no meeting in June, July and August unless notified by Clerk that someone wished to be put on the agenda. If meeting is scheduled, Clerk will notify Geauga Times Leader.

Pike advised that many of the people present tonight were students observing from a class taught by Damon Braun.

There being no further business, meeting adjourned until 3rd Thursday in September.

Charles M. Daniels, Jr., Chairman

Joan LaRue, Clerk

cc: G. Anderson
Mayor
C. Briggs
C. Daniels
Council
Solicitor
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held April 21, 1977 8:00 *19*

Members present: Mayor Barriball, Anderson, Briggs, Cotesworth, Daniels

Guests: Irving Fine, Jim Pegoraro, Damon Braun, Ken Pike, Dick Wilson, Gary Morton

Chairman Daniels opened meeting at 8:00, roll call was taken. Anderson moved to waive reading minutes of March 17, seconded by Cotesworth.

Mr. Fine, Properties Developement Co. advised he would like to purpose a Sub-Division for property fronting on Bell and Snyder Roads now known as the Matthews' property. Fine said studies have been done on drainage and sanitary and presented a pre-preliminary layout. Consulting Engineer Jim Pegoraro said parcel consists roughly of 71 acres and plan shows approx. 63-64 homes after deducting amount needed for roads. Fine advised lots are of varous size - some 2½ - 3 acres in creek area. Daniels asked if perculation tests were done? Pegoraro advised no. Pegoraro advised the contemplation would be to tie into McFarland Sanitary System by constructing a pump station drained by gravity through pump station and forced into existing line. Mayor questioned if discussions had been held with County Sanitary Engineer? Pegoraro advised yes and Eng. was receptive but no discussion has been held with County Commissioners. Pegoraro advised Nall has talked with Commissioners and their basic reaction would be to go along with whatever Village requests. Mayor advised he and Council met with the Commissioners requesting that all of the Silver Creek Water Shed be brought into McFarland Creek with a lift station to handle sewage in East end of Village and they were turned down because So. Russell would be depriving properties in Bainbridge the right of tapping in and utilizing facilities. Pegoraro advised the plan is not an extension of McFarland Creek but an occupancy within the system which will only be utilized 30%. Pegoraro advised minimum lot size would be 3/4 acre. Barriball questioned if he was aware of the Federal Flood Plan. Pegoraro advised no - there was no indication on County maps in Chardon. Mayor advised County is in error and pointed out flood areas. Pegoraro advised with the approximately 30 foot fall of property, 100 yr. floodplan could be satisfied. Daniels pointed out pristine area of water supply and advised of Gail's pending study. Mayor said he finds it interesting that the Sanitary Eng. appears to agree with proposal. Fine said based on initial discussion, County would like reccommendation from Village. Mayor said previous dialigue with County re lift station brought negative response. Fine advised they have concrete ideas for proceeding and would do so if they can obtain approval for an acceptable sub-division subject to handling sanitary problem. Only argument Mayor found was cul-de-sac longer than 600 feet with only one access. Mayor mentioned 90 day building ban in effect while Village is waiting for Gail's water study. Fine mentioned 3 to 5 acres unfavorable for marketing due to pavement requirements but if they were permitted McCadum pavement and no curbs, larger lots would be favorable. Pegoraro said by sewering and creating pump station along Silver Creek would permit Paw Paw Lake and Lake Louise to tie in. McFarland Creek Plant was discussed and Mayor advised plant size was based on a potential 20 yr. growth. Daniels advised that the possibility of zoning larger lot sizes was based on possible need for septic tanks in area. Mayor advised So. Russell had been informed that nothing would be done in Silver Creek Water Shed area for at least 4 yrs. and Village was told no lift station would be allowed that would take water from one water shed into another. Mayor suggested contacting Weiss & Assoc. for information on flood plan. Mayor explained density of 3/4 acre with 1/4 acre in recreation area. Recreational areas were discussed and Fine said the price of homes would be compatible with those being built in area now. Mayor asked that proposed recreation area be shown on preliminary plan. Pegoraro advised would be willing to grant easement to Village in creek area so no alterations could take place. Fine advised he is looking for direction before expending a great deal of money on design cost and further engineering. Daniels said he sees nothing wrong with basic tract and only logic about what County Commissioners are doing is not wanting to shift water from one area to

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national graphics National Graphics Corp., Cols., O. Form No. 1097

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another. McFarland Creek has to be supported by users and is only 30% of capacity, how is system to be supported? Pegoraro said the interesting thing about Gail's study is that a 3 to 5 acre developement does not improve the system; the problem still exists with the same amount of sediment run-off, same unsanitary conditions exist and in fact 5 acre lots add to it-granted on a 1/5 basis but a sewered system will not change condition. By offering the sewer and people willing to accept assessments, possibility exists of cleaning up the areas having problems. Mayor expressed concern about water supply and water table was discussed. Daniels commented that Silver Creek is unique in that it is a spawning area for fish and suggested it might be wise to develope the recreation area to follow line of Silver Creek so that nothing could be changed. Mayor said that it is the only creek in area to support trout. Anderson commented that project would appear not to be possible if sewers are not available. Mayor advised a transoevaporation system would not be possible on 3/4 acre shown; also need for "bodies of water" for fire protection and suggested possible location for small pond. Briggs mentioned ordinance on sediment control and said that it would have to be looked at closely; also intersections must be dedicated. Fine advised they would have preliminary plot drawing by next meeting taking into consideration the suggestions discussed tonight.

Damon Braun said he has interest in 48.5 acres on North Side of Bell Rd. and 56.39 acres on South side of Bell. Daniels read letter sent to Geauga County Sanitary Engineer proposing sanitary sewer collection system. Braun advised with the desire to develope property properly, he felt County would rescind their previous denials. Braun advised a force main would be used for gravity down into pump station and that there is capacity in plant for probably 10 yrs. Braun said he felt plan was feasible and would prevent Silver Creek from getting more effluent and will make plant operate more efficiently. The intention is to put sewer in and build pump station. Daniels said let's assume County gives go ahead-won't you have to include Lake Louise and Paw Paw Lake? Mayor advised County and Village would have to be in on any plan. Braun advised that a study had been done on Paw Paw and Bellwood areas and by what is now being proposed, 95% of Paw Paw could tie in; Bellwood and Lake Louise would come in by gravity, although it wouldn't be necessary for all to tie in particularily back lots in Bellwood; ie Arnolds', etc. Mayor advised if plan becomes Municipal problem, a sub-division would be required to tie in in total. Daniels questioned possible recreation area. Braun wondered if recreational areas were all that good. When asked if lots would be fully 1 acre, Braun said not necessarily; would utilize all of good area for building and take area which is inaccessable such as some low areas and consider for recreation. Braun said there are like sites which could lend themselves to ponding. Mayor said lake areas are important in case of fire. Braun said he would like some indication of Planning Board's acceptance of purposal and he would go ahead and get plans ready for summer of '78. Mayor said he felt Willage would be remiss in saying stop since it has been Council's wishes to get East end of Village sewered. Fine said it was purely co-incidental that he and Braun came in with basically the same principal. Mayor said concern of Paw Paw Lake residents to septic tanks was that their own water system might be upset. When length of cul-de-sac was discussed, Braun said he felt present regulation of 600 ft. was unrealistic and archaic; some in Geauga County are up to ½ and full mile in length. Braun said he felt cul-de-sac could be worked around. Braun estimated project would take 1 yr. for approvals from EPA and County. Mayor asked Braun to be in attendance at Council Monday night; also Fine.

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Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held April 21, 1977 8:00 *19*

Gary Morton advised T & T gave permission to stip top soil from property at Bell & 306 and transport to Country Estates Gary said he was unaware of the ordinance until he was notified to stop working. Mayor advised he was in violation of two ordinances 1.) Zoning Code in Village 2.) Erosion Ordinance. Mayor said Villagge is trying to prevent run-off into the streams and silting of pinds. Soil Ordinance was discussed. Gary said stripping means taking 6" of sod off top, removing good top soil from underneath and putting 6" back on top which rots into top soil again with hydro-seed and multi-seeding. Gary advised could possibly plan to strip 3-5 acres this year and entire area could take 10 yrs. to complete. Gary said if and when property comes up for developement, the process he is using would be an asset because most of over-burden growth would be removed. Daniels advised Morton to get topo's from T & T and make up another set to show how property will be after process and submit them to engineer for approval. Daniels said it is not the intention to hold up work and a special meeting would be called after review and advise from the engineer.

This session of Planning Board adjourned at 10:00. Next Planning Board meeting will be held at 8:00 on May 19.

Charles M. Daniels, Jr., Chairman

Joan LaRue, Clerk

cc: G. Anderson
Mayor Barriball
C. Briggs
M. Cotesworth
C. Daniels
Council
Solicitor
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held March 17, 1977 8:00 P.M. 19

Members present: Daniels, Briggs, Cotesworth

Chrm. Daniels called meeting to order at 8:00. Motion to waive reading of February 17 minutes was made by Briggs, seconded by Cotesworth. All were in favor.

Daniels referred to Council Minutes of 2-14 regarding finishing date of treatment plant. Briggs advised contractors are pushing to get 306 done because of the planned resurfacing. Daniels questioned if it is anticipated that the new sewers would tie into the existing plant before the new plant is completed. Briggs advised he believed the new sewers would be tied in but that eventually the existing plant would be abandoned. Daniels questioned if existing plant could be salvaged and resold to some other community.

Briggs advised County is checking with the residents for placement of pipes. Daniels advised he "has 4 benefits", living on one and asked what the plan is for the sewer hook-up on vacant land. Sewering was further discussed and Briggs advised that Council had placed a building ban in the Silver Creek Watershed District pending information received from Peter Gail's study. Cotesworth questioned whether or not a study had been done on So. Russell only for land use relative to water, soil, etc. Briggs said he received Gail's water study today on entire Silver Criik area and advised that the State Dept. of Natural Resourses is also doing a study and recommending minimum acreages depending on soil and slope to accomodate trans-o-evaporation systems.

Gas wells in the Munn Road area were discussed. Daniels commented that the bowling alley lots lie in natural gas dome and questioned what might happen if someone would decide to put a gas well on the area. Rudy Lever commented that he thought there was a restriction in the Regulations covering that situation. Briggs commented that Gail's report shows some recharge areas where gas wells are now.

Daniels questioned if anything further had been heard from T & T regarding plan for area at 306 and Bell.

There being no further business, meeting adjourned at 8:45. Next meeting April 21.

Charles M. Daniels, Jr.
C. Daniels, Chairman

Joan LaRue
Joan LaRue, Clerk

cc: C. Daniels
G. Anderson
Mayor Barriball
C. Briggs
M. Cotesworth
Council
Solicitor
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held February 17, 1977 8:00 P.M. 19

Members present: Mayor Barriball, G. Anderson, C. Briggs

Planning Board Meeting was called to order and Geo. Anderson was elected Chairman-pro-tem. Motion to approve minutes of 1-20-77 was made by Barriball, seconded by Briggs. All were in favor.

Lots at Eastern end of Village were discussed as to whether or not 1 acre was sufficient size. Mayor advised for discussion it would be all property in the Silver Creek Water Shed District which encompasses area from crown of hill at Leaview Lane going East.

Mayor advised several years ago Ken Pike wanted the Village to relocate Haskins Rd. which would give him building sites on both sides of road. However, there is no record of Haskins ever being a dedicated road in So. Russell and we have never maintained same. Therefore, if developer would want to relocate Haskins, it would have to be done at developers cost and be done to Village specs.

Briggs advised Council would like more information from P/B on what area is to considered for rezoning and to what lot size. Briggs said he talked to Peter Gail who advised most of water data is now complete. Gail advised his facts would substantiate going to larger lots.

Due to the fact that sewers are not being planned for several years at East end of Village, Mayor advised that if So. Russell is going to allow further building and if on site systems are to be maintained knowing what the soil conditions are, So. Russell will need larger lots to maintain a functioning transo-evaporation system. Briggs questioned whether 2 acres was proper figure. Mayor felt P/B could wait to receive Gail's information. Briggs advised Dr. Reeder will also have information out in the Spring which could be used as comparison with Gail's.

Water table was discussed in relationship to vacant are for building West of Route 306.

Mayor advised in recommending rezoning to larger lots East of 306, airport property cannot be included because it is now being assessed for sewers on a 1 acre basis.

After brief discussion, Briggs made motion to recommend to Council rezoning all lands to minimun 2 acres property from Western boundary of Bellwood and Eastern boundary of airport, East to Newbury line, bordered on North by Russell Township and South by Bainbridge, seconded by Barriball. All were in favor.

There being no further business, meeting adjourned at 9:00. Next meeting March 17.

George H. Anderson

George Anderson, Chairman Pro-Tem

Joan LaRue

Joan LaRue, Clerk

cc: C. Daniels
G. Anderson
Mayor Barriball
C. Briggs
M. Cotesworth
Council
Solicitor
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held January 20, 1977 *19*

Members present: C. Daniels, G. Anderson, M. Cotesworth
Guest: R. Lever

Clerk read minutes of December 16, 1976 which were approved. Clerk then read letter from Solicitor's office referring to vacating right-of-way.

Daniels advised that Mr. Otto had contacted him saying that Bellwood Assoc. is no longer going to pursue obtaining the right-of-way because one property owner was not willing to deed his portion to Bellwood.

Daniels advised he was given a set of plans from the Zoning Inspector for enlargement of kitchen area for Violante's Pizza. Daniels said there was nothing in the plans that would involve Planning Board.

M. Cotesworth questioned if the land T & T is not intending to use has to set and remain as commercial. Marilyn advised a few residents have asked if the property could not become residential land? Daniels said the entire corner area would have to be considered and to return one particular commercial area to residential would be spot zoning. The townhouse zoned area was also questioned by Cotesworth. Daniels advised that the density is still one family per acre and that the problem a few years ago was the developer wanted to place four families on one acre.

There being no further business, this meeting adjourned at 8:50.

Charles M. Daniels Jr.
CHARLES M. DANIELS, JR., CHAIRMAN

Joan LaRue
JOAN LARUE, CLERK

cc: C. Daniels
G. Anderson
Mayor Barriball
C. Briggs
M. Cotesworth
Council
Solicitor
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held December 16, 1976 8.00 P.M. 19

Members present: C. Daniels, C. Briggs, G. Anderson, Mayor Barriball
Absent: M. Cotesworth

C. Daniels called the meeting to order and asked Clerk to read minutes of November 18 which were approved.

Tom Thomas apologized for the misunderstanding in not attending the Nov. meeting. Thomas advised he had a new proposal and that they (T & T) would attempt to develope the property at Rt. 306 & Bell as residential. The plan is laid out in ¾ acre lots with the balance of acreage devoted to recreational area. Thomas said he would like to get approval of over-all plan and proceed as soon as possible. Daniels questioned what plans T & T had for the C-2 area which is commercial. Thomas advised that he has no plans for commercial building and will leave that area as zoned. Daniels questioned area of ponds #1 & #2.

The proposed developement calls for 140 3/4 acre lots with homes ranging in price from $90,00 to $100,000. Common area encompasses 35 acres. Pathways to school area and right-of-way for emergency vehicles getting back to certain lots were discussed.

Resident questioned if T & T would be willing to have C2 area rezoned to residential and still leave it vacant? Resident advised it would appear economically sound to develope the sub-division which would create the demand for grocery facilities and shopping area thereby making the C2 zoned area more feasible. Thomas advised he tried to do that but in an opposite way because he felt there was a need for a shopping area. Another resident said he would not like to see a shopping center area.

Rudy Lever did some research on parking lot sizes and advised that Eton Square has 450-500 car capacity, Tanglewood has 700 car capacity on all sides and Chagrin Plaza has capacity for 250.

Anderson questioned one long road with many houses and only one way out. Thomas said the line to the North is the Russell line which prevents an outlet and the only other way would be to come down through Hughes property. Thomas advised with a 24 foot road and 60 feet of right-of-way, there should be no problem in getting emergency equiptment through. Mayor quoted section in zoning code under local streets & subdivisions relating to length and turn-arounds and advised proposal does appear to meet the requirements. Thomas advised homes will have individual wells and tie into existing sewer system.

Daniels advised that proposed project does conform to existing zoning. Briggs said he would like Village engineer to look at the plans but did comment on usefullness of pond #3 for run off.

Rudy questioned how the grading of the project would affect his property. Thomas said there are elevations that can be swailed either way. Question was raised as to when sewer construction would be started. Mayor advised construction is supposed to begin in January.

Briggs moved to accept the preliminary proposal submitted tonight thereby allowing T & T to go ahead with further paper work, seconded by Anderson. All Members were in favor.

Jeff Friedman apologized for any misleading information given at previous meetings and asked what procedures they must follow next. Daniels advised they must come back with final drawings showing roads, engineering details, set backs, etc. and P/B would review plan with Village Engineer. Daniels advised P/B had approved the preliminary as presented tonight. Mayor read in part SubDivision Regulations outlining procedures for phasing and presenting preliminary plat with Forms S-2. Mayor suggested T & T clearly define phasing of project. Thomas said he is not certain about a phasing schedule. Mayor said if entire project cannot be started at one time, would T & T be able to set up a phase sketch. Thomas said yes. Mayor said he felt it was important to have a phase sketch. Friedman discussed phasing in relationship

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to roads and county sewers. Mayor advised if there is no need for phasing, it would be a matter of completing applications S~~e~~2.

Briggs questioned if this sub-division was a financial partnership between T & T and Associated Estates. Friedman answered yes.

Daniels advised Thomas if they would get the phasing sketches to Clerk, P/B would in turn review them.

Daniels read part of Council Minutes dated 11-8 referring to Village property at West end of Village near Barrwood. Briggs said discussion had come up whether or not property could be small park or used for storage shed. Daniels questioned who would use it as a park. Mayor advised resident is interested in purchasing property and very likely to protect his property from having Village construct a sald storage shed. Mayor said he could see no reason for Village to have a salt storage shed there with the present facilities we now have. Mayor said property was originally purchased with the intention of a possible package sewer treatment plant being there. Briggs made motion to advise Council that P/B recommend sale of property; seconded by Anderson. All were in favor except the Mayor.

Lot size at East end of Village was discussed concerning water and sewers. Mayor advised he felt present type on-site septic systems will require more than 1 acre of land particularily where land is very flat or low. Bowling alley lots were discussed , also water table in relation to lot size. Anderson made motion that P/B recommend to Council they proceed in considering change in lot sizes east of Rt. 306, seconded by Briggs. All were in favor.

Ken Otto advised he owns piece of property adjacent to Village easement in Bellwood Acres. Otto would be willing to deed his property to Bellwood Assoc. if Village will deed their easement to provide sufficient area for a tennis court. Otto asked if P/B would waive set-back restrictions. Mayor advised P/B cannot speak for Zoning Bd. of Appeals in issuing a variance. Otto indicated there are approximately 25 families interested in putting up $200 each towards tennis courts. Property is located between Otto's and Nybergs; .18 acre on Leaview Lane between sublots B-1 and B-9 with 60' right-of-way easement to Russell Township line. Clerk to ask solicitor's office to send letter to P/B chrm. with copy to Mayor outlining what Village must do to vacate easement to Bellwood Assoc. This information is requested by January meeting. Mayor advised if easement can be deeded, Bellwood would have to go to Bd. of Appeals for a variance.

Resident expressed concern about fire protection in Village. Councilman Carpenter said he had attended a meeting in Russell and they have new modern equiptment which is very up to date and can adequately serve our needs. Carpenter advised Russell would ultimately like to place an excess piece of equiptment in our Village which would primarily be a tanker truck. Carpenter said Russell would like to install beeping radios in fire dept. volunteers homes to alert the approx. 40 members. Mayor advised where there are lakes in new developements, there are stand pipes providing immediate access to water for fires. Rudy questioned access to fires in homes not located near a lake. Mayor said tankers can carry adequate water for the usual fire and stand pipes will provide back-up needs. Carpenter commented that our ambulance contract with Russell is not up until April. Mayor Barriball advised that the ambulance response time is excellent and man turn out per call is more than adequate. Russell now has two paramedics on full time duty.

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national graphics National Graphics Corp., Cols., O. Form No. 1097

Held PLANNING BOARD December 16, 1976 *19*

The $500 fee for obtaining a variance was discussed and Briggs asked whether or not P/B would consider a major-minor fee schedule. Daniels stated that part of the fee is returnable. It was discussed whether or not it was fair to tie someone's money up from getting interest and if $500 was to high a fee . C. Carpenter advised the $500 figure was originally used in case the Village needed some further study of an analytical problem. Briggs felt the only question was the interest money someone might lose while money was tied up. Several members felt the fee is somewhat of a guarentee the project would be completed and the time the money is tied up would only be 2 possibly 3 mos. at the most. Briggs commented that the Village does not get interest money from the fee. After discussion, it was P/B recommendation that the $500 fee remain as stated in our Zoning Regulations.

There being no further business, this meeting adjourned at 10:00. Next P/B meeting will be January 20.

Charles M. Daniels, Jr., Chariman

Joan LaRue, Clerk

cc: C. Daniels
G. Anderson
Mayor Barriball
C. Briggs
M. Cotesworth
Council
Solicitor
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held NOVEMBER 18, 1976 8:00 P.M. 19

Members present: C. Daniels, C. Briggs, M. Cotesworth
Absent: G. Anderson, Mayor Barriball

Chairman Daniels called meeting to order and asked Clerk to read minutes of October 18 meeting. Motion to approve the minutes was made and seconded. All ayes, motion carried.

Mr. Gregory asked that our records show that Associated Estates is owned by 3 people; 1. Son of Carl Milstein, who is a physician 2. Son of Carl Milstein, who is a minor 3. His daughter, who is Mr. Jeff Freedman's wife. Mr. Gregory said he feels Mr. Freedman misled P/B at previous meeting.

Resident asked for re-reading of minutes stating amount of land to be put into homes, shopping and green areas.

Mr. Gregory advised that he and Mr. Briggs had spent some time observing Eton Square. They noted 31 shops with 30 of them occupied. They visited Eton Square about 5:00 and note about 20-30 customers in the entire Mall. Mr. Gregory thought T & T was proposing a Pavillion such as the one West of Richmond Rd. rather than an Eton Square concept.

Briggs commented on the leasing of shopping area before completion. Briggs advised Solicitor Lowe said such a lease can always fall through. Briggs advised T & T mentioned they would be willing to deed some area to the Village thereby preventing further developement. Briggs said he made several calls to T & T to get permission to talk to Moody & Associates who did previous water study. None of the phone calls has been returned.

Taylor advised he has had several calls from residents accusing Council of rezoning for shopping center. Taylor stressed the importance of residents being aware of the procedures in rezoning. 1.) proposal goes to P/B and if all in agreement, recommendation goes to Council. 2.) Council cannot automically rezone. Public hearings must be held, adjacent property owners must be informed, hearings must be advertised. 3.) After Public Hearings, Council has certain length of time in which to take action which takes the form of an ordinance. 4.) Ordinance can have 3 readings and if passed after 3rd reading, does not take effect for 30 days during which time the residents can petition to have question put on ballot. In discussing the property at Bell & Rt. 306, Taylor said there must be a use for the land from a developers point of view and also the good of the residents. Taylor said he felt S. R. needs recreational facilities. Taylor suggested as food for thought recreational facilities such as commercial club atmosphere with indoor-outdoor swimming, tennis courts, etc. not necessarily restricted to S.R. residents. Various swimming lakes within the Village were discussed as to how long they would be safe for resident's swimming.

One resident stated that it was comforting to know the process involved in obtaining rezoning. Mr. D. Gueder, Pres. of Trustees of Lake Louise Assoc. advised Bd. met and they were not anamored with Eton Square or any other shopping center at Bell & 306. However, the homes are not objectionable.

Daniels brought up water situation and recharge area in shopping center. Also type of parking area in relation to run off towards West end of corners.

Resident asked if T & T does not have right to build by going to Court and providing plan is not radical shift in zoning, could they not go ahead based on unconstitutionality. Daniels said that answer would have to come from the Solicitor. Taylor mentioned that Sol. Dolan has advised he felt S.R. had established its desire for character of Village and that was a very good position for the Village to be in at this time.

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national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

Resident asked if S.R. wasn't in caprious position having area 600 x 600 zoned commercial yet Village has passed ordinance saying no shopping center on less that 10 acres. Does this not subject S.R. to litagation? Feels it is not concievable to put $85,000 - $100,000 homes around Sohio and vacant land does represent threat. Resident said he has no objection to what T & T is proposing but is surprised no one from Sugarbush is present to question possible run-off problem. Suggested possibility of holding lake (s) in green area.

Briggs referred to Eastlake decision and mentioned pros and cons of chartering. A lengthly process is involved and it could take as long to complete as 10 yrs.

Resident said without chartering, can get on ballot. Taylor advised biggest problem is 30 day time limit to have issue on ballot.

Marilyn Cotesworth said she had discussed T & T proposal with several residents and they cannot understand what makes it so desireable to build $100,000 homes behind a Eton Sq. type shopping mall than Sohio with a buffer zone. One resident mentioned that back of shopping areas are not particularily desireable with trash cans, loading racks, etc. Daniels advised our present ordinances are quite restrictive concerning back of shopping areas.

Taylor commented on elections in Geauga Co. with the new officials being against sewers, Eastern end of Village may be a long time in getting sewers, if ever. P.B. may want to consider recommending rezoning to larger lot size to adequately handle transo-evaporation system.

Resident questioned if particular property is now zoned commercial, could Village rezone back to residential? Daniels advised P/B or Council cannot rezone without a request. Developers must meets commercial restrictions and classification; also sq. footage requirements.

Mr. Gregory asked how the residents could be informed whether or not T & T would show up at the next meeting. Clerk advised that residents were free to check with her.

Next meeting December 16.

Charles M. Daniels, Jr., Chairman

Joan LaRue, Clerk

cc: C. Daniels
G. Anderson
Mayor Barriball
C. Briggs
M. Cotesworth
Council
Solicitor
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held OCTOBER 18, 1976 19

Members present: C. Daniels, G.Anderson, Mayor Barriball, C. Briggs, M. Cotesworth

The meeting was called to order at 8:00 by Chairman Daniels. Motion to waive reading of minutes of September 16 was made by C. Briggs seconded by Barriball. All ayes, motion carried.

Tom Thomas introduced Don Sneller, executive V-Pres of Thomas & Thomas and Jeff Freedman, now Pres. of Associated Estates. Thomas & Thomas and Mr. Freedman are partners in developing the property at 306 & Bell. Thomas said previous plan went to Court, was defeated and will not be appealed. Thomas said change in area, marketing has changed, people have changed and so have T & T which has prompted a new plan for developing the 172 acres. Approx. 130 acres would be residential like Country Estates with homes ranging in price from $85,000 to $100,000. The balance of acreage is a proposed 100,000 sq. feet shopping area to be fashioned after Eton Square in Woodmere. Thomas advised there are many details and time to be spent on project but at this meeting he would like a prelimiary reading on 1) Villages ideas about layout 2) how can something be worked out together? Thomas advised he would like to come up with ideas and design that bith T & T and Village can live with.

Mayor Barriball advised 4 corners are presently zoned restricted commercial for a distance of 600 ft. in each direction from center line of Bell & 306. Commercial proposal extends outside zoned area which will necessitate rezoning.

Thomas stated there are 120 home sites using density Village now has, a buffer zone, also some lakes and ponds. Mayor Barriball stated the commercial aspect frightens him because of the prospect of vacant floor space. Mayor cited Tanglewood and its problems. Mayor pointed out close shopping area in Chagrin and asked what indication T & T has that a white elephant won't exist.

Thomas advised he was interested in purchasing Tanglewood Mall when it was for sale but varous people associated with the Mall did not have time or dollars to invest in order to attract tenants; also personell problems existed. Thomas stated Chagrin would always have a problems because of parking. Thomas advised there have been a number of people who have spent many dollars and know the marketing end who have approached T & T saying when and if property is ever rezoned for small enclosed shopping mall, they would be interested. People were willing to give deposits which backs up T & T marketing ideas and gives them support to develope concept. T & T advised they feel they have ability to attract good retailers and area is more desirable than Tanglewood because residential growth is between 87 and 422 from standpoint of $100,000 homes and moving East.

Mr. Gregory advised Eton Square has no grocery store. Does this mean proposed shopping area will not have a grocery store? Thomas said comparison to Eton Square was for design only and a super market would very likely be a tenant and in fact, preferable to a restraurant.

Mayor Barriball questioned water and asked if they were satisfied that the findings of previously made water studies would give adequate water supply. Thomas advised water supply was more than adequate for this project and that a centralized water system was planned for the Mall only.

Jim Cotesworth questioned why rezone when there appears to be much open area around Mall which is intended for landscaping-why not pull Mall into tighter area and go with underground parking leaving area residential. Freedman explained in an attempt to expedite approvals and concerns of community, Mall is located in such a way not to interfere with proposed utilities (i.e. sewers).

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

Mr. Freedman advised the commercial developement would be 100% leased before completion and they might even be willing to make that a contingency in applying for Bldg. Permit.

Mayor Barriball again stated his conern about water table in recharge area. Mayor asked T & T if certain parcel were rezoned commercial, would they be willing to make a committment size of structure would not be increased. Thomas said they would keep as much in green area for reason talking about i.e. water.

When asked how the proposal would be phased, Thomas they would have to wait for sewers which could be 1 to 1½ yrs, possibly. After approval most likely would start residential and commercial at same time. The residential would take about 8 yrs. for completion and the commercial would take about 9 to 18 mos. to complete. Thomas advised he anticipates a good yr. to work out details of traffic, water, etc. but he would go ahead with the residential area regardless of commercial area.

Mr. Gregory asked if Carl Millstein has any interest at present in Associated Estates. Mr. Freeman said he represents majority of share holders and Millstein is Trustee only. Freeman said he would gladly produce any Trust Agreements and documents the Village is interested in seeing.

Further discussion centered around water, traffic on Bell & 306, quality of merchants, parking, sewers, tax impact for commercial area, marketing, jobs created, construction for tax shelter?, length of cul-de-sac, right of ways and whether or not it could be sucessful in view of Tanglewood's problems.

Thomas said he would consider the commercial area being residential if possible but marketing, land usage, etc. do not indicate that reality.

Mayor Barriball said he would like to think developers recognize the value of particular piece of land in Geauga Co. but he personally does not like shopping centers. However, if planning board and residents can live with small entity, he would go along with it.

Thomas asked what kind of help they could get in developeing 35 acres? Since area not good for $100,000 homes, what else could go there if not shopping area? Rudy Lever asked if they had considered getting in touch with various homeowner's groups within the Village to get their feelings.

Mayor Barriball suggested setting up a committee of Village residents to meet with developer but idea was dismissed because it was felt most residents did not have the knowledge on something such as sewers and those residents who are interested, will show up at the Planning Board's meetings.

Chairman Daniels asked for feelings on presentation from residents present. George Sutherland-Sheerbrook said he would like to see Planning Bd. discuss proposal among themselves and does not feel most residents have sufficient knowledge. Mr. Kurt Naverz-Maple Springs Dr. -feels T & T is going in proper direction but that Planning Bd. should decide whether or not proposal should go on to Council.

Mayor Barriball advised that before any recommendation can be given, answers to the following are needed.

1.) What does water study show for this proposal?
2.) What does ODT say about egress on Rt. 306?
3.) Some dialogue from Geauga Co. Sanitary Engineer as to what agreements they would have.

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Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

4.) Spell out in writing that you (T&&) would be willing to take only that part which is necessary for the commercial area, define those dimensions at their minimum and specify how green area will be used.

The concensus from the Planning Board members was that the concept presented by T & T is interesting and does have possibilities but that the commercial area is questionable and a great deal of further information is needed.

Mayor Barriball made motion that the proposed plat of T & T be further defined by the developer and brought back to next regularily scheduled Planning Board meeting for further discussion on November 18, seconded by Cotesworth. All ayes from Bd. members.

Meeting adjourned at 10:50.

Charles M. Daniels, Jr., Chairman

Joan LaRue, Clerk

cc: C. Daniels
G. Anderson
Mayor Barriball
C. Briggs
M. Cotesworth
Council
Solicitor
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 September 16, 1976 19

Members present: C. Daniels, G. Anderson, Mayor Barriball, C. Briggs, M. Cotesworth

Chairman Daniels called the meeting to order at 8:00. Daniels introduced new member, Marilyn Cotesworth who is filling the unexpired term of James Saari.

Clerk read minutes of June 17 and they were approved as read.

Daniels advised he had attended a zoning meeting in Bainbridge who met for the purpose of considering a request for a golf driving range on the Chismar property. He advised Bainbridge did not approve the request for zoning change.

Chairman Daniels said Thomas & Thomas called and cancelled their appearance at tonight's meeting. Resident Bud Gregory said the citizens would like to be informed with reasonable notice and not last minute cancellations when Thomas & Thomas and Milstein, if he is involved, cancel their appearance. Mr. Gregory requested that Thomas & Thomas be asked to give at least 2 mos. notice before again appearing at Planning Board. Chairman Daniels said Thomas & Thomas have requested to be on the agenda for the October 21 meeting. Mayor Barriball advised that by State Statue, we cannot demand anyone to give us so many weeks notice. We, by law, must schedule a Planning Board Meeting once a month which is the 3rd Thursday of the month. Whoever wants to appear before Planning Board has the priviledge of doing so as long as they notify the clerk at least 24 hrs prior to the meeting.

Rudy Lever stated he has had conversations with both Thomas & Thomas and Fencl concerning a piece of property he is trying to buy . Fencl cannot sell because it is in the option and Thomas & Thomas cannot sell because they do not have title.

Mr. Gregory asked if there is some way the residents could be notified about an agenda. The clerk said if a representative would call her, she would be glad to confirm whether or not someone was going to be on the agenda.

A resident asked whether a special meeting would be called. Chairman Daniels said one would not and if at any time it would become necessary for a special meeting, it would be advertised in the local newspapers. Mayor Barriball stated that no secret meetings are now being held or will be held during his office.

Mr. Gregory asked if Planning Board could require a longer duration than 24 hrs notice to appear. The mayor advised he will check with the Solicitor and have an answer by next Council Meeting. Mr. Gregory would like 1 week's notice for citizens benefit.

There being no further business, meeting adjourned at 8:30.

Charles M. Daniels, Jr.

Charles M. Daniels, Jr., Chairman

Joan LaRue

Joan LaRue, Clerk

cc: C. Daniels
G. Anderson
Mayor Barriball
C. Briggs
M. Cotesworth
Council
Solicitor
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 P.M. June 17 19 76

Members present: C. Daniels, G. Anderson, J. Saari

Chairman Daniels opened the meeting at 8:20. J. Saari moved to waive reading of May 20 minutes, 2nd by G. Anderson. Ayes all - motion carried.

Chairman Daniels reported receiving a phone call from a resident of the Parma area who owns approximately 7½ acres across from Carida on Route 306. She asked Mr. Daniels if it were possible to have this property rezoned commercial for selling purposes. Mr. Daniels informed the owner that the surrounding property, except for Carida, was zoned residential, and the way our current zoning ordinances are set up, it would probably remain the same. He also told her about sewers and assessments that would be forthcoming and their approximate cost. Mr. John Church, Real Estate Agent of Dolores Knowlton, also called Mr. Daniels on owner's behalf to ask if the Village would consider a golf driving range on property in question. Mr. Daniels said he could not see this being approved by either the Planning Board or Council and that it was his personal opinion the property was too small to accommodate a driving range (approximately 700' deep by 538' wide).

Chairman Daniels stated that according to past precedence, there will be no regular Planning Board meeting in July and August unless a specific request is made. Next Planning Board meeting is scheduled for September 16.

There being no further business, meeting adjourned at 8:53.

Charles M. Daniels, Jr., Chairman

Avis McGuiggan, Clerk

cc: C. Daniels
G. Anderson
Mayor Barriball
C. Briggs
J. Saari
Council
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 P.M. May 20 19 76

Members present: C. Daniels, G. Anderson, Mayor Barriball

Chairman Daniels opened the meeting at 8:07 and moved to waive reading of April 15 minutes, 2nd by G. Anderson. Ayes all - motion carried.

Mayor stated he was opposed to the County Health Dept. charging a property owner $20. for the right to have their septic system condemned; however, the Dept. should be inspecting the systems. Chairman Daniels asked why they are charging a fee if they are paid a salary. Chairman Daniels also inquired about progress regarding sewers. Mayor said they will be advertising for bids for construction within the next seven days.

Mayor stated the attorney for South Russell Properties and our solicitor argued their cases on zoning before Judge Ford, who said it would be approximately 90 days before he renders a decision. The issue before Common Pleas Court was not hardship as was the case Thomas & Thomas pleaded before the Zoning Commission but the constitutionality of our zoning.

Environmental development plan books were exchanged for further study.

There being no further business, meeting adjourned at 8:30. Next Planning Board meeting will be held June 17.

Charles M. Daniels, Jr., Chairman

Avis McGuiggan, Clerk

cc: C. Daniels
G. Anderson
Mayor Barriball
C. Briggs
J. Saari
Council
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 P.M. April 15 19 76

Members present: C. Daniels, G. Anderson, Mayor Barriball
C. Briggs, J. Saari

Chairman Daniels opened the meeting at 8:05. J. Saari moved to waive reading of March 18 minutes, 2nd by Mayor Barriball. Ayes all - motion carried.

C. Briggs showed the Board a preliminary sketch of Bellwood Lake area and proposed new pipe line. He stated the Bellwood community felt this new 4" pipe from settling pond around the lake was needed to keep their lake clean. After the Board discussed the sketch, C. Briggs moved to approve issuance of a Zoning Permit for proposed drainage pipe in Bellwood Lake from settling pond to tributary stream, 2nd by G. Anderson. All voted in favor of motion.

C. Briggs showed the Board comprehensive development plan books from two companies: Hurley, Schnaufer & Assoc.; and Weston, Inc., Environmental Consultants. These will be studied by Board members. C. Daniels also asked for a copy of Mr. Hinton's comprehensive plan.

There being no further business, meeting adjourned at 8:30. Next Planning Board meeting will be held May 20.

Charles M. Daniels, Jr., Chairman

Avis McGuiggan, Clerk

cc: C. Daniels
G. Anderson
Mayor Barriball
C. Briggs
J. Saari
Council
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 P.M. March 18 *19* 76

Members present: C. Daniels, G. Anderson, Mayor Barriball
C. Briggs, J. Saari

Chairman Daniels opened the meeting at 8:05. Mayor Barriball moved to waive reading of February 19 minutes, 2nd by C. Briggs. Ayes all - motion carried.

Chairman Daniels inquired about a Village Master Plan. C. Briggs stated Council was looking at two proposed plans but R. Mills has asked why we cannot live with the present plan. C. Briggs also said the Silver Creek project would give environmental information needed for a new Master Plan. Mayor said he had thought about decreasing density east of 306 to possibly two acres to prevent splits of the "bowling alley" lots. C. Daniels said Russell & Chesterland had gone to 3 to 5 acre lots. He also asked Briggs to bring the Master Plan material he has to next meeting.

George Anderson asked about recreation vehicles parked in front of residence. Mayor said there was an ordinance against this.

J. Saari asked about Thomas & Thomas litigation. Mayor said South Russell's records had been misplaced (we do have a receipt) but there had been no action.

C. Briggs stated there would be a Silver Creek meeting on March 25 at the Newbury Town Hall. G. Anderson said he would attend.

There being no further business, meeting adjourned at 9:00. Next Planning Board meeting will be held April 15.

Charles M. Daniels, Chairman

Avis McGuiggan, Clerk

Cc: C. Daniels
G. Anderson
Mayor Barriball
J. Saari
C. Briggs
Council
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 P.M. February 19 19 76

Members present: C. Daniels, G. Anderson, Mayor Barriball

Chairman Daniels opened the meeting at 8:15. Mayor Barriball moved to waive reading of January 15 minutes, 2nd by G. Anderson. Ayes all - motion carried.

Chairman Daniels asked the Mayor about Thomas & Thomas. Mayor said the Village established an agreement with them whereby they have until May 1 to bring everything in that subdivision up for dedication with the exception of the lake area (Village gave them until July 15 on that because of the ground conditions). Further, he stated they have been given specific instructions as to what they were going to have to do to complete the changes of the punch list. Mayor said he had received a copy of a letter from the Engineer to Thomas & Thomas telling what has to be done at each one of the sanitary sewer manholes. Mayor said he had been through there and they are complying with Village requests - plus a $35,000. bond was put in an escrow account.

G. Anderson asked about the Thomas & Thomas court action. Mayor said their brief was to be filed this week and he would check with the Solicitor regarding this matter.

Chairman Daniels said he would like to get started on a Master Plan for the Village. Mayor said C. Briggs had some information on a land usage company. Chairman Daniels said portions of a study started by J. Hinton could probably be salvaged. Mayor stated that what had been done by Hinton was not too much different than what the Village had developed back in '67-'68. G. Anderson said this study was basically all right. Mayor said there were a couple areas in the Village which could be prime sites for public land - as an example, the six acres where the sewage treatment plant is now located would make a nice mini-park.

There being no further business, meeting adjourned at 9:05.

Charles M. Daniels, Chairman

Avis McGuiggan, Clerk

cc: C. Daniels
G. Anderson
Mayor Barriball
C. Briggs
J. Saari
Council
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 P.M. January 15, 19 76

Members present: G. Anderson, Mayor Barriball, C. Briggs
C. Daniels, J. Saari

Guests present: R. Padolik

Mayor Barriball opened the meeting at 8:05 and made a motion to waive reading of November 20 minutes, 2nd by C. Briggs. Ayes - all. Motion carried.

Mayor introduced the new member of the Planning Board, James Saari of 1429 Bell Rd. Mr. Saari stated he was an attorney for The Great Lakes Towing Co. and was General Counsel and Ass't. Secretary for this corporation. Further, he said he had a small local practice and had lived in the Village about four years. Mayor said Mr. Padolik had been a member of the Planning Board for eight years and the tremendous job he had done was appreciated by the Village. Due to this retirement, Mayor said a new chairman must be elected and asked for nominations for this position. G. Anderson moved to nominate C. Daniels, 2nd by C. Briggs. There being no further nominations, C. Briggs moved to close nominations, 2nd by G. Anderson. All voted in favor of motion. C. Daniels thanked the members and accepted position of Chairman of the Planning Commission. He then inquired about appointment for six year term according to Ohio Code. He said he had served two years and was not adverse to serving an additional four years. Mayor said he would check with the Solicitor regarding time served and remaining time to be served.

Chairman Daniels asked Mr. Padolik if he had any old business matters to discuss. Mr. Padolik said he had an accumulation of papers over an eight-year span to be turned over to the new chairman. These included: plans going back as far as the Sheerbrook estates, applications for different proposals (particularly 306 and Bell corner), copy of old Zoning Code which, he pointed out, contained among other things an actual description of C2 area, copies of master plan, old variances, Zoning Code of Chagrin Falls, and Thomas & Thomas original application for townhouse and shopping area - including Citizen's Committee report in this regard. C. Daniels asked where old plats were kept. Mayor stated they were stored on end in boxes in the loft and hopefully when the new offices were completed, they would be properly filed. C. Daniels asked about the Thomas & Thomas files. Mayor stated the Village documents had been turned over to the court on their request and Thomas & Thomas have until the middle of February to file their brief. Also, he said the original information may be needed. Mayor said there would be a Zoning and Building Dept. office to maintain a file for the Planning and Zoning Commission.

Mr. Padolik pointed out future problem areas in the Village: the Comprehensive Plan had not been completed, ruling needed for "bowling alley" lots (frontage, drive width, etc.), corner of 306 and Bell when septic ban is lifted, Lyndall Hughes oil and gas drilling operations, airport property, and acreage between Paw Paw Lake and Maple Hill. Mr. Padolik said he had enjoyed working with the Board and would be glad to assist Mr. Daniels in any problems he may encounter as the new chairman. Mr. Padolik asked the secretary to inform LERTA, NOACA, Geauga County Bldg. Dept. and Planning Commission regarding change of South Russell Planning Board Chairman.

Mr. Padolik asked about application for Service Bldg. addition as discussed in previous meeting. Mayor said he had checked with the Solicitor and was told municipal buildings were exempt.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

Mayor stated he had made arrangements to use Kindergarten Room No. 2 at Gurney Elementary School for Village meetings until the Town Hall is completed.

There being no further business, meeting adjourned at 9:07.

Charles M. Daniels, Chairman

Avis McGuiggan, Clerk

cc: C. Daniels
G. Anderson
Mayor Barriball
C. Briggs
J. Saari
Council
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 P.M. November 20, *19* 75

Members present: R. Padolik, Mayor Barriball, C. Daniels, C. Briggs

Chairman Padolik opened the meeting at 8:17. Mayor Barriball moved to waive reading of October 16 minutes, 2nd by C. Daniels. Ayes - all. Motion carried.

