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Held DECEMBER 4, 19 86

Members present: Daniels, Cotesworth, Sutliff, Harvey, Moroney
Other officials: W. Driemiller, W. McCartney, D. Markowitz
Guests: W. & E. Sonnie, E. & M. Geraci, J. & D. Epprecht, L. & J. Haddox, J. Martin, P. McCoy, G. Frank, D. Kolar, R. Ritchner, A. Massiello, P. & D. Clark, W. Wolfson, T. Burns, C. Taylor, G. Stern, K. O'Donnell, D. Carpenter

Charlie Daniels called the public hearing for Silver Springs variance application to order at 7:30 p.m. The secretary read the public notice published in the Geauga Times Leader on November 3, 1986.

Andy Ritchner, attorney representing Dave Kolar, the developer of Silver Springs, stated he is presenting an application for a variance from the subdivision regulation that requires all the improvements including the top coat of asphalt, trees and utilities to be installed prior to the subdivision being accepted for dedication. Mr. Ritchner stated that the developer is seeking a variance from these requirements which would permit commencement of the construction of homes in the subdivision prior to Councils accepting the plat for dedication. Mr. Ritchner explained the basic reason for this, it would enable them to commence construction earlier during the winter, before some of the final aspects of the development can or even should be put in. There will be construction vehicles during the home construction that will cause wear and tear on the final top coast of asphalt. The tree lawns and trees that are required to be planted in the subdivision by the developer need to be located, such that they don't interfere with driveways and because the houses haven't been sighted on the lots, there really isn't anyone who would know precisely where the trees should be planted to minimize any damage to them in the future. The primary purpose is to proceed with construction prior to all these things being completed. Mr. Richner introduced Mr. Dave Kolar as the developer. Mr. Kolar was sworn in.

Mr. Kolar stated his company, Heritage Homes, is the developer and the builder of Silver Springs subdivision. Mr. Kolar stated the reason for the variance is a result of an agreement reached between Heritage homes and the Village of South Russell in which it was felt advisable, good construction practice, not to complete the top surface of the road and also plant the trees along the right of way prior to the substantial completion of construction in the subdivison. Mr. Kolar stated they feel this would be good construction practice and there is a precedent for this because it has been done in the Village before and it is commonly done in other cities and villages.

Mr. Kolar stated where they are right now is a result of a meeting that was held with the Village in September in which they agreed to complete the paving immediately, weather permitting, rough grade and seed the right of way for the purpose of establishing erosion controls, which they have done. They agreed not to go back in and work in the right of way of the subdivision until such time the grass was established or they had reasonable working conditions so as to create as little disturbance until the erosion controls were established. They estimated

that this would require them to stay out of the subdivision for October and November, which is what they have done, and at the same time this was discussed with the Village, it was at that point they decided it would be advisable not to install the top surface of the road and plant trees. Mr. Kolar stated it is now early December and they need, in order to accommodate the moving schedules of the people who will be living in the subdivision, to start the construction of the homes as soon as possible. Mr. Kolar stated the subdivision regulations as they are currently written in South Russell state the building permits are not granted until all improvements are in and accepted and that is not the practice of the last couple of years with other subdivision developments in South Russell. The improvements he is talking about are the top coat of asphalt, certain utilities, in this case, electric, and the planting of the trees. Mr. Kolar stated they are here to officially request that variance. Mr. Kolar stated as far as where they stand today, the Village Engineer did an inspection and generated a punch list of items that need to be completed on the improvements that are already in and they have verbally discussed the list, he will have the written list tomorrow. Mr. Kolar stated he has agreed to go in and complete the Engineer's punch list and this would be done subject to the start of any improvements and they are not requesting variances from any of the punch list items. Mr. Kolar stated the three items they are requesting a variance from are the installation of all the utilities, the gas has already been installed; second, the top running surface on the road and third, the finish grading and planting of the trees. Mr. Kolar stated to clarify one point, they are not asking for occupancy permits, the variance they are requesting is a variance only to obtain building permits to start construction. The improvements will be done, they are not asking for any occupancy permits to be issued until all the improvements, with exception of the top surface of the road and the tree planting, and that is at your discretion.