Mayor Barriball stated Mr. Santalucia, who had attended the October 16 meeting regarding an additional residence on his lot on Bell Rd., had passed away. Chairman Padolik said he was still not sure of the possibility of subdividing this property or any of the other "bowling alley" lots. The Board studied the regulations to see what the minimum driveway width and distance from side yard line should be and found nothing. Mayor said the Board should get an expression from the Solicitor in this regard. Chairman Padolik said he was concerned with the number of lots similar to Santalucia's and the fact that no one could point out a specific item from the Code in regard to building on the rear portion of their property. Mayor said a possible solution to this problem would be to rezone East of 306 portion of Village to minimum two-acre density.

Chairman Padolik asked why the Planning Board had not seen the Zoning application for the addition on the Service Building. Mayor stated the Zoning Inspector issued the Zoning Permit. Chairman Padolik read "Development Approval" on Page 3.2 of Zoning Code, and said anything out of residential district is supposed to come to Planning Board. Mayor said building in question was municipal and did not fall under any classification listed in this item. Chairman Padolik stated the Service Building is in an area zoned commercial and asked if municipal building was exempt. C. Daniels asked if public building would fall under "Conditional Use". Mayor said he would talk to the Solicitor about this matter.

Chairman Padolik stated his term of office would be up on December 31.

There being no further business, meeting adjourned at 9:13.

Roy J. Padolik, Chairman

Avis McGuiggan, Clerk

cc: R. Padolik
G. Anderson
C. Daniels
Mayor Barriball
Council
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 P.M. October 16 19 75

Members present: R. Padolik, Mayor Barrihall, C. Daniels C. Briggs

Guests present: Mr. & Mrs. P. Santa Lucia - Mr. & Mrs. M. Detweiler

Chairman Padolik opened the meeting at 8:05. C. Daniels moved to waive reading of September 18 minutes, 2nd by Mayor Barrihall. All voted in favor - motion carried.

M. Detweiler showed the Board a deed and copy of description of land as stated on the deed. Chairman Padolik stated the Board had requested the land be split in such a way as to allow for two distinct accesses to Bell Road - the Board having previously agreed that the common drive could exist at this point provided that, in the future, if the property was sold, new property owners of either parcel would have their own access if they desire and such should be stated in the deed. Mr. Detweiler pointed out the section of the deed indicating same and the fact that the deed had been notarized. C. Daniels moved to accept the deed as written and as being legal evidence required to conform with the Zoning Regulations, 2nd by C. Briggs. Roll call vote - all ayes. Motion carried. Clerk was advised to sign the deed.

C. Daniels asked if the request regarding the proposed Dairy Queen had been withdrawn. Chairman Padolik said this was out of Planning Board hands in that the Dairy Queen operation is permitted use but owner had to secure necessary state permits and water and sewer permits from Chagrin Falls. Mayor stated owner was still at an impasse with Chagrin concerning sewers.

Chairman Padolik inquired about the Thomas & Thomas appeal. Mayor said according to the Solicitor, the case is still open.

Chairman Padolik said the Board had discussed at last meeting, their recommendation to Council that the height limitation on certain structures be changed and same was still before Council - no action has been taken.

Mr. Santa Lucia stated he owned ten (10) acres at 1645 Bell Road and would like to move a house from another location onto his property which already has one residence. C. Daniels pointed out certain regulations in the Zoning Code, however, it was noted the house to be moved did not contain the minimum square feet required (20' X 22', two stories). Mr. Santa Lucia asked if the house was brought up to standard, could it be put on his property with an easement giving occupant access to Bell Road. The possibility of selling the back five acres with a 60' easement to Bell Road was discussed and Mayor stated the Solicitor should be contacted regarding legal aspect of proposal. Mayor felt the land would have to be split with an access piece of property deeded as part of split. Mrs. Santa Lucia asked again if house met Village square feet requirements, could they move it to their property. The Board thought this would probably be legal but would have to study it further. Chairman Padolik stated he was concerned about this proposal because of the number of "bowling alley" lots in this section of the Village - owners are paying a considerable amount of taxes on several acres of land and may eventually want to realize something from this. Further, he said this proposal does not fit in with what the Planning Board had considered for the overall development of South Russell. If every one of these lot owners did what the Santa Lucia's were proposing, the result would be undesirable because the police, fire department, etc., could not service these people. The Village would prefer to see a developer buy all the rear acreage for a development with at least two accesses to that property. Mr. Santa Lucia said to get all these land owners to sell their rear acreage would probably

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

never happen. Chairman Padolik said he would appreciate more time to look into this matter but noted again the house in question was undersize.

Chairman Padolik stated he had received a letter from the Chairman of Zoning Commission of Russell, which had been left with Chief Hamilton, requesting a copy of our Zoning Code. Mayor said he would see Chief regarding this matter.

There being no further business, meeting adjourned at 10:25.

Roy J. Padolik
Roy J. Padolik, Chairman

Avis McGuiggan
Avis McGuiggan, Clerk

cc: R. Padolik
G. Anderson
C. Daniels
Mayor Barriball
Council
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 P.M. September 18 *19* 75

Members present: R. Padolik, Mayor Barriball, C. Briggs, C. Daniels

Chairman Padolik opened the meeting at 8:08. C. Briggs moved to waive reading of August 21 minutes, 2nd by C. Daniels. All voted in favor - motion carried.

Chairman Padolik stated that on August 21, the Planning Board had approved the land split requested by Mr. Detweiler provided the deed includes the division of the 60' right of way into two parcels so each party has access to Bell Rd. There has been no word at this time whether the deed has been drawn up or the plat map corrected. The deed cannot be recorded until the Planning Board signs it.

C. Daniels inquired into the status of Thomas & Thomas. Mayor said they had never filed the brief. Chairman Padolik asked where South Russell's documents concerning this matter were located and Mayor stated they were filed in the Village office.

Chairman Padolik asked about status of Thomas & Thomas Country Estates. Mayor said road surfacing is completed and they are now attempting to get their berms and ditches up to proper grade. Also, they recently received five new zoning permits although no occupancy permits will be issued until everything is up to Village standards.

Chairman Padolik read a proposed ordinance regarding the heighth regulations in the business and industrial districts of South Russell. In this regard, he stated that a commercial type of establishment, where there are loading docks or truck deliveries, would require at least a 10' or 12' door. If a pitched roof were used on this, the building would exceed the 15' and would require a variance to construct. The Board discussed the heighth regulations regarding limited retail, offices, research laboratories and accessory buildings as presently required versus the ordinance proposed. Chairman Padolik stated he would agree with limited retail at 20' but would like to see industrial changed to 30'. Also, the present schedule does not limit stories in the residential area and would like to see the heighth regulations lowered from 30' to 25'. C. Daniels stated there may be difficulty installing offices above a retail establishment if only 20' were allowed. Mayor said, depending on roof construction in the residential area, three stories would be possible and if stories are not limited, an apartment could be built. After discussing roof pitch, C. Daniels suggested limiting residential to 25', industrial at 30' and business 25'. Mayor suggested asking Solicitor to redraft the ordinance to incorporate R-1 and R-2, limiting height to 25'. It was the Board's recommendation to Council to change Section 1 from 15' to 25', change Section 2 from 15' to 30' with the exception of accessory structure which would be limited to 20' and add Section 3 to limit residential height to 25'.

There being no further business, meeting adjourned at 9:58.

Roy J. Padolik
Roy J. Padolik, Chairman

Avis McGuiggan
Avis McGuiggan, Clerk

cc: R. Padolik
G. Anderson
C. Daniels
Mayor Barriball
Council Members
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 P.M. August 21 19 75

Members present: R. Padolik, Mayor Barriball, G. Anderson
C. Daniels

Guests present: Mr. & Mrs. Detweiler, Mr. & Mrs. Johns

Chairman Padolik opened the meeting at 8:05. Clerk read the minutes of July 17 meeting. C. Daniels moved to approve minutes as read, 2nd by Mayor Barriball. All voted in favor - motion carried.

Chairman Padolik stated the Detweilers had submitted a minor subdivision application and asked Mr. Detweiler to review his proposed land split. Mr. Detweiler showed the Board a drawing of a portion of his property and explained his plan to sell one (1) two-acre parcel and, to comply with village regulations regarding a common drive, also convey to buyer thirty feet of his presently owned 60' right of way to provide buyer access to his parcel of land. Chairman Padolik stated he had contacted both the Solicitor's office and the Village Engineer's office and there was no objection from either party regarding the split of the right of way and that it was up to the Board to accept or reject this proposal.

A discussion followed regarding the land split as indicated on the drawing and Mr. Detweiler was informed that resulting deed (to be approved by the Planning Board also) should contain a legal description of land conveyed to buyer, including the 30' right of way. Chairman Padolik said he would check with the Solicitor about deed containing provision that second drive could be put in. C. Daniels moved to approve Mr. Detweiler's proposed land split giving each party egress and ingress, 2nd by G. Anderson. All voted in favor. Motion carried. Chairman Padolik again requested verification of survey and record of total amount of land involved in the split.

There being no further business, meeting adjourned at 8:40 P.M.

Roy J. Padolik, Chairman

Avis McGuiggan, Clerk

cc: R. Padolik
G. Anderson
C. Daniels
Mayor Barriball
Council Members
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 P.M. July 17 *19* 75

Members present: R. Padolik, Mayor Barriball, G. Anderson, C. Daniels

Chairman Padolik opened the meeting at 8:10. G. Anderson moved to waive reading of June 19 minutes, 2nd by C. Daniels. Motion carried by unanimous vote.

Board reviewed the application for a land split by Mr. Detweiler and will check with the Solicitor and Engineer's Office into the possibility of splitting existing 60' right-of-way into two (2) 30' rights-of-way to permit separate drives to each parcel.

There being no further business, meeting adjourned at 8:45.

Roy J. Padolik

Roy J. Padolik, Chairman
& Clerk pro tem

RJP/am

cc: R. Padolik
G. Anderson
C. Daniels
Mayor Barriball
Council Members
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 P.M. June 19 *19* 75

Members present: Mayor Barriball, G. Anderson, C. Briggs, C. Daniels

Guests present: Mrs. Vajda, A. Marrali (Forest City), M. Detweiler

In the absence of Chairman Padolik, C. Daniels moved that Mayor Barriball act as Chairman pro tem, 2nd by G. Anderson. Motion carried.

Mayor Barriball opened the meeting at 8:20. C. Briggs moved to waive reading of May 15 minutes, 2nd by G. Anderson. All voted in favor of motion.

Mrs. Vajda stated she was no longer interested in opening a health spa because of state regulations involved. However, she did present to the Board, plans for a beauty salon. The dwelling, with the exception of panelling and equipment, would not be changed. G. Anderson checked the zoning map for desisnation key on north side of 422 (Local Business - B-1). Board studied plans and side yard clearance. Mayor stated there seemed to be no reason why Mrs. Vajda could not make application for a zoning permit, and advised her to see Chief Hamilton regarding same.

Mr. A Marrali, representative of Forest City, stated he planned to put a 24' addition on the Moses Udit home at 102 Lakeview (3rd house from Bell, east side) which would be, upon completion, in violation of zoning regulations. Mayor stated regulation is 100' set-back and told Mr. Marrali he would need to see Chief Hamilton regarding a request for a variance to be heard at a public meeting before the Zoning Board of Appeals. Also, he would need a sketch showing present set-back and proposed encroachment.

M. Detweiler stated he owned 18.7 acres, with a 60' access off Bell Rd. and would like to sell two acres for another residence. Mayor stated he would have to make application for a major subdivision because a minor subdivision is one abutting an existing public street. Further, he said the major problem with this proposed development was the lack of a dedicated street. Mayor said Village regulations do not allow a common driveway for two parcels of land and asked Mr. Detweiler if he foresaw any further development of his property. Detweiler said a dedicated street was not economically feasible and he had no intention of selling off more lots because both would defeat the purpose of what he was trying to accomplish. Mayor told Mr. Detweiler to see Chief Hamilton regarding the necessary application form (S-2) and also, to call Sol. Dolan for a legal definition and Village Engineer for his opinion regarding this matter, if he so desired. Detweiler wanted to know reason why Village did not allow private drives and was told the reason was that the Village could not provide services or maintain streets in these areas.

Mayor read a letter from Lawyers Title Insurance Corporation with deed and sketch enclosed to be approved or disapproved by the Planning Commission. C. Briggs stated Mr. Cotesworth was buying two lots fronting on Bell Rd. and adjacent to his presently owned parcel of land. The Board discussed the sketch and Mayor suggested the deed be signed upon the approval of Sol. Dolan. C. Daniels moved that the Board give their tacit approval of the land consolidation, 2nd by C. Briggs. All in favor - motion carried. Deed will be signed by the Clerk upon approval of Sol. Dolan.

Mayor read portions of A. G. Campane's Application Form S-2 which was before the Planning Commission for final approval or

RECORD OF PROCEEDINGS

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national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

disapproval. After discussion, C. Briggs moved to approve Application No. 75-1, 2nd by C. Daniels. All in favor - motion carried.

There being no further business, meeting adjourned at 9:40.

D. E. Barriball, Chairman Pro Tem

Avis McGuiggan, Clerk

cc: R. Tadolik
G. Anderson
C. Daniels
Mayor Barriball
Council Members
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 P.M. May 15 *19*75

Members present: R. Padolik, D. Barriball, G. Anderson

Guests present: A. G. Campane, Mrs. Vajda, Chief Hamilton
B. Christian (Herald)

Chairman Padolik opened the meeting at 8:12. Mayor Barriball made a motion to waive reading of April 17 minutes, seconded by G. Anderson. All voted in favor of motion.

Chairman Padolik stated Mr. Campane had submitted an application for a five-lot minor subdivision on Snyder Rd. at the April 17 meeting. Mr. Campane said he had contacted Mr. Weiss who reviewed the application and suggested that Mr. Campane subdivide his whole parcel of land which consists of twelve (12) lots. Chairman Padolik said the reason for Mr. Weiss's action was based on Subdivision Regulations, Section 2.07, Item (a). Mr. Campane stated Mr. Weiss had told him that his project was between a major and a minor subdivision - over five lots indicates a major subdivision - but in this case there were no storms, sewers, roads, etc., involved. Further, Mr. Campane suggested South Russell's regulations did not cover his particular case. Mr. Campane presented a preliminary plan for the 12 lots, and Application Form S-2 which was accepted by the Board. Mr. Campane was informed he must present the preliminary plat to Council for approval. Mayor Barriball indicated that the next Council meeting would be held on May 27 and if Mr. Campane could acquire a topo of the area by that date, his plans could be expedited somewhat. Chairman Padolik said approval of the preliminary plat allows the developer to proceed with plans, provided the final plat is presented within one year. Mayor Barriball questioned Mr. Campane regarding East Ohio Gas service. Mr. Campane said the basements had to be in by August to acquire service. Chairman Padolik stated that the Board had previously accepted a $100.00 deposit from Mr. Campane for a minor subdivision but now required a total of $500.00 deposit for a major. Mayor Barriball said if monies were not used that balance would be returned to the developer.

Chairman Padolik stated he had heard nothing further concerning Mrs. Semirale's proposed lot split and would call her regarding status of situation.

Mrs. Vajda presented a drawing to the Board consisting of her house, breezeway, garage and proposed 3,000 sq. ft. addition for a health spa. The Board established the area was zoned commercial and Mrs. Vajda's request would be classed a personal service. She was informed of the requirements necessary for this type of service: one acre minimum, lot width 100 ft., maximum percentage of lot coverage - 25%, side yard 15 ft., rear yard 30 ft., maximum height 15 ft. Off street parking requirements would be ten spaces per 1,000 sq. ft., each space being 9 x 20 ft. Chief Hamilton stated other businesses in area had parking in front of their buildings. Chairman Padolik informed Mrs. Vajda the Board would need lot plan with dimensions to determine if the site could accommodate proper number of parking spaces required. Mrs. Vajda said that there would be no more than twenty people on the premises at one time. The Board established that the spa was a permitted use and told Mrs. Vajda she would need an application for a zoning permit Form Z-1, plan drawn to scale, including type of structure, fence and sign. Chairman Padolik also advised Mrs. Vajda of required deposit on all applications for development approval is $250.00, $50.00 of which is non-returnable. Mrs. Vajda asked if this plan was not approved, could she put in a beauty salon instead and was informed she would still have to follow South Russell's required procedure.

There being no further business, meeting adjourned at 9:30.

Roy J. Padolik, Chairman

Avis McGuiggan, Clerk

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

cc: R. Padolik
G. Anderson
C. Daniels
Mayor Barriball
Council Members
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 P.M. April 17 19 75

Members present: R. Padolik, C. Briggs, C. Daniels

Guests present: Mrs. Semirale, A. G. Campane

Chairman Padolik opened the meeting at 8:15. A portion of the March 20 minutes were read to verify procedure Planning Board was to follow regarding application for land splits. All present agreed minutes were correct and a motion was made to waive further reading. All voted in favor of motion.

Chairman Padolik stated the new Zoning Regulations were now available.

Mrs. Semirale stated she had been trying to sell her home situated on seven acres located at 1560 Bell Rd., the frontage being approximately 122 feet wide and extending to the Bainbridge line. She said her Real Estate Agent felt she could expedite the sale if the land were split (one acre with house to one buyer and remaining six acres to adjacent neighbor who had expressed an interest in purchasing remaining acreage). Mrs. Semirale was advised her request could be accomplished providing no new building site was involved with the six acres abutting on the Bainbridge line. She was also informed to have the property surveyed and to see Mr. Weiss regarding this and further requirements.

Mr. Campane outlined to the Board his plans regarding a minor subdivision on Snyder Rd. Chairman Padolik went over the regulations with the applicant and informed him of the requirements involved. Mr. Campane left Form S-1 with Chairman Padolik who said he would deliver to Mr. Weiss. Mr. Campane was advised to see Chief Hamilton regarding application fee.

There being no further business, meeting adjourned at 9:00 P.M.

Roy J. Padolik
Roy J. Padolik, Chairman

Avis McGuiggan
Avis McGuiggan, Clerk

cc: R. Padolik
G. Anderson
C. Daniels
Mayor Barriball
Council Members
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 P.M. March 20 19 75

Members present: R. Padolik, D. Barriball, C. Briggs
C. Daniels, G. Anderson

Guests present: L. Dolan, Chief Hamilton, Councilmen

Chairman Padolik opened the meeting at 8:10. C. Daniels made a motion to waive reading of February 20 minutes, seconded by C. Briggs. All voted in favor of motion.

Chairman Padolik asked Mr. Dolan to recap and update situation regarding Geauga County Recorder. Mr. Dolan stated Mr. King's view as (1) requirements may not be legal and (2) may not accomplish anything. In addition, South Russell requires a plat which the recorder feels is unnecessary and would never be needed for reference. Only the deed has to go to the County Auditor for approval and County Recorder to be recorded. Chairman Padolik asked if our requirements could be amended to satisfy both South Russell and the County Recorder. Regarding the plat requirement, Chairman Padolik referred to a previous case of a split where a surveyor's plat was done from recorded meets and bounds and although mathematically sound, an actual physical survey proved otherwise. Mr. Padolik had also been advised that a physical survey was necessary to set pins for new lot. A discussion followed concerning Mr. Weiss's function as stated in the Subdivision Regulations with Mayor Barriball reading portions of same. Mr. Dolan stated that Mr. Weiss would not approve anything that had not followed our required procedure. Chairman Padolik said Mr. Weiss was to verify dimensions and calculations, check for side yard clearance, set back line, etc., and follow zoning regulations regarding existing buildings. Sol. Dolan stated South Russell has no mechanics to implement it's requirements. He suggested Planning Board act on Mr. Weiss's approval or disapproval, that applicant be informed of South Russell's procedure on land splits, and resulting plat be filed with the Village Engineer. Also, the County Auditor be informed as to whom she should refer applicant. A discussion took place in this regard and the following procedure was agreed upon: 1. Applicant obtain Form S-1 from Zoning Inspector. 2. Zoning Inspector inform Planning Board Clerk to place applicant on next meeting agenda. 3. Upon approval of Planning Board, deed is signed and forwarded to County Auditor. Mayor Barriball asked that South Russell's application form be revised deleting the two places where County Recorder's signature is required. Specifically, Form S-1, Page 2 of 4, and Page 4, letter (b). Sol. Dolan stated an ordinance was not necessary to change the application and that Planning Board was to sign deed and County Auditor was to proceed on South Russell's judgment. Mr. Dolan added that the tax maps would be corrected, not the County plat maps. A motion was made by Mr. Daniels to delete signature requirements of County Recorder on Form S-1. Seconded by Mr. Briggs. Roll call vote - all ayes; motion carried.

Chairman Padolik stated he had talked to Mr. Hinton regarding the price to be charged for Zoning Regulations and Comprehensive Plan. Mr. Daniels suggested books be registered so purchaser can be advised of any changes. Mr. Padolik made a motion recommending Council charge $10. per copy of Zoning Regulations and Comprehensive Plan and register same so purchaser can be notified of any changes. Seconded by Mayor Barriball. All voted in favor of motion.

Chairman Padolik reported receiving a call from Carey Realtors regarding South Russell's regulations concerning cows. Mayor Barriball said no specific rules have been made regarding cows. Chairman Padolik, therefore, told the caller that a special use permit would be necessary and the party would have to go before the Zoning Board of Appeals.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

Mr. Anderson questioned the installation of a stockade fence extending length of lot line as possibly not conforming with new zoning ordinance. Mr. Dolan stated new zoning regulations were not passed as an emergency measure and does not go into effect for 30 days.

There being no further business, meeting adjourned at 9:40 P.M.

Roy J. Padolik
Roy J. Padolik, Chairman

Avis McGuiggan
Avis McGuiggan, Clerk

Cc: R. Padolik
G. Anderson
C. Daniels
Mayor Barriball
Council Members
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 P.M. February 20 19 75

Members present: R. Padolik, D. Barriball, C. Briggs, C. Daniels

Guests present: Chief Hamilton
Paul Evans, Russell Resident, Rep. of Thomas & Thomas

Chairman Padolik opened the meeting at 8:10. C. Daniels made a motion to waive reading of January 16 minutes, seconded by C. Briggs. All voted in favor of motion.

Chairman Padolik requested clarification of our subdivision regulations as compared to those required by Geauga County. C. Briggs reported this was thoroughly discussed with Mr. King, County Recorder, at the January 27 Council meeting. Mayor Barriball said Mr. King was going to get an opinion from the State Attorney General regarding our requirements. Mayor Barriball read two copies of letters addressed to County Officials from Sol. Dolan. The first, to the County Auditor, informing him that "...no land splits or land consolidations should be transferred unless there appears upon the deed a stamp of the Village of South Russell indicating their approval thereon". The second, to the County Planning Commission, stating the County Auditor had been informed that the South Russell Village Clerk will administer these responsibilities. Mayor Barriball also stated Mr. Dolan is in the process of setting up a text for the Planning Board concerning their responsibilities and, if completed before the March 20 meeting, will attend to discuss same.

Chairman Padolik reported the receipt of a letter from Mr. Charles Hall and Associates requesting a copy of the new South Russell Zoning Regulations. Chief Hamilton said he would call Mr. Hall to inform him the new regulations had not been passed by Council as yet but will be sent a copy when available. A brief discussion followed as to the cost for a copy of these regulations and Chairman Padolik said he would call Mr. Hinton in this regard.

Chief Hamilton reported issuing 28 zoning permits and the County issuing 28 building permits in 1974. The majority of these involved Thomas & Thomas and Dietz. He also reported receiving a request from J. Smith, of Chagrin Falls High School, asking permission to use the Tri-County Tractor Company's parking lot in late summer for selling produce. Mr. Smith has the property owner's permission. Also, Chief Hamilton stated the Young property on Washington St. has been sold and converted into office space.

Chairman Padolik requested information regarding new gas supplies and Mayor Barriball said he had received no information regarding any policy change from East Ohio Gas Co. Mr. Padolik suggested the Board keep informed as to what supplies would be available.

C. Briggs reported he had been in contact with Ground Water Specialists from C.C.C. and K.S.U. regarding South Russell Village and expects to have more information for the next Planning Board meeting.

There being no further business, meeting adjourned at 9:25.

Roy J. Padolik
Roy J. Padolik, Chairman

Avis McGuiggan
Avis McGuiggan, Clerk

cc; R. Padolik
G. Anderson
C. Daniels
Mayor Barriball
Council Members
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 P.M. January 16 19 75

Members present: R. Padolik, D. Barriball, G. Anderson, C. Briggs, C. Daniels

Guest present: J. Simandle

Chairman Padolik opened the meeting at 8:16. Motion was made and unanimously accepted to waive reading of December 1974 minutes.

Mr. J. Simandle was present to report on the progress of his proposed subdivision in Lake Louise. Although he had complied with South Russell's subdivision regulations, he was given the impression by Geauga County Officials that these regulations could have been circumvented by going directly to the Geauga County Office. He stated his wife had taken the necessary papers to Chardon presumably for quick approval by the Auditor and Recorder but this was not the case. She was directed from Auditor to County Engineer to Recorder. According to Mr. Simandle's report, all eventually signed but Mr. King, Recorder, preferred not to in order to gain an explanation of the necessity of the regulations. Mrs. Simandle was told by Mr. King that their lot split could have been accomplished by merely putting the existing house plus one acre up for sale and having deed, conveying same, recorded in Chardon. Mr. Simandle's concern and the reason for his presence, was to prevent this "back door" procedure in the future because he understood and agreed the regulations were to protect the Village and property owners. Mr. Simandle also cited a hypothetical case: What if he had taken the deed to the County Recorder, sold off the existing house and one acre and moved away for 2-3 years. Upon his return, he decided to sell the remaining 2½ acres to another party. What would happen when this third party applied for a building permit? Mayor Barriball said the regulations were in existance because a developer had previously tried to build three dwellings on two lots and had recorded same in Chardon without the Planning Board's knowledge. Mayor Barriball called Mr. Dolan during the meeting to have him look into this matter immediately. Mr. Simandle reiterated to the Board his difficulties acquiring a sewer permit due to Geauga County's requirement of a 300 acre minimum topo map with a charge of $3. per acre. He did not think this proper for a landowner planning a minor subdivision. Mr. Daniels suggested this requirement be looked into. In the matter of an address change, Mr. Simandle stated this could be accomplished through Chief Hamilton.

A system of filing minor subdivision applications was briefly discussed and agreed upon. They will be filed according to the year and the application number; i.e., Mr. Simandle's application is 74-1.

Mayor Barriball reported the receipt of a copy of a letter to Mr. Duckworth dated January 8 from the Ohio E.P.A. regarding the proposed Dairy Queen at 540 Washington St. stating approval of the construction could not be recommended due to unacceptable sanitary service. The writer did advise, however, that an old sanitary sewer in poor condition extended from Chagrin Falls and that Mr. Duckworth could discuss a tie-in with Chagrin Falls Officials providing the poor section is replaced.

Mr. Daniels questioned the status of the proposed Thomas & Thomas development and was told by Mayor Barriball the texts were ready to go to the Geauga County Common Pleas Court.

Mr. Daniels also questioned the status of the proposed sewer system and Mayor Barriball said the Village was waiting for word on Federal Government funds.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

Mr. Anderson inquired as to the status of the new zoning regulations. Mayor Barriball stated Council was waiting for the final copy from Mr. Hinton.

Mr. Briggs reported receiving an aerial photo and approximate 40 page summary of South Russell from the Federal Dept. of Agriculture describing the soil composition of the Village. The map is being color coded as to soil type. Mr. Briggs felt this information would be most helpful in planning the future of the Village.

Chairman Padolik stated the terms of the members of the Planning Board: C. Briggs, thru 1978; C. Daniels, 1977; G. Anderson; 1976; Mayor Barriball, 1975; and R. Padolik, 1975. Mayor Barriball said according to the Ohio Revised Code, member's term would be six years.

There being no further business, meeting adjourned at 9:45.

Roy J. Padolik
Roy J. Padolik, Chairman

Avis McGuiggan
Avis McGuiggan, Clerk

cc: R. Padolik
G. Anderson
C. Daniels
Mayor Barriball
Council Members
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held December 19, 1974 8:00 P.M. 19

Members present: R. Padolik, D. Barriball

Chairman Padolik opened the meeting at 8:21 P.M.

Chairman Padolik reported a question was raised by the Village Engineer relative to J. Simandle's subdivision application. After consulting with S. Weiss, Mr. Padolik was advised that the property would have to be physically measured according to Form S-1, Page 3, Paragraph C, Item c. Mr. Simandle was informed of this development and agreed to have the property surveyed.

Chairman Padolik stated he had received a letter from the EPA regarding a meeting to which all interested parties are invited to attend. The meeting will be held at the Fairview Park High School, 4507 W. 213th Street, Fairview Park, Ohio, 44126; beginning at 2:00 P.M., January 3, 1975, and will be concerned with the proposed designation of an areawide wastewater treatment planning agency.

There being no further business, meeting was adjourned at 8:50 P.M.

Roy J. Padolik
Roy J. Padolik, Chairman

Avis McGuiggan
Avis McGuiggan, Clerk

cc: R. Padolik
G. Anderson
C. Daniels
Mayor Barriball
Council Members
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held November 21, 1974 8:00 P.M. *19*

Members present: R. Padolik, D. Barriball, C. Briggs
C. Daniels

Guest present: J. Simandle

Chairman Padolik opened the meeting at 8:10. Minutes of October 17 meeting were read and approved.

Chairman Padolik said he had been in contact with Mr. Weiss regarding topography of Mr. Simandle's lot but found none available. However, Mr. Simandle had spoken to Mr. Charles Gdovichin, of the County Health Dept., who stated topography would not be necessary providing Mr. Simandle had drawings made showing the lay-out of the new sewage system as required by Geauga County. Photostats of drawings done by the excavator showing existing lot, proposed house location and sewage system, along with a sewage permit were presented to the Board for their perusal. Mr. Simandle reported signing a document agreeing to put in a new sewage system if the first should prove unsatisfactory. Mayor Barriball stated that Mr. Simandle was also required to sign a document agreeing to tap into the Village sewer system when installed. Mr. Simandle's application was accepted and approved upon receipt of $100.00 check according to Ordinance 1974-14. Mayor Barriball made a motion granting Chairman Padolik permission to approve Form S-1 providing the Village Engineer made no corrections. This was approved by the members of the Board. The Secretary dated and signed Form S-1 and Mr. Simandle will be notified by the Planning Board upon completion of the Form. Copies of Mr. Simandle's subdivision drawings were left with the Planning Board for filing.

Chairman Padolik reported the receipt of a letter from Mr. Weiss regarding proposed grading changes in Sheerbrook Acres Sublots 9-14. Review of this matter has been postponed until Spring.

Mayor Barriball reported all corrections in the new Zoning Regulations are completed and have been sent to Mr. Hinton for final drafts. There is a motion before Council at this time to waive further public readings of same and if passed, the new Regulations would go into effect early in 1975.

Chairman Padolik reported a Soil Conservation Ordinance was passed by Council and Mr. Briggs explained briefly contents of same.

Mr. Briggs stated he had contacted L. Dolan regarding a possible ordinance concerning well drilling. Board members suggested he continue with this study as such an ordinance would not only be desirable but in some cases critical.

There being no further business, meeting was adjourned at 9:30.

Roy J. Padolik
Roy J. Padolik, Chairman

Avis McGuiggan
Avis McGuiggan, Clerk

cc: R. Padolik
G. Anderson
C. Daniels
Mayor Barriball
Council Members
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held October 17, 1974 8:00 P.M. 19

Members present: R. Padolik, D. Barriball, G. Anderson, C. Briggs, C. Daniels

Guest present: J. Simandle

Chairman Padolik opened the meeting at 8:10. Daniels made motion to waive reading of September 19 minutes, seconded by Briggs. All present were in favor.

Chairman Padolik introduced the new clerk, Mrs. Avis McGuiggan to the members of the Planning Commission. She is replacing Mrs. Joan LaRue.

Mr. Simandle showed the members a print of his property which he had had drawn up in Chagrin. He said he needed approval of the Geauga County Health Dept. regarding the fall of the property to insure proper drainage. Mr. Simandle requested permission to obtain the needed topography map through Mr. Weiss rather than the Geauga County. Mr. Padolik said he would look into this matter. After studying the print on hand, the Board reviewed the Subdivision Regulations and Mr. Simandle was given a list of further requirements. These included: 1. a print giving actual location of the existing house; 2. a print giving actual location of the proposed house; 3. a check with the Zoning Inspector; 4. a sketch from the Geauga Health Dept. showing location of proposed well and sewage system. Mr. Simandle said his building would not alter any water courses but to prevent any possible water problems, a pipe would be installed under the new driveway.

Mayor Barriball reported Council had read the new Zoning Regulations at the first public hearing and no resident of the Village was present.

This session adjourned at 9:10.

Roy J. Padolik
Roy J. Padolik, Chairman

Avis McGuiggan
Avis McGuiggan, Clerk

cc: R. Padolik
G. Anderson
C. Daniels
Mayor Barriball
Council Members
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held September 19, 1974 8:00 P.M. 19

Members present: Anderson, C. Briggs, Mayor Barriball, Daniels, Padolik

Chairman Padolik opened the meeting at 8:05 and C. Briggs made motion to waive reading of May 16 minutes, seconded by M. Barriball. All present were in favor.

The Clerk said one reply had been received regarding job although party was not resident of Village. After brief discussion, Board decided to advertise for another week and not make requirement that applicant be a Village resident.

Mayor Barriball read Ordinance 1974-14 passed on September 9 by Council. This Ordinance established $100 Filing Fee for Minor SubDivision Review. Money goes into General Fund and is non-returnable.

Mayor Barriball advised everyone that a Public Hearing will be held September 30 at 7:00 for the purpose of reading New Zoning Regulations.

Mr. Simandle said he has 3.6 acres in Lake Louise and wants to split the lot and build another house in back for himself. Frontage for both houses will be on Ridgecrest. 1.1 acres will be maintained for the present home. New forms were reviewed and Mr. Simandle was advised that duplicate forms would be required from applicant, County Health Dept. and Sanitary Engineer after perculation tests were taken. Mr. Simandle was also advised that the Village will require a letter stating his willingness to abandon septic tank system when sewers become available. Chief Hamilton said he has format of letter available in his office. Mr. Simandle has checked with Building Committee in Lake Louise and no objection has been raised. House will be built in a hill at back of lot and construction isanticipated in the Spring.

Tom Thomas requested signatures on lenin of Phase II of Country Estates. Approval steps were reviewed according to present code. When questioned about recreation area, Thomas said they have just done the clearing. Opening onto Hazelwood and cul-de-sac streets were discussed.

Chief Hamilton was asked about what building and remodeling was taking place in the Village. Since July 1, Hamilton has issued 6 permits; 3 being new homes, others being additions or accessory buildings. A Record Book is kept listing address, date, subdivision, contractor, permit number and fee. Every 60-90 days a copy of the permits issued is given to the Clerk. Hamilton said majority of permits are for additions, family room, enclosed patios, etc. On advice from Solicitor, letter is sent on new housing permits advising they may or may not have adequate sewage facilities. (Mainly concerned with Thomas & Thomas and Dietz' developements)

Padolik questioned permits concerning remodeling such as enclosing a porch or patio. When a Zoning Permit is not required, Hamilton said he does advise the homeowner to obtain a Building Permit from the County. (This refers to panelling a basement, winterizing an existing porch, etc.) Zoning Permits are a flat fee of $25. Swimming pools and types of fences allowable were discussed Zoning fees in new Code was commented on.

There being no further business, this meeting adjourned at 9:45.

Roy J. Padolik
Roy J. Padolik, Chairman

Joan LaRue
Joan LaRue, Clerk

Padolik
Anderson
Daniels
Mayor Barriball
Council Members
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held May 16, 1974 8:00 P.M. 19

Members present: Daniels, Anderson, C. Briggs, Mayor Barriball, R. Padolik

Guests present: T. Vild

Mayor Barriball made motion to waive reading of April minutes, seconded by Anderson. All members were in favor.

Chairman Padolik announced work session with Council at Town Hall on June 6 at 8:00. Purpose of meeting is to review Zoning Ordinances and Codification. Legend is the only thing being changed on zoning map. Members are to read final zoning draft and compare with notes previously made so that the zoning ordinances can be finalized and passed during the summer.

Mention was made of a large cement block building under construction and whether or not such construction was allowable under zoning code. Accessory and detached buildings in residential areas were discussed at length. Mayor Barriball questioned the need for a sliding scale pertaining to the number of accessory buildings in relationship to the size of lot.

Chairman Padolik said he received a call from Bob Richert who has architectural business adjacent to shopping center property on 422. Mr. Richert asked about zoning regulations pertaining to side yard clearance, parking and set-back requirements. Mr. Tom Vild said there are two pieces of property involved and there is not sufficient parking area in front and the intention could be to put a parking lot in back. There has been no formal requests made to the Village but Mr. Vild and others of Rolling Ridge are interested in keeping informed as to what the intended use of the two lots might be.

After brief discussion on summer meeting schedule, Mayor Barriball made motion that Planning Board will not meet during the months of June, July and August unless so notified by Clerk that some business was on the agenda; seconded by C. Briggs. Roll call all in favor.

Mayor Barriball asked the members of the Board to give some thought regarding creation of an architectural board so this possibility could be discussed at a future time.

This session adjourned at 9:15.

Roy J. Padolik
Roy J. Padolik, Chairman

Joan LaRue
Joan LaRue, Clerk

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held R. J. Padolik, Presiding April 18 1974

Members present - Anderson, Daniels, Mayor Barriball, Padolik

Guests - R. Duckworth, Jack Curtis

Chairman Padolik opened the meeting at 8:15. Daniels made motion to waive reading of March 21 minutes, seconded by Mayor Barriball. All voted in favor of motion.

Mr. Jack Curtis presented drawing sketch for desired Brazier Queen to be located where Duckworth & Duckworth business office is on Route 422. The accounting office will remain but the rear garage building will be torn down. The building under consideration is to be 63 x 28 with possibility of full basement under entire building. The plans drawn are specifically for that lot because said lot is narrower. Brazier will run the operation themselves probably on a year round basis as they no longer accept 6 mos. franchise.

Padolik said the lot is zoned commercial and would be permitted if certain other specifics are followed. The building must have 75 ft. frontage at building line which is 100 ft. back from property line; side yard none unless abutting residential area or side street; rear yard must be 15 ft. minimum; maximum height not to exceed 2 stories or 35 feet. For the parking, 1 space must be provided for each 4 seats in the restraurant, 1 parking space per employee during peak shift and 1 parking space for 300 sq. feet of floor area. Mr. Duckworth said he has contacted Chagrin solicitor about water and sewage. The lighting is not to cause annoying glare reflected towards any buildings or streets. Present sign restrictions allow illuminated but not flashing sign and not to exceed total area of 25 sq. feet. There is to be no sign or billboard mounted above roof line nor can sign occupy more than 50% of total acreage. Mayor Barriball said most signs in Village do not conform to the ordinance as originally written but restrictions are better spelled out in new ordinances. The ownership of the property was questioned so that possible developement of land to the back would not create a problem with easements. Anderson questioned traffic flow in and out for safety purposes since two businesses would be in operation. Sidewalks were also discussed also water run-off from blacktop driveway. Padolik asked that Planning Board receive plot plan showing buildings with dimensions and recorded survey from Geauga records showing meets and bounds. Plot plan should also show adjacent buildings, exterior lighting and building elevations. Mr. Duckworth will notify clerk to be put on an agenda when all information is complete.

There being no further business, this meeting adjourned at 9:30.

R. J. Padolik

R. J. Padolik, Chairman

Joan L. LaRue

Joan L. LaRue, Clerk

cc: Padolik
Anderson
Daniels
Mayor Barriball
Council Members
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held March 28 1974 SPECIAL PLANNING BOARD SESSION 19

Members present: Mayor Barriball, Briggs, Padolik

Others: Hinton, Sol. Dolan, C. Sutcliffe, Harvey, C. Carpenter

From 8:00 to 10:30 P.M. a work session was held on Zoning Code.

At 10:30 P.M. the special session of Planning Board was called to order.

It was agreed by those present, that the Zoning Code had now been thoroughly reviewed and corrected to everyone's satisfaction.

Moved by C. Briggs that Planning Board recommend to Council adoption of the new Zoning Code, seconded by Mayor Barriball. Roll call ayes all, nays none; motion passed.

This special session adjourned at 10:45 P.M.

R. J. Padolik, Chairman

Joan LaRue, Clerk

cc: Padolik
Anderson
Daniels
Mayor Barriball
Council Members
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 8:00 P.M. R. J. Padolik, Presiding January 17 *19* 74

Members present: Daniels, Anderson, C. Brigg, Mayor Barriball

Guests: T. Vild, A. Gregory

Motion was made and unanimously accepted to waive reading of December, 1973 minutes. Chairman Padolik welcomed C. Daniels, G. Anderson and C. Briggs as new members to Planning Board and said the Board has experienced more interest in the developement of So. Russell than at any time previously. Padolik briefly outlined the functions of Planning Board as being primarily the developement, planning and regulating the Village to the best interests of the residents. Padolik used zoning map to point out various districts of zoning within the Village boundaries. (i.e. Commercial, residential, Town House) The duties of the Zoning Board of Appeals were also explained.

Anderson asked about inlaw suites being added to an existing house or whether or not coach-houses were permissable. Mayor Barriball said once a kitchen is added, it becomes a deplex or double and not allowable in our present codes. Coach-Houses are also not permissable.

Padolik stressed Planning Board does not make any variances or issue any building permits.

Mr. Ted Sheldon from Thomas & Thomas asked Planning Board permission to change the angle of a house for Sublot 19 in Country Estates. Because of the unusual size and dimensions of the lot, one section of the house is set back 70 feet from the right of way while another corner of the house would only be 50 feet back. Mr. Sheldon was told the angle of the house was not of particular concern to the Village as long as set back, side yard clearances and rear yard clearances were within the requirements but since the set back on Sublot 19 is not with the regulations, a variance would be needed and he should contact the Zonning Board of Appeals.

Rezoning request from Mezi Lumber Company was reviewed. Property is now zoned residential and located next to Gravely. Application was read regarding intent and purposes. The need for 120 parking spaces was questioned. Daniels questioned the septic tank bank and what effect the ban would have on Mezi Lumber. Anderson asked if something else would be marketed to alleviate the sewage peoblem, what would happen. Barriball said local regulations take presedent over County. The So. Russell ban is literally against on-site sewage systems be it transpo-vaporators, clorinators, etc. Daniels questioned possibility of rezoning back but Mayor Barriball said it would be difficult to rezone back to residential. The Mayor expressed concern over the depth of the property lending to possibility of various out-buildings to the rear. For the purposes of advising the new members of the Board, Mr. Gregory said the current operation of Mezi Lumber Co. on West 25th St. is one story building on 7/8 acre utilizing 6,500 sq. ft. with several storage sheds. Padolik emphazied the application is for rezoning only and the applicant is not bound at this time to submit information on type of building, architecture , etc. Barriball said once commercially rezoned, the Village no longer has any say to inspections. Daniels said once application for rezoning is granted, doors are open for further commerical developement. Padolik commented that the Application does not conform with planned developement for So. Russell and extends commercial area to lower classification. Daniels than made motion that the application be sent to Council with the recommendation that Council not grant a rezoning change and property remain residential; seconded by Anderson. Roll call vote all ayes; motion carried.

Padolik said no further information has been received regarding the Thomas & Thomas application while Briggs said he was informed T & T feels application will be turned down and is preparing for Court. Padolik said regardless of the outcome, application must still come before Planning Board.

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Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

Mayor Barriball informed Planning Board of standings with Hinton regarding payment and what is to be done from here on.and advised Board members they will receive copies of SubDivision Regulations and draft of zoning ordinances.

This meeting adjourned at 10:00 P.M.

R. J. Padolik, Chairman

Joan LaRue, Clerk

cc: Padolik
Anderson
Daniels
Mayor Barriball
Council Members
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD MEETING *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held R. J. Padolik, Presiding March 21 19 74

Members present: Daniels, C. Briggs, Padolik, Mayor Barriball

Guests: A. Gregory, Barb Christian

Chairman Padolik opened the meeting at 8:15. Minutes of January 17 were read and motion by Daniels seconded by Briggs to accept January 17 minutes.

Thomas & Thomas application was discussed regarding appeals to Zoning Board. Padolik commented on the lack of information originally submitted with the application in November, 1973 and said that Planning Board had also asked for report on water supply. Padolik questioned legalities of by-passing Planning Board and Council but Mayor Barriball said Sol. Dolan had advised procedure was possible. Daniels questioned ownership of the 153 acres and asked how anyone except the owner could request rezoning. Mr. Gregory asked whether or not complete plans were submitted with the application to Inspector Hamilton. It was noted the application had to be rejected because Inspector Hamilton cannot rezone property. Padolik restated and emphasized that the Thomas & Thomas Application was circumventing all established procedures and that Planning Board was still waiting for the information asked for last October on water study and the missing section of the map. Mayor Barriball emphasized that the Board of Appeals is a judicial body and should not be influenced in any way and that all facts will be presented on April 16.

Padolik questioned progress of Mezi Application. Mayor Barriball said the public hearing was March 18 and Council will now have to render a decision. Council's decision will determine whether or not they will appeal.

Padolik said he had tried to contact Hinton about receiving copies of revised zoning ordinances and revised SubDivision Regulations. Mayor Barriball said the Village is waiting for the preamble to be written in. The cost of charging for copies of SubDivision Regulations and Zoning Ordinances was discussed. At this time, Padolik said he felt Village should charge cost of reproduction which he will check with Hinton.

Procedure for enacting Zoning Ordinances was discussed. Mayor Barriball said the Engineer has updated zoning map and the only change will be the property on 422 owned by Methodist Church. Commercial property will be definetely outlined by dimensions. Planning Board can reccomend to Council they take new zoning regulations, set up public hearings and at same time draft a resolution from Planning Commission recommending that prompt action be taken. Thursday, March 28 was tentatively set for drafting resolution providing copies of Zoning Ordinances were available for proofreading prior to that date. Application form and number system to be used by Zoning Inspector and Clerk was discussed.

Voting mechanics used by Planning Commission were discussed. Since Planning Board is an advisory body, Daniels suggested a simple majority vote should be sufficient in making a decision. A quorom is composed of three of the five members present and a majority vote will settle any issue. The chairman can break a tie. A motion establishing voting rules for Planning Commission was made by C. Briggs, seconded by Daniels. All voted in favor; motion passed.

Padolik questioned status of sewers in the Village. The mayor said the Village was progressing with the project.

There being no further business, meeting adjourned at 9:45.

R. J. Padolik

R. J. Padolik, Chairman

Joan LaRue

Joan LaRue, Clerk

cc: Padolik
Anderson
Daniels
Mayor Barriball
Council Members
Sol. Dolan
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING Meeting

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held December 1, 19 83

Members present: Cotesworth, Daniels, Harvey, O'Donnell, Sutliff
Other officials: Wm. Driemiller, D. Markowitz
Guests: Brian McLaughlin, A. Anderson, A. Malmquist, Mrs. Spohn, Y. Eckstein, J. Wheeler, J. Kline, J. Brickner

Meeting was called to order at 8:00 P.M. by Chairman Daniels. Roll call, all members present. There being no additions or correction, O'Donnell moved to approve the November 3rd minutes as recorded, Cotesworth 2nd. Roll call, all ayes.

Jack Brickner, Thomas & Thomas, presented the development application and revised plan for Building "E" of Manor Brook Estates. Brickner stated building "E" originally was planned as a five unit building however after completing some marketing studies they have decided to build a three unit building and a single unit building. The Village Engineer, W. Driemiller, stated he had reviewed the plan and his only comments were for minor grading changes. Mr. King, Building Inspector, stated he had reviewed the plan and it complies with all code requirements. Commission reviewed the plan and discussed the development approval process. Following lengthy discussion, Harvey moved to approve the development application amending building "E" of Manor Brook Estates, Sutliff 2nd. Roll call, all ayes.

Mr. Jud Kline, architect for Biscotti's Restaurant, presented a development application and architectural drawings for a proposed renovation to Biscotti's. Mr. Kline stated the proposed change calls for enclosing the outdoor patio for year round seating. This area currently encroaches into the side yard set back leaving only five feet to the property line. In addition to the patio enclosure, they would like to renovate the front entrance. Mr. Daniels stated with the increased seating capacity, 88 additional seats, there must be additional parking provided. Daniels stated there must also be parking spaces enough for the office building in back of the restaurant. Commission discussed the specific parking requirements and determined with the proposed additional seating of 88 seats, making a total of 168 seats, there is not sufficient parking area on the site. Chairman Daniels stated there are two problems which must be presented to the Zoning Board of Appeals for their approval prior to any action of the Planning Commission on this development application. First, the variance request for a five foot side yard and second, a reduction of the minimumnumber of parking spaces permitted for the proposed number of additional seats. Chairman asked Secretary when would be the next meeting of the Zoning Board of Appeals. Secretary stated due to the holiday time, January 11th. Solicitor pointed out this would be past the 30 day time limitation of the Planning Commission to either approve or disapprove the develpment application. Therefore, the Commission could either disapprove the application or the applicant could request an extention to the 30 day time period. Mr. Kline stated he would request an extention to the first regular scheduled Planning Commission meeting following their meeting with the Zoning Board of Appeals.. Mr. Daniels asked that this request for a time extention be written on their application. Mr. Kline agreed.

John Wheeler, Wheeler Landscaping, stated he was before the Planning Commission to try and resolve a problem which developed today. Mr. Wheeler explained he was in the process of shuttling topsoil from a construction site in Bainbridge and hauling it to the open area behind Chagrin Galleries. Wheeler stated he has made arrangements with the land owner, Tom Burns, to store topsoil there for six the twelve months in order to retail it at a later date. Mr. Wheeler stated Mr. King shut this project down today, until he (Wheeler) filed an application, paid the proper fee and received the proper approval. Mr. Wheeler asked the Commission, if he filed all the proper forms and fees, could he get a conditional approval to complete the job. Mr. Daniels asked why the topsoil had been removed in the area of the dumping. Mr. Wheeler stated they were being very sensitive to be sure to keep the soil on the property which it is being dumped, so they stripped the area down to the clay to improve the drainage. Mr. Daniels stated he has seen this operation and they are doing a very neat and clean job. Solicitor stated the real issue which must be considered is the fact that the Code does not allow the storage of soil for the purpose of resale. There is no pro-

RECORD OF PROCEEDINGS

vision under the Conditional Use section of the Code for such a use. Mr. Wheeler stated there are currently 675 cubic yards dumped with a total of 1500 cubic yards when the job is completed.

Following a lengthy discussion the Commission suggested Mr. Wheeler file a Z-1 application tonight, provide proper grading plans for the Village Engineer to review immediately and then file a Z-6 application requesting a conditional use variance from the Zoning Board of Appeals. Harvey stated the applicant must understand that because the Code does not provide for this use, if the ZBA rules against him, he will have to move the soil. Mr. Wheeler stated he understood. Harvey stated he would like to see some form of precatuion taken to prevent severe siltation in the spring, should the ZBA rule in favor of Mr. Wheeler's request. Solicitor Markowitz stated he will suggest that one of the conditions of an approval would be to set a bond amount to cover any damage occuring from the spring thaw. Commission asked the Village Engineer to determine an amount to suggest to the ZBA.

Mr. Markowitz stated he has asked Dr. Eckstein, Bill Driemiller and E. O. Gregory here to review with the Commission the Gas and Oil Ordinance outline. Markowitz stated he has done some additional research in surrounding areas of Lake County and found there is either no regulations or very simple ones. What we have done so far is about as good as what you could find anywhere and that is why the experts are here, in order to further refine the proposed regulations.

Dr. Eckstein stated he has reviewed the outline and has comments on the following items.

IV, Public Hearing information, A, 3; Eckstein suggested Commission only issue a ground water recharge protection zones or districts

(B) Drilling Production regulations; (16), Eckstein strongly endorses inspecting the drilling site before and during the drilling process

(C) General Regulations, (10), Eckstein stated the first signs of pollution during normal production operations will be found not in surface water but ground water. Therefore, if you want to monitor quality of the surroundings, monitor the nearest water well down stream or nearest well within 2,000 feet of the drilling site.

(20); Eckstein stated the only hydrocarbons found in the Sharon sandstone in South Russell will be in the form of gasoline or fuel #2 from the gas station. Eckstein stated if there were hydrocarbons in the Sharon, the drinking water would taste very lousy. The Sharon is the major supplier of ground water and no hydrocarbons or brines should enter that particular formation.

VI, Model Ordinances, (6); Eckstein stated he felt it was a mistake to prohibit the use of hydraulics. Markowitz stated the ordinance which was talking about this, did not want one to increase the porosity by the injection of water into the "pay zone". Eckstein stated that this is what is actually done in the fracturing process. Eckstein suggested increasing porosity through the use of explosives be prohibited, however hydraulics should be permitted.

(9); Eckstein questioned the benefit of having geological reports submitted which would assure that oil production would not result in noticeable subsidence. Eckstein explained from his research there will be no subsidence in the South Russell area because there is no history of it in the Clinton formation. The Clinton is too deep for the extraction of hydrocarbons to affect the surface. Dr. Eckstein stated it is his opinion this requirement should be deleted and instead state the oil companies will be responsible for any damages occuring due to subsidence because of the extraction of oil.

Dr. Eckstein stated the items he has commented on were the ones obvious to him which needed correction, however there are many other items which need further discussion.

Al Anderson, E. O. Gregory, stated he has reviewed the outline prepared by Mr. Markowitz and feels each item should be reviewed by the Commission

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Minutes of Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held December 1, 1983 19

and discussed with the experts. Mr. Anderson stated he did not have a report prepared to discuss any specific items tonight, he felt all items should be covered one by one.

Bill Driemiller stated in he review, his only question was whether or not an impact study was warranted, they are expensive and lengthy in completing. Dr. Eckstein stated an impact study done, as understood by various regulatory ag agencies, would take minimum six months to do and he does not believe this is what the Village wants to get into for each drilling site. Markowitz stated he feels the intent of this regulation deals with the situation, a well being drilled near Silver Creek, what impact would this have on the habitat, marine life and animals of surrounding area.

Commission discussed at length various items of the outline.

Ann Malmquist stated she felt we do need environmental impact studies, especially in the area of Silver Creek. Silver Creek is considered a pristine body of water and the Village must be sure any drilling process will not put this source of water in danger. Mrs. Malmquist stated she would also like some provisions in the ordinance which would prevent the drilling company from taking drilling water from local streams and rivers.

Following lengthy discussion, Commission agreed to hold a special meeting on Saturday, January 14th, at 9:00 A.M. to discussfurther the proposed Gas & Oil Ordinance outline.

There being no further business, meeting adjourned at 10:45 P.M.

Charles M. Daniels, Jr.
Charle M. Daniels, Jr., Chairman

Cathy Male
Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Building Inspector
Engineer
Solicitor
Wm. Jackson

To Here: 12-31-83
SS Suednesky
State Examiner

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING Meeting

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held November 10, 1983 19

Member present: Sutliff, O'Donnell, Cotesworth, Daniels
Other officials: W. King, D. Markowitz
Guests: A. Malmquist, J. Brickner, G. Spohn, E. Freemen, P. Clay

Meeting was called to order at 8:02 P.M., Roll call, Harvey absent. Chairman Daniels asked for any additions or corrections to the October 6, 1983 minutes. Mrs. Cotesworth corrected two typographical errors. One in the second page, first paragraph, 3rd line, folwingback should read flowingback and second, in the second paragraph, third sentence, "in the whole" should read "in the hole". Mr. Markowitz stated in the last paragraph, the third last sentence should read "Following a lengthy discussion, Commission recommended to eliminate the condition of obtaining additional land, unless the same could be obtained at a reasonable cost, as a condition of approval." There being no further additions or corrections, Cotesworth moved to approve the minutes subject to the above corrections being made, Sutliff seconded. Roll call, all ayes.

Jack Brickner, Thomas and Thomas, stated about 1½ years ago they had the plans of two buildings, D & E, in Manorbrook Estates approved by the Village Engineer and the Planning Commission. Thomas and Thomas has constructed building D and now will hopefully get going with building E in the next month. They have decided, for marketing reasons, they would like to change the already approved five unit building E into a three unit building and a single unit building. Brickner stated he is before the Commission to inform them of the proposed changes and present the new drawings. Brickner stated this plan has not been filed with the County. Wallay King stated this plan does comply with all the zoning regulations, and it has been submitted to the Village Engineer for his review. Mr. Markowitz stated this change must go before the Planning Commission and receive their approval under the development approval regulations. Mr. Brickner stated he did not realize that it had to be a formal application, but if that is what is required he will file the proper forms. Following a brief discussion, Mr. Sutliff moved that they consider Mr. Brickner's application filed as of tonight, November 10, 1983, conditional upon the proper applications and deposit fees being filed with the Secretary, O'Donnell 2nd. Roll call, all ayes. The Commission will make their final review at the December meeting.

The Planning Commission accepted for filing the Minor Subdivision Application of Carl Gaertner's. The proposed area for subdividing is located west of Gurney School, north side of Bell Road and Mr. Gaertner is requesting to divide his parcel into four one acre lots, each with a hundred foot frontage. The Zoning Code requires lots in that area to have 130 feet frontage. Mr. Daniels stated he is to go before the ZBA on November 30th and request the necessary variances, the come back to the Planning Commission on December 1, 1983 for their decision.

Mr. Markowitz presented the revised proposed zoning amendment re: Grandfather Clause. Markowitz stated the ordinance is now in a form which can be approved and sent on the Council for a public hearing. Mr. Markowtiz reviewed each section of the proposed ordinance with the Commission. Following a lengthy discussion, Sutliff moved to approve the proposed amendments to the Zoning Code, O'Donnell 2nd. Roll call, all ayes.

Mr. Markowitz presented an outline for the South Russell Village Gas & Oil Ordinance, copy attached. Markowitz stated the format used is simply to provide areas of regulation or prohibition without necessarily suggesting each item be adopted. References are taken from the Bainbridge Zoning Resolution, Aurora Ordinances, the Ohio Gas & Oil Well Statutes or regulations, input from the public hearings and other model ordinances which are still being researched. Commission, Mr. Markowitz and members of the audience reviewed each item of the outline.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

Markowitz stated it is his hope that all the surrounding communities will adopt our regulations, when in its final form, in order to protect the properties along the border of out Village.

Following a lengthy discussion, Markowitz asked that the Commission to take this outline home and review thoroughly and then it will be discussed further at the December meeting.

Mrs. Malmquist stated she would like to congratulate the Commission and Solicitor on the fine job they are doing developing an excellent gas and oil ordinance and she will be writing the newspapers to let them know of their fine work.

There being no further business, meeting adjourned at 10:05 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

Xc: Council
Planning Commission
Clerk of Council
Building Inspector
Engineer
Solicitor
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held OCTOBER 6, 1983 *19*

Members present: Cotesworth, O'Donnell, Harvey, Daniels, Sutliff
Other Officials: D. Markowitz, W. King, W. Driemiller
Guests: Yorum Eckstein, Ann Hamilton, Gene Spohn, Ann Malmquist, Ellen Freeman, Jay Huston

Meeting was called to order at 8:03 P.M. Roll call, all members present.

There being no additions or corrections, Cotesworth moved to approve the September minutes as recorded, Sutliff 2nd. Roll call, all ayes.

Mayor Harvey asked the Secretary to save the tapes of tonight's meeting. Secretary agreed.

Yorum Eckstein, Village Hydrologist, presented an aerial map of the Village showing the ground water recharge protection zones. Dr. Eckstein explained the area of the proposed oil and gas well is not a recharge area, however there are other problems with surface run-off and silting. Dr. Eckstein stated in order to legislate this map, there are two areas which must be designated. First, the recharge area in which there is no drilling allowed and second, discharge areas, which would permit drilling however distance between proposed gas wells and existing homes and water wells would be a minimum of 2,000 feet. Dr. Eckstein explained a recharge area is an area in which the water flowing upon it will be absorbed into the aquifer. The problem in drilling in a recharge area, you have the possibility of, during the drilling process, damaging the underground water supply. Harvey asked if you drill upstream of a recharge area, isn't there the possibility of still contaminating the recharge area? Dr. Eckstein stated no, all the recharge areas are upstream. You must think of the recharge areas as mounds and the lines delineating the two areas are drawn at the base of the mound. Dr. Eckstein stated the danger in the recharge areas is if you have a spill at the top of the mound, the pollution will spread in all directions and flow down to the aquifer. If you spill in a discharge area, the flow is channeled in a limited path, area affected is localized to the path of the flow. Dr. Eckstein gave a lengthy explaination on how Paw Paw Lake is fed through underwater springs and Silver Creek. Dr. Eckstein explained the formation of the Sharon and Berea sandstone.

Mayor Harvey asked if the proposed well had some seepage of brine, would it permeate the ground? In a discharge area, Eckstein explained, it would not permeate to the underground water supply but it would flow as surface water. Mr. Sutliff asked what if a catastrophic spill should occur, at the proposed site, would Paw Paw Lake be devastated? Dr. Eckstein stated you would have to consider the specific content of the spill and he does not have any numbers to scientifically prove this, but it is his opinion that one catastrophic spill would not have much of an effect, particularly because the major supply of water to Paw Paw is not Silver Creek but the underwater springs.

Mr. Jay Huston, representative of E. O. Gregory, came before the Commission with recommendations as to how they could oversee the drilling process of POI if the requested conditional use permit is granted. Mr. Huston stated the things they can do to insure that POI does a good job drilling the well, protecting the ground water are included in the following seven items.

First, observe the location construction. This is where they put the drilling site, they would make sure the diversionary ditches would be properly placed in order to protect Silver Creek. The Engineer stated the grading of the construction site will be critical due to the fact that it is located between two kames and the storage tanks will be perched on a hillside of about a 15% grade. The whole site sits on a hillside, about 25 feet above the beds of Silver Creek. The grading of proposed site was discussed at length.

Second, observe the completion of the surface hole and the cementing of the surface casing.

Third, spot checks during the drilling to check the pit levels.

RECORD OF PROCEEDINGS

Fourth, check location prior to the fracturing for water flowback room and spillage control, then observe the flowback of frac water. Brian McLaughlin, POI representative, stated there won't be any use of a pit in the flowingback of this well, it will all flow into a flowback tank. Mr. McLaughlin explained the flowback process.

Fifth, spot check the flowback tank during the swabbing process. Mr. McLaughlin stated there is no need for the swabbing process because their production tubing will already be in the whole from the time that the fracturing is completed and flowed back. Mr. Huston explained the swabbing process.

Sixth, observe the tank battery construction to insure liners are installed properly. Mr. Huston explained there is a formula which is used to determine the necessary size of the tank batteries. Mr. Daniels asked what the time lapse would be between bringing in the well, getting all the the holding area for the tanks and recontouring the land to a similar state prior to the beginning of this whole process. Mr. McLaughlin stated considering the weather, approximately four weeks.

Seventh, make final check of completed and relaimed location. They will be checking to be sure the dikes are sufficient and the drainage ditches are working.

The Commission and Dr. Eckstein discussed the fracturing process at length. Dr. Eckstein and Brian McLaughlin explained the details of the fracturing process.

Ann Malmquist stated she is concerned with the fact that POI will be drawing water from Silver Creek during the drilling process of their well. Do they have the right to do such a thing. Mr. Markowitz stated according to present water laws in Ohio, anybody has the right to draw from the surface water of Silver Creek so long as their use is not so unreasonable as to totally deny other land owners use of that water. POI would have the right to pump water as long as the Creek bed is not damaged or siltation is caused. Mrs. Malmquist stated her concern lies in the fact that if they are pumping from the Creek, they will also be pumping some aquatic life. It is her understanding, and she doesn't have the facts right now, but will next meeting, that years ago when the study was done of Silver Creek to designate it a pristine creek, it was discovered that because it was so pure there were forms of aquatic life that could bot be found in most other streams. Mr. McLaughlin stated they do have inlet screens to prevent sucking up unwanted debris.

Mr. Harvey asked if during the drilling process, what exactly will E. O. Gregory look for, are there meams of testing what's being done during the drilling? Mr. Huston stated the main areas checked are the pit levels and to make sure of no major blowout, a gas detector can be rigged to determine in advance, any problems. This is usually standard procedure for a "wild cat" well, a "wild cat" well being the first well drilled in a specific area.

The Commission and Mr. McLaughlin discussed the process taken if in fact there is a blowout. Mr. McLaughlin stated if a blowout did occur, they would call in a service company and they would be there within two hours. Dr. Eckstein explained there are two types of blowout preventers, pneumatic and hydrolic. The state does require that the driller uses one type of a blowout preventer.

Bill Driemiller stated he feels it will be necessary to instruct the Village building department as to the proper procedures for a continuous monitoring during the production life of the well so that our people can be on the site periodically to observe the pit levels and any danger signs. Commission agreed.

Brian McLaughlin stated the well site is checked daily by their company, checking both the level of fluid produced over a 24 hour period and the consistancy of gas sales. The condition of the equipment and cleanliness of the site will also be checked. Once a week, direct pressures of the well are checked along with the plunger to be sure of no unusual pressure build up.

The abandonment process of the well was disoussed. Once the well is producing an amount too small to be profitable, the well is plugged and the site is abandoned. Markowitz stated a bond must be posted with the state to make sure the well is properly plugged and land is graded properly. The typical bond posted is approximately for $35,000.

Markowitz asked if, since the Public Hearing, have there been any changes in the proposed location of the well site. Mr. McLaughlin stated they have not committed to any alterations on the road into the site or the well site with the land owners however there is a chance the site location will be moved so as not to excavate

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held October 6, 1983 19

any trees along the bank which slopes to Silver Creek. They will know of any changes by the next public hearing.

Mayor Harvey asked if POI had requested a permit from the State. Mr. McLaughlin stated yes, they have been issued a permit and it is good for six months.

Mr. Warren Wiant, resident of South Russell, stated from his experience in the industry, he has a list of recommendations which he feels will help provide a drilling process which will be a safe one for the Village and it's residents. Mr. Wiant reviewed his suggestions, attached is a copy of his seven recommendations.

Mr. Markowitz passed out a memo regarding the proposed grandfather clause, amending Sections 12.02(B), 12.03(3) and 3.076 (A). Markowitz stated this proposed amendment for Sections 1202(B) and 12.03(3) addresses additions and lots of insufficient size and the concept is if they existed prior to any zoning or the incorporation of the Village and they cannot comply with the current zoning, then they will have to go before the Zoning Board of Appeals for a variance. If the lot of record or the non-conforming structure was deeded or constructed after the first zoning was enacted, a zoning permit may be issued if it complies with the zoning regulations in effect just prior to the amendment making such a dwelling or lot of record non-conforming. The proposed amendment to 3.076(A) would eliminate the ten percent limitation on the Zoning Board of Appeals. **** ~~Following a lengthy discussion, Commission recommended to eliminate the condition of obtaining additional land, if available, as a condition of approval.~~ Commission also approved of repealing Section 3.07(7) and Section 4.02(I) and Subsection 2. Markowitz stated he would make these changes and present them at the November meeting.

There being no further business, meeting adjourned at 11:35P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Engineer
Solicitor
Building Inspector
Wm. Jackson

**** Above X-out section should read: 'Following a lengthy discussion, Commission recommended to eliminate the condition of obtaining additional land, unless the same could be obtained at a reasonable cost, as a condition of approval.'

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held September 1, 1983 *19*

Member present: Daniels, Harvey, Sutliff, O'Donnell
Other Officials: D. Markowitz, W. King
Guests: Joan LaRue, Brian McLaughlin, John Neely

Meeting was called to order at 8:00 P.M. by Chairman Daniels. Roll call, Cotesworth absent. There being no additions or corrections to the August minutes, Harvey moved to approve them as recorded, O'Donnell 2nd. Roll call, all ayes.

Brian McLaughlin, land agent for POI Energy, Inc., presented an application and plans for a proposed gas and oil well for the Matthews/Schmidt property These two parcels total 92 acres. Mr. McLaughlin stated he would like to answer any questions of the Commission and give more information about their company.

Mr. McLaughlin stated POI Energy, Inc. is a subsidiary of Park-Ohio Industries, Inc. and they are located at 777 East 79th Street, Cleveland Ohio.

Chairman Daniels asked how loud is the equipment used to drill? Mr. McLaughlin stated they had an environmental sound study done four months ago and they determined at 1/4 mile, the level was 55 decibals. However, it has been deemed by the environmental noise consulting firm, that the noise from a drilling operation does not contain the types of noises which would be annoying, it is a low energy, consistant noise that does not have alot of sharp screeches.

Chairman Daiels asked if he was familar with the Village Zoning Code? Mr. McLaughlin stated he has made a close review of the zoning before they made their application and he doesn't feel there is anything in it that they can't live with, in fact they are more than eager to demonstrate to the Planning Commission their willingness to work with the Village in developing this gas and /or oil well.

The Commission and Mr. McLaughlin discussed the proposed location of the drilling site and reviewed the maps.

Mr. Sutliff asked if they would tie into the existing East Ohio Gas line? Mr. McLaughlin stated yes they would, it is a low pressure transportation line that runs at about 150 to 250 pounds.

Mr. Daniels asked if the particular spot on which they are proposing to drill was picked for any specific reason? Mr. McLaughlin stated the nature of the resevoir that they are producing out of, the Clinton Sandstone, isn't the kind of resevoir you can get any information from ~~sysmic~~ seismic testing. What they are doing is making a stab at the resevoir, approximately 5 miles north of any existing wells they have, they are considering this an exploratory well.

Mr. Daniels asked what if they do not hit oil or gas, will they try for another site on this propoerty? Mr. McLaughlin stated he really doesn't know, they would study the logs and see what was there. Mr. McLaughlin stated out of 700 wells which they have drilled, they have found only about 20 well which have not been producable. There is over a 95% hit rate of getting some kind of producing quantity of gas or oil.

Mrs. O'Donnell asked how long does it take to drill a well? Mr. McLaughlin stated to actually drill the well, it takes about 5 days. To move in drill and move out it is about one week. This week is about the only time it will be an inconvenience to the surrounding area, i.e. noise, traffic, etc. Mr. McLaughlin stated after that , the operation of the well is relatively silent, it is check dailey by a well serviceman.

RECORD OF PROCEEDINGS

Dale Markowitz stated under the conditional use permit, if the work is not completed witin 18 months, the permit is void. Will this be a problem? Mr. McLaughlin stated no, their work will begin as soon as the permit is issured. They will not drill unless the right-of-way is recorded, therefore allowing them to get the gas out and to market.

Mayor Harvey asked how they handle the brine that is a by-product from the drilling process. Mr. McLaughlin stated the brine is their #1 concern that they face when introducing a gas and oil well. They have trucks which haul the brine off the site to injections wells, where it is injected 3,000 to 7,000 feet down to deep brine ladened strata, well below the fresh water aquifers. The Commission and Mr McLaughlin discussed the specifics of the drilling process and the tank system.

Markowitz asked how close the site was from Lake Louise. Mr. McLaughlin stated it is about 1,500 feet from Lake Louise. Mr. McLaughlin stated he realizes this is a sensitive issue but they have a very good track record of drilling near water and feel they can handle this situation.

Wallay King asked who inspects the drilling process. Mr. McLaughlin explained the state inspectors are there during the drilling process, they are not allowed to drill unless they are present.

Mayor Harvey asked what problems have they had with the water tables? Mr. McLaughlin stated they have not had any problems up to this point. They are presently drilling in a very sensitive area in Bainbridge and are developing safe methods for such drilling.

Mr. McLaughlin stated all traffic will come down Rte. 306 to Bell Road, they will not be using Snyder at all. They will be most willing to set a road bond which the Village feels necessary to protect Bell Road during the drilling process.

Mr. McLaughlin stated he would be more than willing to escort the Planning Commission to a variety of sites, in different stages of drilling, in order for them to actually see what is involved. Commission agreed and set Wednesday, September 7, at 5:45 P.M. to go observe the wells.

Following a brief discussion, the Commission set September 29th at 8:00 P.M. for the public hearing. This public hearing will be held at the Gurney School.

The Commission asked the Secretary to send copies of the application to Dr. Eckstein and Bill Driemiller and ask for their recommendations and, that they attend the public hearing.

John Neely, Con Dev, presented a new plan for the property of the airport and asked for comments and suggestions from the Planning Commission. Mr. Neely stated they have 133 gross acres and he is proposing 105 lots. Mr. Neely stated he needs to know what the next step will be as far as the approval process because there will be substantial variances required.

Mr. Neely explained they will have lots less than the minimum 3/4 acre lots, size will vary from 1 ½ acres to ½ acre. The general layout would have a double entrance, a loop road with ten spurs with cul de sacs. This would be a private community, with private roads, with a gate house. The individual would own their lot fee simple but share common expenses, i.e. landscaping, open space maintenance and security. There would be a mandatory homeowners association written into the deeds.

Chairman Daniels stated he feels it is a good plan, it will need variances, but it is still a good concept.

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Mayor Harvey asked if Con Dev would control the building? Neely stated he wasn't sure if he would do the building but there would be restrictions on the architecture, it must be compatible.

Dale Markowitz stated one thing that Mr. Neely might consider is single family condominiums. Markowitz stated it would be easier to maintain the enforcement of the deed restrictions if indviduals who purchased land go into the project with condominium restrictions.

Commission and Neely discussed types of variances required and how such would be requested.

Mr. Neely stated he wants to have a master plan for this community, with architectual standards and site standards which are compatible through out. This development would be done in three phases.

Commission agreed it is a good plan however expressed doncern with the private roads and the ½ acre lots.

Markowitz pointed out the ½ acre lots could be placed near open space which would give the appearance of being bigger.

Markowitz stated one way to avoid applying for the needed variances would be to request for rezoning. It is his opinion it would be better for both the developer and the Village. It would give the Village enforceable legislation as oppose to the Zoning Board of Appeals action and it gives the developer clear guidelines as what they can and can not do. There is greater flexibility with rezoning than with variances.

Following further discussion, the Commission asked Mr. Neely to finalize his plan, come up with concrete facts on which exact variances would be required. The Planning Commission's main concerns are the private roads and exactly how much their plan deviates from current zoning.

Dale Markowitz passed out proposed revisions of Sections 12.02 (B), 12.03 (3) and 4.02(J) of the Zoning Code. The Commission reviewed these revisions.

Following a lengthy discussion, Mayor Harvey stated he will meet with the Zoning Board of Appeals on Wednesday, September 7, and determine how to handle these amendments, should they meet jointly with Council and Planning Commission or separately. No matter which way it is important the Council get the ZBA's input prior to initiating these amendments.

Commission asked the Secretary to senda cover letter with copies to the ZBA of Markowitz's memo for their review prior to their Wednesday meeting.

There being no further business, meeting adjourned at 10:30 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Coucnil
Planning Commission
Clerk of Council
Building Department
Engineer
Solicitor
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Members present:Daniels, Sutliff, Harvey, O'Donnell
Other Officials: W. King
Guests: Lambert Kew, Carl Gaertner, Lynn Beeson, Arlene Rieger, Ted Beach
Janice De Michaels, Stephen A. Kershner

Public Hearing was called to order at 8:00 P.M. by Chairman Daniels. The Legal Notice which was printed in the Geauga Times Leader on July 15, 1983 was read by Mr. Daniels.

Lynn Beeson, President of the Chagrin Falls School Board, explained that due to the school's declining enrollment it was decided that Gurney School would be closed. The Western Reserve Y M C A approached the Board, requesting to use the building as a community center. The use would be essentially the same, i.e. educational, in addition with other community activities.

Mr. Carl Gaertner asked if the School Board plans to use Gurney as a school in the future.

Mrs. Beeson stated they can't predict what the future enrollment will be, but by leasing the building they will have that option open to them.

Mrs. Michaels asked what type of traffic would they be anticipating, and when would they expect the most.

Mr. Kew stated they are still developing programs to be offered but due to their nature, they will be staggered through out the day, hopefully maintaining an even flow of traffic. The types of programs hopefully to be offered are a senior citizens program, some type of day care program and a variety of sports programs.

Following a brief discussion of proposed programs, the Public Hearing adjourned at 8:15 P.M.

Regular Meeting of the Planning Commission
August 4, 1983

Members present: SAA
Other Officials: SAA
Guests: SAA

Regular meeting was called to order at 8:16 P.M. by Chairman Daniels. Roll call, Cotesworth Absent.

Mayor Harvey asked, with respect to the Gurney conditional use permit, had the number of current parking spaces been determined?

Mrs. Arlene Rieger stated she had determined there are approximately 50 spaces available.

Mr. Harvey stated his only concern was the parking and the traffic and at this point he feels neither should be a problem. If this program becomes a huge success, & parking and/or traffic do become problems, then the YMCA and the school board will have to come back and work out the problems.

Wallay King stated he agreed with the 50 parkings spaces currently available and if additional parking is needed in the future, there is adequate open space to do so. King asked if there were events that created an excess of cars that they not be allowed to park along the drive due to the possibility of damaging the drainage along the drive.

Following lengthy discussion on whether or not there is adequate parking, the Commission suggested that if in the future the Village finds there is a need for additional parking, the YMCA and the Chagrin Falls School Board will be required to provide it. Mr. Kew and Mrs. Rieger agreed.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

There being no further discussion, Harvey moved to conditionally approve the conditional use permit with the stipulation that if in the future the Village finds additional parking is needed, the Western Reserve YMCA and the Chagrin Falls School Board will provide additional space, Sutliff 2nd. Roll call, all ayes.

Carl Gaertner came before the Commission for an informal discussion on a minor subdivision request. Mr. Gaertner stated he owns the property west of the Gurney School, off Bell Road, which he would like to split into four lots, each lot being approximately 1.06 acres. Each lot would be 100 feet wide. There are currently four sewer connections for this property which Mr. Gaertner has been assessed. Mr. Gaertner stated he hopes to build on one and sell the rest.

Commission explained that the current zoning requires 130 feet of frontage, there fore he would be required to go before the Zoning Board of Appeals and request a variance for the proposed frontage.

Following a lengthy discussion, the Commission explained to Mr. Gaertner that he must first apply to the Planning Commission for the minor subdivision and then go before the ZBA to request a variance on the lot frontage and then go back to the Planning Commission for their decision. The fees and proper application forms were discussed with Mr. Gaertner.

Chairman Daniels asked for any additions or corrections to the July minutes, there were none. O'Donnell moved to approve the minutes as recorded, Sutliff 2nd. Roll call, all ayes.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Building Inspector
Engineer
Solicitor
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held July 7, 1983 19

Members present: Cotesworth, Daniels, Harvey, O'Donnell
Other officials: W. King
Guests: Lambert Kew, Arlene Rieger, Sherri Culver

Meeting was called to order at 8:00 P.M. By Chairman Daniels. Roll call, Sutliff absent.

There being no additions or corrections, Harvey moved the June minutes be approved as recorded, Cotesworth 2nd. Roll call, all ayes.

Lambert Kew, Chairman of the Board of the Western Reserve YMCA introduced himself; Dr. Arlene Rieger, Superintendent of the Chagrin Falls School District; and Sherri Culver, member of the Chagrin Falls School Board, and explained they are before the Commission to introduce a proposed planned use of Gurney School. Mr. Kew handed out a written statement to the Commission. Mr. Kew explained they would like to develop a Gurney Community Center for the community which the Chagrin Falls School system serves, which would be used for educational purposes for citizens in surrounding communities. The Gurney Community Center will be managed under a cooperative arrangement with the Board of Education, the Western Reserve YMCA and other community groups. The YMCA, as administrative overseer, will sub-lease to community groups who wish to meet daily, weekly, monthly, etc. Mr. Kew explained the lease between the School Board and the YMCA will place the YMCA in charge of scheduling and routime costs normally incurred by renters. The Board would maintain responsibility for major repairs. Mr. Kew stated whenever the building is open there will either be a YMCA official or a custodian in the building to make sure everything is running smoothly.

Chairman Daniels stated his only concern would be parking, for some of the events scheduled, there might not be sufficient parking space. Sherri Culver stated there have been several occasions where hundreds of parents attended special events and even then, there was enough room and she doubted there would be any YMCA event that would draw that many people. Marilyn Cotesworth stated she also had a concern with parking and traffic, once the programs get going, how can the Village be assured the parking and traffic won't become a problem.

Dr. Rieger stated the lease wich is being drawn up by the Board's attorney and the YMCA's attorney is a one year lease for $1.00 with a renewable option for the second year at $1.00. After that, if the program is successful, with both the YMCA activities and community activities, and if there were funds in excess of maintaining minimal services, there would be a requirement to renegotiate the terms so the school board and the community would benefit by putting the money into capital improvements or some other kind of fund, Dr. Rieger stated the YMCA and the Board are extremely anxious to be very good neighbors and they are as concerned with traffic and parking as the Village is and should a problem arise they will deal with it directly.

Mayor Harvey stated as far as zoning goes, this proposal is a permitted conditional use and the Planning Commission has the power to grant such a use. Wallay King stated the Commission has the power to grant such a use however under the guidelines in the Zoning Code, a public hearing must be held within 30 days of filing an application. The Commission reviewed the Zoning Code and discussed at length whether or not a public hearing is necessary. Chairman Daniels pointed out there is also a $250.00 application fee, all but $50.00 refundable. Mayor Harvey stated it appears they are obligated to hold a public hearing due to the Code requirements however as far as the fee goes, the Planning Commission would accept just the $50.00 non-refundable portion as the application fee.

Following a brief discussion, Cotesworth moved to set a public hearing for the YMCA's and the Chagrin Falls School Board's conditional use

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

application for August 4, 1983 at 8:00 P.M., Harvey 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 9:30 P.M.

Charles M. Daniels

Charles M. Daniels, Jr., Chairman

Cathy Male

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk
Engineer
Building Inspector
Solicitor
William Jackson

RECORD OF PROCEEDINGS

Minutes of Planning Commission Meeting *Meeting*

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held June 3, 1983 *19*

Members Present: Cotesworth, Daniels, Sutliff
Other Officials: W. King
Guests: None

Meeting was called to order at 8:10 P.M. by Chairman Daniels. Roll call, O'Donnell and Harvey were absent.

There being no additions or corrections, Cotesworth moved to approve the minutes of the May meeting as recorded, Sutliff 2nd. Roll call, all ayes

Wallay King presented the grading/land filling plan of Dinallo & Witrup Homes, Inc. for sublot # 18 & 19, Chelsea Court (Sheerbrook Acres #2). Mr. King explained that Dinallo & Wittrup are currently building a home on S/L #22, 13 Chelsea Court and started to dump the excess land following excavation onto S/L # 18 & 19. King stated he stopped their land filling until they received approval from the Planning Commission for their grading plan. King stated the plan before the P/C has been sent to both the Village Engineer and the Geauga Soil and Water Conservation District however neither of their reports have been received.

Following a review of the plan, Wallay King stated if the Commission were to approve the plan, he would request that the approval be conditional upon both the Village Engineer and the Geauga Soil and Water Conservation District.

Following a brief discussion, Cotesworth moved that the grading plan be approved conditionally upon the Village Engineer's and Geauga Soil and Water Conservation District's approval, Sutliff 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 8:30 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretar

xc: Council
Planning Commission
Clerk of Council
Engineer
Solicitor
Building Inspector
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held May 6, 1983 19

Members present: Harvey, O'Donnell, Daniels, Cotesworth, Sutliff
Other Officials:
Guests:

Meeting was called to order by Charles Daniels at 8:00 P.M.
Roll call, all present.

There being no additions or corrections to the April minutes, Harvey moved to approve them as recorded, Cotesworth 2nd. Roll call, all ayes.

There being no new business, old business or guests, meeting adjourned at 8:15 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held April 4, 1983 *19*

Members present: Harvey, O'Donnell, Daniels, Sutliff
Other officials: W. King
Guests: None

Meeting was called to order by Chairman Daniels at 8:00 P.M. Roll call, Cotesworth absent.

There being no additions or corrections to the March minutes, Harvey moved to approve them as recorded, O'Donnell 2nd.

Chairman Daniels welcomed Wally Sutliff as a new member of the Commission. Mr. Sutliff is replacing Charles Briggs.

There being no new business, old business or guests, meeting adjourned at 8:17 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Building Inspector
Engineer
Solicitor
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held March 3 *19* 83

Members present: Cotesworth, Harvey, O'Donnell
Other officials: W. King
Guests: J. Brickner

Mayor Harvey asked for nominations for Chairman Pro-tem due to Daniels absence. O'Donnell nominated Cotesworth, Harvey 2nd. Roll call, all ayes.

Chairman Pro-tem Cotesworth called the meeting to order at 8:15 P.M. Roll call, Daniels absent. There being no meeting in February, there were no minutes to approve.

Jack Brickner, Thomas and Thomas, stated he is before the Commission requesting approval of the fourth amendment to the Manor Brook declarations and bylaws. Brickner explained that back in June and July of 1981, they were approached by two potential clients who wanted to buy a unit however thay wanted to install a swimming pool. Brickner stated he then went through the procedure with both Wallay King and Dale Markowitz (solicitor) to draw up the necessary documents which would enable them to install a pool at Manor Brook. At the July, 1981 Planning Commission meeting, they presented a draft resolution which would goven the swimming pool ownership and regulations. Brickner stated following some discussion the Planning Commission decided to turn it over to the Solicitor for his recommendations and comments. Markowitz followed up his review with a letter to the Mayor which is on file.

Brickner explained that unfortunately, after July, 1981, the potential buyers dropped out of site. Then, approximately three months ago, one of the original clients reappeared and purchased unit D-1 and is now planning to install a swimming pool, Brickner stated they have been back in contact with the Solicitor to update the legalities and procedures they have to go through to allow for the pool. Under the Zoning Code, a swimming pool is allowed as an accessory use, under the original declarations there is one sentence which allows swimming pools at the discretion of the declarant, Thomas and Thomas.

Brickner explained, back in 1981, in anticipation of one of the two potential clients coming back, when platting building "D", they expanded the limited common area (LCA) from the normal 25 feet to 55 feet. Brickner stated at this time the placement of the proposed pool is unknown however the final pool plan will have to be approved by both Wallay King, Building Inspector and Thomas and Thomas.

Brickner stated the three page amendment before them (PC) covers the procedures and amendments to the declaration which pertain to the installation and maintenence of the pool for unit D-1, owned by Mr. and Mrs. Klie Commission reviewed the amendment. Brickner stated one concern of the P/C in July, 1981, was where would the water come from to fill the pool. Brickner stated the amendment states the water must be trucked in to initially fill the pool. Brickner stated other provisions in the amendment are a maintenence clause, owner must maintain pool and surrounding area, in addition to adhering to all Zoning Code regulations.

Commission reviewed the plot plan of unit D-1 and tried to determine the posible placement of the pool. Commission felt because there are no definite property lines, only "limited common area" lines, should the Zoning Code regulations of 20 foot side yards pertain. If they do, placement of the proposed pool could be a problem. Brickenr stated when considering side yard set backs, they are using "LCA" lines which are surounded by the common area of the development, not other private property. Harvey stated the problem is the Code does not really address itself to the rear and side yard lines

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

of the limited common area of condominium projects. The Commission reviewed the definitions of lot area, side lines and rear lines.

Following a very lengthy discussion, the Commission agreed what is before them tonight is the amendment to the declarations and not the placement of the proposed pool. Harvey stated he had no objections to the amendment as written. Commission agreed. Harvey moved to accept the fourth amendment to the Manor Brook declarations, O'Donnell 2nd. Roll call, all ayes.

Wallay King, Building Inspector, asked the Commission to review Chapters 7 through 11 of the Zoning Code and write down any changes they felt appropriate. King stated the Code needs revision and this area is one the Planning Commission can help determine any amendments needed.

There being no further business, meeting adjourned at 9:30 P.M.

Marilyn Cotesworth, Chairman Pro-tem

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Building Inspector
Engineer
Solicitor
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held January 6, 1983 *19*

Members present: Harvey, O'Donnell, Daniels
Other officials:
Guests:

Chairman Daniels called the meeting to order at 8:00 P.M.
Roll call, Briggs and Cotesworth absent.

There being no additions or corrections, Harvey moved to approve the December minutes as recorded, O'Donnell 2nd. Roll call, all ayes. Motion approved.

There being no new business, old business or guests, meeting adjourned at 8:10 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Building Inspector
Engineer
Solicitor
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION *Meeting*

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held ..... *19....*

DUE TO A LACK OF A QUORUM, THE WAS NO PLANNING COMMISSION MEETING IN FEBRUARY, 1983.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held December 2, 1982 *19*

Members present: Harvey, Daniels, Cotesworth
Other Officials: None
Guests: None

Chairman Daniels Called the Meeting to order at 8:00 P.M. Roll call, Briggs and O'Donnell absent.

There being no additions or corrections, Harvey motioned to approve the November minutes as recorded, Cotesworth seconded. Roll call, motioned approved.

There being no new business, old business or guests, meeting adjourned at 8:08 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Building Inspector
Engineer
Solicitor
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held November 4, 1982 *19*

Members present: Harvey, Cotesworth, Daniels, Briggs
Other Officials: W. King
Guests:

Chairman Daniels called the meeting to order at 8:05 P.M.
Roll call, O'Donnell absent.

There being no additions or corrections, Harvey moved to approve the minutes of October 7, 1982 as recorded, Cotesworth 2nd.
Roll call, all ayes.

There being no guests, new business or old business, the meeting adjourned at 8:15 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Building Inspector
Engineer
Solicitor

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held October 7, 1982 *19*

Members present: Cotesworth, Daniels, Harvey
Other Officials: W. King
Guests:

Meeting was called to order by Chairman Daniels at 8:00 P. M.
Roll call, O'Donnell and Briggs absent.

Cotesworth motioned to approve minutes as recorded, Harvey 2nd. Roll call, all ayes.

Wallay King presented the Development Plan for Althans Insurance Agency's proposed addition, 543 East Washington Street. Mr. King stated this plan was conditionally approved by the Planning Commission on June 3, 1982 contingent upon the Village Engineer's approval. The Village Engineer has approved this plan and it is before the Planning Commission for their final review. Following a brief discussion, Harvey moved to approve the Development Plan, Cotesworth 2nd. Roll call, all ayes.

Chairman Daniels stated the Commission has before them a proposed ordinance which would establish fees for variances and applications for resubdivisions within the Subdivision Regulations. Mayor Harvey stated this ordinance was initiated by Council and Council would like Planning Commission's input as to the fee amounts. Section 1, fee for requesting variances from the Subdivision Regulations. Following a brief discussion, it was agreed upon that a fee of $500.00, all but $50.00 refundable, would be appropriate.
Section 2, fee for resubdividing an existing subdivision. Planning Commission agreed to recommend a $500.00 fee, all but $50.00 refundable.
Section 3, fee for any other application requiring administrative review.
The Planning Commission agreed on a $500.00 fee with all but $50.00 refundable.

Mayor Harvey stated he would like to have the definitions of Sections 1, 2, and 3 expanded to make it clear to the applicant that the costs of the Village Engineer, Village Solicitor and Buidling Inspector have been taken into account when setting these fees.

Wallay King stated one thing he feels has been left out is a fee for evaluating newly proposed subdivisions. Harvey agreed and stated they would bring this up at the next Council meeting.

Chairman Daniels stated he felt Section 4 should be more defined in order to prevent confusion as to which applications the fees apply.
Mayor Harvey stated maybe it should state something like, "This ordinance shall repeal any other fee provisions of the Village ordinances establishing fees for similar applications." Commission agreed and Mayor Harvey agreed to bring it up for discussion at the next Council meeting.

There being no further business, meeting adjourned at 8:45 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Building Inspector
Solicitor
Engineer
W. Jackson

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held September 9, 1982 19

Members Present: Briggs, Harvey, O'Donnell
Other officials: Wm. Driemiller, W. King
Guests: Ted Johnson, Tony Paskevich, Michael Le Greff, Ian Hampton, John Neylon.

Meeting was called to order at 8:05 P.M. with roll call. Daniels and Cotesworth were absent. O'Donnell motioned to waive the reading of the July minutes and approve them as recorded, Briggs seconded. Roll call, all ayes. Mrs. O'Donnell nominated Mayor Harvey for Chairman pro-tem, Briggs 2nd. Roll call, Briggs and O'Donnell, ayes, Harvey abstained.

Mr. Ian Hampton, Hampton Antiques, came before the Commission with a development plan for their existing structure located at 516 E. Washington St. Mayor Harvey read a letter from the applicant's architect, William A. Doty, explaining they have gone before the ZBA requesting variances for the number of parking spaces and the type of surface required for the parking area. The ZBA denied their request for a lesser number of parking spaces however gave a conditional approval on the use of gravel for the parking lot surface contingent upon the Village Engineer's approval. Mr. Hampton presented the revised plan showing the correct number of parking spaces required by the Code and explained they were planning on using O.D.O.T. 304 crushed limestone to surface the parking lot. Village Engineer stated he felt there was one area of the parking lot where the parking spaces were a bit too small for 90^{0} parking. Mr. Doty stated the size could be adjusted to conform with Mr. Driemiller's request. Mayor Harvey asked the Village Engineer his opinion of the use of O.D.O.T. 304 limestone. Mr. Driemiller stated this material can be a pretty solid base as long as the subgrade is dry and firm, however he can not equate gravel to a hard surface such as concrete and asphalt. Harvey explained as the Code states, it requires that "parking and loading areas and access drives shall have an asphalt, concrete or similar hard surface approved by the Engineer". Harvey questioned what the difference in cost would be between gravel and asphalt. Mr. Hampton stated there is a substantial difference. Gravel would cost approximately $15,000 and asphalt would be closer to $65,000. Mr. Hampton stated they havehad a gravel drive and parking area for four years and have had no problems, no complaints from the neighbors or customers. Mr. Hampton stated it is their opinion that using O.D.O.T. 304 limestone meets the requirement of "a similar hard surface", without having any detrimental effect to anyone. Harvey questioned the Engineer as to what problems would there possibly be if gravel were to be used. Mr. Driemiller stated, first, if there is not a super subgrade provided there will be potential problems with soft areas. Second, it will require more maintenence. Third, if this use is allowed in this case, most future commercial projects would request this same type of surface on the cost basis alone.

Mrs. O'Donnell asked if there were any other considerations besides the cost in using gravel. Mr. Hampton stated there is only a 12" storm sewer provided which could not handle the run-off should they have asphalt or concrete. If they do use ashpalt or concrete, they would have to provide onsite retention for storm water and they do not have the area to provide such retention. Engineer stated even with the gravel, there will be enough sheeting off of water which will necessitate a plan for water retention. Mr. Driemiller stated they have suggested two possibilities for retention, one is to use the tree lawn area or two, have a depressed parking area with a holding drain. The Commission discussed both possibilities.

Mr. Hampton stated his biggest concern is the financial situation, he can not afford to pay $65,000 to pave the lot. Mayor Harvey asked if there is any meeting ground for the Village Engineer and the applicant's engineer to come up with a compromise. Mr. Doty stated they are trying to come up with as hard a surface as they can, which will be within their financial capabilities. Mr. Doty stated they possibly could seal the parking area if that would help. Following a lengthy discussion it was agreed upon that there could possibly be a solution found in a double seal coating of the O.D.O.T. 304 limestone. The Village Engineer agreed to put together specifications and work out the specifics of such a procedure, then Mr. Hampton could go out and get quotes and see if the cost would be within their financial capabilities.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

Tony Paskevich, architect, presented preliminary development plans for the T. C. Johnson Company located at 521 East Washington street. Mr. Paskevich presented current photos of the existing structure and described the location. Paskevich stated they were before the Commission to present their intent of development and get any input the Commission may have. Mr. Paskevich explained they are proposing to make the current one story brick faced building into a two story building, traditional in architecture. Paskevich stated they are currently on Chagrin water and will hook up to the sanitary sewer. The addition provides for possibly some rental space however there is a chance the T. C. Johnson Co. will use the entire addition. Following some discussion, the Commission stated they felt Mr. Paskevich had a viable plan and would like to see further development plans.

Mike Le Graff, resident of Chagrin Lakes, presented a plan for dredging the Chagrin Lakes swimming lake. Mr. LeGraff explained what they proposed is to drain the lake, dredge it and place the silt around the lake and any extra will be placed by the tennis courts, in the swamp area above the lake. Mr. Le Graff stated they have had consultants from Kent State come in and inspect the lake and they have determined in order to maintain it as a swimming lake, for both safety reasons and other reasons, they have to deepen it and do something about the run-off coming into the lake. Mr. LeGraff stated they have put a series of three 2 foot sediment ponds in the creek coming into the lake. The Commission reviewed the plans and maps presented by Mr. LeGraff. Following lengthy discussion, it was agreed that the plans would be reviewed by the Village Engineer and by the Soil and Water Conservation people in Geauga County. Village Enineer stated he wanted to make sure there would be no ponding of water off of Chagrin Lakes property. Mayor Harvey stated the Planning Commission is mainly concerned with two areas, first is the soil erosion and second, making sure the natural drainage is properly maintained. Mr. LeGraff stated all the proposed work will be done by professionals and if they get approval from the P/C tonight, they will go before their association on September 19th for their approval. Village Engineer asked if Mr. LeGraff could provide construction plans with elevations, in order for him to properly review them. Mr. LeGraff agreed. Following a brief discussion, Harvey moved to approve the plan subject to the Village Engineer's and the Soil and Water Conservation people's satisfaction, O'Donnell 2nd. Roll call, all ayes.

Kathy O'Donnell asked the Secretary if it would be possible to have the minutes of the P/C meetings before the next Council meeting. Secretary stated it would be possible and they will be completed prior to the first Council meeting each month.

Mrs. O'Donnell also reported that Council approved the membership to the American Planning Association and the membership will be in Marilyn Cotesworth's name.

There being no further business, meeting adjourned at 9:35 P.M.

Thomas Harvey, Chairman Pro-tem

Cathy Male, Secretary

xc: Council
Planning Commission
Engineer
Solicitor
Building Inspector
Clerk of Council
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of Planning Commission *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held August 5, 1982 *19*

DUE TO THE SUMMER SCHEDULE AND AN EMPTY AGENDA, THERE WAS NO MEETING HELD.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING Meeting

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held July 1, 1982 19

Members present: Daniels, Harvey, Cotesworth, O'Donnell
Other Officials: W. King
Guests: Gary Holz, Jack Brickner

Meeting was called to order by Chairman Daniels at 8:02 P.M. Roll call, Briggs absent. Harvey moved to approve the June minutes as recorded, Cotesworth 2nd. Roll call, all ayes.

Jack Brickner, Thomas and Thomas, came before the Commission requesting a change in the entrance island in Manor Brook Estates. Mr. Brickner stated instead of building a gazebo as originally planned they would like to plant four Honey Locust trees. Brickner explained they presented the gazebo plan to the current residents and they felt it would be too much of an attractive nuisance and would prefer to have trees planted. Brickner presented a plan showing the placement of proposed trees. There being no further discussion, Harvey moved to accept the plan to plant trees, Cotesworth 2nd. Roll call, all ayes.

Dr. Gary Holz, 1208 Bell Road, stated he is before the Commission for an informal discussion. Dr. Holz explained he owns the property at the southeast corner of Rte. 306 and Bell Road. There are two structures, the large one is the dentist's office and the small building is at this time unoccupied. Dr. Holz stated the back half of the small building will be used as a laboratory and the front half is unspoken for. Dr. Holz explained his wife and some of her friends would like to open a business that would involve the sale of arts and craft type items and childrens clothing that would be taken on consignment. Dr. Holz stated he knows this property is zoned B-2, which does not allow retail sales, however he thought he could file for a variance. After speaking with Mr. King, Dr. Holz stated he now knows there is no variance for this type of situation and the only way to be able to set up this business would be to rezone. Dr. Holz stated he understands the Village's reluctance to rezone, however due to the nature of the proposed business, one that would not bring in alot of traffic, etc., is there any way to have this business and not change the current zoning?

Mayor Harvey stated a conditional use permit is something that allows variations from the specific zoning however there are no provisions in the definition of conditional use for retail sales, therefor it does not apply in this situation. The Commission discussed the definition of conditional use and its limitations at length. Mayor Harvey stated it was his opinion that there are two options for Dr. Holz to take. First, is to formally apply for rezoning. Second, expand the concept of "Conditional Use". Harvey explained the Village is in the process of reviewing the Zoning Code, determining what changes should be made and possibly the area of "conditional use" could be amended. The Commission asked Dr. Holz for a written report of exactly what he is asking and from there they could analyze the possibility of incorporating his request in some form of amended "conditional use" definition. Dr. Holz agreed to provide a written report of what he wanted to do.

There being no further business, meeting adjourned at 9:00 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Engineer
Solicitor
Clerk of Council
Building Inspector
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

RECORD OF PROCEEDINGS

Members present: O'Donnell, Harvey, Daniels, Briggs
Other Officials: W. King
Guests: Jack Brickner, Buzz Althans

Chairman Daniels called the meeting to order at 8:00 P.M. Roll call, Cotesworth absent. Harvey moved to approve the June minutes as recorded, O'Donnell 2nd. Roll call, all ayes.

Mr. Buzz Althans presented revised plans for their proposed addition to the Althans Insurance Agency located at 543 East Washington Street. Mr. Althans explained they have widen their drive going to the parking area in back in order for more than one car to pass through, satisfying the Village Engineer's request of last month. Mr. Althans then presented their parking plan and explained they have eliminated the front parking area and in the rear there are approximately 42 available spaces. Mr. Althans stated this will be more than they will ever need in the near future and would prefer to develop fewer than the 42 spaces. Mr. King stated he felt the best way to handle this situation is to have the developer determine what number of spaces he feels is appropriate and if at anytime the Village feels there should be more, the Althans will have to provide more. The Commission agreed. Mayor Harvey asked what else is needed in order for the Planning Commission to take action on their application. Mr. King stated they need to submit the grading plan to the Village Engineer for his review and approval. Mr. Althans stated they (Buzz and John Althans) would like to meet with Wallay King, Bill Driemiller and Damon Braun (applicants engineer) on the property to determine exactly how the grading should be done and from there draw up the plans and then submit them to Mr. Driemiller for his approval. Commission and Mr. King agreed. Mr. Althans stated the hydrologist will be out next week to do the water study.

Following brief discussion, Harvey motioned to conditionally approve the development plan subject to the Village Engineer, Bill Driemiller, returning to the Planning Commission with an approval of the grading plan, sewer plan and water study, O'Donnell seconded. Roll call, all ayes.

Jack Brickner, Thomas and Thomas, presented amended condominium declarations for Manorbrook Estates, adding Building "D". Mayor Harvey stated in Exhibit G-2, it states 100 Rosewood Court will be a"one bedroom, one room condominium", is this correct? Brickner stated no, this is an error, it should be "seven rooms". Mr. Brickner presented a plan showing the new units being added to the developemnt. Commission noted the existing retention basin is not shown and requested that it be shown on any future drawings or plans. Following brief discussion, Harvey conditionally approved the condominium declarations subject to the Village Solicitor's approval, Briggs 2nd. Roll call, all ayes.

Wallay King stated he has all the applications and fees from Mr. Robert Sords requesting rezoning for the property, located at 5216 Chillicothe Road, from limited business to retail and service for the Auburn Spert Center. Commission reviewed the procedures for amending the zoning. The Code states Planning Commission may hold a Public Hearing and Council must hold one. Following a lengthy discussion, O'Donnell motioned that Planning Commission not hold a Public Hearing on the application, Briggs, 2nd. Roll call, all ayes.

Mr. King stated the lot that this building sits on is half zoned R-1 and Half B-2, a similar situation as the Holtzheimer property. Mrs. O'Donnell questioned has it not been past policy of the Planning Commission not to expand the bussiness district? Mayor Harvey stated that is correct. Following lengthy discussion, Harvey moved to recommend to Council that this area not be rezoned as requested, O'Donnell 2nd. Mr. Daniels stated he has no objections to the use being requested, retail and service, but he does object to rezoning the entire parcel. There being no further discussion, roll call taken, all ayes.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

Commission instructed the Secretary to send a copy of the application for rezoning to the Ohio Director of Transportation for his review.

There being no further discussion, meeting adjourned at 9:30 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commision
Clerk of Council
Engineer
Building Inspector
Solicitor
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING Meeting

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held May 6, 1982 19

Members Present: Daniels, Cotesworth, Harvey, O'Donnell
Other Officials: W. King, W. Driemiller
Guests: John Althans, Buzz Althans, Charles Rimer, Ken Garrett, Mike Mahon

Chairman Daniels called the meeting to order at 8:00 P.M. Roll call, Briggs absent. The April meeting minutes were approved as recorded.

Mr. John Althans and Mr. Buzz Althans presented a development plan for Althans Insurance Agency, 543 East Washington Street. The plan showed a proposed addition of 4,500 square feet to their existing two story building. The Commission reviewed the plan along with the Village Engineer's review dated 5-6-82. Mr. Althans questioned the parking space requirement of the Code. Mr. John Althans explained their plan provides 45 spaces and according to Mr. King, they will need 68 spaces. Mr. Althans stated they have the room to increase to 68 however they feel they would never need that large a number. At the present the most cars parked at the existing building at any one time has been 14. John Althans stated he feels it is not only costly to pave more than really necessary, it is aesthetically unattractive. Mr. King stated this situation is very similar to the problem the Commission ran into with the Chagrin Valley Medical Center, more spaces were required than really necessary. Mr. King explained they resolved it by both the Planning Commission and applicant agreeing on a specific number of spaces with the stipulation that if the Village found at any time more spaces were needed, the applicant would have to develop the necessary areas for additional parking. Planning Commission agreed this is how the Althans' parking situation should be handled and asked Mr. Althans to derive a number they feel would be sufficient and it would be discussed at the next meeting.

On the Engineer's review, items 1, 2, and 3 were discussed and the applicant agreed to provide additional information needed. #4, circulation problem, was discussed and it was agreed to increase the width of the drive to two car widths. On #5, water well test, Mr. Althans stated their well has been a very good well and because of the cost of testing the well, they would like to hold off on doing this until they know for sure they will be going ahead with the addition. The Commission discussed their expansion and the potential increased need in water.

John Althans stated they are before the Board tonight to get a feeling as to whether or not they have a logical plan, something the Village will approve. Once that has been determined, they will go ahead with final plans and the testing of the well. Items 6 through 9 were discussed and the applicants agreed to provide the needed information.

Mr. Althans explained the major problem they are faced with is not listed on the Engineer's review, it is the Village Building Code and its requirements for fire protection in commercial buildings. The Code requires concrete walls, cement floors and fire doors between the new and old structures. The estimate of what this will cost is economically prohibitive, it will be double of what it would be if the addition would be constructed with treated wood versus brick or concrete. The Commission discussed the requirements of the Building Code at length. Mr. Althans stated they have discussed various altenatives in providing proper fire resistive structure with their architect and is there any appeal procedure they could follow to get a variance from the current regulations?

Commission discussed the different classifications of fire codes and agreed when the Building Code was adopted, this situation of building additions onto existing frame commercial buildings was not considered. The present requirements are very restrictive, allowing only block, brick or concrete, and expensive. Mr. Rimer, applicants architect, and the Commission discussed different alternatives to the block or concrete requirements.

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national graphics National Graphics Corp., Cols., O. Form No. 1097

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Following a lengthy discussion, Mayor Harvey stated it was his opinion the only place to find a remedy for this problem is Council and with a recommendation from the Planning Commission, request an amendment to the Building Code relating to the fire codes for additions. Harvey stated the concept for this amendment is for additions to existing structures, not new construction, of a specific size and the addition would be an upgraded fire classification over the existing structure. The Commission agreed. Following further discussion, Cotesworth motioned that the Planning Commission recommend to Council that they review the material restrictions for office buildings as outlined in the existing Building Code, O'Donnell 2nd. Roll call, all ayes.

Mayor Harvey stated until the question of the Building Code is resolved, Mr. Althans should hold off on the water well test and the parking space question.

Ken Garrett and Mike Mahon, owners of the Auburn Sport Center came before the Planning Commission stating they have leased 540 square feet in the old Gravely Building, 5216 Chillicothe Road. Mr. Mahon explained when they leased the building they were told by the real estate people it was zoned commercial and for retail sales. When they moved in they found out in fact it was not zoned for retail sales and they are now before the Planning Commission to find out what they need to do in order to open for business. Mr. Garrett explained their primary business is that of gun and fishing equipment repair. The secondary business is that of selling sporting goods. Mr. King explained this building is in the B-2 district which is for limited business and office space, which permits the repair of guns and fishing tackle but not retail sales. Mr. Daniels stated there are two alternatives, amend the zoning of the area or request a conditonal use permit. The Commission outlined the procedures for both alternatives. Mr. King stated the only problem with a conditional use permit is in Schedule 7, schedule of conditional uses, in the B-2 district, there is not a use listed which would be applicable for Mr. Garrett's request. Mr. King stated this might be an oversight and it might not, but it is not listed. Following a lengthy discussion, the Commission asked Mr. King to speak with the Solicitor and ask for his interpretation of this question and then notify Mr. Garrett as to what procedure he should follow.

There being no further business, meeting adjourned at 10:15 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Building Inspector
Solicitor
Engineer
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING Meeting

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held APRIL 1, 1982 19

Members present: Daniels, Briggs, O'Donnell, Harvey
Other officials:
Guests: John Neeley

Chairman Daniels called the regular Planning Commission meeting to order at 8:00 P.M. Roll call, Cotesworth absent. There being no additions or corrections, Briggs motioned to approve the February and March minutes as recorded, Harvey 2nd. Roll call, all ayes.

John Neeley, Con Dev, came before the Planning Commission (P/C) with a new plan for the Bell Street airport property. Mr. Neeley showed their original preliminary plan which received approval in June, 1979. Following a brief review of the old plan, Mr. Neeley presented a preliminary sketch of the new plan. There is 130 acres with a proposed 105 units. The layout shows one main road in a half circle, two entrances off Bell Road and from this main road there would be ten spur roads with approximately ten homes on each spur. Mr. Neeley explained this is a unique concept of concetrating the homes in one area, leaving the remaining land for one large open space. Neeley stated he feels the use of small spur roads provides for a feeling of privacy, with little traffic and it lends itself to the "small neighborhood" concept. Harvey asked how the "lots" would be sold? Neeley stated their concept as presented tonight is not dealt with in the Zoning Code. The lots would be small, under 3/4 of an acre and as of yet, the method of how the land is sold has not been determined. The Commission and Mr. Neeley discussed various ways to subdivide the land, i.e. condominium concept versus single family lots. Harvey questioned for what market would the developer be aiming? Neeley stated the lots with improvements would run approximately 30 to 40 thousand dollars and with a house the total would run between 120 and 140 thousand.

Daniels stated Mr. Neeley is before the P/C tonight to tryand get some feedback on this concept, whether they like it or not and what changes could be made.

Mrs. O'Donnell questioned if the land is divided and sold in lots as individual homeowner situations, would there be common ground for recreation area with an association which would be madated at the beginning? Mr. Neeley stated there would be common ground for recreation and an association madated from the beginning.

Mr. Neeley stated he has not resolved exactly how the land would be divided. As it stands now, the lots would be between $\frac{1}{4}$ to $\frac{1}{2}$ acre "pads" and the rest would be open space. The question yet to be resolved is whether or not the association would own all the land, i.e. condominium concept or all the land except the footprint which the house is on. Mayor Harvey stated the land for which this development is proposed would have to be rezoned if this concept is to be approved.

Mr. Harvey asked why Mr. Neeley wanted the spur roads to be private. Neeley stated if they are private, theywill still be built to the Code specifications for dedicated roads byit by being spur roads, they don't have to put in storm sewers which is a considerable savings and second, by being private there is an appeal from a marketing concept.

The Commission stated they felt Mr. Neeley had an interesting plan and would be willing to review any further plans. Mr. Neeley asked the Commission what their feelings were on how the land should be divided, condominium concept versus single family lots. Harvey stated he does not like the condominium concept and explained if he were looking at this development he would want a piece of ground to call his own, even thought small, it would still he his. The Commission agreed and stated they

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national graphics National Graphics Corp., Cols., O. Form No. 1097

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felt more comfortable if the rezoning request would not be for the condominium concept. They would not object to smaller lots sizes however the developer would have to maintain the same density.

The Commission and Mr. Neeley discussed the procedure for requesting rezoning of the airport propety at length.

There being no further discussion, meeting adjourned at 9:05 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Engineer
Solicitor
Building Inspector
Clerk of Council
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING, PUBLIC HEARING Meeting

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held March 4, 1982 19

Members present: Cotesworth, O'Donnell, Daniels
Other Officials: D. Markowitz
Guests: none

Chairman Daniels called the Public hearing to order at 8:00 P.M. The purpose of the Public Hearing was to hear comments from the public regarding proposed amendments to the Subdivision Regulations. The proposed amendments will amend Appendix E, last sentence to read, "Lines shall be installed before the improvements are accepted for dedication by the Village"; amend Appendix F, Section F.02, paragraph 2, last sentence by adding the word "potable" after insufficient; and adding the words, "and maintain" in the last sentence of F.02; amending Appendix H, by changing the word "these" to "the" before the word subdivision. The Commission stated they had no objections to the proposed amendments. There being no further discussion, the Public Hearing was adjourned at 8:02 P.M.

Regular Planning Commission Meeting
Members present: SAA
Other Officials: SAA

Chairman Daniels called the regular meeting to order at 8:03 P.M. There were no minutes of the last meeting to approve.

Following a brief discussion, Cotesworth motioned to adopt the proposed amendments as stated in the Public Hearing Notice published in the Geauga Times Leader on January 26, 1982, O'Donnell seconded. Roll call, all ayes.

There being no furtherbusiness, meeting adjourned at 8:30 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Building Inspector
Engineer
Solicitor
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of Planning Commission Meeting *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held February 11, 1982 *19*

Members Present: Cotesworth, Daniels, Harvey, Briggs, ~~Briggs~~ O'Donnell
Other Officials: D. Markowitz, W. Driemiller, W. King
Guests: M/M F. G. Wohlschlaeger, L. Roberts, M/M Mighdoll, G. Stanek, D. Carpenter, S. Simon

Chairman Daniels called the meeting to order at 8:00 P.M. Roll call all members were present. Mrs. O'Donnell stated that in the fourth paragraph of the January minutes "Sheerbrook" should be corrected to read "Southwick". There being no further additions or corrections, Harvey motioned to approve the minutes as corrected, Cotesworth 2nd. Roll call, all ayes.

Dale Markowitz, Solicitor, stated the advertisement for the Public Hearing on March 4, 1982 has been published in the Geauga Times Leader. Markowitz explained this Public Hearing will be for the proposed amendments to the Subdivision Regulations. Markowitz and the Commission reviewed the proposed changes.

Markowitz stated he did do research on requirements for fencing bodies of water and he found that there is no law which compels the fencing of pools, ponds, etc. This requirement is within the discretion of each village or municipality. What he did find was there is a law in Chapter 7 which authorizes the Village to regulate the construction of fences and gives the power to require them. Markowitz stated he reviewed model codes and they were not as restrictive as the South Russell Village Code, they did require fencing of pools but not ponds. Chairman asked Mr. Markowitz if he had a recommendation for this Board regarding this question. Markowitz stated he feels it is legitimate, constitutional and reasonable to have this type of legislation. It really is a policy question and it can not be resolved by saying it is legal or not legal. Markowitz stated the Commission can require fences however they don't have to require them.

Mr. Sidney Simon presented a revised plan of the proposed Emerald Lakes development. Mr. Simon stated they moved the entrance west, across from Southwick Drive. The interior road was amended so that the radius of the northernly curve was increased from 85° to 130°. The curve at the southeast corner was maintained at 100°. The number of units remains the same however instead of 9 single family units there are only 4 and the remaining 5 units were put together to form four plexes with other units.

Markowitz explained that Mr. Simon is presenting this site plan based upon some of the objections of the Zoning Board of Appeals. By presenting this plan, Mr. Simon is asking the Commission to review it and give it a site plan approval so he could then proceed back to the ZBA and obtain the necessary variances so the Commission could then review it for developmental plan approval. The idea being, he would not have to spend additional funds on engineering until he knows if the Zoning Board of Appeals would grant the variances needed. The variances needed are distances between buildings, the courtyard concept between the pods and the definition of attached buildings. Markowitz stated he has also advised Mr. Simon that he will have to also request a variance from the requirement of how many bedrooms are to be in each unit.

Daniels stated that after he reviewed the minutes of the Zoning Board of Appeals meeting, he feels the ZBA decision was not based on anything in particular but everything in general, i.e. the developement being placed on only 19 acres. Markowitz stated the Board did have a consensus of opinion that they did not like the entire development put on only 19 acres however this general concern was broken down into the specific concern of the road configuration. The new plan alleviates one of these concerns, the northern curve being increased to 130°. Mr. Daniels read the motion as stated in the ZBA minutes and stated he doesn't feel the changes made on the new plan will satisfy the

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national graphics National Graphics Corp., Cols., O. Form No. 1097

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ZBA. Markowitz stated he isn't saying the changes made will insure the ZBA's approval, however if the Commission likes the new plan and the ZBA understands there is approval by the Commission, it may help to influence the ZBA's decision.

Phil Mighdoll, 104 Southwick, aked Mr. Simon why he did not want to put any of the units on the west side of the CEI lines. Mr. Simon stated he didn't want to have a road going under the CEI lines, this would be very unattractive. Mighdoll asked what plans there were for the large parcel west of the CEI lines. Mayor Harvey explained there will be no further development, the remaider can not be used due to the one acre per unit zoning. Markowitz explained that in Manorbrook there was a similar question and the Village required the developer to file deed restrictions which provided that they could not use the land that was not improved upon other than for common space and it had to be conveyed to the condominium association. The Commission discussed this requirement of the deed restriction with Mr. Simon. Mr. Simon stated he was not aware of this requirement and expressed that he does not feel what might be good for Manorbrook will be good for Emerald Lakes.
Emerald Lakes.
Phil Mighdoll stated as president of the Southwick Homeowners Association he requests that the Village seriously review the potential traffic hazard in placing the Emerald Lakes entrance at the proposed location. Mr. Mighdoll stated there are 76 children who wait for school buses and in addition to the ice problem in the winter, the Association feels this presents a real problem safety wise.

George Stanek, 100 Southwick, stated his concern with the proposed development is with the natural springs which are located east of the CEI lines, up on the hill. These springs feed their lake in Southwick and he is concerned with the potential impact environmentally. Stanek also questioned the adequacy of the fire fighting system, are the lakes substantial enough to handle an emergency? Mayor Harvey stated there are many other areas that have only small lakes and with no central water system, this is a common situation.

Mr. Simon stated he would like to withdraw his application. Simon statedhe is very tired of going over the same questions over and over again. He explained he has been coming to the Village for three years and has spent $70,000 on engineering and he is not making any progress, therefor he is withdrawing his application for the Emerald Lakes development proposed for the property east of the CEI lines.

Following a brief discussion, the Commission meeting adjourned at 9:18P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Building Inspector
Engineer
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held January 14, 1982 *19*

Members present: O'Donnell, Harvey, Daniels, Briggs, Cotesworth
Other Officials: D. Markowitz, W. King
Guests: Michael Yaksic

Planning Commission meeting was called to order by Chairman Daniels at 8:00 P.M. Roll call, all present. Chairman Daniels read the minutes of the December 3rd meeting. Cotesworth asked that it be noted she stated the recreational area for Emerald Lakes would be an attractive nuisance if placed at the proposed location, near the Bell Road entrance. There being no further corrections or additions, Briggs motioned to approve the minutes as corrected, Cotesworth 2nd. Roll call, all ayes.

Dale Markowitz introduced Michael Yaksic, a new attorney in their office, to the Planning Commission.

Mr. Markowitz read a letter he received from Sidney Simon, "agreeing to extend the time period for the Commission to act on their application to January 14, 1982 or as soon thereafter as the Commission may hold a meeting". Markowitz advised that the Commission should make some decision tonight even through Mr. Simon is not present. Markowitz stated as he understands, Mr. Simon has not presented all of the improvement plans needed for the Commission to make a decision. Chairman Daniels explained that he feels the purpose of Mr. Simon's letter is to let the Zoning Board of Appeals (ZBA) have their meeting, make a ruling and then turn it back to the Planning Commission for their decision. The ZBA has not made their decision, therefore, the Planning Commission cannot take any action. Following a brief discussion, Harvey moved that the Planning Commission not take any action tonight due to the fact that Mr. Simon requested that the Planning Commission contunue the hearing until the ZBA rules, and as of yet they have not ruled. Therefore, due to this fact and also on the basis that they have not been able to produce the improvement plans according to Chapter 3 of the Zoning Code, the Planning Commission will therefore grant Mr. Simon an extension of time to present the plans and request approval under the Developmental Regulations until February 11, 1982, Cotesworth 2nd. Roll call, all ayes.

The Planning Commission reviewed a letter from Patrolman Kurt Laderer, SRPD, recommending that the proposed entrance of Emerald Lakes be moved further west, approximately opposite of Southridge Sheerbrook Drive. Wallay King, Building Inspector, agreed to send copies to the Engineer and developer.

Mayor Harvey stated the Commission will be receiving a report from the Chagrin Falls Fire Department regarding the turning radii on the proposed streets of the Emerald Lakes development, whether or not they will be able to get a fire truck around them.

Mr. Markowitz stated the Planning Commission must set a date for a Public Hearing in order to amend the Subdivision Regulations to conform with the language of the Improvement Standards. Harvey motioned to schedule the Public Hearing on March 4, 1982 at 8:00 P.M., O'Donnell 2nd. Roll call, all ayes.

The Commission discussed the regulations for fencing ponds one acre or less and not fencing bodies of water over an acre and whether this regulations should be amended. Kathy O'Donnell explained Planning Commission originally brought up the idea of changing this regulation, deleting the regulation for fencing ponds. She presented Planning Commission's motion to Council, Council discussed it and asked that Mrs. O'Donnell get more input from Planning Commission. Mrs. O'Donnell stated she feels that the regulation for fencing ponds should be eliminated, she feels there is too much government acting as the "big brother", people have to take responsibility for themselves and their own families. Briggs and Cotesworth agreed with Mrs. O'Donnell. Harvey stated he feels the ordinance should be left as written and explained you have to take into account where the pond is and what it is going to be used for before you can determine whether or not it should be fenced. The entire Commission agreed that all swimming pools must be fenced. Following a lengthy discussion, Markowitz stated he would be willing to review other Codes and see how the ordinances for fencing bodies of water are written and

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national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

report back to Planning Commission at the February meeting.

Planning Commission reviewed the letter, dated 12-22-81, from Rice and Stewart, architect planners, to Wallay King regarding the preliminary review of the Emerald Lake Condominium project.

There being no further business, meeting adjourned at 9:25 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Engineer
Solicitor
Clerk of Council
Building Inspector
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of Planning Commission *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held December 3, 1981 *19*

Members present: O'Donnell, Daniels, Briggs, Cotesworth
Other Officials: W. Driemiller, W. King
Guests: Mr. and Mrs. F. G. Wohlschlaeger

Chairman Daniels called the meeting to order at 8:00 P.M. Roll call, Harvey absent. Following the reading of the 11-5-81 minutes, Chairman Daniels asked for any additions or corrections. Wallay King stated the Architectural Review Board should be corrected to read "Building Code Board of Appeals", There being no further additions or corrections, O'Donnell motioned to approve the minutes as amended, Cotesworth 2nd. Roll call, all ayes.

The Commission, Engineer and Building Inspector reviewed the Engineer's letter of December 2, 1981, Review of Building Location Plan for Emerald Lakes Development. Engineer presented the building location plan and explained the variances that Mr. Simon will have to request before the Zoning Board of Appeals. Engineer stated the reason for the large number of variances, 24 dimensional variances, is due to the developer's desire to put all 96 units on 23 acres. Engineer stated it is his opinion that one possible alternative would be to interconnect through the CEI lines and locate some of the units on the western side of the CEI easement. Commission stated they liked the concept of this development but agreed with the Engineer that there are too many units being placed on too small an area. Mr. Simon did not attend this meeting, therefore the Planning Commission could not discuss this point nor the remaining items of the Engineer's report with him.

Cotesworth noted the recreational area and pool are being proposed for an area located close to the entrance on Bell Road and stated she feels it would be more attractive if this area is moved back into the development, not having it visible from the road. The Commission agreed.

Following a lengthy discussion of the remaining items on the Engineer's report, it was noted that the next Planning Commission meeting will be after the 30 day review period allowed by the Code. The Commission agreed that the Village Solicitor should contact Mr. Simon and request that the 30 day time limit is which the Commission must take action, be extended. Secretary agreed to contact Solicitor.

There being no further business, meeting adjourned at 9:05 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Building Inspector
Engineer
Solicitor
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of November 5, 1981 PLANNING COMMISSION MEETING *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held November 5, 1981 *19*

Members Present: Cotesworth, O'Donnell, Harvey, Daniels, Briggs
Other Officials: W. Driemiller, W. King, D. Markowitz
Guests: Mr. & Mrs. F. G. Wohlschlaeger, S. Simon

Meeting was called to order at 8:00 P.M. by Chairman Daniels. There being no additions or corrections, Harvey moved that the minutes of the 10-13-81 and the 10-20-81 meetings be approved as recorded, O'Donnell 2nd. Roll call, all ayes.

Sidney Simon, Emerald Lakes, submitted his development plan for informal discussion. Simon explained this proposed development will be located off of Bell Road, between the C.E.I. lines and Gurney School. Simon stated there are 96 units proposed and presented several elevations of the units. The Commission reviewed the layout and design of the plan. Mr. Simon explained they will need to request a couple of variances regarding side yard clearances and distances between buildings. Mr. Simon explained he was before the Commission tonight, asking for some guidance, do they approve of the concept he has presented tonight. Mr. Simon stated if they like it, he will then go ahead and work on the improvement plans. Commission stated they very much like the proposed plan, the layout shows imagination and good use of the property.

Bldg. Code Board of Appeals

Mr. Simon stated the Code requirement for electrical conduit is very expensive and he would like to request a variance, which Board would he go before? Mayor Harvey stated Mr. Simon would go before the ~~Architectural Review Board~~, however this Board has not been appointed yet. Mayor stated he will appoint this Board in the near future.

Kathy O'Donnell stated she read the last Zoning Board of Appeals minutes and questioned why Thomas and Thomas is being required to fence their lakes? Cotesworth stated the requirement states any body of water less than one acre must be fenced and over an acre does not. O'Donnell stated there are many bodies of water in this Village, under one acre, that are not fenced and she feel fencing lakes is very unattractive. Following a brief discussion, Briggs motioned that Planning Board recommend to Council that they look at the current requirement for fencing bodies of water with a view towards removal, O'Donnell 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 9:15 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Clerk of Council
Engineer
Solicitor
Planning Commission
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held October 20, 1981 *19*

Members present: Briggs, Cotesworth, Daniels, O' Donnell, Harvey
Other Officials: W. King, W. Driemiller, D. Markowitz
Guests: Mr. and Mrs. Wohlschlaeger, S. Parker, S. Berns, S. Simon, S. Wasserstrom, N. Cox, W. O'Donnell, L. Robert, N. Kota, J. Roberts, K. Pike, P. Cadou

Meeting was called to order by Chairman Daniels at 8:00 P.M.
Roll call, all present.

Dale Markowitz stated he, the Mayor, Chairman Daniels, Mr. Berns and Mr. Simon met on Saturday, 11/17/81, to discuss the pending litigation and proposed plan. Markowitz stated they did derive the essential terms of a settlement of all litigation however the exact wording was not completed until 6:00 P.M. this evening. Therefore, the Planning Commission along with Mr. Berns and Mr. Simon are for the first time reviewing the judgement entry. Markowitz explained Mr. Simon has agreed to move buildings 3 and 5 to the easterly portion of the property and there is language in the judgement entry that sets forth dismissal of the proceedings between the parties and an agreement as to how the subdivision will be developed. This relates to the improvements that will go into the development as well as to the inspection by the Village of those improvements. Also addressed in this entry are landscaping, tree removal, differing architectural styles, Zoning Code requirements and the agreement of the parties that the Subdivision Regulations that were in existence prior to those adopted last night, are the S/D Regulations that will affect the proposed subdivision. Copies of the judgement entry were made and passed out to those in the audiance interested in reviewing it.

The Commission, audiance, Mr. Simon and Mr. Berns reviewed the judgement entry. Following a lengthy discussion, the following changes were made and are included in the attached corrected copy of the judgement entry.

Page one, paragraph 2; "the Planning Commission of" was added before the words "South Russell Village" and in the second line, the word "collectively" was deleted.

Page 3, paragraph 6; the word prospective was corrected to perspective.

paragraph 7; the first line, the wordage, "at least seasonally" was added.

paragraph 8; the wordage "in order to preserve as much natural screening as possible" was added.

Page 5, 4th line; after "the parties agree that..", add "to the extent set forth herein".

9th line; after "between parties", add "but only to the extent", then amend the word "that" to "of the" and delete the next line.

5th line from the bottom, after the word "deed restriction" add "at the option of plaintiff, in a form reasonably satisfactory".

Harvey asked Driemiller if the only item that needed to be completed are those outlined in #14? Driemiller stated no, there are a few smaller items yet to be worked out. It was agreed to add, "site plan, grading plan, landscaping plan and building location plan" to # 14.

Daniels asked why the Mayor is being requested to sign the journal entry. Berns stated he feels it is important that Council authorize the Mayor to sign the journal entry because there are some very broad provisions in the journal entry and he wants to be sure in the future that it is understood that both the Planning Commission and Council have agreed to the entry. Markowitz agreed.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

Mr. Berns stated he is concerned with the provision in the Zoning Code that states all construction must begin within 180 days of the issuance of the zoning permit and completed within 18 months. Mr. Berns stated both of these requirements are to him wholly unrealistic as applied to this development and the current economy. Berns explained what he would like to do, if they could, is as part of the journal entry extend this period of time. Berns stated there is no provision in the Zoning Code to extend this time. The Commission discussed this situation at length.

Markowitz stated as lang as the Commission has reviewed the journal entry and has no further questions, he is asking the Planning Commission to authorize Chairman Daniels to approve the settlement and the filing of the judgement entry along with recommending to Council that they authorize the time limit of construction be extended.

Following further discussion, Cotesworth motioned to recommend to Council that the Mayor be authorized to sign the judgement entry indicating that Section 3.01 (d) be varied to allow Emerald Lakes, Inc. to start construction within one year of the issuance of the zoning permit and completion of the development within three years, Briggs 2nd. Roll call, all ayes.

Harvey motioned that the Planning Commission adopt the judgement entry as written and amended tonight and authorize the Chairman to sign for the Planning Commission, Briggs 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 9:25 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Engineer
Solicitor
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held October 13, 1981 8:00 P.M. *19*

Members present: Briggs Cotesworth, Daniels, O'Donnell, Harvey
Other Officials: W. King, W. Driemiller, D. Markowitz
Guests: F. G. Wohlschlaeger, N. Kota, L. Robert, S. Parker, G. Parker, B. O'Donnell, M. Monastra, J. Monastra, P. Tutolo, P. Becker, D. Becker, J. James, H. Winvick, S. Wasserstrom, C. Roth, N. Cox, P. Cadou, D. Sekerak, S. Berns.

Meeting was called to order at 8:00 P.M. Roll call, all present. Briggs moved to approve the minutes as recorded, Harvey 2nd. Roll call, all ayes.

Chairman Daniels stated he received a letter from Dale Markowitz stating he had reviewed the amendment of the Manor Brook Gardens declarations adding building "F" and it has his approval. Harvey motioned to approve the amendment as submitted, Briggs 2nd. Roll call, all ayes.

Daniels advised that the Chagrin Valley Medical Center requested at the last meeting to move their driveway location 87 feet to the west. Daniels stated he checked with the Fire Officer and the Chief of Police and they advised that they had no objections with this proposed change. Following a brief discussion, Harvey motioned to approve the CVMC's request for the driveway change, O'Donnell 2nd. Roll call, all ayes.

Sidney Simon, Emerald Lakes Development, presented the revised plans of their proposed subdivision, showing that they moved building 4 away from the Country Estates development. Board reviewed these plans. Daniels stated after speaking with the residents of Country Estates, he feels their main concern is the closeness of the proposed development and the removal of existing trees. Mr. Simon stated they will save as many trees as possible, they will not take down any tree unless it is absolutely necessary.

Following a review of the plans presented, Harvey questioned where the Village stands as far as the plans presented tonight and the plat that has been filed with the County. Markowitz stated should the Planning Commission approve the plans as presented tonight, the approval should be conditioned upon a plat being filed that would be in accordance with the engineering that the P/C has approved. Markowitz stated he would like to ask the P/C to go into executive session to discuss these matters however first, he feels it is important to allow the public the opportunity to ask any question they may have.

Mr. Berns, attorney for Emerald Lakes, stated he would like to clarify what has been recorded with the County is only the first three pages of the plat. These pages only show the barest of information, they do not account for any precise location of roads nor any building. Harvey stated the one thing he does not want to have happen, is if the P/C approves the plans tonight, that there be two sets of plans that do not mesh. Mr. Berns stated that this problem doesn't exist, what has been recorded does not reflect on the plans presented tonight except to the extent that there has been a division of lots.

Mr. Wolhschlaeger stated he takes issue with Mr. Berns from the stand point of the plat being recorded. Mr. Wohlschlaeger stated this plat has not been recorded, the appeals court has stayed any recordation of that plat. Mr. Wohlschlaeger stated he feels it is premature of the P/C to consider any new plan without positively knowing what the basic platting structure is going to be.

Markowitz stated there is no question in his mind that if the P/C wants to approve the plan presented tonight, there better be a plat that conforms to what is going to be developed.

Mr. Berns stated the plat was infact recorded and presented a copy of this plat. Berns explained that all this plat shows is 5 lots and an easement for utilities. Therefore, when talking about the plan presented tonight being in conformity with the plat, there isn't anything the plat violates because there isn't anything there. The Commision and developer discussed this at length.

Mr. Wohlschlaeger stated he does not feel the public has been given ample time to review the plans presented tonight. Mr. Simon stated the plans

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presented tonight are the same as those presented at the last meeting except for relocating building 4 and changing the side yards of buildings 2 and 3.

Joe Monastra asked what the results were of the water study. Harvey stated the study shows there is ample water now for what is here and this development, however there is some concern for central water systems versus single wells.

There being no further questions, O'Donnell motioned to adjourn to executive session, Coleswoth 2nd., Roll call, all ayes. Meeting adjourned at 9:00 P.M.

Meeting reconvened at 10:15 P.M.

Markowitz stated he and the P/C and the Village Engineer discussed the plans and feel there are some things they would like to ask the developer to do and there are some items they would like to resolve in the pending litigation. There fore, the Village Solicitor and the developer's attorney will meet to discuss these items and then report back to the Commission and public at a special meeting on Tuesday, October 20, at 8:00 P.M.

There being no further business, meeting adjourned at 10:20 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Village Engineer
Solicitor
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held October 1, 1981 19

Members present: Briggs, Cotesworth, Daniels
Other Officials; D. Markowitz, W. King, W. Driemiller
Guests: Stuart Bashian, Jean Conley, G. E. Parker, Rev. Stanley Cote, C. Herion, S. Herion, L. Rolet, J. Roberts, D. Alexander, A. Dishong, J. James, R. James, M. Wohlschlaeger, J. Martin, R. Sachs, S. Simon, S. Berns, Clement Rolt, C. Tejada, N. Tejada.

Meeting was called to order at 8:00 P.M. by Chairman Daniels. Roll call, O'Donnell and Harvey absent. Cotesworth motioned to waive the reading of the September 3rd minutes, Briggs 2nd. Roll call, all ayes.

Jean Conley, Chagrin Valley Medical Center, stated they are requesting permission to change the location of their driveway. Conley explained they want to be able to get Ohio Bell telephone service versus Western Reserve. Conley stated their property is 20% in Ohio Bell district and 80% in W. R. district and because their driveway is in the Western Reserve area they are required to have Western Reserve service. After researching the costs of each service, they found it would cost them an additional $10,000 more a year for the Western Reserve Line. Therefore, they are requesting to move their drive to the west in order to maintain their Ohio Bell service. The Commission stated they would like to see a plan showing the drives on the opposite side of E. Washington. Mrs. Conley agreed to provide this. W. King asked that the Chief and the Fire Prevention officer review the plan to be sure there are no problems with the ingress or egress. Conley stated they are faced with the situation of trying to get the pavement in before cold weather and would appreciate action by the Commission as soon as possible. Commission agreed to get the opinion from the Chief an d the Fire officer and then schedule a special meeting to take action.

Sheldon Berns, attorney for Emerald Lakes Development, stated they are filing a new application for a zoning permit tonight. Berns stated the plans filed with the application have already been reviewed by the Village Engineer and amended, reviewed again and amended a second time. The Engineer's letter dated October 1, 1981, was distributed to the Commission with his review of the amended plans. Mr. Berns briefly explained the content of this letter.

Sheet 1, item #7, 96 units exceeds the maximum number permitted, which is only 50.

item #8, discussed the interconnecting roadway which the Village is requesting.

Sheet 3, item #1 and 2, Discusses a new sheet 9 which was added, showing all dimensional relationships between building and boundary lines. Berns stated all the buildings which are required to change, have been amended except for buildings 2 and 3. Berns explained there is a disagreement between the Village Engineer and Emerald Lakes engineer on these two buildings. The Village Engineer explained the disagreement. Commission agreed the situation of buildings 2 and 3 is unique and the Code requirement in this instance would be waived.

Sheet 4, item #3, landscaping plans for each building has been submitted and approved by Knight and Stolar (letter dated 9-28-81)

item #4, refers to side streets serving more than 2 dwellings should have cul de sacs. Berns stated he would return to this item later.

Sheet 6, item #2, refers to roads serving more than one dwelling, defined as "private streets", must meet same standards as dedicated local streets. Berns stated their roads meet all requirements except they do not have curbs and gutters and have an inverted crown insted of a conventional crown.

Sheet 8, item #2, deals with landscaping to provide screening. Berns stated he would agree to the wording of the agreement written by the Village Engineer for the Village and

developer with the following amendment, ".... the Owner shall provide such additional screening of the type in the quantity and at the locations which the Consultant lawfully and reasonably requests." Berns stated they agree to put in the proper screening as long as it is not an unreasonable or unlawful amount.

Additional Commentary: this streesed the importance of the Architecture and the importance of the Commission having a clear understanding of just what exactly is proposed. Mr. Simon presented plans showing their porposed elevations. Simon explained the floor plan for each building would be the same but the elevations would differ. There will be four or five different elevations using different materials. Berns stated at this time they have an application for one building pending and his understanding at the moment is, the Village does not have an Architectural Review Board (ARB) however they do have the provision for the appointment of one. Berns explained while it is important that they get one building under way, the next building will not be built the next week and should the Village appoint the ARB, Mr Simon has indicated complete willingness to meet with them.

Berns stated he would like to move on to the cul de sac requirement discussed under Sheet 4, item 4. Berns stated they have come up with a "T" design replacing the cul de sac. This design provides the "safety release" which the Village is asking for and in addition, it is a much more attractive solution.

Village Engineer stated he feels this will probably solve the problem, his main concern was not only safety vehicles having access, but also the problem of the trash trucks and moving vans useing the driveways to turn around on which only have a 6" depth of pavement.

Berns stated there are presently three civil actions in progress between the owner of the property add the Village. This is not to their benefit. They (Emerald Lakes) are willing to make changes on the supposition that by doing that, they can bring this whole matter to a conclusion.

Chairman Daniels stated there is going to be a public meeting on Monday, October 5, with the Village Hydrologist who will deliver the results of a two year long study on the water availability in South Russell. Daniels explained he feels water is very necessary item to consider when taking action on a development application and would like to have this information prior to taking action on the Emerald Lakes application.

Commission agreed to schedule a special meeting for October 13th, at 8:00 P.M., to discuss both the the CVMC request and the Emerald Lakes application.

The Commission then invited the public to review the Emerald Lakes plans. Following a 10 minute recess the Commission asked for any questions from the audiance.

Glenn Parker, Anglers Drive, stated he saw phase I on the plans, will there be a phase II? Daniels stated the first phase consists of constructing the first building and yes there will be other phases to construct the remaining buildings. However, the maximum number of buildings for the entire project has been determined and set at 12 buildings or 96 units and they will not be able to exceed this number. One reason for phasing, exphined the Emerald Lakes engineer, is to help control the erosion problem during construction.

John Roberts, Anglers Drive, stated he feels the solution for screening or shielding the surrounding property is very inconclusive and should be very clearly spelled out. Daniels stated he felt it is very hard to visualize what is needed until the building is up

Glenn Parker, Anglers Drive, stated he feels anyone who can visualize buildings and plans and approve those, could visualize the necessary screening prior to construction. He stated he feels once the building is up, it is the wrong time to determine what is necessary for proper screening. The Commission and audiance discussed the distances from the condominium buildings and the existing residential homes. Markowitz stated the residents know their location in relation to the proposed building and suggested that they come up with some suggestions for the Village and Developer for the proper screening

Mary Wohlschlaeger stated there is presently quite a bit of screening on the other side of their private lake and stated her concern is whether the developer would retain the present amount of screening, what will he do with the trees that are there now? Mr. Simon stated they will save every tree they can, within reason, he can't save the ones where the buildings are going to go. Simon stated the area between the end of the "T" and the property line would definitely be left alone. Mr. Berns stated as far as they know they are going to remove only those trees which are necessary to put the road and building in, there will be no trees taken down unnecessarily. Mr. Parker asked Mr. Berns if you don't know the exact location of each tree, in relation to the proposed buildings and existing homes, how can we be assured that unnecessary trees won't be taken down. Berns stated it would be a monumental job to pin point each tree that exists between the buildings. Berns explained once it is determined whether or not there is additional screening needed, and this will be determined by the Village Engineer and the Developer's engineer, the Village Engineer and the landscape architect will develop a plan they deem reasonable and necessary. As long as this plan is reasonable and necessary and lawful, they will put the screening in. Daniels stated they will also have enough flexibility that if the location where the drive is presently proposed would remove a large quantity of trees, they will do everything possible to find another location which would remove fewer trees. Simon explained nobody knows today exactly where the trees are located, what they do is have the surveyor come out and locate the center of the road and the center of the building. After looking at these locations, they can then determine the best location, saving as many trees as possible.

Resident on Spring Drive, asked what could be provided for auditory screening, with the high concentration of the units so close to Country Estates, would trees be effective enough. Markowitz stated when the landscape architect goes out to review the need for screening, he will take the auditory as well as visual needs into consideration. "Resident" stated their main concern is with the location of the development to the homes of Country Estates. With 110 acres to place the buildings, they are all located very close to the existing homes of Country Estates. Daniels asked the Engineer if there was any reason why they picked this location for the buildings versus some other spot? Engineer stated it probably was economics. Emerald Lakes Engineer stated another reason is there is a creek 300 or 400 feet to the east upon which they could not build.

Mrs. Wohlschlaeger presented a letter to the Commission and stated she would like to address a few points in the letter that have not been discussed tonight. First, Mrs. Wohlschlaeger stated traffic and fire protection is a concern and she understands the "T" turnaround has helped in circulation however because Emerald Lakes development is so concentrated in one area and because it is located so close to their homes, what specific fire protection do they have? Mrs. Wohlschlaeger explained their lake behind their homes could provide supplemental fire protection for their homes. However, would Emerald Lakes also be able to pump from their lake if they had a fire and if not, what fire protection do they in fact have? Markowitz stated there are certain limited rights which a fire department has in emergency situations,

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however, Markowitz believes the Chagrin Falls Fire Department has enough pumpers along with surrounging departments to handle any type of fire which might occur.

Mrs. Wohlschlaeger stated they do have this privately owned lake on their property and what assurance do they have that the people who buy in Emerald Lakes won't use their private lake. Markowitz stated if they have property they don't want people on, they should post "no tresspassing" signs.

Mr. Alexander asked if there are any lakes planned, there are none shown on the plan. Mr. Simon stated they are planning to use sublot 1 and 2 and put in two lakes, one on either side of the entrance of the development. Mr. Simon stated he will commit himself to put in these lakes.

Following the review and discussion of the development plans by the audiance and Commission, Mr. Simon stated he would agree to move building 4 north to the end of the development, next to the existing terminating cul de sac.

Mr. Daniels stated there will be a special meeting Tuesday, October 13th to further discuss Mr. Simon's development and there will also be a meeting Monday, October 5th to receive the report from the Village Hydrologist on the two year water study.

Jack Brickner stated he has an amendment to their Manorbrook declarations which adds Building F. It is basically the same as the one approved for Buildng C except for the specific measurements. Daniels asked the Village Solicitor to review this amendment for the next regulat meeting.

There being no further business, meeting adjourned at 9:55 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Engineer
Building Inspector
Solicitor
Clerk of Council
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of Planning Commission Meeting *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held September 3, 1981 *19*

Members Present: Harvey, Cotesworth, O'Donnell, Briggs, Daniels (10:15 P.M.)
Other Officials: W. King, D. Markowitz, W. Driemiller
Guests: Jack Brickner, Norman Cox, Sanford Wasserstrom, Robert Valerian

Mayor Harvey called the meeting to order at 8:07P.M. Roll call, Daniels absent, (arrived at 10:15 P.M.). O'Donnell moved Charles Briggs be appointed Chairman Pro-tem, Cotesworth 2nd. Roll call, all ayes.

Jack Brickner, Thomas and Thomas, stated he originally was going to present their plan for dredging the lake in Sugarbush, however after consulting with the Village Engineer and Building Inspector, it was decided it was not necessary to present the drawing to the Commission. Brickner explained the plan shows where and how the dredgings will be put on a park area for common land. Brickner stated they (T & T) have been working with the Sugarbush Association for the past year and a half and have come to a mutual agreement as to how the work and payment for the work will be taken of.

Mr. Robert Valerian, representative for Sheldon Burns, attorney for Emerald Lakes, stated they are before the Planning Commission seeking an approval for their Zoning Permit Application, filed 8-6-81. Mr. Valerian stated they received the report of the Village Engineer on the review of the improvement plans for the Emerald Lakes Subdivision and will be very happy to answer any questions raised by the points addressed in the Engineer's letter. Dale Markowitz stated the applicant is here under Section 3.04 of the Zoning Code, Development Approval and also criteria set up under Chapter 10, Development Regulations.

Mr. Markowitz asked that the Village Engineer present his review as written in the letter of September 1, 1981. Harvey asked that the Commission recess for 10 minutes in order to read the Engineer's letter before discussing it. Commission recessed at 8:25 P.M and reconvened at 8:32 P.M.

Mr. Markowitz stated Mr. Valerian has indicated there are basically five or six points of the Engineer's letter that need discussion and the rest of the items can be changed in accordance with the Engineer's suggestions. The Commission agreed to have Mr. Valerian state those items they agree to change and then those needing further discussion.

Mr. Valerian stated on Sheet #1 they would agree to change items 1, 2, 3, 4, 5, 6, and 9. As for 7 and 8, Mr. Valerian stated these relate directly to the requirements of the Subdivision Regulations which is subject to a law suit and as far as they are concerned not applicable.

Sheet #2, Mr. Valerian stated they agree to make this revision.

Sheet #3, Mr. Vallerian stated all the items, 1 through 8 will be corrected as the Engineer requests.

Sheet #4, Mr. Valerian stated items 1, 2, 5, 6, 7, 8, 9, 10, 11, 12 will be complied with. Item 3 should not be a problem but ... still must review the Village consultant's plan. Item 4 falls under the Subdivision Regulations, which again they feel is not applicable.

Sheet #5, this will be complied with.

Sheet #6, items 1 and 4 will be complied with, Mr. Valerian stated they take exception with 2, explaining the standards for local and private streets are also derived from the Subdivision Regulations. As for 3, the revised standards have not yet been adopted and therefore do not apply.

Sheet #8, Mr. Valerian stated they can not comment on 1 until they see the review. Item 2, they do take exception, Mr. Valerian stated as he understands, there are requirements set up in Chapter 10 of the Zoning Code for screening, in regards to the application for a Zoning Permit. Valerian stated he feels they already meet these requirements.

Final Plat, Mr. Valerian stated the final plat has been ordered recorded by the Court of Common Pleas.

Drainage Map, all of this has been reviewed with previous submissions.

Drainage Calculations, items 1 and 2 will be complied with.

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Additional Commentary. Item 1, Mr Valerian stated he does not feel it is proper to ask for evidence of an easement as a condition for a Zoning Permit. As for item 2, Mr. Valerian stated because items (a) through (g) are very non-specific, it is difficult to address them. They state the requrements of Section 10.01 are not met but are very non-specific in stating the reasons. As for (i), signs, there are no signs that are in any way part of this application for a Zoning Permit. Item (j), there are no condominium declarations that have been filed.

Item 3, Mr. Valerian stated they will take their chances.

Item 4, Mr. Valerian stated that aesthetic considerations are not part of the proper review for a Zoning Permit and as he sees it, #4 is just an opinion of the Village Engineer.

Mr. Valerian stated this summarizes how they stand and what they are requesting tonight is a conditional approval subject to complying with those items they have agreed to comply with, as stated above.

Briggs stated one item he wanted clarified was #8 of sheet 4, typical walk layout. Is the layout they show on the plan submitted for the building permit considered typical? Mr. Valerian stated the sidewalk dimensions shown on the plan submitted for a building permit are typical and won't vary from building to building. Engineer stated it is his interpretation that the walkways are considered part of the development plan and therefore must provide all the dimensions. Mr. Valerian agreed to show all dimensions on their plan.

Mr. Valerian stated regarding the question of screening, Chapter 10 has two provisions relating to screening. First, 10.01 c, is for parking areas, service areas and active recreational areas. Valerian explaned this development does not have any of these areas. Second, visual privacy is required. Valerian stated the nearest residential building to any buildning in the development is approximately 300 feet. This distance along with the natural terrain of the trees and slopes provide a considerable amount of screening. The Commission discussed the distance of 300' and the definition of parking areas.

Mrs. O'Donnell motioned to adjourn to executive session to discuss with the Village Solicitor the pending litigation, Cotesworth 2nd. Roll call, all ayes. Commission adjourned at 9:00 P.M.

The Planning Commission reconvened at 10:25 P.M. Briggs asked the Village Engineer to comment on the items of disagreement stated by Mr. Valerian.

Engineer stated items 7 and 8 of Sheet 1 are self explanatory. Sheet 4, item 3, Driemiller stated he realizes they are tardy getting the landscaping notes to the developer, but Knight and Stollar are basically asking for two changes, first, the landscaping for each building be varied. Second, that more shade trees be included. Mr. Valerian stated they would agree to both of these itmes. #4 refers to the side streets having cul de sacs. Driemiller stated he based this requirement on the Subdivision Regulations, he feels with the layout showing 20 dwelling units on the "spur roads", it is his opinion that in order to get emergency vehicles in, cul de sacs should be provided. Mr. Valerian stated it is a fact that the Subdivison Regulations have been ruled invalid by the Court but in so far as Mr. Driemiller stating the desirability of cul de sacs for the access of emergency vehicles, the layout of the dwellings show access from either side of the unit. Each unit is clearly accessable with the present layout. Driemiller stated he feels if this were a single family layout, with 20 houses on a street, there would be no question as to the advisability of a cul de sac. Just because it is compressed into a condominium type situation doesn't decrease the number of vehicles nor the types of vehicles. Item 6, Driemiller asked if this plan had been approved by the G. C. S. E.? Mr. Cox stated the two previous plans have and as soon as the layout before the Commission is approved he will submit it to the Sanitary Engineer. Sheet #6, item 2, interior roads, Driemiller stated this requirement is found in the Subdivision Regulations and what they presented is an interior road plan of a 20 foot wide pavement with an inverted crown with no curb and gutter. The regulation requires a regular crowned road with curb and gutter.

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The Commission discussed the inverted crown versus the regular crown. Item 3, Markowitz asked if their plan conforms to the regulations, Driemiller stated it does.

Sheet 8, item 1, Driemiller stated the landscape architect has approved their plan with a few minor suggestions. Item 2, Driemiller stated his concern is for the proper screening of the single family residential areas adjacent to the condominium areas, especially in the fall and winter. Mr. Valerian agreed to have their landscape architect consult with the Village architect and determine what will be necessary to provide proper screening.

Final Plat, Mr. Valerian stated this is a moot issue, the last plat which was submitted to the Planning Commission has been ordered recorded by the Court.

Drainage Map, Driemiller stated Emerald Lakes has indicated they will submit a revised plan.

Drainage Calculations, Driemiller stated these will be submitted.

Additional Commentary. Item 1, Markowitz stated as he remembers, their easement allows them to do almost everthing except building a house, therefore grading, drainage work, etc., would be no problem. Item 2, Driemiller stated he basically just repeated Section 10 for the Planning Commission input, does this plan satisfy the regulations of the Code, i.e. circulation, etc. Driemiller stated he has a concern with the main road and the number of units on the cul de sac, the police and fire protection. Driemiller stated he is concerned with the access. The Commission and Developer discussed the access of emergency vehicles to the development.

(b) Driemiller stated he feels Planning Commission should keep in mind the surrounding area when reviewing a new development and what effect it will have.

(c) Mr. Valerian stated they would agree to go out after construction and consult with a Village official and a landscape architect and develop a proper screening plan. Harvey states his concern is their plan shows no screening. Valerian stated there will bee screening provided. Commission and Developer discussed the screening at length.

(g) Driemiller stated his point is the Planning Commission should be well informed on the architecture proposed. Commission stated at this time they are not informed as the type of architecture.

(i) Mr. Valerian stated they will agree to submit the declarations prior to recording however to prepare them at this point is not feasible due to financing and at this time they don't know the exact dimensions of the buildings themselves. Markowitz stated in this situation, the Commission could give a conditional approval, contingent upon the Commission's approval of the declarations.

Item 3, Driemiller stated all he is trying to do is advise the developer of the soil situation., Item 4, to Mrs. O'Donnell's question, Mr. Wasserstrom stated the "footprint" of the buildings will be the same but there will be different architectural treatments of the exterior.

The Commission discussed at length the calculations used to determine the number of units allowed in the Emerald Lakes development.

Harvey stated in light of the action taken today by the Common Pleas Court, he motioned to stay the judgement of the trial court, Daniels seconded. Roll call , all ayes.

Harvey stated he feels there are so many changes being requested on the plans submitted, he moves the Zoning Permit Application of Emerald Lakes be denied, Cotesworth 2nd.

Mr. Valerian asked if the Commission would not consider giving a conditional approval contingent upon them producing a set of plans which incorporates all the agreed upon changes as previously discussed. Harvey stated the

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Commission has done this before with other applicats, however, due to the number of changes being requested, he feels it is important that the Commission should see the whole plan put together prior to approval.

Mrs. Cotesworth asked if the developer would include cul de saes as the Engineer requests? Mr. Valerian stated no they would not, that regulation is found under the Subdivision Regulations and not the Zoning Code. Mrs. Cotesworth stated yes it was in the Zoning Code, under the Development Regulations.

Markowitz stated under the Development regulation there are two problems that he sees and where there is no consensus between the Developer and the Village. First, is the question of circulation and cul de sac streets and second is screening. Markowitz stated the screening can be put in the plans but there is a monumental gap between the Developer and Commission on the question of the circulation and cul de sac streets. Markowitz stated he believes the requirement of cul de sacs is clearly within the jurisdiction of the Commission under the Developemnt Regulations, 10.01 (a). Markowitz stated he belives circulation and access is probably one of the most important considerations the Commission is going to have. The Commission and Developer discussed at length the question of access and cul de sacs.

Harvey agreed with the Solicitor that the basis for his motion is that due to the fact that the Commission is going to appeal and support to stay the judgement, they would then be considering the Subdivision Regulations still in effect and these regulations provide that no zoning permit can be issued until there has been improvements and dedication. Furthermore, if the S/D Regulations are enforceable and if the Commission is allowed to require a public road, this will change the maximum number of units allowed. Also due to the number of engineering changes being requested, the Commission wants to have final review of all changes made. Furthermore, there are still two matters in the Engineer's letter, which the developer has not agreed to comply with and these are items which will required prior to any approval.

Roll call for Mayor Harvey's motion, Cotesworth, Briggs, O' Donnell, Harvey, ayes; Daniels, nay.

There being no further business, meeting adjourned at 12:23 A.M.

Charles F Briggs

Charles Briggs, Chairman Pro-Tem

Cathy Male

Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held August 17, 1981 19....

Member present: Daniels, O'Donnell, Cotesworth, Briggs, Harvey (9:00P.M.)
Other Officials: Wm. Driemiller, W. King. D. Markowitz
Guests: J. Brickner

Chairman Daniels called the meeting to order at 8:00 P.M. with roll call, all present. Harvey arrived at 9:00P.M.

The Commission reviewed the 5th draft of the proposed Subdivision Regulations and following lengthy discussions, the following changes were made and reiterated by the Village Solicitor.

Table of Contents: amended to show the addition of Figure 2C, Typical Spur Road Plan, page 76; Figure 3, amended to page 77; Figure 4, amended to page 78.

All three figures, 2-a, 2-b, and 2-c will have the dates amended to show August, 1981

Section 2.03(a), spelling of the word "accepted" was corrected.

Section 2.03(d), Open Space, rewritten to read "Public or common land in a subdivision which is dedicated or permenently assigned to park or recreational use, excluding areas covered by streets, rights of ways, and easements, where the use of the easements is detrimental to the health ....." Both of these additions help to further define open space.

Section 2.06(f), Access Drive; amended to read, "A private way used to serve one dwelling, one condominium structure, one business or industrial establishment or one public or semi-public use.

Section 2.06(g), Private streets; this definition was amended from one sentence to two and reads, "A private way used to serve more than one dwelling, business or industrial establishment, or public or semi-public use. Private streets shall be prohibited in the development of subdivisions.

Section 2.06(h), Spur road; this newly created definition was amended to read, "A private way used to serve more than one condominium structure wholly contained within the lot area of one lot set aside for residential condominium development. The spur road shall have access to a dedicated street to be constructed within the confines of the lot area set aside for residential condominium development. The spur road shall be constructed in compliance with all of the improvement standards and specifications for local streets except curbs will not be required. Design and construction standards for spur roads are set forth in Figure 2c. No spur road shall have access to or from another spur road nor shall any spur road exceed 500 feet in length, nor shall the spur road serve more than 50 residential condominium units."

The Commission, Solicitor, Engineer and Zoning Inspector discussed at length whether to amend the 500 foot maximum length or the 50 residential units. It was Mayor Harvey's opinion that these limits should possibly be reduced. Markowitz stated the firm of Knight and Stollar was consulted and they felt the numbers of 50 units and 500 feet were realistic. Engineer stated he felt comfortable with the regulation as it was written. Commission agreed to leave it as is.

Section 4.02(f), was amended to read "The developer shall consult with the Geauga Soil and Water Conservation District and the Village Engineer and plan the development of the subdivision in a accordance with the recommendations of the District and the

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Held *19*

Village Engineer. The Planning Commission will seek the input of the District and the recommendation of the Village Engineer and may disapprove a preliminary or final plat not planned to minimize soil erosion, storm water runoff or sediment discharge as requested by the District and/or the Village Engineer.

Cotesworth motioned to adopt the Subdivision Regulations as stated in the August 11, 1981 draft with the amendments that are indicated by the Solicitor at the August 17, 1981 meeting, Harvey 2nd. Roll call, all ayes.

Harvey motioned that the Planning Commission secretary submit the Subdivision Regulations, adopted by the Planning Commission on August 17, 1981, subject to the Solicitor's office printing the final draft, to the Village Council to be set for a public hearing and for approval in accordance with Chapter 711 of the Ohio Revised Code, Cotesworth 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 9:55 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Zoning Inspector
Clerk of Council
Engineer
Solicitor
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

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Held August 6, 1981 *19*

Members present: O'Donnell, Harvey, Daniels, Briggs
Other Officials: W. King, W. Driemiller, D. Markowitz
Guests: Phillip Lawrence, Bill Kurtz, Wendy Brooks, Bill Lineweaver, Bill Smyser, W. R. Ericson, Jim Embrescia, Chris Embrescia, John Hafner, W. Brooks, Fred Embrescia, Laura Hattenback, Lillian Barr, Mr. and Mrs. Scott Richter, Carmella Miralia, Ben Miralia, Robert Bruic, Barry A. Owen, Ellen Freeman

Meeting was called to order at 8:00 P.M. Roll call, Cotesworth absent. Harvey moved to approve the minutes of 7/21/81 and 12/5/80 meetings as recorded, O'Donnell seconded. Roll call, all ayes.

Daniels stated there is a Public Hearing scheduled to hear the request of Judy Takacs for a conditional use permit. Dale Markowitz, Solicitor, stated there is a procedural problem with tonight's hearing. Markowitz stated Section 3.05 (b) of the Zoning Code states after the Zoning Inspector receives seven copies of form Z-1 and Z-3 and the deposit, the Secretary should then place it on the agenda of the next regularly scheduled meeting. The filing date of the application is the date of that meeting and public hearing will be scheduled within 30 days of the filing date. Markowitz explained the application before the Board tonight is before the Board for the first time, tonight is the filing date and the public hearing will be set within the next thirty days. Markowitz stated even through all the surrounding property owners have been properly notified and the public notice was published in the Geauga Times Leader, this procedural section cannot be waived and it must be complied with. Mayor Harvey moved to adjourn to executive session, O'Donnell aeconded. Roll call, all ayes. Commission adjourned to executive session at 8:09 P.M. Commission reconvened at 8:15P.M.

Daniels explained as the regulations read, a public hearing cannot be scheduled until the application is brought before the Commission first. At that time the Commission reviews the application and then sets the date for a Public Hearing. Markowitz stated because of the procedural mix-up on this application, he has advised the Commission may not hold the public hearing tonight as scheduled, but accept the application for filing and schedule the public hearing within 30 days. The Commission read a letter from Ann M. Dunning, architect for the applicant, Judy Takacs, explaining the proposed development of a car wash facility at 533 East Washington. The facility would be built on a parcel 1.065 acres with two building. First building would be the automatic car wash, 2600 square feet and the second, the wand wash building, would be 4050 square feet. The Commission reviewed plans presented by Ms. Dunning and discussed the present zoning, B-2, for this property. The use of car wash is not specifically listed under B-2. The Commission stated they will be required to provide data showing there will be sufficient amount of water. Commission discussed the variances needed to be granted from the Zoning Board of Appeals in order for building permits to be issued, providing the conditional use application is granted from the Planning Commission. Following a lengthy discussion, Harvey moved to schedule a Public Hearing for September 3rd., at 8:00 P.M. to discuss and act on the Conditional Use application of Judy Takacs, O'Donnell 2nd. Roll call, all ayes.

Sidney Simon, Emerald Lakes, presented an application to the Commission requesting development approval for Blocks A and B of the proposed Emerald Lakes Subdivision. Mr. Simon presented plans to the Commission showing Blocks A and B and one condominium building. Simon stated Blocks A and B mak-up the entire development, 113.44 acres. Simon stated they are requesting development approval for the entire project and a building permit for one building. Simon stated the plans for the one building meet all Village regulations. Harvey asked if the proper forms and deposit had been filed. Markowitz stated Dave Lowe advised the Zoning Inspector not to accept the deposit until the Planning Commission acts favorably on the application.. Harvey stated if Mr. Simon can bring the deposit in tomorrow, then the Commission can treat the application as being filed tonight. The Commission reviewed the plans presented by Mr. Simon. Simon explained that Block A is the area east of the C.E.I. transmission lines and Block B is to the west. Commission asked Mr. Simon to show on all future drawings exactly what area

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makes up Block A and what area is Block B. Mr. Simon agreed. Commission asked Mr. Simon for 2 additional sets of building plans and two additional sets of improvement plans along with the deposit by tomorrow. Mr. Simon agreed. Mrs. O'Donnell asked if the Commission has already turned down the Subdivision plat of the proposed development in January of this year and the plan Mr. Simon is presenting tonight is identical to the one wich has already been denied, other than the placement of the buildings, why are we accepting the plan before them tonight for filing? Harvey stated Mr. Simon has a right under the Zoning Code, which is separate and distinct from the Subdivision Regulations, to submit a development plan and this is what Mr. Simon is doing. Markowitz stated Section 3.04 of the Zoning Code stated the Commission has to accept the plan for review for development approval because it is a multifamily development. Markowitz stated the difference between multifamily and single family developments is if a development is all single family, it does not require developmental approval from the Planning Commission whereas multifamily, commercial or industrial developments must come before the Planning Commission. Following lengthy discussions, O'Donnell motioned to accept Mr. Simon's application for filing tonight, August 6, 1981, subject to the filing fee and extra copies of the general site plans being brought in by August 7, 1981 to the Zoning Inspector, Briggs seconded. Roll call, all ayes.

Markowitz stated at the end of the last meeting, the Commission was discussing the Appendices A through H and Chapter 5. Marowitz explained these sections are the improvement standards which Council has already adopted and the Planning Commission cannot make changes to these in conjunction with the proposed Subdivision amendments. Planning Commission can make the recommendation to amend the Improvement Standards, however it is Council who must have the Public Hearing to adopt these changes and it must be done separately from the changes being made to the Subdivision Regulations.

Markowitz stated the sections which have been amended thus far in the Subdivision Regulations up through the fourth draft are as follows:

Section 2.03 (d) Open Space, certain types of easements, utility easements are not allowed to be counted as open space.
Section 2.04 (c) Changed the language of comdominium lot area
Section 2.06 (e) Street definition amended
Section 2.06 (f) Access drives definition amended
Section 2.06 (g) Private street language still undecided
Section 2.07 Definition of Subdivision amended
Section 3.10 Effective date of amendments, this section was newly created
Section 4.03 (c) Cul de sac streets are more clearly defined.

The Commission discussed at length the definition of access drives, whether or not they should be public or private, dedicated or not dedicated. Mr. Simon stated he does not object to building the access roads to dedicated standards, but what he does object to is dedicating a 60 foot right of way. Mayor Harvey stated he does not have any objections to the access roads not having a 60 foot right of way and being private but what he can not agree with is the main road from which the access roads emanate these must be dedicated for the public safety and welfare. Simon stated he can understand this with a single family development but not a condominium development. Residents of condominium projects want privacy and pay monthly dues to provide for the privacy. Mr. Simon stated he has no problem with dedicating the main road but he has a problem with the way South Russell requires a developer to do it, it must be done before construction of any units is allowed. Simon stated he could build the road to dedicated standards but after the construction of the units. Simon stated with interest rates as they are today, putting the amount of money you need for a dedicated road up front, prior to any construction is economically impractical. Harvey stated he understands Mr. Simon's position but he feels that situations like these are perfect candidates for variance requests. The Commission discussed this topic at length. Harvey stated it is his own opinion that as the Regulations are written, requiring the road to be dedicated prior to construction, should remain that way, the developer has the options of requesting a variance if needed or phasing the project.

Markowitz stated another thing that must be considered is a developments desire for privacy, should the Village's concern for the safety and welfare of the

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Minutes of PLANNING COMMISSION MEETING *Meeting*

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Held August 6, 1981 *19*

resident outweigh the residents desire for privacy. Daniels stated he felt if the roads are built to dedicated standards, and everything is done as if it was Village maintained, he has no objection to it being private from safety aspects. The Commission discussed at length the safety and welfare of the citizens versus the right to have private roads.

Markowitz stated the Commission appears to be in agreement that the "spur roads", those leading from a dedicated road to more that one condominium structure, will not be dedicated but built to dedicated standards, except for curbs and the 60 foot right of way. Commission agreed. Harvey stated he wants to make sure the Subdivision Regulations state there must be a dedicated access in the subdivision from which these "spur roads" come from. The Commission discussed this point. Markowitz stated there is another consideration that the Commission should address. Even though it is on a larger scheme than what is being presented tonight, the concept is still there. The Commission is not promoting the idea of subdivision planning by allowiing private roads. The function of the Planning Commission is to provide for coordination of streets and thereby eliminating the possibility of congestion. By permitting alot of private streets, the Commission is in a way hampering the potential for, when a problem develops, eliminating it or avoiding it in the first place. Markowitz stated the question of whether or not to allow private roads versus requiring dedicated roads is a tough question, it is a natural conflict between the Village's desire to regulate and the homeowner's desire not to regulate. Simon again stated it is privacy that the condominium owner is looking for and willing to pay for.

Daniels stated he doesn't see any reason for requiring a street, if built to dedicated standards, to be dedicated. By dedicating the Village is then responsible for snow plowing and maintenence. Harvey stated yes, the Village would be responsible for plowing and maintence but also, isn't there a responsibility of the Commission to enforce traffic regulations to maintain the safety and welfare of the public?

Following further discussion, Harvey motioned there must be a public dedicated road into a planned subdivision serving condominium units, having its access from an existing dedicated road and from which spur roads emanate, Briggs 2nd. Roll call, ayes, Harvey, O'Donnell, Briggs; nayes, Daniels. Motion carried.

Markowitz stated he will work out the final language for the spur road definition and the new draft of the proposed Subdivision Regulations will be ready by Tuesday of next week for the Commission's review. Commission agreed to hold a special meeting August 17th, 8:00 P.M., to review and adopt the proposed regulations.

There being no further discussions, meeting adjourned at 11:25 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Zoning Inspector
Engineer
Solicitor
Wm. Jackson

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Held 19

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Minutes of Special Planning Commission Meeting *Meeting*

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Held July 21, 1981 *19*....

Members Present: Cotesworth, Daniels, Harvey, O'Donnell
Other Officials: Wm. Driemiller, Wallay King, Dale Markowitz
Guests: Jack Brickner, Ellen Freeman, Bill Kurtz, Sidney Simon, Sanford Wasserstrom

This meeting was called to order by Chairman Daniels at 8:00 P.M. Roll call, Briggs absent. Cotesworth motioned to approve the minutes of the July 9th meeting, Harvey 2nd. Roll call, all ayes.

Tonight's meeting was called in order to continue the discussion of the proposed Subdivision Regulation amendments. Mayor Harvey stated they ended the last meeting discussing Section 2.06 (e) Streets. The Commission discussed at length the definition of streets, access drives, private ways and private streets. The Commission agreed they do not want any private streets in any developments other than condominiums. The Commission then discussed whether the private drives, the roads leading from the main road to the access drives, should be considered public or private. Brickner stated from their experience with Manor Brook, if the Commission requires the private road to be dedicated, many timing problems would occur. Brickner explained these private roads are not laid out in complete exactness, with the final plat they never know if the building will be 30 feet one way or the other until the units are sold and they see how the buildings will fit into the site. Board discussed this timing problem.

Mr. Simon asked why the Village feels they must require public roads. Harvey stated he feels it is consistant with the Village's responsibility both under the state statute and under the consititution that they have some requirements that protect the health, safety and welfare of the citizens of the Village.

Mr. Markowitz stated if the Village required public roads leading from the main road to the access drives, the developer could get by this requirement by putting in single access drives from the main road to each condominium unit. Driemiller stated the real problem with this situation is, the concept of a multifamily development is clustering and if each unit has its own drive, it will be a negative factor to this concept.

Mrs. O'Donnell stated she would like to propose the idea of eliminating the use of "private street" and create the term "spur road" with specific standards of construction, in other words a spur road would be a public road with different construction standards.

Mr. Simon stated having the roads public or private, if they have to be dedicated, you can not have a good layout because the roads must all be in and approved prior to any construction, once again it is a timing problem. Harvey stated he feels this problem can be worked out, possibly have the "spur roads" dedicated at a later date.

Following further discussion it was decided to maintain the definitions of public streets, access drive and private streets and have Mr. Markowitz work on a definition for the "spur road" concept.

Section 2.07, Subdivision. Markowitz stated what has been done in the second paragraph is follow the state statute and create a lot split versus a monor subdivision. The Board made no further amendments.

Section 3.10 Revocation of a preliminary plat. Markowitz stated this section provided a hiatus period for any plans approved prior to the Village standards, when County regulations were in effect. This section stated the developer had one year to complete his plans and present a final plat. Markowitz stated because the Subdivision Regulations will be a document always subject to change, the Commission has to make some legislative determination as to when someone must comply with the new regulations versus remaining with the old regulations. The Commission discussed the engineering costs of a preliminary plat versus a final plat

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* of submission.

and possible hardships put on the developer. Following a lengthy discussion, it was decided that the concept of Section 3.10 should be any final plat, along with all engineering documents, shall comply with the regulations in effect at the date.* However, developments with phasing must comply to those regulations which are in effect at the time of construction.

Section 4.03(c). Local Streets. Following a lengthy discussion the Board decided the last sentence should read, "Cul de sac streets for condominium unit(s) shall be terminated with a permenent turn-around(s) with a total length of street(s) off the access point on a through street which does not end on another cul de sac street, not to exceed 2,500 feet nor serve more than a total of 50 dwelling or condominium units on the cul de sac street(s)."
It was also decided to delete the term "access drive", and possibly put back the term "spur road", once that definition has been determined.

Chapter 5, Appendix "E". Mr. Driemiller stated he felt that due to the timing problem the last sentence causes, it should be deleted. To Harvey's question, Driemiller stated there is a remote posibility that existing roads might be torn up but through close observation, the repair work can be done to proper Village standards. Following further discussion, the Board agreed to delete the last sentence, "Lines should be installed before the roadway subgrade is constructed."

The Commission asked Mr. Markowitz if he would work out a definition for the concept of "spur road" and the remaining Subdivision amendments to be discussed, will be put on the August 6th agenda. Meeting adjourned at 10:50 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Engineer
Solicitor
Wm. Jackson
Building Inspector

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Members present: Harvey, O'Donnell, Briggs, Cotesworth, Daniels
Other Officials: W. King, D. Markowitz
Guests: J. Brickner, K. Pike, S. Simon, S. Wasserstrom

Chairman Daniels called the meeting to order at 8:00 P.M. Roll call, all present.

The Planning Commission and Solicitor reviewed and discussed all the proposed amendments to the Subdivision Regulations. The following questions and comments were made between Commission, Solicitor and guests.

Markowitz first stated that the Board needs to extablish fees for minor subdivisions and also review the fees for variances and lot splits. Markowitz explained the revised Regulations change the nature of both variances and lot splits and the Commission might want to raise or lower the fees.

Jack Brickner asked at what point do the revised Subdivison Regulations effect their project? Markowitz stated the Regulations themselves do not provide as to whether or not they will be effective against a plat already filed with the County. However if there is a preliminary plat before the Planning Commission, the proposed changes would effect the proposed plan. Brickner stated on their project, Manor Brook Estates, they have phases 1, 2, and 3, preliminary plans for all these phases have been approved by the P/C. The only thing recorded with the County, however, is the road-way in phase 1 and the first two buildings, A and B. Brickner asked if what is being said is, when the new regulations go into effect, it will affect the rest of the project. Markowitz stated this is a legitimate question, however, the problem is, how do you ever change the regulations, there will always be something before the Board. Markowtz stated the courts have ruled that the mere plating of a subdivision does not vest you, in terms of zoning. However, if you have substantial improvements in the subdivision, the courts have said then you probably have a vested right to continue to develop under the old zoning. Unfortunately, there are no cases that talk about this in terms of Subdivision Regulations.

Section 2.03(d), defidition of open space. The following words are added, "excluding streets, rights of way, and easements, other than easements to governmental authorities of home associations." Brickner stated they have a 12 acre easement to CEI running through their open space, and along the whole length of their right of way, on both sides, they have a ten foot easemnt to CEI, Western Reserve Telephone and EOG. Brickner stated if this amendment is adopted, they would lose a substantial amount of open space. Markowitz stated that if any of these amendments prove to be serious problems to the developers, the Planning Commission must take this into consideration. Mayor Harvey stated this comment is noted and would be discussed further.

Section 2.04 (c), definition of lot area. Revised definition is, "total horizontal area within lot lines excluding water area and/or common land and excluding those areas subject to restrictive easements or covenents not permitting further development of the land". Brickner stated that because the lot area definition pertains to multifamily also, might the Village give some consideration to lakes in multifamily or condominium developments that aesthetically improve the property. Brickner stated possibly there could be an exclusion for water area in the definition of lot area for condominium projects.

Section 2.05 B, Improvement Plans. Revised definition reads, "a plan prepared by professional engineers showing all improvements requered by these regulations or by Village ordinance." Daniels questioned how does one know, when following the Subdivision Regulations that there might be Village ordinances to contend with. Mayor Harvey stated he felt they have the responsibility and obligation to check but this questioned will be noted.

Section 2.06 (E), definition of a street. Section added" "...access drives to a condominium structure for residential, recreational, commercial or industrial purposes. An access drive securing only one condominium unit as oppose to one structure with more than one unit, shall not come within the definition of a street." Markowitz stated the concern of the developers with this definition is, when a street comes off another street to a condominium, i.e. a street cut in off Bell Road, would the "drives" off the street going to two separate condominiums be considered drives or streets. Markowitz stated as he interpretes Section 2.06 (E), the secondary drive would be a street.

Section 2.06 (g), definition of a private street. "A private way used to serve more than one dwelling, business or industrial establisghment or public or semi-public use, which shall be prohibited in the development of subdivisions." Brickner commentedd that in the next paragraph, 2.07, Subdivision, it states that condominiums fall under the definition of a subdivision and the problem this causes can be illustrated by the Manor Brook development where they have a road going in for 100 feet that comes to a cul de sac and it splits up into three units. What the regulations say now is the first street falls under the defintion of a street, it has to be dedicated. Therefore, you can't get a building permit or zoning permit until all the dedicated areas are accepted, approved and signed off with a maintenenee bond. If this is so, how do you start construction on the three buildings when you don't know where the spur road is going to go until you have laid out the buildings.

Section 3.10, revocation of Preliminary Plat. This section was completely deleted. Brickner stated that this section provided for consideration of on going projects and on going approvals, and if this section is deleted the developer does not have any amount of time from the adoption of the new regulations in which to continue his project.

Section 4.03 (e), Local Streets. Brickner stated according to this new section and the revised definition of access crives, every drive to a condominium unit would have to have a perment turnaround and a 60 foot radius, asphalt pavement patch at the end of the drive.

Section 4.06, Open Space. Third paragraph was amended. Brickner stated this change gets back to the redefinition of open space in the beginning. In Section 4.06 you are including rights of way and easements in the figuring the gross area, which is used in calculating the 10% open space requirement, however when you make the determintion of what can be used as open space, you won't allow easements to included. In othe words, you are adding easement area on the plus side to figure gross area and you are subtracting easement area when you determine what can and can not be used as open space.

Chapter 5, Appendix "E", Gas Fuel Service. The last sentence reads, "Lines should be installed before the roadway subgrade is constructed." Mr. Pike stated this presents a real timing problem with the utilities. Pike stated he felt this should read " the lines should be installed before final dedication," or something similar.

Appendix F.01, Sewer Standards. Second paragraph has been deleted completely.

Appendix F.02, Water Supply Standards. The word "public" has been ammeded to "governmental". Brickner stated the first sentence calls for a central supply water system and fire hydrants. Brickner stated their system at Manor Brook doesn't have the water storage capacity for fire hydrants. Brickner also questioned how the Subdivision Regulations could address the fact that central water systems, put in by the developer, has to be turned over to the association, what gives the Village the right to put that in the Regulations. Markowitz stated the concept is, where you are talking about utilities or items of necessity, the government has made regulations that requires control to be in one form or the other.

Figure 2A, New regulations for pavement standards. Mayor Harvey stated as printed they are unreadable because of the samll size print. The same for figures 2B and 2C. Ken Pike stated he felt that someone should review the

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positives and negatives of using concrete versus asphalt.

Following the review of all the proposed changes, Brickner stated there are alot of areas in the newly proposed regulations that will have a significant effect on their project, not only everyday but what has been planned for phases 2 and 3. Brickner stated he felt there were alot of short comings in the new regulations and hoped there would be more consideration given to some the changes.

Solicitor Markowitz stated he would have all the changes from the three different copies consolidated and then reproduced so that corrected copies would be made available to the public prior to next months meeting.

There being no further business, meeting adjourned at 10:30 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

XC: Council
Planning Commission
Building Inspector
Clerk of Council
Engineer
Solicitor
Wm. Jackson

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Held 19

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Minutes of PLANNING COMMISSION PUBLIC HEARING *Meeting*

Thomas and Thomas Variance Reques

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held July 9, 1981 19

Members Present: Cotesworth, O'Donnell, Harvey, Daniels, Briggs
Other Officials: W. Driemiller, W. King, D. Markowitz
Guests: J. Brickner, Ellen Freeman

Public Hearing was called to order by Chairman Daniels at 8:04 P.M. Roll call, all present.

Secretary read the public notice printed in the Geauga Times Leader, June 9, 1981. Chairman Daniels swore in Jack Brickner.

Mr. Brickner, Thomas and Thomas Construction Co., stated they are asking for a variance from Section 2.04 of the Subdivision Regualtions which requires the water surface area be subtracted from lot area. Brickner explained that through the course of their construction they have installed two lakes in the Manor Brook Estates development. One is behind building "C" and one is behind building "D". Brickner explained the original purpose of these lakes was to help control the sediment, however now they would like to make them permenent lakes for the aesthetics. Brickner stated the lake behind building "D" has a dry hydrant installed which could be used for fire fighting. To Mr. Daniels question, Brickner stated the size of the lake behind "C" is approximately 1/4 acre and the lake behind "D" is about .85 acres and they both fall under the defintion of a pond. To Mr. Briggs question, Brickner stated these lakes were not in existence prior to the development of the land. Brickner explained that if the water area of the lakes is subtracted they would lose one unit. To Mrs. O'Donnell's question, Brickner stated this lake will not be developed as a recreational, swimming type lake.

There being no further questions, the Public Hearing adjourned at 8:15 P.M.

Following a brief disucssion, Briggs motioned to approve the variance request, Cotesworth seconded. Roll call, all ayes.

Minutes of the Regular Planning Commission Meeting
Held July 9, 1981
8:20 P.M.

Members Present: SAA
Other officials: SAA
Guests: SAA

Chairman Daniels called the meeting to order at 8:20 P.M. The Board read the minutes of the June 18, 1981 meeting. The following corrections were made; Section 2.03 (d), was corrected to read authorities or home associations; Section 2.05, questioned was corrected to question; Section 2.06 (e) oppose was corrected to opposed and securing was corrected to serving; Section 4.06, corrected to read "to be included, in other words". Cotesworth motioned to approve the minutes as amended, Harvey 2nd. Roll call, all ayes.

Jack Brickner, T. & T., stated at the June meeting he submitted some amendments to their declarations and bylaws for Manor Brook. Brickner explained these have been reviewed and approved by the Solicitor, Dale Markowitz. Mr. Markowitz stated all the amendments do is explain that there are additional units and provide legal descriptions for such units. Following a brief discussion, Briggs motioned to approve the declarations as amended, Harvey seconded, Roll call, all ayes.

Mr. Brickner stated he has been approched by some prospective buyers of the condominium units, asking to put in a private pool. In reviewing the regulations with the Solicitor and Building Inspector, it appears that in R-2 zoning, private pools are permitted as an accessory use to the unit, however the problem arises with the twenty foot side and rear yards, from where do you take the 20 feet. Brickner stated one solution

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might be found in working with the limited common area. Brickner stated with each of the units a certain amount of limited common area is platted with each unit and is for limited use by that particular resident. This area is determined by a line 25 feet parrallel from the rear wall and it is this area that will be used for patios decks, etc. Brickner stated before Mr. King would issue any zoning permits, he wanted to have some input from the Planning Commission.

Mr. King stated he interpretes the regulations differently than Mr. Brickner or Mr. Markowitz. King explained he feels when the Code was written, they had no intention of allowing accessory buildings, pools, etc. for each condominium or multi-family unit. King stated you might be opening "Pandora's box" by allowing a pool today and possibly it could be a barn tomorrow.

Mr. Markowitz stated as the interpretes the Code, anything that is permitted as an a accessory structure in R-1 is allowed as as accessory structure in R-2. To Mr. Briggs question, Brickner stated there are condominium association restrictions on accessory structures. As the bylaws are presently written private swimming pools are not permitted. Brickner then presented amendments to the bylaws which would allow the building of pools. The Board discussed the plans presented by Brickner illustrating the placement of two proposed private pools. Brickner stated the proposed bylaw amendments state that any accessory structure to be built will be a case by case consideration before the Manor Brook Association. To Mr. Harvey's question, Brickner stated an individual who wishes to build a pool must first go to the Association and get an expansion of his limited common area. To get the expansion he must have 100% agreement of all association members. He then must go through the Village and follow all their regulations and after construction, he is 100 % resposible for the care of the pool, from the fence in.

Following further brief discussion, Markowitz stated he would recommend the Board hold off on taking any action till next month in order for him to have time to review the bylaw amendments. Board agreed

Mr. Harvey stated the Board should take the changes in the Subdivision Regulations as outlined in the minutes, Mr. Brickner's letter and the Solicitor's memorandum and disouss. Board agreed.

Section 2.01 (g), redefining of easement. Harvey stated the problem found here is whether or not to eliminate easements from open space. Markowitz stated the initial concern was to exclude streets and rights of way from open space, then the idea came up that there are easements that are in actuality fee, but they still call them easements. These can't be used for anything else unless there is some specific reservation in the easement document. An example of this can be found with the Simon property. Markowitz stated the concept of open space is an area that can be utilized by those in the subdivision. Markowitz stated they might want to consider the type of language used to define lot area, it "excludes areas that are subject to restrictive easements or covenents, not permitting further development of the land". Mr. Daniels stated he doesn't know why one couldn't walk or playball on the land below the C.E.I. wires. Markowitz stated the C.E.I. officials are now telling people they should not walk or come close to the wire towers. Mr. Driemiller questioned if they could just delete " electrical transmission wires" because if you delete all easements, then is a lot of land with the utility easements along the rights of ways. Board discussed wordage to prevent the use of easements which could be hazardous to the public. Following a lengthy discussion, Markowitz suggested the section should read ", excluding streets, rights of ways, and easements where the use is detrimental to health, safety or welfare of the potential users of the open space." Board agreed. To Mr. Brickner's question, Markowitz stated this definition only applies to the percentage of open space, i.e. 10%, required by the Code, it does not relate to all the open space.

Section 2.04(c), Defintion of lot area. Brickner stated he questioned whether or not the Commission would want to differentiate between single family lot area from multifamily lot area when considering the deletion of water area. Following a lengthy discussion, it was agreed upon that Section 2.04 (c) should read, "...of land, except in a residential condominium lot area, lot area shall mean the total horizontal area within lot lines excluding water area."

Section

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Minutes of PLANNING COMMISSION *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held. July 9, 1981 19.....

Section 2.06(e). Street. Mr. Markowitz stated he feels the Commission has over regulated this area. Therefore, what could be done is regulate whether it be a street or private way by the number of people using the road. Following a brief discussion, it was agreed that the definition should read, "The term includes, but is not limited to avenue, alley, boulevard, drive, highway, road and a private street serving more than one condominium structure or residential, recreational, commercial and industrial purposes." The last sentence, "An access drive ...." was deleted.

Section 2.06(F). Access Drive. This definition was amended to read, "A private way used to serve one structure, with one or more dwelling units, one business, or one industrial establishment or one public or one semi-public use."

Section 2.06(g). Private Street. This definition is amended to read, "A private way used to serve more than one condominium structure, or more than one single family, two family or multifamily dwelling, business or industrial establishment or public or semi-public use. Private streets other that those serving more than one condominium structure shall be prohibited in the development of subdivisions.

Following a lengthy discussion, the Commission and Solicitor agreed to complete Section 2.06(g) at the next meeting. It was agreed upon to schedule a special meeting, Tuesday, July 21st at 8:00 P.M., to continue the review of the proposed Subdivision Regulation amendments. Secretary agreed to notify the press.

Meeting adjourned at 11:15 P.M.

Charles M. Daniels

Charles M. Daniels, Jr., Chairman

Cathy Male

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Building Inspector
Engineer
Solicitor
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held THURSDAY, MAY 7, 1981 at 8:00 P.M. *19*

Members present: C. Daniels, C. Briggs, K. O'Donnell, T. Harvey
Members absent: M. Cotesworth
Guests present: W. Dreimiller, C. Morrison, D. Ibold, A. J. Smith, K. Pike, D. Markowitz

Chairman Daniels called the meeting to order at 8:00 P.M. Roll call - all present except Mrs. Cotesworth.

Mr. Briggs moved, seconded by Mrs. O'Donnell that the reading of the minutes be waived and that they be approved as written. Roll call - all ayes.

Under old business, there was discussion of the Zoning Board of Appeals meeting of April 15th to consider a variance request of Thomas & Thomas regarding the number of bedrooms required in the Manor Brook complex. Chairman Daniels informed members that the variance was granted for the 52 units of Phase I of Manor Brook, and further variance requests will be necessary for future phases.

Ken Pike, developer of Sun Ridge, showed plans for a picnic shelter (which was in his original improvement plans) adjacent to the tennis courts which will resemble a gazebo and be a 15 ft.X18 ft. octagonal structure. Mr. Dreimiller said the original plans had been approved and there was no problem with this structure. Mr. Markowitz questioned whether there are deed restrictions providing for maintenance of the shelter and tennis courts and Mr. Pike replied in the affirmative. Mrs. O'Donnell moved, seconded by Mr. Briggs that approval of Mr. Pike's plans be granted. Roll call - all ayes.

Chairman Daniels read a letter of April 16th from Mr. Markowitz to Mr. Ibold regarding the recording of Mr. Cedric Morrison's revised plat of Sublots 14 A & B. Mr. Ibold told the Board that on March 25, 1981, the Zoning Board of Appeals heard a variance request from Mr. Morrison for these sublots and granted such variance. Mr. Ibold stated that the emended plat clears up a situation which has existed since 1957 and a portion of the cul de sac will revert back to Sublots 14B, 12 and 13. Question was raised as to whether a resurvey had been done or was necessary. Mr. Markowitz expressed concern that at the Zoning Board of Appeals meeting, Mr. Taylor (present owner of Sublot 14A) disputed the side property line, between 14A and B. He stated that when a developer resubdivides, he gives up any interests in portions which were going to be dedicated to the public or that were lots of record prior to the new plat and it is the cul-de-sac that is so involved. Mr. Ibold replied that nothing was changed in the new plat except the line which divides Sublots 14 A and 14 B. Mayor Harvey said that he felt the Taylors should sign off before the Village does.

Mr. Markowitz explained that there are statutory regulations which must be met before the County Recorder will record the new plat, as well as the provisions of the South Russell Subdivision Regulations which must be met. The Morrisons, the Taylors, the Planning Commission, the County Auditor and the County Recorder must all sign the amended plat before it can be recorded. Mayor Harvey insisted that he will instruct Wallay King not to issue a building or zoning permit until such time as the Village signs, whether or not the County Recorder agreed to do so with a court order. The Village cannot sign for the Taylors, he said.

Further, Mr. Markowitz said the Taylors would need to sign the petition, not the plat, that is filed in court requesting the resubdivision. Mr. Ibold stated that at the Zoning Board of Appeals meeting, the Taylors questioned the angle of the line which runs approximately perpendicular to Daisy Lane, and that on the ground it appears to be different and more severe than the line on the plat. ,r. Ibold said the line on the plat comes from the original deed description and plat and the Taylors acreage is not altered at all.

To a question regarding surveys, Mr. Morrison said the lots have not been resurveyed - the plat is based on the original survey. Pin placements are for the original 1.782 acres and two more pins were added when the one acre was split off from the 1.782 when the Wolfs (and ;subsequently the Taylors) bought.

Without the Taylors signature on the plat, Mayor Harvey reitereated he would be unwilling to have the Village sign the plat because of the discrepancy between deed description and the plat, whether or not it is only inches on the ground. Mr. Markowitz advised that because the Village Engineer has not surveyed or certified, the Board cannot sign without that certification. Therefore, Mayor Harvey moved that the Chairman of the Planning Board be authorized to execute the resubdivision of a part of Sublot 14A & B of Mr. Morrison's Subdivision #2 upon obtaining the prior approval of the landowners John C. Taylor and Joan C. Taylor. The motion was seconded by Mr. Briggs. Roll call - all ayes.

Next the Board reviewed the minor subdivision plan and application of A. J. Smith and wondered where it is located and if it was a "bowling alley" type parcel. Because of their confusion as to what Mr. Smith intends to do, i.e. extracting the center portion of the property?, Mayor Harvey moved that the matter be deferred until the Board's next meeting so as to determine whether the remaining lots 1) belong to Mr. Smith and 2) conform as individual lots to the Zoning Code. Under the regulations, according to Mr. Markowitz, if the Board takes no action, the application is considered approved within seven working days, it being an application for a minor subdivision. Mayor Harvey withdrew his motion and Chairman Daniels suggested that Mr. Smith be called and invited to the meeting to explain his application.

With regard to the Chamber of Commerce request to erect a temporary sign for the Sidewalk Sale, on the north side of East Washington Street, Mrs. O'Donnel moved, seconded by Mr. Briggs and carried that permission be granted and that Mr. King be authorized to issue a permit. Roll call - all ayes.

Mayor Harvey noted that the Soil and Water Conservation District is sponsoring a pond clinic for interested landowners on Saturday, June 27th, and asked the Clerk to suggest to the SWCD that the clinic be advertised and publicized ;in the newspapers serving our local area.

Mayor Harvey read Mr. King's letter of April 8 to Mr. Biscotti advising that Mr. Biscotti needs a variance and conditional use permit for an open air expansion of his restaurant, both of which he must apply for from the Zoning Board of Appeals. Mayor Harvey suggested this be referred to the ZBA Clerk and that Mr. Biscotti be notified of the action taken and the reasons.

The Board then turned attention to Mr. Smith who explained his intentions to build a home on a parcel of approximately three acres which his parents are deeding to him. Mr. Dreimiller explained the forms which Mr. Smith needs and the certifications which must be shown on the plat which the surveyor has neglected to include. It was established that the S-1 form is required in order to conform to the requirements for a minor subdivision. Since the subdivider is Mr. Smith's parents, it was agreed that the permit application should be in their names. Because of the seven working day stipulation, Mr. Smith agreed to get his parents' signatures and resubmit the application to split the property later in the evening, since the property has not been legally deeded from them to him as yet.

Mr. Markowitz proceeded to explain the reasons for the revisions to the Subdivision Regulations text and forms which are being proposed for adoption. The requirements of the preliminary plat have now been incorporated into the requirements of the final plat. If a developer so desires, he can voluntarily submit to the sketch plan process or he can do a preliminary plat before final plat or he can just submit a final plat as the

statutory requirements now allow. In his experience of representing builders Mr. Markowitz said most of them do not care to go to final plat immediately before submitting preliminary plats or sketch plans because of the expense involved if the final plat is not approved.

Furthermore, because of various amendments, it is hoped that the new regulations will ensure that the entire document conforms to the statutory requirements. In addition, the Village Council will be asked to simultaneously pass an ordinance for Improvement Standards which is Chapter 5 of the Subdivision Regulations along with Appendices A through H, according to Mr. Markowitz. Also, it appears that some procedures and definitions are not manageable and need to be reworked so there will be fewer interpretation problems. To facilitate this, there must be a notice of a public hearing published thirty days in advance of such hearing. The Village Council will also schedule a public hearing on the Improvement Standards. Hence, after the public hearing, the Planning Board, at its next meeting, may adopt the Subdivision Regulations and then Council must approved that adoption in order for them to be recorded in the County Recorder's Office and become effective. Mayor Harvey suggested setting dates for the public hearing and a special review or study meeting prior to the public hearing. The public hearing was set for 8:00 P.M. on June 18th with a special review meeting scheduled for 8:00 P.M. on May 21st.

Returning to Mr. Smith's request once again, after clarifying the signatures and certifications still required, Mayor Harvey moved, seconded by Mr. Briggs, that the subdivision be approved, conditional upon completion of the necessary data on the S-1 form and approval of the Village Engineer that all Subdivision requirements have been met. Roll call - all ayes.

Mayor Harvey reported on the meeting of the Rolling Ridge Homewoners Association and their concern as to screen and drainage when the Curtis Clinic is built. Mayor Harvey assured the homeowners that the Village is keeping abreast of screening both summer and winter and intends to ensure residents that there will be no flooding problems. Residents also expressed concern about 1) their picnic area being eliminated as a result of Mr. Morrison's sublot split; 2) the "bowling alley lot"; and 3) the possibility of installing speed traps. Mr. Markowitz said Mr. Morrison's attorney, Mr. Ibold, will not appeal whatever decision is handed down on the Forest Drive sublot litigation.

Chairman Daniels read a letter from Solicitor David Lowe re Emerald Lakes complaint, outling the Village's response. Mr. Markowitz said the case has been advanced on the docket and the Village will not oppose this. Emerald Lakes is alleging pecuniary loss due to delay, he added, and they are making an administrative appeal against the Village decision to disapprove their plat. It is not a lawsuit for damages.

There being no further business, the meeting adjourned at 10:30 P.M.

Charles M. Daniels Jr.
Charles Daniels, Chrmn.

Jane Cantlay
Jane Cantlay, Clerk

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held Thursday, June 4, 1981 at 8:00 P.M. 19

Members Present: C. Briggs, T. Harvey, K. O'Donnell
Members Absent: M. Cotesworth, C. Daniels
Guests Present: W. King, W. Dreimiller, Jack Brickner, W. O'Donnell

Mayor Harvey called the meeting to order at 8:00 P.M. Roll call - Daniels and Cotesworth absent. Mr. Briggs was appointed temporary chairman on a motion by Mrs. O'Donnell, seconded by Mayor Harvey and carried,

Reading of the minutes of the last meeting was waived on a motion by Mrs. O'Donnell, seconded by Mr. Briggs and carried.

Mr. Briggs read a letter from Mr. William O'Donnell, President of the Country Estates Homeowners Association to Mr. King, regarding the transfer of common property from the Association to Phillip and Jane Tutulo which the County Recorder will not record, since the reasons for the transfer are unclear. Mr. O'Donnell proceeded to explain, with the aid of a map, that when Thomas & Thomas had originally laid out Country Estates they inadvertently caused one of the lakes to be on the common eighteen acre recreation area as well as on a portion of an individual homewoner's property. This was not discovered until a formal survey was done last year. At that time the insurance carrier, Alexander and Alexander expressed concern as to the Association's liability. The Association sought guidance from Woodward & Griffiths (attorneys) who suggested that the land be sold to the Tutulos, after all 70 homeowners in the development (which is 100% of the Association membership and at least 75% of ;the homeowners in the development) signed a document allowing the sale. The Association's Articles of Incorporation were amended to reflect this sale. At the time of filing, the Association was unaware of the need to obtain the Village's approval, and Mr. O'Donnell assured the Board that there had been no intention "to by-pass the Village". Mr. O'Donnell further stated the Tutulos have agreed to buy the 4/10ths of an acre involved and the transfer can be accomplished with the Board's approval. This would leave the Association with 17.6 acres in the recreation area instead of the required 18. To a question from Mr. Briggs, Mr. O'Donnell said the Association's attorneys advised that 75% of the homeowners should sign the transfer document and that number had been obtained.

Mr. King reported that he had reviewed the request and reviewed it with Village Engineer Dreimiller who said a minor subdivision of this sort requires a survey; a legal description is not sufficient. He conceded it was unfortunate to require that the meets and bounds pins be set aince a buildable lot will not be created but they must be shown in proper form for the County Recorder to agree to record the transfer. It was the consensus that the request falls between a variance and a minor subdivision regualtion requirement or a combination of both; and that it is a unique case. Mayor Harvey requested that the Village be given a copy of the document which shows that 100% of the Homeowners Association has agreed to the transfer and Mr. O'Donnell said that would be forwarded promptly. To a question from Mr. Dreimiller, Mr. O'Donnell explained that the present storm sewer easement would not be effected.

Mayor Harvey moved that, conditional upon the setting of the necessary pins and the signing-off on the Mylar by the Village Engineer, the minor subdivision be granted to the Country Estates Homeowners Association. Mrs. O'Donnell seconded the motion. Roll call - all ayes.

Jack Brickner of Thomas & Thomas said that site development plans with applications and drawings have been submitted for the two lakes in Manor Brook Development. Both lakes were originally constructed for sedimentation purposes and it is now proposed to convert them to permanent lakes. The request for a variance from Section 2.04C of the Subdivision Regula-

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tions wherein water surface areas have to be excluded from lot area calculations. A public hearing was scheduled for July 9, 1981 (instead of the regular July 2 meeting in order to meet the time requirement for the legal advertising).

Mr. Brickner also told the Board of the variance which Thomas & Thomas plans to request from the Zoning Board of Appeals re fencing of the lakes. He also mentioned the naming of the individual drives off of Manor Brook Drive, for purposes of mail and emergency identification and clarification.

Mr. Brickner also informed the Board that the third building will be added to the Condominium Declaration and By-Laws. He brought copies of the amendment which will be filed within the next month and a half. Basically, it merely changes language (i.e. 10 units becomes 16 units). To questions from Mayor Harvey and Mrs. O'Donnell, Mr. Brickner replied there are now 16 units, covering 17.66 acres, three of which units are now occupied.

There being no further business, the meeting adjourned at 8:45 P.M.

Charles Briggs, Chrmn ProTem

Jane N. Cantlay, Clerk

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

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Members Present: Cotesworth, Daniels, Harvey, O'Donnell
Other Officials: W. H. King
Guests: Jack Brickner

Chairman Daniels called the meeting to order at 8:00 P.M. with roll call. Charles Briggs absent.

Motion to waive reading of previous minutes was made by Mayor Harvey, seconded by Mrs. Cotesworth. Roll call vote all ayes.

There being no old business, the Board addressed itself to the Thomas & Thomas plans for Buildings D and E. Mr. King said the Village Engineer has approved the plans and has conveyed to Mr. Brickner his approval.

To Mr. Daniels' question as to the size of the units, Mr. Brickner replied that they will be between 2,000 and 3,000 square feet. Mr. Daniels further expressed concern as to whether the fire walls are adequate, and Mr. King assured him that they are. Mr. King also said that in Buildings A and B, Thomas and Thomas has already taken out permitsin the single bedroom units to increase the square footage.

In regard to acreage so far recorded with the County for Buildings A and B, Mr. Brickner said 11.1 acres have been recorded. Legal descriptions for Buildings C and F are ready to be filed - C will be 6.6 acres for six (6) units and F will be 5.5 acres for five (5) units. This basically adheres to the original formula of one (1) acre per unit plus 10% overage per unit.

Mayor Harvey noticed that the property is "falling away" from the buildings in certain areas and wondered if that is creating any problems. Mr. Brickner showed schematics which indicate culverts and channels which will rectify any water and erosion damage.

Mr. King noted that the letter reflects a question raised by the Fire Prevention Office. They have expressed concern as to the quick availability of water and recommend that some bodies of water be set up. There exists at present one sediment basin behind Building C, but this is probably not sufficient. The Fire Office is recommending that the Village require several ponds near the buildings. Mayor Harvey raised the larva-swamp problem that the ponds might cause and suggested running water rather than stagnant ponds. Mr. King outlined the several problems involved:

1 - Since the water areas would probably not be an acre they could therefore be considered "ponds".
2 - In Subdivision regulations, that area used for the water is not countable as acreage.
3 - If it is less than an acre and is a pond, it requires fencing.
4 - In favor of some sort of water basin, the condominium concept means that its maintenance is covered by the condo's association of owners who would, of course, be interested in mosquito control, safety, etc.

He felt that perhaps a solution can be worked out that will meet aesthetic values at the same time as it provides the requirements of the Village's safety forces.

Mr. Brickner said the whole problem is being considered by Thomas & Thomas and it will probably be a sedimentation basin type structure to be used in conjunction with the building of Units D, E and F and might be expanded to become a permanent lake. Ostensibly a dry hydrant type of construction would eliminate the sedimentation problem which often occurs in these small water areas. By the middle of April, Thomas & Thomas expects to submit, on a preliminary basis, the water sedimentation plans for Buildings D, E and F which will include water areas as possible sources for fire-fighting purposes. Further, Mr. Brickner stated Thomas & Thomas may, at a future date, come to the Board for a variance as to subtraction of lake surface area from useable land area. A discussion follwed as to the advisability of ponds

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being fenced as opposed to lakes or other retention areas which do not require fencing.

Mr. Daniels wondered whether, if he were a condominium owner, he would need the association's permission to change the outside of his unit - i.e. a dormer. Mr. King replied that in order to make that type of change, the condo unit owner would need to get the association's approval.

Mayor Harvey moved, seconded by Mrs. Cotesworth, that the application of Thomas & Thomas for plans for Buildings D & F be approved. Roll call - all ayes.

Mr. King told the Board that the Rolling Ridge Association has invited someone from the Planning Board to attend their meeting on April 24th regarding the proposed buffer zones and screening of the Chagrin Valley Medical Center. Mayor Harvey agreed to go. Mr. King updated the Board on the fact that the Center has been informed that their screening plans will need revision before they can be accepted by the Village because the whole construction plan has been modified and redrawn.

Mr. King said that the outside expansion at Biscotti's Restaurant on East Washington Street will be investigated and he will have particulars at a future meeting.

According to Mr. King, he recently received a call from Mr. Leary, attorney for Countryside Association, regarding a ½ acre in the common area which they wish to deed to an individual land owner in the subdivision and which the County Recorder has refused. Mrs. O'Donnell traced the history of this move, and Mr. King said he told Mr. Leary to bring the legal description, the plat map and any other pertinent material for the Planning Board, showing what they wish to do since common area and dedication property are involved. Mayor Harvey asked that the Village attorneys be aprised of the problem and Mr. King agreed he would do so.

Chairman Daniels asked the status of the Emerald Lake suit against the Board and Mayor Harvey read the complaint as filed and discussion of its ramifications ensued; i.e. zoning, appeals, inflationary implications, etc.

There was also discussion as to the various advantages of unit-size versus square footage size in future condominiums. Mr. Brickner explained the variance request that Thomas and Thomas has presented to the Zoning Board of Appeals with regard to the number of units with 1, 2, 3, and 4 bedrooms in Buildings remaining in the Manor Brook development, which are causing design and sales problems.

There being no further business, the meeting adjourned at 9:15 P.M.

Charles M. Daniels Jr.
Charles Daniels, Jr.

Jane N. Cantlay, Clerk

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held February 5, 1981 19

Members present: Cotesworth, Daniels, Harvey, O'Donnell
Other Officials: Walley King
Guests: James Brickner

Chairman Daniels called the meeting to order at 8:00 P.M. with roll call. Charles Briggs absent.

Motion to waive reading of previous minutes was made by Mayor Harvey, seconded by Mrs. Cotesworth. Roll call vote all ayes.

Chairman Daniels advised that he had discussed the plans for Unit F with the Village Engineer who said "in general" they are acceptable and that the plans may be passed conditionally subject to his final approval. There are several very minor points which need clarification i.e. sewer line being within 40 feet of the water line (which could be rectified by installation of a pressure capable sewer). Mr. King agreed that his own discussions with the Village Engineer were of a like nature. Further, the Village Engineer added that these 21 units are all that can be approved with the well system as it now is, and further approval is contingent upon such time as the new well is produced and approved by Dr. Eckstein.

Mayor Harvey questioned whether certificates of occupancy would be necessary, regardless of the Milstein property well. Mr. King replied that under the present system, irregardless of the Milstein property well situation, the 21 structures can be sold and occupied. For further units to be approved, the well system will have to be approved by the Village Engineer once again. In short, the water system is adequate for the buildings that are presently up plus those 21 structures in Building F.

Mayor Harvey questioned how many acres have been filed with the County. Mr. Brickner replied only Buildings A and B thus far are recorded at the County which means 10 units or 11,1 acres. Another set of documents for the next building (which is 6 units and amounts to 6.66 acres) and Building F (5.55 acres) has been prepared. The concept of 10% will likely continue. There were 52 units approved in the original Phase I but because of road construction and maintaining access drives, probably only 48 will access off of Phase I roads. Therefore with 48 units, there is need of approximately 52 acres but actually there will be more.

Mr. King asked Mr. Brickner to indicate to the Board how Thomas & Thomas is following the Board's recommendation as to the ratio of one, two and three bedroom units. Mr. Brickner replied that there is a good percentage spread of the different types in order to make for a more viable sales situation. Mr. King requested a compilation of these figures for the Board.

Motion was made by Mrs. Cotesworth, seconded by Mayor Harvey, to grant conditional approval of F Site, conditional on the Village Engineer's final approval. Roll call, all ayes.

Historical background regarding the well system for Manor Brook and Emerald Lake, its potential and capacities, was then presented by Mr. Brickner, documented with maps and statistics.

Chairman Daniels raised the question of the minimum acreage requirement for shopping centers being 10 acres and said it was the inadvertent deletion of this ordinance from the Building Code which permitted the new South Russell complex which probably stands on approximately 4 acres. The new complex is based on the zoning map rather than the code which does not include the words "shopping center."

Mayor Harvey questioned the Board's wish to recommend to Council a change in the zoning ordinances since once there was a specific ordinance separate from the code. He felt a definition of what constitutes a shopping center must be drawn. This would include the fact that it is a collective group of retail stores, how much acreage does it cover and how much acreage can it ultimately cover. It was the consensus of the Board that perhaps the definition should include "two or more separate retail businesses, of separate commercial lines, not necessarily under one roof, with connecting walkways, central mall and canopies, etc." Question was raised as to whether there should be a relationship between store area and parking area?

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Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

Finally, Mayor Harvey asked whether the Board wished to recommend a specific ordinance, or merely request an ordinance be presented regulating centers. Chairman Daniels felt it advisable to get Council's input on the whole subject. A basic minimum acreage requirement might be advisable, according to Mr. King. For example, nothing less than 10 acres will be considered usable as a shopping center site. Mrs. Cotesworth noted that she hoped this stipulation did not invite prospective builders to think only in terms of huge is better than big. It was agreed that the words "shopping center" bear significant differences for different people. It was decided that Mr. Lowe be requested to draft definitive legal answers to the questions the Board has posed.

Mayor Harvey made a motion to amend the Zone, in response to Council's request as to the rezoning of the Holzheimer property. He moved approval of rezoning of the Holzheimer property to B-2 and that the property be rezoned to be 163.78 feet on Bell and 400 feet deep parallel to Chillicothe Road. The intention is to rezone only the Holzheimer property as it now exists and half of the property owned by Shandle Construction Co. and not to extend beyond the southern property line. He also moved that Planning Board turn down the Holzheimer request because of the additional 100 feet of property.

On a vote of the Board, after the motion was seconded by Chairman Daniels, the vote was as follows:

Cotesworth - No	Harvey - Yes
Daniels - Yes	O'Donnell - No

Mrs. Cotesworth voiced her views against down-grading of any zoning.

On a motion by Mayor Harvey, & seconded by Mrs. Cotesworth, Planning Board recommended denying the zoning amendment to the Holzheimer property based on the fact that as he has written the request it would involve rezoning 100 feet more south of his existing property line and this the Board does not want to do. Roll call - all ayes. Chairman Daniels suggested that Mr. Holzheimer should redescribe his proposal.

Clerk pointed out that Council has requested Board attendance at the third reading of the proposal to rezone the northeast corner of Bell, scheduled for Monday, February 9, 1981.

There being no further business, the meeting adjourned at 9:45 P.M.

Charles M. Daniels, Jr.
Charles Daniels, Jr.

Jane Cantlay
Jane Cantlay, Clerk

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held. January 8, 1981 *19.*

Members present: Briggs, Cotesworth, Daniels, Harvey, O'Donnell
Other Officials: Wallay King, Wm. Dreimiller, Dave Lowe
Guests: Jane Tutolo, Maureen Monastra, Jos. C. Monastra, Wm. O'Donnell, Jr. David Alexander, Timothy O'Connell, John Karpiel, Glen Parker, Jack Subel, Joan Brandon-Sun Newspapers, John Robert, Lois Roberts, Fred Wohlschlaeger, Mary Wohlschlaeger, Richard Avery, Norm Cox, Laurie Cox, Sidney Simon, Sheldon Berns, Larry Iwan, Marsha Iwan, Jack Brickner, Peter Cadou

Chairman Daniels called meeting to order at 8:00 with roll call. All members were present.

Jack Brickner submitted application for site developement plan for Bldg. F.

Motion to waive reading of previous minutes was made by Briggs, 2nd by Cotesworth. Roll call vote all ayes.

Daniels advised he had received several letters from residents in Country Estates concerning proposal. Daniels said Sub-Division first came before Planning Board in March, 1979. The present submittal was viewed by residents. Daniels advised area is zoned for condominiums and has been for many years. He further said it is Planning Board's job with help of Engineer to make sure plan as submitted conforms to existing Code. The Village Engineer prepares a report to the Zoning & Planning Commission giving his opinion whether all parameters are met. A six (6) page report was prepared regarding Emerald Lake and is attached and part of these minutes.

Daniels said he asked the Engineer to be present to answer the questions received pertaining to the Lake levels and possible siltation and run-off on property.

Engineer stated the fall on the Simon property is directed towards the bridge on Bell Road box culvert - N & E of Country Estates. There does not appear to be a severe flooding situation. There is no danger upstream to Country Estates and Thomas & Thomas. Engineer advised primary concern would be downstream. The lowest building level of proposed developement is about 2' higher than Bell Road. Cresting would occur over Bell Road.

Daniels said another question on the proposal is the grouping of the buildings.

Fred Wohlschlaeger 106 Spring Drive - Why was that particular site picked?

Berns -Reason site was picked was to keep down improvement cost.

Norm Cox -CEI Easement goes through property - kept it (site) West of CEI and drainage swale.

Simon - There is not sufficient acreage East of CEI Easement.

Daniels stated another concern is screening.

Fred Wohlschlaeger - In terms of placement, other concerns are compaction of the project and in terms of kind of fallout that is (developement) can create for the neighboring developement. The proposed developement is being brought up in a strip type of fashion in back of Country Estates and is being compacted into one area. There are certain types of fall-out that come from that type of a dense project. Purpose of zoning does allow that type of grouping as a minimum but for the general flow - it might be better thought through in terms of how people are located on that property to not space them quite in the dense arrangement as shown. One concern is water run-off. Topo's were discussed and Wohlschlaeger pointed out a dense project in a strip fashion allows concrete, roofings, driveways and the effect is the discharge and acceleration of surface water. There is only one way the water goes - that being into the swale and into the inter-connecting lakes system. If project were spread out, you would not have the acceleration.

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Norm Cox - There is no drainage in present proposal that drains to the West.

Simon - What is meant by fall-out?

Wohlschlaeger - 8 families per unit all clustered on strip - all traffic has to be handled by a single road. One access point to road which is on Bell Road which is directly East of one outlet to Country Estates. All traffic has to come and go from one access. This means there is absolutely no flow through in terms of project for traffic concerns such as ambulance, police and fire dept. Buildings one next to another, being of wood construction creates fire potential.

Simon - 96 families is not a lot of traffic to come out of one building. I can show you a situation of 500 families. I am sure there are single family housing of more than 80 to 90 that go through one exit in South Russell.

Wohlschlaeger- 196 cars coming out every day from one access point and no control?

Berns - The only other access road talked about was a road connecting with Thomas & Thomas, the effect of which would bring more not less traffic. The supposition that this traffic with people living in this Sub-Division would exit the other way is totally incorrect. 190 is minimal - there are many apartment units setting on one drive.

Wohlschlaeger- That is non-conforming with type of zoning in this type of area. The intent was to insure there is not traffic problem.

Berns - There is more traffic with through road than cul-de-sac road. Outside people would use as a cut through.

Daniels - No matter where roads are, traffic going into narrowing of Bell to Chagrin Falls is the same. One of the considerations in granting Thomas & Thomas variance of 4700 ft. cul-de-sac was through road. Letter dated from Irwin Frank read in part. At time variance was issued to ManorBrook Estates, assummed there would be access road.

Daniels said he would like to see road in there for safety purposes because response time is 5 minutes longer due to having to go another way. Pumpers bring only the water they have on hand and 5 minutes can make a lot of difference.

Mayor stated his understanding is - variance was given based on tie-in.

Simon - At time variance was given, there was no plan whatsoever; they didn't own property; that was in 1978 and there were no plans whatsoever. They did not own property when Thomas & Thomas got variance.

Berns - The plan approved in 1979 shows cul-de-sac and easement for future road; however, Simon did not own property.

Daniels stated he recalls discussion about Simon acquiring easement.

Simon - If easement still available, they would be happy to grant easement to Thomas & Thomas to fulfill that requirement.

Daniels read General Comments stated in Engineer's letter dated 12-26-80.

RECORD OF PROCEEDINGS

Berns - It is possible to have a more creative, less regimented layout; we have prepared one in response to the comment. The difficulty is that the engineer's conclusion that it is not more costly is correct only if the interrepretation of what constitutes as local street for private drive purposes is different from what I think his conclusion is. If you define every drive leading to a garage which serves more than one unit as being a public road necessitating it being 24 ft. wide and having curbs and gutters, the answer is you have created a less regimentated situation is astoundingly expensive. We believe just as ugly as you can possibly have. If there are comments about creating areas that contain too much concrete and asphalt and tremendous run-off's, this really does make that a greater problem than it otherwise would. It also means that every time you have a driveway that has to be treated as an inter-connecting street and that means that the radius of the curb of the area connecting the driveway of the road has to be a mass of concrete as well. We don't agree that the Code requires that kind of treatment in drive area; we think it takes a strenous interrepretation to come to that conclusion and we don't believe the Council of this Village and certainly the Planning Commission intended that kind of result. If we're wrong and it requires a variance in order to make possible driveways which are more conservative in their width, then either by reason of our view of what the requirements are or the granting of a variance, it is possible that it is much, much regimented and we believe a much more attractive design. If we can do something more creative within $150,000.000 rather than $200,000.00 price range and have something to our liking, we would like to. This should not be restrictive; we cannot add more money and design something which is saleable.

Alexander - What is the price range of people who ought to live in the community?

Berns - We think if we can build something for $150,000 rather than $200,000, that is a reasonably priced unit and those people ought to be afforded the opportunity to live here. If it is the difference between putting in some things which are unnecessary which may raise the price above that for which there isn't any market. These are not inexpensive units, there are only so many people in this world who can well afford to pay a quarter million dollars for a place to live, particularily that is true with condominiums. This is a beautiful city and a lot of people would like to live here. We don't think it ought to be restrictive to a very small group of people. Once Thomas & Thomas has completed their developement, there may not be that many more people left. We cannot just add another 100 or so units in that same price range.

Jack Subel-108 Spring - Costs are only half an equation. The other half is what is the market and general market for homes in South Russell is high. It is a desireable neighborhood to live in; it's got good planning - at least up until today.

Dave Alexander questioned price range of units.

Simon - Between $125,000 - $150,000 is the base prices per unit.

THE FOLLOWING COMMENTS REFER TO ENGINEER's letter of 12-26-80 - COPY ATTACHED AND MADE A PART HEREOF BY REFERENCE:

RECORD OF PROCEEDINGS

ITEM 2

Berns - Our conclusion is that examination of Code does not preclude a cul-de-sac; private drive has this requirement. Understand there are requirements for private streets be designed and based upon the regulations of standards, dedicated roads; we believe that proper construction of of your Code has no application to the cul-de-sac - private drive or if it does, then it's our conclusion that this kind of restriction, that is a 50 unit restriction to a cul-de-sac road is without any reasonable basis. I make that statement having investigated it to the extent that I have been able over the last 3 weeks. I have yet to find any National or local design criteria that would conclude that because a street has a cul-de-sac at the end of it which is big enough to permit emergency vehicles to turn and assumming that that street is also wide enough so that it will not have congestion, that the number of units that's on it has any relation to the health, safety and welfare of the community. Assumming you have a street with cul-de-sac at the end and assumming cars can easily turn around to get out particularily emergency vehicles - then assumme instead of that that you have a street that is in a U shape that is not a cul-de-sac; effect is not any different than a cul-de-sac elsewhere; it has one point of entry to another street.

Daniels - Code says distance of 2500 ft. or a maximum of 50 units. Daniels pointed out existing long cul-de-sac in Village now and said it is not large.

Harvey - Cul-de-sac is most probably adequate but Council felt that was an undue risk to the people living on the cul-de-sac. Council took that into view and talked to various safety groups and fire departments and concluded to enact legislation. Harvey pointed out Planning Comm. did not enact the legislation.

Berns - We are not taking issue with the length requirement. We are taking issue with the unit requirement.

Cotesworth When talking about number of units, the problem there is water.

Berns - Alternate plans show same configuration as homes; that is - 2nd floor would be bedrooms.

John Karpiel-401 Hazelwood - One of the considerations being made here is the lakes for recreation. Edge of lakes abuts property line. We're talking about a 2nd floor living area being within 80 feet.

Simon - Have problem with required inspection on full time basis. Cost of full time inspection is $22 to $25 per hour. Does Village have right to have inspection in private areas? State requires 2 year warranty to everyone who lives in condo. Inspections are done by non-professionals hired by the Village.

Vill. Eng. Inspections are covered by Zoning Code 3.04. How do you logically find out if work is being done? Primary concern is to see that work is done according to requirements.

Simon - Last plan which was approved would have cost $25,000 for inspection. Will not have someone who does not know anything inspecting.

RECORD OF PROCEEDINGS

Lowe - There has to be some assurance to Village that standards are met.

Berns - Sewer can be inspected once per day. Think something can be worked out to satisfy both parties.

Wallay King -Concerned with the inspections and Cotesworth felt they were very important part.

Daniels - Plan as set forth is too regimented.

R. Avery-11 Countryside- Design all the same; buildings, walkway, driveways are to regimented.

Resident- Have architectural elevations been submitted?

Daniels - No.

Pete Cadou - Why not move them more than 400 feet?

Berns - Can be moved 50 feet. Presented pictures saying they would like to return to 4 units with garages underneath. We will extend time and are prepared to give some variety if we don't have to have curb and gutter going out to main street. Don't want series of 24 ft. driveways. Roadway is an obligation we are willing to assumme. What we have presented by way of the sketch is simply a cul-de-sac private drive with a series of driveways coming off it. If you consider them roadways with curbs and gutters 24 ft. wide, you can imagine the maze that would be created; it is expensive, useless and obscene maze if each one were asphalted to the same depth as your roadways without curbs and gutters 20 ft. wide which is probably more than you need, will be unobtrusive.

Mayor - When will Planning Board see condo regulations? Part of our regulations are dependent upon seeing and approving these regulations.

Berns - Have no problem in getting that prepared. Pointed out Planning Board has no criteria for either approving or disapproving. We are willing to submit them.

Mayor - Questioned flood area.

Vill. Eng. - They have checked Bell Road crossing and it is more than adequate for 25 yrs. storm. If unusual heavy rains occurred, it would crest first at Bell Road.

Mayor - Questioned if developement would accelerate back-up water?

Vill. Eng.- Yes, there would be additional run-off. We do not feel retention basin is mandated. Soil Conservation regulations would impose requirements.

Mayor - Questioned Sub/Lots 4 & 5 re bowling alley strip between Hughes property.

Simon - We did not want to land-lock piece on either side.

Mayor - Biggest problem is potential cross thru road into T & T. Supposition has always been that road would be there. Concept of dirt road is fine 3 months of the year. A fire truck could not negotiate a dirt road in the winter.

RECORD OF PROCEEDINGS

Bill O'Donnell - 113 Countryside - Lake levels of 3 lakes abutting property are very, very close in elevation to the low point. Are soil conditions such that lakes in Country Estates could be drained away and into the proposed sub-division? Soil is marshy and very porous and it is not uncommon during heavy rains for the water to spread very quickly through marshy area that abuts property. Could lake level be lowered by proposed developement?

Vill. Eng. - Soil Conservation reports indicate a candice (high clay type) soil.

Resident - When working in common recreation area, we contracted with environmental planning company to analyze so that plan could be followed internally within developement for next few years. Feel good faith was exhibited as neighbors. Would feel better if same type of good faith were exhibited by proposed developer. Feel plans are to "leaky". I know where marshy land is and lake drains into marshy land. People say there is no marshy land but that isn't true.

Simon - We investigated land prior to buying.

Briggs - questioned frequency of needing emergency and safety vehicles for 1 family vs. 2500. Stated there seems to be better odds for having more need with more people.

Berns - Daniels hit upon situation with police and fire apt to approach from wrong end. That is not the case here. It may not be the case with T & T. Your fire protection is close and would enter from this way (Bell Road). The fact that there is no point of access makes no difference plus the fact that 2500 ft. by your own Code is not considered to be excessive distance.

ITEM 3

Berns - This City approved the plans for 4700 ft. cul-de-sac. If it was with the promise of some future connection - so be it. It was not our promise. I'll stand by Mr. Simon's offer of an easement. When their T & T plans were concluded, they had no inter-connecting roadway. If an inter-connecting street was to be put in for their benefit, then it would not be appropriate and even unlawful to require this developement to pay a million dollars in additional cost in order to benefit Thomas & Thomas Developement.

ITEM 4

Berns - 2 of the units are approximately 20 ft. less than 400 ft. from Angler's Drive. That problem can be engineered and taken care of.

GENERAL SITE PLAN

#1 No problem.

GRADING PLAN

#1 No problem.

#2 No problem.

#3 No problem.

#4 There are no footer drains.

RECORD OF PROCEEDINGS

#5 Has been conversation between both Engineers and change has been agreed to.

#6 There are no basements in these units; are no footer drains, therefore, no problem.

#7 Problem alluded to does not exist. Elevation is 6' above high water. (Eng. wants siltation pond to protect water flow into Southwyck Lake. Daniels read letter from Binkley - Soil Conservation; Simon said he would be happy to meet and work with Binkley.)

SEWER, WATER AND PAVING

#1 Has been checked - No problem.

#2 No garage would service more than one building. Can meet requirement of Code. Don't object to making the asphalt surface same base and thickness but can't see 24 ft. driveway with full curb and gutter; We don't think that's proper.

#3 Believe that has been provided.

#4 Can be done but is expensive.

Daniels - We are not trying to make you spend money uselessly. We're trying to see that construction within the Village is up to what we have.

Simon - We want to do that. But there are some things we just can't do. We are not here to down-grade the community. We want to up-grade but we need co-operation. The way your Code is written makes it very difficult.

#5 No problem.

#6 No problem.

#7 No problem.

#8 If the driveways off the main road are to be considered streets themselves, then what is being asked for would be appropriate. If they are driveways which is what we believe they should be, then they would not be constructed as part of the street improvement; they would be constructed as driveways typically are.

#9 Agreement has been reached

#10 Agreed.

#11 Strike.

#12 No problem.

#13. No problem

#14 No problem.

#15. No.

#16. If engineer insists, will supply.

SEWER PROFILES

#1 Upon some approval of these plans, will do.

RECORD OF PROCEEDINGS

MISCELLANEOUS DETAILS

#1 Will consider.

#2 This road is only a driveway which is expanded by the interpretation of this Code to an undedicated street. It is now 24' wide - recommendation here is that it be 26' wide including curbs and gutters. We think that's excessive.

Vill. Eng. - One concern is that we construe that driveways that go out to serve 8 dwelling units are considered private streets and these inter-sect on to a main way that would have to be construed as a collector street for the local street and as defined that way, would be a collector street definition. Feel there is no guest parking provided and as a result will find there will be more on street parking.

Berns - There are parking aprons and it would be intention to park only on one side of the street.

#3 There is no parking problem. There is only one (1) way entrance and one (1) way exit. Fail to understand how 14' is not wide enough.

#4 That is not a factor. Proper corbelling can occur.

LANDSCAPING PLAN

#1 No problem.

#2 Berns - Insofar as landscaping around the building is concerned, regardless of what we conceive to be a lawful province of your regulations, we will present a landscaping plan when applications for buildings are presented. With regard to screening of residential lots on Bell Rd., if the present drive is moved over as suggested to 20 or 30 feet, that means that no building will be any closer to any building presently on Anglers. Assumming there is no home on Anglers that has a rear yard of less than 150 feet, no building would be closer than 230 feet. We do not think it proper to impose on this developement screening of those units that are 230 feet from a home on Anglers. If residents on Anglers desire such screening, I'm sure ~~they~~ are capable of supplying it and at the same time if they want our co-operation, we'll give that but not fair to impose entire cost on this developement.

Vill. Eng. - Code refers to screening and is a very important part of the application. Maybe there is sufficient screening now but both parties would have to walk it and make that determination.

Berns - It's something we're willing to talk about.

Glen Parker - Anglers Drive - Considering two story condos and top story can be the main living area, it does become important when you talk about screening. Is the upstairs of the condo basically living area rather than bedroom?

Simon - Upstairs is living area.

Parker - Then it (screening) becomes very important because someone looking down on you all day is different than someone going upstairs to bed at night.

RECORD OF PROCEEDINGS

Parker - Are we talking parking garage or shelter?

Simon - Garage; two (2) cars per family - inside.

Daniels read letter from Soil Conservation (Binkley) re seeding, temporary erosion control, storm water management and water shed area and run-off.

Joe Monastra -Anglers Drive - Would approval of this plan forever negate the use of the remaining land for any other purposes?

Daniels - Yes it would.

Peter Cadou - Angler's Drive - Doesn't the discussion of this proposal further re-inforce my feelings that as a resident of Anglers Drive, those buildings should be placed further from my property?

Daniels - They are looking at the possibility of swinging units away from Angler's Drive.

Joe Monastra - Is the purpose of this meeting to approve this plat as presented?

Daniels - No, only to discuss.

Resident - Countryside - Would like further specification on the costing factor of the units. Understand it is between $125,000 and $150,000 range and comtemplate 1 bedroom @ $125,000 at today's prices? What is lowest or base price of the units?

Simon - Minimum would be $125,000; all have same number of square footage depending upon arrangement.

Resident - Many houses in Country Estates fall in same price range and I question whether 1 bedroom condo in that location characterized by the Village Engineer as regimental and austre is going to command $125,000. This sounds like the Shaker area of the access to the rapid between Warrensville & Green Road where assurances were given that that developement would attract the people who lived in Moreland Courts and would bring the kind of purchase value commensurate with the units along Shaker Blvd. On close scrutiny, that wasn't the case at all and the representation made by the developer of those units would be in keeping with the housing in the area at that time. I, for one, have great doubt that these units will command that kind of promise.

Simon - You have a Building Code with minimum requirements and we are exceeding that. We're almost doubling that - what else do you want us to do?

Daniels - Questioned what adjacent Thomas & Thomas units are selling for?

Brickner - plus or minus $200,000.

Resident - Where are Emerald Lakes?

Daniels - Original plan showed lake at front of property.

Mayor - Where do we stand now on the water problem? Understand joint venture with T & T with well #1 will not be effective.

Brickner - Well #1 was going to be primary well but because of location in proximity to other homes could not be pumped at full rate of capacity. Instead, it was reducted to about ¼ of what was rated by our hydrologist who tested it. Because of its location, we are going to substitute a well on our property for it. Met with Dr. Eckstein and we will be drilling another well shortly. After that is done, studies will be submitted.

RECORD OF PROCEEDINGS

Wohlschlaeger - What plan are we dealing with?

Berns - We have furnished and filed for approval preliminary and final plat. Asked that what is before you be approved or rejected unless the feeling is that the alternative is preferred. If so, then we would agree to extend the time in order to do engineering. We do not want to do engineering on alternative plan because it would require a variance to the driveways. If you prefer to view favorably on the variance, we are willing to go ahead with engineering necessary to develope that plan. We prefer 4 unit buildings; they are more interesting; enclosed garages are better. We would prefer to build and sell that to the others. On the other hand, if you feel you have legal rights to thru roadway, that it is necessary and desireable, then we invite you to reject. It is clear as can be that the over-riding reason for that roadway to be continuous into the Thomas & Thomas Sub-Division is not for the benefit of Emerald Lake; it has no benefit to Emerald Lakes. What it does is bring other traffic through what would be a very quiet developement. It does have a benefit to T & T. If that is the basis upon which you must make a decision, I suggest to you that that violates the Ohio Law. You cannot require Emerald Lakes to construct a roadway in order to benefit someone other than Emerald Lakes. The real benefit, if any exists, is to T & T. Based on estimated bids, this represents excess of a million dollars.

Daniels - Issue before us is 1.) number of units on cul-de-sac; 2.) width of what you consider private drive going into garages.

Lowe - Our position that the 50 units per cul-de-sac has proper application in this case and would apply. If you wanted to grant a variance along with the driveways, you could. You have been granted an extension to approve, disapprove or conditionally approve this particular plan submitted to you this day and I am advising you that you should do that unless you get a clear indication from the developer that he is going to extend it. It's not your function to determine the legislation eficacy or legitimacy of Zoning Code and Sub-Division. Those are in place and were there before this developement came along and you are to respond to that present legislation. You are not here to interpret - that is for the Zoning Board of Appeals and the Courts. Whatever decisions you make must be based on those two documents and any other applicable Ordinance of the Village of South Russell or law of the State of Ohio. If you have questions on any part, you address them to your legal counsel and I'm advising on the 50 unit situation that it applies in this case. The inter-connecting road requirement - if you determine that to be proper in this case, you can require with your present legislation. I agree entirely that it would be unlawful if you base that decision on the thought that it would benefit another developement, i.e. Thomas & Thomas. That is the wrong reason. It would be your thinking, I would hope, that under the Sub-Division Regulations and Zoning Code that the benefit would be to the Village of South Russell, the co-ordinated and orderly developement of your Village. If it is not based on that, then you better not require it. If it is based on that, you are entitled, if you wish, to require it. There are other items. Phasing - it's our opinion if a Sub-Division is to be phased, it should be shown on the plat. This is not in itself a reason for rejection but the developer in due time should submit a phasing plant to you. There is a question of condo declarations being submitted to you now. It's my opinion those should be submitted but again that is not sufficient reason to reject the plan. You should receive these as there are items in condo declarations which speak to the Sub-Division Regulations, primarily open space requirements and the maintenance thereof. Under new Building Code recently enacted, there is a specific requirement that declarations be submitted. 1.) Inter-connecting street question; 2.) 50 unit per cul-de-sac questions; #1 is within your discretion. The 50

RECORD OF PROCEEDINGS

Lowe - Cont. units on cul-de-sac is not within your discretion unless by variance you grant it. You must make a decision this evening unless the developer extends time.

Daniels - Questioned provision in Planning Board allowing variance.

Berns - Would be willing to extend the time to re-engineer drawings if we knew variance with regard to number of units on cul-de-sac would be granted, assumming finished plan is something you are agreeable to. He (Lowe) suggests if thru road is for the benefit for the Village as a whole. We disagree in that area. I don't think that Zoning requires a written request for a variance, but if in order, we make one now with regard to number of units on cul-de-sac.

Lowe - Certainly hope this body would have good sense to realize and understand that you are considering the orderly developement of this Village. Benefit of inter-connecting road to the Village- that would contemplate an orderly developement and benefit to the present applicant.

John Karpiel -Hazelwood- Original plan from Thomas & Thomas which included a cul-de-sac on Hazelwood Drive and it was the opinion of the plan approved at that time to make the connection at the time for the orderly developement.

Lowe - Read procedure for variance. You must follow the rules as stated in the Regulations.

Daniels - Either we accept, reject or grant an extension.

Lowe - Explained procedure re public hearing on cul-de-sac.

Mayor - Stated he had problems with declarations, engineering and felt he did not have enough information before him to make a determination for approval. Mayor said he did not feel it appropriate to drag it on; felt very definite that another access road is needed.

Berns - There is no rationale from a fire safety stand point that would suggest that a cul-de-sac street would be safer than any other street and we're prepared to test it.

Mayor - Do not see putting through and hassle of expense of proceeding. Is there any other way of coming out on Bell?

Simon - We would not consider that. 92 or 96 families on a cul-de-sac is not many.

Cotesworth - I remember previous discussions concerning connecting road.

Simon - Cost figures on a connecting road were a million dollars and we just couldn't do.

Harvey - Easement doesn't do any good for safety purposes.

Berns - We're willing to contest that. We have experts who will say clearly that issue is matter of congestion not a matter of two accesses. Good planning does not require two seperate connections.

Simon - It is less value to live on thru road than private streets. I just wouldn't build a road going thru to Route 306; it makes my property less valuable.

RECORD OF PROCEEDINGS

Daniels - At one time you showed thru street up from Bell pass condo's, then a cul-de-sac using only as access to the guard house - then it continued up and tied into cul-de-sac of Thomas & Thomas.

Simon - That one was not approved.

Safety aspects were again discussed.

Berns - There is no problem for fire trucks with a 26' roadway.

Briggs - Had hopes Developer and Village would come to some agreement on another road. Scared of one (1) long road and only one (1) access.

O'Donnell - If we considered a variance on the driveway width, then the alternative plan, would you then give consideration to the road?

Simon - No.

Mayor - Another problem to be considered is drinking water.

Berns - In view of statements made, we recognize purpose of Ordinance re number of units on cul-de-sac is relatively new. Ordinance just passed; when applied here, is absolutely clear that only benefit is to Thomas & Thomas. It would be a detriment to those living there.

Mayor - He didn't care if it went through Thomas & Thomas. He would simply like it to come out on another street whether T & T, Bell Road or connect with other developement.

Berns - We could make a figure six (6) out of the road and comply with your Ordinance. In view of the position of various members, you ought to take action on the plan before you.

Simon - There is no water problem because a plant is being built now. If we have a problem, how come T & T is building?

Mayor - Until your ground water and our ground water hydrologist agree you can pump the needed water, we have a problem.

Daniels - Are you saying there is no possibility at all of even looping street back or changing the configuration to give another entrance and/or exit on Bell?

Berns - Yes, there is no benefit to do it. We'll make the necessary changes per engineer letter and let someone else decide number of units on cul-de-sac.

Mayor - You cannot say I am simply turning this down on number of units. Harvey moved to reject preliminary, final & developement and improvement plat; 2nd by Briggs. Roll call vote:

Briggs - Yes
Cotesworth - Yes
Daniels - No
Harvey - Yes
O'Donnell -yes

Daniels said he voted no because he doesn't object to a 26' wide street 500 ft. long.

Cotesworth - Felt 26' width a little excessive.

There being no further business, meeting adjourned at 11:59.

Charles W. Daniels, Jr.
Charles Daniels, Jr.

Joan LaRue
Joan LaRue - Clerk Pro-Tem

RECORD OF PROCEEDINGS

The gounds for refusal and disapproval of the plats submitted, with the citations of the applicable authorities, are as follows:

1. Inadequate and/or incomplete screening. (See Sections 10.01 (c) and 10.01 (f) of Zoning Code; Appendix C of SubDivision Regulations.

2. No provision in the plans (or any agreement from applicant) for an inter-connecting road or second means of ingress and egress from the developement. (See Sections 3.12 (b), 4.03, 4.04 and 5.01 of SubDivision Regulations; Sections 1.02, 4.00, 10.00, 10.01 (a) of Zoning Code.)

3. Condominium Declarations not included with application, specifically the requirement that open space restrictions and covenants for maintenance be included therein. (See Section 4.06 of SubDivision Regulations; 4.05 (a) of Zoning Code; see, also, Section 1490.01 of the Codified Ordinances of the Village of South Russell.)

4. Street serves more than fifty (50) dwelling units. (See Section 4.03 (c) of SubDivision Regulations.)

5. Developed area located closer than 400 feet from an existing street (ie: Anglers Drive). (See Footnote 4, Schedule 4, Zoning Code.)

6. Non-compliance with provisions relating to seeding, soil erosion control, storm water management and water run-off. (See Section 10.01 (d) of Zoning Code; Appendix A, and Sections 4.02 (b) and 4.02 (c) of SubDivision Regulations. See, also, letter dated 12-18-80 from Geauga Soil and Water Conservation District, addressed to William R. Dreimiller, marked Exhibit A and made a part hereof by reference.)

7. Phasing of subdivision not indicated in application. (See Section 3.03 of SubDivision Regulations.)

8. Insufficient information on water supply standards. (See Appendix F of SubDivision Regulations)

9. Overall lay-out too regimented and out of character with adjacent developement. (See Sections 1.02, 4.00, 10.00 and 10.01 of Zoning Code.)

10. Numerous improvement plan deficiencies as per Village Engineer's letter dated 12-26-80, marked Exhibit B and made a part hereof by reference. (See Section 3.05 of SubDivision Regulations.)

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of Planning Commission Meeting *Meeting*

national graphics
National Graphics Corp., Cols., O. Form No. 1087

Held December 4, 1980 *19*

Members Present: Harvey, Cotesworth, Daniels, O'Donnell
Other Officials: Wallay King, Wm. Driemiller, Dave Lowe
Guests: Sanford Wasserstrom, Sidney Simon, Sheldon Berns, Bob Vannice, Jean Conley, Randall Gordon.

Chairman Daniels called the meeting to order at 8:00 P.M. with roll call. Briggs absent. Daniels asked for any additions or corrections to the November Minutes. Cotesworth stated there were only five items listed in paragraph four and the minutes state Harvey listed six. Mayor Harvey stated the sixth was screening. There being no further corrections, minutes were approved as amended.

Chairman Daniels read a letter from Curtiss Clinic addressed to the Planning Commission stating they agree to the following stipulations as stated in the November 12th meeting; limit the pumping of wells 1 and 2 and to plant trees and shrubs to provide privacy.

Randy Gordon stated other areas which have been addressed since the November meeting are the storm drainage and lake design. Gordon stated they are amending their plans to show a lower lake level to keep the storm sewer out of the water and the spillway pipe will be increased to 24 inches. The silt control will be accomplished by building a dike prior to construction and they will add sub-drains to the catch basin in the parking lots. They have also submitted the calculations for the storm drainage.

Engineer stated he has reviewed the revised plan and there are a few small items the development plan to be worked out but other than that he gives his approval.

Mr. Gordon then presented the fence plan for the lake. The fence will be a four foot chain link fence. Board approved of the plan.

Gordon stated the only item left to discuss is the sanitary sewer easement through Rolling Ridge. Gordon stated the property owners have gotten together with Cedric Morrisson and have decided the best location for the easement is the southwest edge of the parcel on Forest Drive. Bruce Morrison stated the plan has been reviewed by Roger Nall and he has given his approval. Providing that the Planning Commission gives their approval tonight, Cedric Morrission will then sign it tomorrow. Chairman Daniels read the letter from Roger Nall re: easement. Following a brief discussion, Harvey moved to approve the Curtiss Clinic development application conditional upon the Engineer's satisfaction with the development plan specifications, Cotesworth 2nd. Roll call, all ayes.

Mr. Gordon stated the Zoning Code requires that temporary signs are limited to 20 square feet and the one they have proposed is much larger than what is allowed. Mr. Gordon presented the plan for the proposed signs. Following a lengthy discussion, the Commission stated they could not approve the sign plan and suggested Mr. Gordon before the Zoning Board of Appeals and request a variance from the Zoning Code. Mrs. Conley stated she would file an application with the Secretary.

Sheldon Berns, attorney for the Emerald Lakes Condominium project, stated he and his clients were here with the preliminary plat, final plat and development plans for the Emerald Lakes project. Berns stated that when an earlier plan was presented, a plan with more units than the present plan, the Commission at that time insisted the development establish a road which would connect with the main road in the Thomas and Thomas development. However, after they (Emerlad Lakes) determined it would cost them an additional one million dollars, it has become economically prohibitive to put in this road.

Berns stated the plans presented tonight are in strict accordance with the Village ordinances. The roads, though private, meet all construction standards of dedicated roads. The subdivision consists of 5 single family lots and 96 multifamily condominiums. Berns stated he would like to explain first they are here out of economic necessity, the simply cannot put in the road the Village is requesting. Second, from their viewpoint

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the road is not necessary because it would detract from the subdivision, it would not add to it. The fact that the development ends in a cul de sac is a benefit to the people who live there, they have no reason to have a through street, a street which can carry traffic. Third, the cases that have considered this issue in court, have concluded that Planning Commissions and Villages do not have the power to require the developer to put in a road for the benefit of the city rather than simply the people who live in the subdivision. Burns stated this road that has been requested will not serve the better interests of the residents of the subdivision and even though the Village thinks it will, won't serve the other residents of the Village.

To Mr. Harvey's question, Mr. Berns stated the only plans that are to be considered are those presented tonight, the preliminary plat, the development plans and the final plat are new submissions. The plans presented in past months are to be of no consideration tonight.

Harvey stated as he understands, the Village has 30 days in which to render a decision on the application. Solicitor Lowe stated this is correct. Harvey stated the next regular meeting would be January first, however due to the holiday, it would be moved to January 8th. This will be past the 30 day limit. Mr. Berns stated he would agree to extend the 30 days to January 8th. Mr. Berns asked if this extention would give the Village enough time to properly review the plans. Engineer stated he would do his best to complete his review with enough time for a response from Emerald Lakes Engineer before the Board must take action. Harvey stated if there is not enough time for the Engineer's review and comments, the only action which the Board can take is disapproval. Mr. Berns stated they can also extend the 30 day limit if there is not sufficient time for proper review. Mr. Berns asked if there are areas which can be worked out between the two Engineers, that this be done.

Harvey stated with condominium projects there are two additional studies needed. First, is water. Village Engineer stated the water study has been completed and approved by Dr. Eckstein, water hydrologist. Second, the Condominium declarations and bylaws must be presented and approved by the Planning Commission. The Commission discussed this requirement with Mr. Berns.

Mr. King questioned if there was any change is the placement of the sanitary sewers. Mr. Simon stated the Sanitary Engineer has approved their sewer plan.

To Mr. Daniel's question, Mr. Simon stated there will be eight units in each building and the project will be phased. To Mr. Harvey's question, Engineer stated the phasing must be shown on the preliminary plat. Mr. Harvey stated the Commission wants to be sure the roads are completed prior to the construction of the buildings and prior to occupancy. In other words, the Village wants to be sure the roads are in and completed to provide proper fire and plice protection and also keep the mud and mess out of the rest of the Village.

Mr. Berns stated as a practical matter, they will certainly agree that there will be no occupancy without the road and improvements being completed. Mr Wasserstrom stated the problem with outlining the specific phases at this point is, they don't know how they are going to finance it, therefore they can't specifically layout each phase. Daniels stated the Commission just wants to have a vague conception of what their phasing plan will be.

The Commission accepted the Emerald Lakes plans and applications for review and agreed with Mr. Berns to extend the 30 day review period to January 6, 1981.

The Commission reviewed the zoning amendment request from Mr. Holzheimer, asking that his property and part of Century 21's property be rezoned from residential to commercial B-2. Chairman Daniels reviewed the history of the zoning on this property. Following a lengthy discussion, Harvey motioned that Planning Commission recommend to Council that the Holzheimer propety and Century 21 parcel be rezoned to commercil B-2 use, Daniels seconded. Roll call, Harvey, Daniels - ayes, Cotesworth and O' Donnell, nayes. Because of a tie vote, the Commission decided to table their recommendation until the next meeting. Cotesworth motioned that Planning Commission recommend to Council they have the Public Hearing regarding the Holzheimer request, Harvey 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 9:40 P.M.

Cathy Male, Secretary

Charles M. Daniels, Jr., Chairman

xc: Council
P/C
Engineer
Solicitor
Clerk of Council
Bld. Insp.

RECORD OF PROCEEDINGS

Minutes of Special Planning Board Meeting Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 11-20-80 19..

Members present: Harvey, Briggs, Cotesworth, Daniels
Other Officials: Wm. Driemiller, W. King
Guests: Ken Pike, J. Brickner, J. Conley, B. Morrison, R. Gordon

Meeting was called to order by Chairman Daniels at 6:30 P.M. Roll call, O'Donnell absent.

Cotesworth motioned to approve the minutes of the 10-2-80 and 9-9-80 meetings as recorded, Harvey 2nd. Roll call, all ayes.

Jack Brickner, T & T, presented the application and plan for the site development of the water plant for Manor Brook Estates. Board reviewed the plans. Brickner stated they will be going before the Zoning Board of Appeals requesting a variance for the square footage and height of the building on December 3rd. Engineer stated he has reviewed the plans and has found everything in order. Following a brief discussion, Briggs motioned to conditionally apprvoe the site development plans for the water plant contingent upon the Zoning Board of Appeals approval of the plans and specifications, Harvey 2nd. Roll call, all ayes.

Brickner presented plans for the entrance way fencing for the first three units. Brickenr stated similar entrance fencing will be used for all units as they are constructed. Following a brief discussion, Harvey motioned to approve the fencing plan, Briggs 2nd. Roll call, all ayes.

Ken Pike, Sun Ridge Development, presented plans for the proposed entrance sign. Pike explained the sign will be made out of rough sawn cedar and will be 1 ½' X 10'. Following a brief discussion, Harvey motioned to approve the proposed sign plan, Briggs 2nd. Roll call all ayes.

Jean Conley, Curtiss Clinic, stated they are requesting approval from the Planning Board on their development plan for the Chagrin Falls Medical Center. Randy Gordon stated they have received a final review from Dr. Eckstein stating there is sufficient water and they are in the process of completing the final design of the internal workings of the holding tank. W. King stated Eckstein's recommendations state that between two wells, #2 and #3, there is sufficient water, however the pumps must be designed to pull only a specific number of gallons per minute for the domestic supply. Gordon stated as for the water for fire protection, they are proposing a wet retention basin. Gordon stated they tried to get approval from Chagrin Falls to tap into their lines however due to pending law suits, they have not given either approval or rejection. Engineer stated he has received a set of plans for this basin however no calculations, therefore he has not completed his review. Board discussed regulations for fire protection. King stated by Code, the size proposed for the retension basin is defined as a pond and all ponds are required to be fenced.

Harvey asked what progress had been made on getting the approval for the sewer. Bruce Morrison, financial advisor for Curtiss Clinic, stated they have an easement agreement for Forest Drive with Cedric Morrison. First draft came out today and they assume it will be signed next week. B. Morrison stated the reason it took so long was they were very conscious of the contiguous property owners, they did a tree location survey and consulted individually with the contiguous property owners. B. Morrison stated they have every reason to believe they will go ahead, they have sumitted drawings to the Village Engineer of the sewer plan. W. King stated the Village is being put in a difficult position due to the pending law suit between Cedric Morrison and the Village. Harvey stated the problem is, if the easement is granted, the lot can no longer be considered a buildable lot and the law suit might as well fold up. B. Morrison stated what in fact will happen, as of today (11-20-80), Cedric Morrison will sell the easement to Curtiss Clinic and then divide the remaining property between the contiguous property owners. Harvey stated he is very concerned due to the current law suit and without a signed easement, he doesn't feel an approval can be given.

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Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

King stated there is a question of screening, is it sufficient to keep noise and lights to a minimum for the surrounding property owners. The Board discussed with Mr. Gordon what is there and what is to be put in. Conley stated they will plant whatever is necessary to provide sufficient screening. King stated the Village has a landscape architect and they would like him to review the screening plan. Curtiss Clinic agreed.

Engineer stated he received the final plans on Tuesday afternoon which he has reviewed and made remarks however he has not signed off on them. There are specific areas, i.e. calculations, of the wet retention basin which have not been approved.

Conley stated what they are concerned with is getting the building started, is there any way they can get an O. K. to start the grading without getting the complete approval for the development plan? Harvey stated he wants to be sure that if they give the O.K. to start the building, can any changes that are requested of the Engineer for the retention basin, in turn require changes in the building's design. Engineer stated no, the building grade has been set and there will not be any further changes made .

The Board discussed what staeps they could take without the Board's approval. King stated there is only two weeks until the next Planning Board meeting and until then, he saw no problem in allowing Curtiss Clinic from going out and staking the development. Then, in two weeks, return with all the necessary completed forms and plans to receive final approval. Planning Board agreed.

B. Morrison asked if the Board could clarify what exactly they need to do before the next meeting. Harvey stated he has six items which must be

1) the fire protection - final calculations for the wet basin
2) agreement from Curtiss Clinic for pumping water, not to exceed the Village Hydrologists limits.
3) sewer easement agreement
4) fullfill requirements set forth by Roger Nall for sewer
5) get Village Engineer's approval on Development Plan

There being no further discussion, Cutiss Clinic stated they would be back for the December meeting.

Harvey stated Council has initiated rezoning of the Holzheimer property and half of the Century 21 property from residential to commercial, B-2 and will be sending a copy of the propesed ordinance to Planning Board of review and consideration. At the December 3rd meeting, Planning Board must make their recommendation.

There being no further discussion, Planning Board adjourned at 8:20 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Planning Board
Council
Clerk of Council
Engineer
Solicitor
Building Inspector
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD MEETING *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held October 2, 1980 *19*

Members present: Briggs, Harvey, Daniels
Other officials: Wallay King, Dave Lowe, Wm. Driemiller
Guests: Sanford Wasserstrom, Sidney Simon, Jean Conley, Sinda Mighdoll Phillip Mighdill, George Stanek, Michael Day, Robert Vannice Jack Brickner

Chairman Daniels called the meeting to order at 8:00 P.M. Roll call taken, Cotesworth and O'Donnell absent. Harvey motioned that the minutes of the 9-4-80 meeting be approved as recorded, Briggs 2nd. Roll call, all ayes.

Ken Pike, Sun Ridge Development presented the deed restrictions corrected as per Planning Board's recommendations of the last meeting. Planning Board accepted the corrected restrictions. Pike stated he has two requests relative to their landscaping. Pike explained they had originally requested a 20 foot set back for the entrance landscaping from the road, however the landscape architect, Knight & Stollar, asked them to move it back to 28 feet because of visibility. Pike stated now that it has been staked out and they can see where it is, they would like to move it back to the twenty feet because there is no visibility problem. The Engineer stated he saw no problem with the 20 foot set back. Harvey motioned to accept the 20 foot set back in lieu of the 28 foot set back, Briggs 2nd. Roll call, all ayes.

Pike stated his second request also has to do with the landscaping. Because he has not been able to maintain an easement to put the plantings in on the western edge of the entrance, he would like to request removing the wall and planting and just go with the red maples. Harvey motioned to adopt the amended plan showing no wall on the west side of the entrance to Sun Ridge Lane, Briggs 2nd. Roll call, all ayes.

George Stanek, representative of Southwyck Lakes, presented the master plan of the total development that they are looking at undertaking. Basically what it entails is leveling an area around the beach, approximately 50 feet by 200 feet. Stanek explained they started this work last week and were stopped by Wallay King because they were in violation of the Soil Erosion Ordinance, 1974-18. Stanek stated he is before the Board requesting an approval of their plan to complete the leveling work. Briggs asked how long they planned to leave it open. Mr. Stanek stated they can assure the Board that after one more day of work leveling, they would be in the next weekend to seed it. Briggs motioned to accept the plan as presented with the provision that they seed the open area within two weeks, Harvey 2nd. Roll call, all ayes.

Sidney Simon, Emerald Lakes Development, stated they received approval from P/B to go ahead with the development plans for their development at the end of last year. Simon stated the estimate of the dedicated road, which was requested by the Planning Board, came in very,, very high. Simon stated their engineer's estimate came to $700,000 and after adding cost of engineering, instrest and carrying charges, it will ultimately come to a million dollars. The present regulation only allows them to build 97 on 112 acres by filing the application under the subdivision regulations. Simon stated it does not make economic sense to proceed under these conditions, they can not do this and make it a success. Simon stated they are back again tonight, with a new plan and application. Instead of the plan showing a dedicated road connecting from Bell Road to Thomas and Thomas' development, they are presenting a plan with a private road with a cul-de-sac and no connections to Thomas and Thomas. Simon stated they are before the Board requesting a zoning certificate. Solicitor Lowe aked what he means by a zoning certificate? Simon stated they came in last time under the subdivision regulations and tonight they are coming in under the Zoning Code. Daniels stated the two, the Code and The Regulations, interact. Lowe stated as he understands Mr. Simon, he thinks his current request is not regulated by the Subdivision Regulations. Simon stated yes that is correct. Their first plan was because they had lots and they wanted to subdivide and go in with a dedicated streeet. Simon stated what they are now asking for is a private drive on a single piece of land, no subdividing. Lowe stated this second plan is still a subdivision, based on the definition of a subdivision in

RECORD OF PROCEEDINGS

the Subdivision Regulations. Simon asked how it could be, they are not subdividing anything. Harvey stated as the Subdivision Regulations read: "A subdivision also includes the improvement of one or more parcels of land for residential, commercial or industrial purpose, involving the division or allocation of land for opening, widening or extention of any street or streets, open space, or as easements for the extention and maintenence of public sewers, drainage, water supply or other public facilities." Simon stated he is not here to argue but they are going by the Zoning Code, and according the Zoning Code they have a piece of land that is zoned multi-family and they are seeking a zoning permit. They are not subdividing anything, they are not dedicating any streets, they are not selling lots. Lowe stated if they are presenting the plan before the Board, it is without any shadow of a doubt, a subdivision. Simon asked what makes it a subdivision? Lowe stated the definition in the Subdivision Regulations makes it a subdivision. The Board, Solicitor and Mr. Simon discussed the definition of a subdivision. Daniels stated they can not go only by the Zoning Code, the Zoning Code and Subdivision Regulations interact. Lowe stated if Mr. Simon's zoning application is being submitted tonight, he would advise the Planning Commission that their proposal is a subdivision and they should react accordingly. Simon stated their application is for a private drive on a zoned piece of land to built for multi-family units and they are going by the Zoning Code. Lowe stated you can't just read one book and not the other. Harvey stated they have an application before them for a zoning permit however they have been advised that what has been put before them is a subdivision and under the Subdivision Regulations they need a S-1 application. Simon stated they are seeking a zoning certificate, not a subdivision approval, therefore they will not change the form. Lowe stated for the sake of clarification and possible resolution of the problem, what is the presumed advantage of going this way versus the other, is it the public road? Simon state it was the public road and the cost of it, the heavy storm sewers and culverts create a cost which is prohibitive. Lowe stated if the roads are private they still have to constructed to dedicated standards. Simon stated that isn't a problem. Lowe asked what he would look to for guidance as far as streets and access? Simon stated there is an ordinance which states all roads have to be put in at dedicated standards. Lowe asked if there is anythng else? Simon stated yes, the Zoning Code states one unit per acre, requires so many one bedroom units, so many 2 bedroom units and so many 3 bedroom units. Lowe asked what about Chapter 10, development regulations. Simon stated they are not a development, they will get a zoning certificate, go to the County for the building permits, put in a road and build the units. Lowe stated that doesn't have any logic to it when you consider the Village would want to control the proper building of a subidvision of single family homes and yet would let anyone come in and build condominiums in what ever fashion they wish and for that reason is the second sentence of the subdivision definition. Simon stated you still have control through the Zoning Code through regulations on size of units, height, side yard, fromt yard and bedroom count. Harvey stated he feels this application is a subdivision and because you are asking the Board to simply approve it without regard to the subdivision regulations, he motions to disapprove the application, Briggs 2nd. Roll call, all ayes. Simon asked if the motion and vote disapproved their request for a zoning certificate. Daniels stated that is correct.

Michael Day, architect for Bell Properties, presented the plans for the proposed dental offices on the southeast corner of Rte. 306 and Bell Road. Day stated they are tonight requesting approval of their plan. One remaining problem is one peculiar parking space which must be so, due to the required number of 13 spaces. Harvey stated he feels they could allow it as a parking space as long as a barrier is made to prevent one from driving through to the Village property. Engineer discussed with Mr. Day and the Board the requirements of a hard surface for the parking lot and drive. Harvey stated until the question of the asphalt and curbing is worked out they can not vote, but as far as the design he is perfectly happy. Briggs moved that their plan be conditionally approved contingent upon the Engineer's approval of the asphalt andcurbing specifications, Harvey 2nd. Roll call, all ayes.

Jack Brickner, Thomas and Thomas, stated they have submitted the development plan application for the water plant. Brickner presented plans showing the location and stated the building is approximately 25' X 35' and will be a block building with siding. Brickner stated they will submit all plans to the Engineer so action can be taken at the next meeting.

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Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held October 2, 1980 *19*

Brickner stated he hoped everyone received the amended copies of the bylaws and declarations. Board said they had. Brickner explained there was some language added in a couple different sections allowing for the necessary easements that have to be granted for the water company and its associated lines. The "for sale" sign question was compromised by limiting it to one per building. The 100 acre requiremnt was covered by adding wordage that Exhibit "B" property, which is the T & T 138 acres, may only be developed multifamily and upon its development it has to become part of this association. This guarantees it will be developed as proposed and guarantees 138.acres. The Phase I area was increased to 11.1 acres to take care of the zoning requirement of of one unit per acre. Brickner stated that there was language added setting up a nominating committee procedure. The septic tank reference was removed and wordage added that clarified that no septic tanks were allowed. Also they added a paragraph on the last page stating everything must comply with the zoning and building codes. Brickner asked the Board if they could give a conditional approval pending a final preview by the Solicitor. Board agreed. Briggs moved to conditionally approve the resubmission of the declarations of the condominium ownership and bylaws of Manorbrook Garden Condominiums as amended subject to the Village Solicitor, Harvey 2nd. Roll call, all ayes.

Jean Conley, Curtiss Clinic, presented the water study for the proposed Chagrin Valley Medical Center. Conley stated their study shows there is sufficient water and they have sent a copy to the Village hydrologist. Conley stated as for the sewer, they have received permission from the Geauga County Sanitary Engineer to tie into the Forest Drive sewer. Conley stated they have made arrangements for the necessary easement. Harvey read a letter from Roger Nall's office regarding the requirements for tieing in to the sewer. Mrs. Conley stated the next area for discussion is the surface drainage. Randy Gordon, architect, presented a plan for the drainage. The Board, Mrs. Conley and Mr. Gordon discussed the plan for drainage and parking. They also discussed the location of a possible catch basin without disturbing the present woods and vegetation. Engineer stated he has yet to receive the completed development plan. Board discussed with the Engineer the areas yet to be resolved; drainage, parking facilities. The number of parking spaces required will be decided at the Zoning Board of Appeals meeting on October 8, 1980. Harvey stated that due to State Statute they are required to act upon this application at tonights meeting unless the applicant requests an extention. Mrs. Conley asked the Board for a 30 day extention on their development application.

The Board reviewed plans of the sign for the proposed medical center. Building Inspector King stated there are two problems zoning wise with the plan. [illegible] First, is the proposed sign considered a pole sign and second if it is a pole sign, it must have 8 feet of clearance from the ground up to the sign for motorist visibility. The Board discussed whether the sign was a true pole sign or not. King stated he feels the Board has the ability to accept or reject the sign as presented even though the Code does not address itself to this particular design. The Board stated they saw no problem with the design or height of the preliminary sign plan.

There being no further business, Planning Board adjorned at 11:00 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council, Planning Commission, Clerk of Council, Building Inspector, Engineer, Solicitor, Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of SPECIAL PLANNING BOARD MEETING *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held SEPTEMBER 9, 1980 *19*

Members present: Daniels, Harvey, Cotesworth, O'Donnell
Other Officials: Wallay King
Guests: Jack Brickner, Stan Williams

Chairman Daniels called the meeting to order at 8:00 P.M. Roll call, Briggs absent.

Daniels stated the purpose of the meeting was to review the declarations of condominium ownership for the Manor Brook Estates condominiums being constructed by Thomas and Thomas. Brickner introduced Stan Williams of Arter & Hadden, the law firm hired by T & T for the purpose of preparing the declarations and bylaws.

Following a very lengthy discussion of the bylaws and declarations, the Planning Board made the following requests and recommendations:

1) Solution must be found to provide easements for the water company and the lines needed to serve the concominiums.

2) Question of the number of "for sale" signs permitted and who may display them must be answered.

3) Phase I area must be increased to provide one acre per unit.

4) Something must be written in the declarations to insure the Village that the development will maintain 100 acres, no matter if it completed as planned or not.

5) Define procedures for a nominating committee.

6) Remove the reference to septic tanks and clarify that no septic tanks will be allowed.

7) Add a section which states that everything included in the bylaws and declarations is subject to the Zoning Code and must comply with all Village Regulations.

Brickner stated they would address the above points and provide correct copies for the Board to review at their next regularly scheduled meeting.

Brickner stated he received an approved copy of their site development plan for Building "C" from the Village Engineer on September 5, 1980. He would like to get the Board's approval tonight on the same plan. Brickner stated there is a question about a performance bond. Brickenr stated the way the regulations read there is a performance bond which must be submitted to cover the site development. Brickner stated all the site improvements are outside of the public right-of-ways and he was wondering if that was the intent of this bond, only for improvements in the public right-of-ways. Brickner stated one of the problems he has discussed with the Engineer is a realease on the money. At sometime the Village will have to sign off and Brickner stated he feels this puts the Engineer in a difficult position. The Board discussed the regulation and necessity for the bond. Brickner stated they could submit a performance bond for Buildings "A", "B", and "C", then at some paricular point the Village will have to sign off and the problem is, with the improvements being put in completely outside of the public right-of-ways, there is no on sight daily inspection of the underground utilities, i.e. storm drainage and paving. Brickner stated they have to submit a final as built site development plan and eventually come back to the Village for an occupancy permit prior to anyone moving in. Brickner stated he thought that this requiremnt would be the same as a performance bond. . . . they won't get the occupancy permit until they perform as the Village requires. Harvey stated the performance bond is required to insure the Village the work is completed, i.e. if the project goes broke, there are funds to complete the site development work King stated once they become certified, this type of bond will be under the category of a construction deposit, then the deposit is not return until everything is done. Brickner asked if before they get the zoning permits on Buildings "B" and "C", will they have to submit a performance bond for the Buildings "A", "B", and "C"? King stated yes, that is correct.

Daniels asked how things stood regarding the water for Manor Brook? Harvey

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Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

stated he has a letter from Dr. Eckstein stating there is plenty of water but they need to drill more wells.

There being no further discussion, Harvey motioned to approve the development plan for Building "C", Cotesworth 2nd. Rol call, all ayes.

Following a discussion, of the existing zoning on the northwest and northeast corners of Rte. 306 and Bell Road, Cotesworth motioned to recommend to Council that the northwest corner beyond the Sohio property and the northeast corner now shown as B-2 use, be rezoned as single family, residential, Harvey 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 10:30 P.M.

Charles M. Daniels Jr.
Charles M. Daniels, Jr., Chairman

Cathy Male
Cathy Male, Secretary

xc: Planning Commission
Coucnil
Clerk of Council
Building Inspector
Engineer
Solicitor
Wm. Jackson

To Here:
9.30.80
Samuel S. Serednesky
State Examiner

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD MEETING Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held September 4, 1980 19

Members present: O'Donnell, Harvey, Daniels, Briggs, Cotesworth
Other Officials: W. King, W. Driemiller
Guests: Ken Pike, Jean Conley, Bill Collins, Randall Gordon, Dan Rewald
Mike Urbanek.

Chairman Daniels called the meeting to order. Roll call, all present. Charlie Briggs asked that the minutes of the August meeting be corrected to show he was present. O'Donnell motioned to approve the minutes as corrected, Harvey 2nd. Roll call, all ayes.

Ken Pike, Sun Ridge Developemnt, came before the Board requesting the Board's approval on the final plat. Harvey asked the Engineer if he had cross referenced it to the preliminary plat. Engineer said he had and their office had approved it. Following a brief discussion, Harvey motioned to approve the final plat for Sun Ridge Development, Briggs 2nd. Roll call, all ayes.

Daniels asked that the Board review the deed restrictions drawn up for Sun Ridge and presented by Ken Pike. Following a lengthy discussion, Harvey motioned to accept the restrictions with the following corrections, on Page 4, Section 5, add "not to exceed 120 days"; on Page 6, section 4, article 5, add "2/3 of all the lots"; and last add a paragraph noting that there are Village ordinances relating to the above restrictions and Association approval is not tantamount to Village approval.

Jack Brickner, Thomas and Thomas, presented plans and application for development approval of Building "C" of Phase I of Manor Brook Estates. Brickner stated they have completed the requested changes of the Village Engineer. Engineer stated they did get the revised plan back, however he did not have time to get them reviewed. Brickner stated he would like to get the zoning and building permit next month, therefore, getting approval tonight would be necessary. Engineer stated there were contour grading items, they needed some additional information on the topo, as far as he could see, there would be no problem with a conditional approval subject to the Engineer's approval. Brickner stated he would like to make the recommendation to the Board that the time period for the site development review be made a little longer, in order for the Engineer and developer to go back and forth in case revisions are needed. Brickner also stated the time period from when approval is given to when the developer must get his zoning and building permit should be extended. Harvey stated he is not sure whether or not this is governed by state statute but he will check with the Solicitor's office. Harvey stated he will also check on why there is the requirement of an elected official's signature being on a plat in order for the County to record it.

Chairman Daniels stated to discuss the Bylaws and Declarations would take the rest of the evening and Jack Brickner feels a work session would be a good idea. Brickner stated he would have their attorney attend and he could answer and discuss any problems and/or questions. The Board decided the special meeting will be held Thursday, September 11, and the Secretary will notify the press.

The Board discussed with the Engineer the possibility of having his report for Building "C" ready for the special meeting. Engineer stated he would have it completed by then. Board agreed to Hold off a decision until that meeting.

Brickner presented a revised fencing plan. The new plan changed the configuration, instead of one cross rail, the new fence has two. Brickner stated other changes are they will be adding stone light posts at the entrance of the development. King asked what sign plan they were proposing? Brickner stated there is no sign plan, that will be submitted with the landscaping plan. After a brief discussion, Cotesworth motioned to approve the new fence plan, Briggs, 2nd. Roll call, all ayes

RECORD OF PROCEEDINGS

national graphics National Graphics Corp., Cols., O. Form No. 1097

Dr. Dan Renwald, Bell Properties, stated they came before the Board last month with a development plan for a proposed dental office on the south east corner of Bell and Rte. 306. At that meeting Planning Board recommended the access drive onto Bell be removed, 13 parking spaces be shown instead of 12 and a variance must be requested from the Zoning Board of Appeals for the rear yard set back. Dr. Renwald stated their variance request was granted by the Zoning Board of Appeals last night and then presented a revised plan showing the drive deleted and 13 parking spaces. Engineer stated he had made notes on their original plan and up to this point had not received a revised plan. King stated he was pretty sure they were holding off on the revised grade plan until he (Bell Properties) had an acceptable plot plan. The Board discussed the time frame of getting a revised plan to the Engineer in time for the special meeting or the regular meeting, next month. It was decided that it would be best if they submitted a revised plan to the Engineer and returned at the regularly scheduled meeting in October.

Jean Conley, Curtiss Clinic, introduced Bill Collins and Randy Gordon, the architects of the proposed Chagrin Valley Medical Center. Mr. Collins stated their time schedule for this project is to hopefully start construction in November with occupancy in December of 1981. Collins stated that tonight they are looking for an approval on their site plan on the basis of the parking, drives and layout. They also are looking for approval on the building, the elevations, which would include the third floor dental stuites, they have decided to add that on now rather than in the future. These approvals would have to be contingent on properly answering the storm sewer, the sanitary sewer and water details along with the sign plans. Harvey questioned if their development plan and application had been filed last month? Secretary stated they had. Harvey stated the Board then, under the State Statute and Village ordinance, the Board must either accept or reject the plan tonight due to the 30 day review having expired.

Collins stated the first item to discuss under the site plan is the road configuration. There is parking for 230 spaces, arrived at by 34 doctors and dentists times 5 parking spaces each, with 10 for the rehabilitative medicine, 5 for the physical therapy, 4 for the employees and 5 miscellaneous. Collins stated they feel this is sufficient and will serve them well. King stated he has not approved the parking as presented primarily because there are some problems applying the Code with this type of occupancy. King stated when this area was rezoned, the parking requirements were not changed in accordance. If the Code is applied as written they would end up with an exorbitant amount of spaces required. Daniels asked how they came up with their equation? Collins stated from their experience they have found that 5 spaces per doctor has worked very well. Collins explained you don't want to get too much asphalt due to the maintenence and poor aesthetics however on the other hand, there is no way the Clinic is going to want to be short on parking spots, it's not to their advantage. There is room for expansion and will obviously expand if they have to. Collins stated as far as zoning, it's a unique catagory which maybe isn't covered in the code and hopefully wouldn't have to go to Appeals. King stated one way they handled a similar situation in Willoughby was they put a condition on if at anytime it was found there were parking problems, the city had the power to make the applicant provide additional spaces. Collins stated they have no objection to that. The Board discussed whether the parking requirements in the code did or did not apply to the proposed medical center. The Board agreed that this question should be addressed by the Village Solicitor at the Council meeting.

Daniels asked the Engineer if he had reviewed any plans. Engineer stated they have had one review but he was under the impression it was just an informal presentation. Enineer stated the problem is the code does not anticipate the fast tracking, partial approval. The Code is looking for grade, paving, drainage and utilities as a combined unit. Mr. Gordon stated the reason they have not progressed with those details is because the paving and amount of parking has a great effect on the drainage, etc. Harvey stated he understands their desire to get things rolling, but they are bound by state statute that they must give a decision within 30 days of the filing date and if they do not act withing the 30 days, the plan is automatically approved. Harvey stated if the Engineer has not been satisfied that all was in order, he would like to get an extention from the developer. Collins asked if they are saying that in order to give a positive vote on this, they have to have the whole grading plan done, complete and approved by the Engineer for storm, sanitary; we have got to have all the signs

RECORD OF PROCEEDINGS

done, approved; all the landscaping; all the parking plus the building plans must be ready for tonight. Harvey stated yes that is correct, due to the state statute they have only 30 days to accept or reject the development plans. However, we can extend the time if the developer so requests. Daniels stated he would suggest they request an extention, and spend the next 30 days getting all the required plans ready for the Engineer. Engineer stated the parking question will have to be answered in order for the architect to proceed with their plans. Harvey stated he will contact Dave Lowe and either a zoning variance or Council action will hopefully answer the problem. Gorden stated they will need to know the number of spaces required in order to complete the technical grading plans that the Engineer needs. Daniels stated he feels Planning Board should recommend to Council they approve of the parking plan as presented and the site plan and hopefully the question of parking spaces will be answered at Monday nights Councils meeting. Jean Conley requested that the time limit of 30 days be extended another 30 days for their development plan. The Board accepted the request.

Mr. Collins stated if he understands what the Board has been saying, they have received a 30 day extention. At the end of that 30 days, on the basis of what happens Monday re: parking, they can assume, as long as they meet all the set back requirements, they can do all the technical layouts and what the Board wants in 30 days is the complete grading plan, sewer layout, working drawings of these, is that correct? Engineer stated yes. Collins stated also they will have the water report submitted along with their sanitary plan to the Village Engineer. The Board said yes, this is what is required by the site development plan. The Board discussed the three options they have for their sanitary sewer, 1) go by gravity to Forest Drive if they can get the easements, 2) pump to Daisey Lane and 3) pump to Rte 422. Collins asked if the sign plans will also be required, the Board stated they were. Collins stated these procedures and requirements are different from any he has ever worked with and he just wants to make sure that they are aware of everything that is required.

Collins asked if the Board could review the building plan and elevations. Harvey stated yes they can. King asked Mr. Gordon if the elevations of the building comply with the zoning regulations. Gordon stated they did. Mr. Collins presented the plans and explained the elevations. Lower level, not visible from the road, will contain conference rooms, dining space, medical records, administration, doctor's lounge, opthamology, ENT, psychiatry, physical therapy and rehabilitation. First floor, second level, will contain all the treatment areas, physician offices, two major waiting spaces, optical department, pharmacy, laboratory, public lavatory, pediatrics, minor surgery, radiology and emergency room. The 2nd floor, 3 rd level, will contain the dental suites. Daniels stated now that they have seen the plan, Planning Board should make a recommendation to Council. Cotesworth motioned that Planning Board recommends to Council that they are in favor of the architectual drawings as submitted and satisfied with the aesthetics and general functional design of the building. It is Planning Boards opinion that parking is sufficient and well laid out, Harvey 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 10:40 P.M.

Charles M. Daniels, Jr. Chairman

Cathy Male

xc: Council, Planning Board, Clerk of Council, Building Inspector, Engineer, Solicitor, Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD Meeting

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held August 7, 1980 19

Members Present: Harvey, Daniels, Cotesworth, O'Donnell
Other Officials: W. King, Wm. Driemiller
Guests: Jack Brickner, Ken Pike, Jean Conley, Joe Collins, Dr. Gary Holz, Michael Day

Chairman Daniels called the meeting to order at 8:00 P.M. Roll call taken, all present.

Daniels stated one correction to be made on the 8-7-80 minutes was the s spelling of manganese. There being no further additions or corrections, Harvey motioned to approve the minutes as corrected, Cotesworth 2nd. Roll call, all ayes.

Jack Brickner, Thomas and Thomas, presented the plans and application for the preliminary plat for Phase III of Manor Brook Estates. Brickner stated based on the denial of their variance request for more than 50 units on a cul de sac, he submitted a revised plan to the Engineer showing the amendment of taking one building from the cul de sac and turning it so it will front and access onto Manorbrook Drive. The Board discussed the plan showing such a change. Engineer stated the number of units shown for Phase III, 43 units, complies with the density regulations. Chairman Daniels stated Council's recommendation to Planning Board is to approve the preliminary plat. Following a brief discussion, Harvey motioned to conditionally approve the preliminary plat of Phase III subject to the Planning Commission being satisfied that there will be sufficient water, Briggs 2nd. Harvey stated he would like to have Eckstein come to Planning Board to confirm the water situation. Roll call, all ayes.

Brickner stated they filed the site development plans for Building "B" at the July meeting. Brickner explained Building "B" is almost directly south of the area for Building "A". Board reviewed the plans. Board discussed the direction of water movement around the Buildings "A" and "B" and the grading and drainage. Following a brief discussion, Cotesworth motioned to approve the site development plan for Building "B" of Phase I, Harvey 2nd. Roll call, all ayes.
Planning Board accepted the plans and application for the site development of Building "C" which will be acted upon next month.

Brickner stated he is submitting two copies of the declarations and bylaws for the condominiums for the Board to review. Harvey asked the Secretary to run copies for all the Planning Board members.

Brickner presented a plan for fencing and explained he met with Wallay King and there was a question as to who should give the approval or denial. King stated his problem is, the present code does not address itself to this type of fence, for multi-family area. King stated he then felt it was important that the Planning Board should review it and make some recommendation. The Board reviewed the plan for style and placement. Cotesworth moved to accept the fencing plan as presented, Briggs 2nd. Roll call, all ayes.

Ken Pike presented the final plat application for the Sun Ridge development. Pike stated the secretary had the completed application with the Engineer's approval and all necessary signatures. Engineer explained procedures being taken to help deter any erosion and siltation into Lake Louise. Harvey asked if there was not a plat that should be submitted with the application for the Board to review. Engineer stated the applicant should have the original on hand as part of the application. Pike stated a copy was submitted to the Engineer for his approval and the Final plat doesn't show anything but the dimensions of the property, all of the lot lines by degrees. Harvey stated as he reads the code the final plat must be submitted with the application. The Engineer agreed. Harvey stated the code states the Board will act upon this within 30 days, however the 30 day period can not begin until the Board gets the original mylar. Daniels stated if Pike can get the mylar this evening they will accept it for filing and the 30 day period will begin. Pike agreed and later arrived with the mylar and the Board accepted the application and plat for filing.

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Dr. Gary Holz, Bell Properties, presented a development plan for a proposed office building located on the south east corner of Bell and Rte. 306. The present structure would be renovated to accomadate a dental office. Wallay King stated that Chief Hamilton was unable to be at this meeting, however he wanted to inform the Board that the driveway proposed onto Bell Road was not in good traffic conscience. The architect for Bell Properties, Michael Day, explained the location of this drive. The Board disucssed the proposed exit/entry on to Bell and different alternatives. Daniels asked for what the out building would be rented. Day stated he wasn't sure, however if there was an interest of another professional, be it insurance or something of that nature, they would rent it for that purpose. Daniels asked how many doctors would occupy the propesed office. Day stated there would be only one doctor at a time and two assistants. The Board discussed the number of parking spaces needed. Day stated there was an error on the plan, there should be 13 spaces and the plan only shows 12. Day stated when he calculated the needed number of spaces he included both the first and second floor in his square footage, however they will only be using the first floor. The second floor will only be used for storage and possibly a private office for the dentists. King stated as long as it is occupiable it must be considered in the square footage. King stated another problem they might have is the 15 foot set back from the rear line. Day stated this is the best place for the parking lot and they are trying to maintain the greatest amount of green area out front, therefore putting the parking in the rear, adjacent to the South Russell Service Building. Engineer stated he has reviewed the plans and there are some technical problems with the storm sewer grading and the set back regulation. Engineer stated the plan did not really have all the information they would like to see on a development plan. Harvey asked if this was just a preliminary submittal? King said no, when he accepted the plan he felt that Planning Board would provide some direction regarding the access from Bell, however the question of set back will have to be settled at the Zoning Board of Appeals. Daniels stated he agreed with the Chief re: the Bell Road access. Day stated the removal of the Bell Road access would not be a problem. Engineer stated regarding the drive and parking, it is their recommendation that a hard surface be provided. Following further discussion, the Board recommended that there be no drive off of Bell and they go before the Zoning Board of Appeals regarding the number of parking spaces and the rear yard set back. Board agreed the plan is a good one and would be a vast improvement from what is presently there.

Jean Conley from the Curtiss Clinic introduced Mr. Joe Collins, Collin and Rimer Architects, who will be the architect for the propesed Chagrin Valley Medical Center. Mr. Collins stated this project is a large one for this area and they are presently finishing the preliminary design phase of the project. Collins stated they would like to now get together with Planning Board to make sure there are no major problems before continuing on with their plans. Collins explained the Center will be for a group of 18 physicians however the building itself will be much more than a doctor's office building. Mr. Collins presented a slide show showing the plans and facilities for the project. Collins stated the proposed site is located approximately 1 1/2 miles east on Rte. 422 from the present Curtis Clinic. Collins explained they have taken the site as it is and will preserve the natural qualities by keeping all the trees possible. They will have two entrances in to the property. Collins stated they are presently proposing a two story building with a possible third story in the future. Collins explained the internal plan for all the facilities. There will be an emergency outpatient treatment center where they will be able to do some minor surgery and treatment of emergency cases. Collins stated as for the architecture of the building itself, they have a low building, they want to keep it very simple, plain and elegant through the use of the natural landscaping and brick. Collins presented a model of the proposed building showing the proposed two levels with the future third level addition.

RECORD OF PROCEEDINGS

Harvey asked what screening would be provided from the residential area in Rolling Ridge. Collins stated thay have the best screening available and that is the existing trees which will be left as is.

The Board reviewed and discussed the model. Board agreed it was a very nice plan. Harvey stated he was still concerned about the acoustics along the residential area. Jean Conley stated she did not feel it would be a problem because of the heavy woods and they do plan on doing some additional screening.

Collins stated they are on a crash schedule, they are hoping to break ground in October or November. For this reason it is important that they know what the Board will require so they don't find themsleves in November without all the necessary approvals. King stated after his preliminary review he sees three problems which must be resolved; water, sewage and drainage. Collins asked if they could resolve these problems through his (King's) office.? Harvey explained that the Village does have a water hydrologist who will review the water situation and give his recommendation to the Board.

The Board discussed the proposed sign for the facility. Mrs. Conley explained they have included hearing aid dispensary, optical shop, pharmacy and Nautilus on the sign in order to let the people know that they have more than just doctor's offices.

There being no further business, meeting adjourned at 10:30 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Planning Board
Council
Clerk of Council
Building Inspector
Engineer
Solicitor
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

RECORD OF PROCEEDINGS

THOMAS AND THOMAS

Minutes of PLANNING BOARD MEETING - PUBLIC HEARING - VARIANCE REQUEST *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held July 3, 1980 19

Members present: Harvey, Daniels, Cotesworth, Briggs
Others Officials: W. King, W. Driemiller
Guests: Jack Brickner

Public Hearing was called to order by Chairman Daniels at 8:00 P.M. Jack Brickner explained they presented, at the June Planning Commission meeting, an application for the review of a preliminary plan for an additional 49.39 acres of multi-family zoned area, north of the Manor Brook Phase I & II, which will be considered Phase III. Brickner stated there will be a cul-de sac in Phase III, the total number of units proposed for this cul de sac is 55 and the Code only allows 50. Brickner stated their request is for a variance allowing them to construct 55 units rather than just the 50 allowed by the Code. Harvey asked why he wants the 55 rather than 50? Brickner stated what they are trying to do is keep the units back as far away as possible from Rte. 306 and the best sites are on the other side of the CEI easement. Harvey asked why so many units are clustered together, aren't you going to over burden the site? Brickner stated the buildings are individually designed to fit the site and he doesn't feel they will be over building. Brickner stated the density calculations allow the 55 units. Harvey stated as he understood, Brickner filed a preliminary application for Phase III at the June meeting. Brickner stated yes he did, and it will be going to Council following the resolution of the variance request tonight. There being no further discussion, Public Hearing was adjourned at 8:15 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

Regular Planning Board Meeting
July 3, 1980

Members Present: Harvey, Daniels, Cotesworth, Briggs, O'Donnell
Other Officials: SAA
Guests: SAA

Chairman Daniels called the meeting to order with roll call, all present. Chairman Daniels read the minutes of June 5, 1980. There being no corrections or additions, minutes stand as read.

Daniels asked if everyone had received the Hydrologists report to Bill Driemiller dated 6-8-80. The Board stated yes. Brickner stated that the wells they have on their property were approved a year ago for their 117 units. In planning out Phase III and the Simon property they decided to go with one water system rather than two or three. They then brought Moody back in to do a joint report covering all three properties, and this report was submitted to Driemiller who sent in on the Dr. Eckstein, the Village hydrologist. The report before the Board tonight came back to Thomas and Thomas the day after Edstein left the Country for three months. Daniels asked how many different layers of water strata do we have? Brickner stated there are two from the reports of Moody, the Sharon one, which serves 99% of the area and then a deeper one, the Berea formation, which is not as productive as the the upper layer. Daniels asked if the quality of the water was very good? Brickner stated they have had the wells tested by Moody and the E. P. A. and they were found to be high in iron and manganes and their plan has been submitted and approved by the E. P. A. for the removal of the iron and manganes. The Board discussed their interpretation of Cr. Eckstein's report of the water supply for Manor Brook and Emerald Lakes developments. Harvey stated as he understands, Eckstein stated there is not sufficient water based on what has been submitted, however if they want to drill additional test wells, there very well may be a sufficient amount. Harvey stated it is imperative that those additional

wells be drilled to assure the Village that there will be sufficient water for that area of the Village. Brickner stated Moody's recommendation was that the two wells, which are shown as PH 1 and PH 4, will be their primary wells, and will be enough to support the system. Brickner explained that Moody also stated that in case it wasn't, never knowing what may happen, a third monitoring well would be set up which could monitor the overall ground water for the entire area. Once it is seen that test holes 1 and 4 are affecting the draw on the monitor well, additional wells may have to be drilled. Brickner stated what Eckstein wants is to see these additional wells drilled now instead of later. Harvey stated he wants to see the test wells drilled or whatever else needs to be done to satisfy the Hydrologist that there is sufficient water availble without jepordizing any other existing wells.

Harvey stated there are two items before them tonight, one, the variance request of Thomas and Thomas to allow them to build 55 units on the cul de sac versus the 50 allowed by the Code, and two, assuming the variance is granted, a decision must be made on the Preliminary Plat for Phase III, which was filed at the June meeting and the 30 days will be up as of tomorrow, July 4, 1980. King stated he spoke with the Solicitor about the 30 day time period and he stated the timing would not start until after a decison was made on the variance request based on Section 3.04 E of the Subdivision Regulations. It states "approval shall be granted if the applicant conforms to these regulations....", King stated there was a problem, it was not in conformity due to the number of units on the cul de sac. Therefore, once a decision has been made on the variance request, then the 30 day time period begins for the Preliminary Plan. Jack Brickner agreed to the above.

Harvey stated he is concerned about the possibility of developments continually adding on phases. As in Thomas and Thomas, they presented Phases I and II and later Phase III. Harvey stated what happens if they want to add another parcel, can you continually amend the development? Brickner stated that as the State law reads, prior to selling the first unit, they must file declarations and bylaws which describe the boundarys of a condominium development. Once those are filed, they can no longer add any more land to increase the area of the development.

The Board discussed the variance request. Engineer stated their recommendation for denial is due to no hardship was shown to exist. Brickner stated the reason they are requesting the variance is because they want the units where it is aesthetically the best place and that is on the cul de sac. As for the issue of the units being overcrowded, Brickner stated once they go in to layout the units they may find they can only get 53 or 49 units on the cul de sac because each building will be individually designed to fit the site. Brickner stated they are not saying it is a hardship, it is an aesthetic reason, this area is where the units will be best placed. Harvey stated he thought, as a member of the Board, he is obliged to follow the requirement of the Code for a variance, that is, a hardship must be proven. The Board further discussed the variance request. Briggs motioned to approve the variance request, Harvey seconded. Roll call, Daniels, aye; O'Donnell, Harvey, Briggs, Cotesworth, nays. Motion defeated.

Daniels stated the Board must resolve what action is to taken on the Phase III Preliminary Plan. Harvey stated he could not approve the plan as presented because it shows the 55 units not the 50 which is allowed by the Code. Daniels stated that because T & T is limited to 50 units due to the action just taken by the Board in denying the variance request, he feels it does not affect the approval of Phase III. Engineer stated as he understood the procedure, the filing date would be tonights meeting and at this point he has not reviewed the plat, waiting for the Board's decision on the variance request. Daniels stated if the Engineer has not reviewed the plat, the Board does not have his recommendations, which they must have in order to make their decision. Brickner stated he would like to request a one months extention on the Preliminary Plat Application for Phase III. Cotesworth motioned to grant Thomas and Thomas a one months extention for Phase III, Harvey seconded. Roll call, all ayes.

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD MEETING *Meeting*

national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held July 3, 1980 *19*

Brickner stated he would like to submit the site development plan for Building "8" of Phase I. The Board accepted the plan and stated it will be reviewed for the August meeting.

Meeting adjourned at 9:30 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Board
Solicitor
Building Inspector
Clerk of Council
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of Planning Board *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held. June 5, 1980 *19*

Members present: Harvey, O'Donnell, Daniels
Guests present: Jack Brickner, Ken Pike
Other Officials: W. King, W. Driemiller

Chairman Daniels called the meeting to order at 8:00 P.M. Roll call taken, Briggs and Cotesworth absent. O'Donnell motioned to waive the reading of the May 1, 1980 minutes, Harvey 2nd. Roll call, all ayes.

Jack Brickner of Thomas and Thomas, presented his site development plan for Phase 1, Building A of Manor Brook Estates, for the final review and the Board action. Board discussed the section of the Code requiring the presentation of the Development Plans. Harvey asked if it was not necessary, development wise, to see the other buildings in relation to Building A? Engineer stated that no, it was not, Building A can stand by itself, it is upstream from the other units and he sees no problems. Engineer stated their office has reviewed these plans with a fine toothed comb and everything is in order. Following a brief discussion, Harvey motioned to accept the development plans, O'Donnell 2nd. Roll call, all ayes.

Harvey stated as he understands the definition of common area, Planning Board ends up having to approve the bylaws and declarations of any condominiums built. Brickner stated they are in the process of finalizing them and will be fowarding a copy to Dave Lowe for his review within the next couple of weeks. Harvey asked that he send a copy to the Planning Board. Brickner agreed. Brickner stated at this time they have no plans for the common area, it will remain as is. O'Donnell asked if there will be any development in the future for the common area? Brickner stated, the only thing they plan on doing, as they had in the preliminary submittal, is the lake way in the back, which will be part of phase II.

Chairman Daniels read a letter from Thomas and Thomas regarding Phase III of Manor Brook Estates, enclosed were the Preliminary Plat Application for Phase III and an application for a variance from Section 4.03(c) of the Subdivision Regulations. Brickner stated the Preliminary Plat submittal had been reviewed with the Village Solicitor and he directed them that this Application should be submitted as an amendment to the previously approved Phases I and II. The variance application requests that they be allowed to build 55 units on the cul de sac versus the 50 permitted by the Code. The Board discussed the placement of the 55 units on the cul de sac. Following a lengthy disucssion, the Board accepted for filing the Preliminary Plat of Phase III and set July 3, 1980, for the Public Hearing to hear their variance request.

Mr. Ken Pike presented a revised plan for the open land development for the Sun Ridge Development. Pike explained they would like to build a tennis court instead of the previously proposed jogging track. Pike stated they are not asking for any other changes to the plat. Pike explained there are two reasons why they are requesting this change; first, the prospective buyers would rather have tennis courts than the jogging track and second, the neighbors from the surrounding property have voiced an objection to the jogging track along their back yards. The Board discussed the cost and constrution of the tennis court. Following some discussion, Daniels, Harvey and O'Donnell stated they had no objection to this change.

There being no further business, meeting adjourned at 9:15 P.M.

Charles M. Daniels Jr.
Charles M. Daniels, Jr., Chairman

Cathy Male
Cathy Male, Secretary

xc: Council, Planning Commission, Clerk of Council
Zoning Inspector, Solicitor, W. Jackson

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held May 1, 1980 *19*

Members present: Briggs, Daniels, Harvey, O'Donnell

Guests present: None

Other Officials: None

Chairman Daniels called the meeting to order at 8:00 P.M. Roll call taken, Cotesworth absent. Briggs motioned to waive the reading of the 5-1-80 minutes, O'Donnell 2nd. Roll call, all ayes. Motion carried.

Chairman Daniels read a letter from Jack Brickner, Thomas and Thomas Development, dated April 29, 1980, requesting that the Board delay formal action on the Building A-Site Development Plan until the June meeting. Brickner stated in the letter that the time extension is needed so that final review and necessary revisions to their submittal can be coordinated between them and the Village Engineer and also a time scheduling problem would occur for their zoning permit should the Board take action at the May meeting. Following a brief discussion, Harvey motioned that the Board grant a 30 day extention on the development plan as requested, Briggs 2nd. Roll call, all ayes. Motion carried.

There being no further business, meeting adjourned at 8:45 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Planning Board
Council
Clerk of Council
Engineer
Building Inspector
W. Jackson

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held April 3, 1980 *19*

Members present: Briggs, Cotesworth, Daniels, Harvey

Guests present: Dan Shannon, Robert Brown, John Neely, Jack Brickner

Other Officials: W. King, Wm. Driemiller

Chairman Daniels called the meeting to order with roll call, O'Donnell absent. Cotesworth moved to waive the reading of the March 6, 1980 minutes, Harvey 2nd. Roll call, all ayes.

Robert Brown, Con Dev, presented the final plat and application for Kensington Square development to the Board. Brown asked if the letter from Dave Lowe was received regarding the setting up of a line of credit for their performance bond. Harvey stated he received a copy and Daniels stated he had a copy before him. The Board reviewed the plans of the final plat. Brown pointed out there are seven areas of common space, two of which consist of the retension basins. W. King asked if each lot had been laid out such that there will definitely be enough land for the 25 foot side yard requirement. Brown stated yes they had. Dan Shannon pointed out the areas which are to be dedicated as easements to the sanitary engineer in order to maintain the sanitary lines.

Wm. Driemiller, Village Engineer, stated one area the Board might give some consideration is the East and West Dartmouth Drive. This road is a U-shaped roadway with two access ways from Bell. Driemiller stated they (Eng. office) show a dividing line with an indication for east and west however numbering the houses gets to be very confusing. The Board also discussed the suggestion of having even's on one side and odd's on the other. Following further discussion, no solution was made.

The Board reviewed each street and the lot layout of each area. The Board pointed out one mistake on the plan, East Bel Meadow should be at the intersection of Chatsworth Drive and not East Darmouth. Shannon stated this is a drafting error and would be corrected.

Daniels asked as far as the retention basins, will they be able to be used for recreational purposes, i.e. ice skating in the winter. Brown stated yes. Harvey asked what the slope will be. Shannon stated it is a 5 to 1 ratio and they will be anywhere from one to one and a quarter acre in size. The will be 8 feet deep with a storage level of 2 feet. Driemiller stated the bottoms will be flat and excavated and will be filled by run-off water, they are not spring fed. Driemiller explained that almost every lot will have down spouts going into the storm sewer. A few lots are topigraphically set so there is a ravine which can be used rather than the sewer.

Harvey asked what plans they had for the common areas. Brown stated they will be seeded and landscaped. Engineer stated they will have some material left over from the retention basins and they are proposing some mounding to block out Bell Road. Harvey stated that 4.06 of the Subdivision Regulations require that the plans for the development and continued maintenence of the open space be approved by the Board prior to dedication. Brown stated yes he understood.

Harvey asked the Engineer after Planning Board approves a final plat, where does it go from there? Engineer stated they then file it with the County and begin construction of the improvements. Not until Council approves it for dedication are any zoning and building permits issued. Harvey asked what the Village's responsibility is in maintaining the retention basins? Engineer stated they specifically excluded any easement incorporating any of the basin proper, limited to simply access to the control outlets and encompassing the storm sewer coming in, as required by the regulations. Daniels asked if they silt in, whose responsibility is it then? Engineer stated it is the homeowners association's responsibility. Harvey stated that the Village has the legal ability to force the clean up of a pond or basin only if it is detrimental to the roads or public welfare.

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Brown asked if they could establish the time frame for completing the improvements with respect to the performance bond. The amount of time they would like to have shown on their improvement plan application is any where from 30 to 36 months. Brown stated that due to the present economy, they may decide to hold off on immediate construction. The Engineer stated he felt there was no problem in extending the time frame to 36 months and amended the improvement plan application to show all improvemts must be completed by December 31, 1983.

John Neeley asked if there could be some method in documenting the time and fee for inspections of the Village for their development. Neeley stated what would be suitable to them is if he cannot give prior written approval, he must be advised of each disbursment, i.e. hours and rate, as it is made. Brown asked if they could be given a schedule of the fees charged. Engineer stated that could be done. The Board agreed.

Daniels asked if they were aware of the Soil and Erosion ordinance. Brown stated yes they were and they have copies.

The Board discussed the acceptance or rejection of the final plat due to the performance bond not being filed as of this date. Harvey stated that if they accept the final plat it ought to be subject to the caveat that the performance bond, which is a condition preceding the filing of the plat, be satisfied. Daniels stated as he understands it, the letter from the Solicitor takes care of this. Harvey stated all that the Solicitor's letter does is allow the Board to accept the application for filing and start the 30 day time for review. The Board discussed the filing of the performance bond at length. Harvey moved to accept the final plat upon the condition that the performance bond or suitable letter of credit be filed with the Solicitor and approved by the Solicitor by April 30, 1980 and if the performance bond or letter of credit is not filed and approved by April 30, 1980, Planning Board then rejects the final plat, Briggs 2nd. Roll call,all ayes.

Jack Brickner, Thomas and Thomas, presented the site development plans for building A of Phase I of the Manor Brook Estates development. Harvey stated that as he understands it, this is the problem that is being created by filing tonight for the site development plan approval. The code stated that once the development plan is approvaed by the Commission, the zoning permit must be issued within 60 days and if it isn't, the Commission's approval is voided. Harvey stated that within this 60 days, in order to get the zoning permit, the project must be dedicated, i.e. all improvements must be completed and approved by Council. Brickner stated what they are doing is submitting their development plans and application tonight, the earliest it would be approved is the May meeting, which would give them till the first part of July to get the zoning permit. Brickner stated the only thing that might possibily hold them up would be the utilities. Brickner stated they hope to get the road in by the middle of May. Brickner stated he would like to file this application tonight and if they run into a major problem with the timing, they will ask for an extention of the 60 days. Brickner asked if there would be a problem in extending the 60 days? Harvey stated he did not know.

Harvey questioned what had been done as far as setting up the homeowners association and getting the approval of the declarations by the Planning Board. Brickner stated that as far as what Dave Lowe has stated, the Village has no jurisdiction over them. Harvey stated that section 4.06 states the Village does. Brickner stated he has been in touch with the Solicitor's office and they have agreed that prior to recording the declarations and bylaws, Brickner would send a copy to the Solicitor for his review.

The Board reviewed the site development plan for building A of Phase I. Brickner stated the architectural concept tries to create the New England farmhouse,

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each unit will be unique. The Board discussed the plan presented. The filing date for this plan is tonights meeting, April 3, 1980. Copies were given to the Village Engineer for his review.

Charlie Briggs presented a plan for dredging one of the lakes in the Chagrin Lakes development. Briggs explained that they would be taking approximately four cubic yards and depositing it on the baseball field. The Engineer stated he saw no problem with this plan. Following a brief discussion, Harvey motioned to approve the proposed dredging of the lake's northeast corner in accordance with the preliminary plan presented, Cotesworth 2nd. Roll call, Cotesworth, Daniels, Harvey, ayes, Briggs, abstained. Motion carried.

There being no further business, meeting adjourned at 9:45 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Board
Engineer
Solicitor
Clerk of Council
Building Inspector
Wm. Jackson

RECORD OF PROCEEDINGS

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national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

RECORD OF PROCEEDINGS

Minutes of Planning Board *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held March 6, 1980 *19...*

Members present: Briggs, Daniels, Harvey, O'Donnell

Guests present: Jack Brickner, Ken Pike

Other officials: W. King, Building

Chairman Daniels called the Planning Board meeting to order with roll call, Cotesworth absent. Harvey motioned to waive the reading of the 2-7-80 minutes, Briggs 2nd. Roll call, all ayes.

Mayor Harvey introduced the two new members of the Board, Cathy O'Donnell and Charlie Briggs. Cathy O'Donnell is a newly appointed member to Council and will be Council's representative to Planning Board. Charlie Briggs will be filling in the seat of George Anderson who resigned in February.

Mayor Harvey read the letter of resignation from George Anderson.

Jack Brickner, Thomas and Thomas, came before the Board requesting a zoning amendment. The parcel of land which is being requested for rezoning is a 6.7 acre parcel of the Rickleman property. The majority of the Rickleman property is being proposed for phase III of Manorbrook Estates and is located north of the present Manorbrook project. The majority of the land proposed for phase III is zoned multifamily however the 6.7 acre portion is zoned single family. Brickner stated there is an area zoned single family which will not be part of the rezoning request and it is located up front, closer to Bell and presently has the barn on it. Brickner stated this area will not be incorporated into any future development.

Daniels asked what had been determined to be the amount of land Mr. Rickleman would need to maintain his horse barn. Brickner stated Rickleman is presently studying what his long term plans are for the barn, whether he plans to maintain it or sell it. Brickner stated some portion of the property behind the barn will be allocated to the condominium project, where the line will be has not been determined as of yet.

Daniels questioned if this area behind the barn is included in the density figures for phase III? Brickner stated no, they are not sure what portion of the area behind the barn will be included into the preliminary plans, hopefully to be submitted to the Village in a couple of months. The governing condition which will determine the number of units built will be how Rickleman decides to use the barn and the number of horses to be kept. Briggs stated it appeared to him that Rickleman is prepared to adjust his horse population or land area while Thomas and Thomas is prepared to adjuest the number of units to be built. Brickner stated that is correct and no matter what the end result, it makes sense for the 6.7 acre parcel to be zoned the same as the property on either side, which is multifamily.

Wallay King, Building Inspector, stated he was approched a week ago by an individual who was negotiating the purchase of the Rickleman property which fronts Rte. 306. King stated in their discussion, this man indicated he would like to continue the same type operation even though he will have reduced acreage. King stated this individual also indicated that he wanted to commercialize the operation. King explained as he read the code, this is not the intent, it is not zoned commercial. Daniels stated no it is not zoned commercial, however if he wants to board horses this is legal, but the minute he wants to set up a riding school it must become commercial. Daniels stated because this individual has discussed his desire to possibly make a commercial business out of the Rickleman property, it must be noted in the record that this individual can not come before the Board, after purchasing the land, and declare a hardship because of all the money invested. Mr. King informed him it was not zoned for commercial use.

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national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

Briggs asked if Mr. Rickleman owned the property which is being requested for rezoning. Brickner stated the property is now being held by a venture holding company and the land has been transferred to the name of TJR Land Company.

The Board questioned how this small piece of property, surrounded by multi-family zoning be zoned single family. Harvey stated they will have to look back into the records and it most probably will be explained.

Daniels stated as he recalled from the last meeting, the land directly east of the CEI line is suppose to be the open space. Brickner stated this was correct, all units will be built west of the CEI in Phase III.

Brickner stated last month it was determined that Planning Board did not want to hold a public hearing and it is their hope tonight to get a recommendation from Planning Board so they can then take it on to Council.

Harvey asked if in the existing preliminary application of Manorbrook Estates, is any part of the Rickleman property included? Brickner stated none of it. Brickner stated he has spoken to Dave Lowe and what they will have to do, once it is decided what area of the Rickleman property will be incorporated into the Manorbrook project, is submit phase III as an amendment to the original plan.

Briggs stated he felt the only issue to be decided upon tonight is whether Planning Board feels the rezoning request be favorably recommended to Council or unfavorably. Harvey agreed.

Following further discussion, Briggs motioned to recommend to Council that the parcel in question be rezoned from single family to multifamily, Harvey 2nd. Briggs stated he felt that there was no advantage to the Village by refusing this request.

W. King stated from his past experience he felt it was important to rezone small areas, such as the Rickleman case, whenever possible.

Roll call taken on Briggs motion, all ayes. Motion carried

W. King stated that we have a problem with the deposits on the major subdivisions. King explained we have had the situation where the Village Engineer's office has billed the Village for more money than what the developer is required to maintain in his account. King stated something must be worked out so the Engineer's office doesn't run up charges larger than what is in the developers account. Harvey stated he will speak to the Engineer.

Harvey stated there is a joint meeting for Council and Planning Board on March 15, at 9:00 A.M.

There being no further business, meeting adjourned at 9:10 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Board
Clerk of Council
Engineer
Solicitor
Building Inspector
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of Planning Board *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held February 7, 1980 *19*

Members present: Briggs, Cotesworth, Harvey, Daniels

Guests present: Ken Pike, Jack Brickner

Other officials: W. King

Chairman Daniels called the meeting to order at 8:00 P.M. Roll call taken. Anderson absent. Daniels asked for any additions or corrections to the 1-3-80 minutes. Mayor Harvey asked that it be noted he was not present during the Board's discussion with Judy Harvey. Briggs motioned to waive the reading of the minutes and approve them as amended, Cotesworth 2nd. Roll call, all ayes.

Jack Brickner, Thomas and Thomas, stated that in conjunction with their Manorbrook project, they are working on a joint venture with the property to the north, owned by Mr. Rickleman. Brickner stated this piece of property has 57 acres, 8 acres will be held on to by Rickleman for his home and barn. The remaining 49 acres will become Manorbrook Estates, phase III.

Daniels questioned whether Rickleman would need more than 8 acres with the size horse barn that is there. The Board discussed the code requirements for land when boarding horses. Brickner stated he will check with Mr. Rickleman to make sure he is aware of the requirements and let the Planning Board know what his plans are for the barn.

Harvey asked if the property had been transferred. Brickner stated it has been transferred out of Ricklemans name and put into a joint venture company. Brickner presented plans showing the Rickleman land and how they would develop it. Brickner stated their dedicated road in phase II would be extended to service the new units. All the new units would be built west of the CEI easement and the property east would remain as open space. Brickner stated one problem they have is the zoning for a strip of land in the middle of the large parcel is zoned for single family. This strip consists of 6.76 acres. Brickner stated what they would like to submit to the Planning Board is a rezoning request for this parcel from single family to multifamily. Brickner stated that all adjacent land is zoned for multifamily. Daniels question why this single strip, surounded by multifamily, be zoned single family. The Board discussed this question.

Harvey asked if this would be in conjunction with the present Manorbrook project. Brickner stated yes, it will be incorporated into the Manorbrook association, declarations and bylaws. Harvey stated he thought the Sub-division Regulations were explicit in that if there is to be any major changes it is necessary to go back to "square one", i.e. go back to the preliminary plat for the entire project. Brickner stated he understood that if he changed anything that had been previously approved he would have to go back to "square one". Brickner stated nothing of phase 1 or 2 would be changed, they are only adding a 3rd phase.

[illegible] 6.76 [illegible] strip of land. [illegible] that decision is made on that request, they would then resubmit an application for the phase 3.

The Board discussed the requirements and procedure for rezoning. Planning Board may hold a public hearing but is not required to. Council must give their comments on the request to Council and then must schedule a public meeting. Brickner stated he would prepare the rezoning forms for the next meeting and would [illegible] Planning Board was to hold a public hearing? The Planning Board felt that Council holding a public hearing would be sufficient.

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Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held *19*

[illegible] Council [illegible]

The Board discussed the procedure and requirements for a major subdivision application.

Harvey asked if when they figured the number of units allowed, did they include the CEI easement. Brickner stated yes they had. Harvey stated they will then need an opinion from the Solicitor whether the CEI property can be included when figuring the number of units.

Harvey stated one ofthe problems they are going to run into with this phase 3 is water. Brickner stated Moody & Assoc. is expanding their study which they did on phase 1 and 2 to include phase 3. This information will be submitted to the Village within a couple of weeks.

Harvey stated as he understands it, the land for phase 3 is in a joint company. Therefore the ownership of phase 3 and ownership of phases 1 and2 will be different. Brickner stated right now they are different, however eventually the units and common areas will be turned over to the association. Brickner explained the land for phase 3 has been temporarily put into a common holding company. Brickner stated there ar two different owners with a contractural agreement between them that this land is to be developed as Manorbrook, phase 3. Harvey stated there are a couple of questions which must be asked of the Solicitor; one, is this a new application and two, could it be an amendment to the old application. Daniels asked why this could not be kept as a separate entity? Harvey stated the parcel in not large enough, minimum requirement is 100 acres and he has only 49.

Brickner stated what they would submit first is a rezoning request for the 6.76 acre strip of land. Once that decision is made on that request, they would then resubmit an application for the phase 3.

The Board discussed the requirements and procedure for rezoning. Planning Board may hold a public hearing but must give their recommendation on the request to Council, who then must schedule a public meeting. Brickner stated he would prepare the rezoning forms for the next meeting and would Planning Board want to hold a public hearing? Planning Board felt that Council holding the public hearing would be sufficient.

Harvey stated that Council asked that a committee be formed to update and revise parts of the Zoning Code. Harvey stated he has asked the Solicitor to get together with the Planning Board and members of Council to discuss portions of the Code. Planning Board scheduled to meet on February 18th at 8:00 P.M. One of the sections to be discussed is the clash between the Soil Erosion ordinance and the grading ordinance.

Daniels stated Planning Board received the final plans for the shopping center at Rte. 306 and Bell Road from the Engineer's office. Planning Board conditionally approved the plan subject to the Engineer's approval, and the Engineer's office had approved these plans.

There being no further business, meeting adjourned at 9:05 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of PLANNING BOARD *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1097

Held January 3, 1980 *19*

Members present: Anderson, Briggs, Cotesworth, Daniels, Harvey

Guests present: Ruth Lever, Judy Harvey, Jack Brickner

Other Officials: Wm. Driemiller

Meeting was called to order at 8:00P.M. by Chairman Daniels. Roll call taken, all present. Harvey motioned to waive the reading of the 12-6-79 minutes, Briggs 2nd. Roll call, all ayes.

Chairman Daniels requested Jack Brickner, Thomas andThomas, to explain the variance request for Manorbrook Estates. Brickner stated the Subdivision Regulations, Section C of Appendix D state that the utilities (gas, electric, telephone) must be installed prior to the final approval by the Engineer of the development. Brickner explained since building permits are not issued until Council accepts the development following the Engineer's approval, they (T & T) feel the delay in the Engineer's approval and Council's acceptance resulting from utilities not being installed is unwarranted and presents an undue hardship on the developers. Brickner stated they have been in touch with East Ohio Gas and their policy is they don't even come onsite to install lines until the units are under construction. Brickner presented a letter from EOG to the Board stating this policy. Brickner stated the variance they are requesting tonight is for the utility installation (gas, electricity, phone) not be a condition of the Engineer approval or Council acceptance of their improvements. Brickner stated their plan for the improvements would be to complete them 100% with seeding and tree lawn, and following approval from the Engineer and Council acceptance, the utilities would then be installed.

Harvey asked the Engineer if the final approval by Council was acceptance for dedication. Engineer stated yes. Harvey stated that once the Engineer and Council have given their approval, neither the Council nor the Engineer have any real ability to make sure the utility installation is done in accordance with the regulations.

Engineer stated that he has spoken with EOG and there is a second means in which the gas lines are installed prior to construction. Engineer explained that the developer must put up "X" number of dollars based on so many feet of line being installed. Thereby, the developer takes the exposure.

Daniels asked how many units were going to be in each building? Brickner stated either4, 6, or 8. Brickner explained their plan is to build one 4 plex and then selling the rest of the units on a custom basis in order to maintain maximum flexibility. Brickner stated construction of the first unit will begin hopefully by July 1, 1980.

Danids asked rather than doing all the landscaping, then digging it up to put the utilities in and then going back and replace the landscaping, wouldn't it be better to go ahead and put the money up front and get the utilities in? Brickner stated there is still an unknowntime quantity, it could take months before they(EOG) come to install the lines, even with the money up front. The Board and Mr. Brickner discussed the timing of the utility installation and building season at length.

Harvey stated the timing of the installation of EOG will be the same whether money is posted or not, therefor he doesn't see any hardship created. Harvey stated the ordinance requiring the utility installation prior to acceptance was inacted so that when the developer came up for dedication, all requirements would be completed and the development was "ready" for construction.

Following a lengthy discussion, the Board stated that because of the Villages past experience with previous developments, the regulations must be adhered to as written. Harvey motioned to deny the request of Thomas and Thomas Development Co. for a variance, Cotesworth 2nd. Roll call, all ayes.

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Ruth Lever stated that Mr. Brickner had said their development would have some 8 unit buildings and as far as she understood, the code did not allow 8 unit buildings. Harvey stated that the definition of a multifamily unit as written in the regulations is a building with between 3 and 8 units.

Judy Harvey came before the Board requesting a permit for a home occupation. Mrs. Harvey presented a written request to the Board. Daniels asked if the Code requires a permit for a home occupation? Mrs. Harvey stated it does in Section 3.01 of the Zoning Code. Following a brief discussion, Cotesworth motioned to approve Mrs. Harvey's request for a zoning permit and waive the fee, Briggs 2nd. Roll call, ayes, Briggs, Daniels, Cotesworth; abstained, Anderson and Harvey.

There being no further business, meeting adjourned at 9:00 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Board
Clerk of Council
Solicitor
Engineer
Bldg. Inspector
Wm. Jackson