Mr. Clint Taylor, Paw Paw Lake, was sworn in. Mr. Taylor asked if both the gas and electric were installed? Mr. Kolar stated the gas is in, the electric is not. Mr. Taylor asked if they would proceed to build without electric being installed. Mr. Kolar stated they would prefer not to, they feel that is not necessary at this point. Mr. Taylor asked how they would run their equipment? Mr. Kolar stated that is easily taken care of through the use of generators. Mr. Taylor asked about the telephone lines. Mr. Kolar stated the telephone and electric all go in the same trench, the crossings under the road, which the wires are fed through, are already completed.

Kathy O'Donnell, Countryside Dr., was sworn in. Mrs. O'Donnell asked Mr. Kolar if he stated he hand seeded the rights of way? Mr. Kolar stated yes, they have not done the final seeding, when they agreed to do it in October, contrary to what is normally done, they agreed to stop any further improvement work at that time and do a rough grading and to seed and yes they have seeded. In the spring, they will be going back, to regrade and reseed.

Mrs. O'Donnell stated at her most recent visit, which was today, she observed the western side may have been seeded, there are a few blades of grass. The eastern side is totally torn up and in terrible condition, did you see that?

Mr. Kolar stated yes, there will be some pictures here a little later showing that it has been seeded and the Engineer's inspector was there. Mr. Kolar stated you have to understand during the whole process, the Village has had an inspector on the job all the time they have been working.

Mrs. O'Donnell asked when did they seed?

Mr. Kolar stated the rough seeding was done in mid October, immediately after the paving was done and some additional seeding was done three weeks ago as a result of some concerns they had about certain areas which the Village didn't feel germinated sufficiently.

Mrs. O'Donnell questioned Mr. Kolar if he is telling the Planning Commission that the eastern side is seeded?

Mr. Kolar stated yes.

Mrs. O'Donnell asked why it looks like it has not been seeded?

Mr. Kolar stated there is grass growing under the straw, there are limited areas that are rutted out but the majority of the area is seeded and there is germination.

Mrs. O'Donnell asked if it was seeded without grading?

Mr. Kolar stated it was graded as well as it could be graded at the time. It is rough grading, it is not finish grading. Mrs. O'Donnell stated all of this has caused a tremendous erosion problems.

Mr. Kolar stated he does not see any evidence of that, in fact the area you are speaking of which is low, is approximately one foot below the finished road and it is physically impossible for the water in that area to get in on the road. If you look at it closely you will see that it actually slopes away from the road at that point and is close to one foot below the crown of the curb.

Mrs. O'Donnell stated there are others she is sure who will give testimony to the fact that there has been severe erosion.

Mr. Taylor asked Mr. Kolar if he didn't see any evidence of any erosion.

Mr. Kolar stated no significant erosion and they have watched it very carefully, they monitored it all summer and what he would suggest is, if there is any erosion in the subdivision, the only way it can get down stream is through the storm sewer pipe that was established along Bell Road and they have not seen any significant transfer of soil through that pipe.

Mr. Taylor, stated he is president of the Paw Paw Lake Home Company and they spent alot of money last fall and

had their silt pond dredged. It was dredged to the point of hard clay. There is now a large bar of dirt, soil, rocks, debris, that is out of the water and he feels this is a sign of erosion.

Mr. Kolar stated yes he agreed, however the one thing he would like to point out is since the inception of this project, they were told to exercise the utmost, in terms of the erosion controls, and he would suggest if you look at all the erosion barriers along Bell Road and the property and plus the fact, until the pipe was connected up, there was no direct way, which was relatively late in the project, there was no way the water from their subdivision could even get to Bell Road, it was contained on the project, because Bell Road is higher. Mr. Kolar stated he has been down at Bell Road and Silver Creek during heavy rains and they have taken pictures which show a significant amount of silt coming down Silver Creek way before it gets to the bridge and the box culvert, where their pipe goes through. They have pictures that show very clearly, and they have produced them at Village Council meetings, which show the heavy amount of silt in Silver Creek and Silver Creek drains a large water shed area, some of which is in tillage and some which involves other subdivisions and he is not saying Paw Paw Lake doesn't have a problem, all he is saying is they are not a significant contributor to the problem. Mr. Kolar stated they have not been in a position to be that way because there was not a direct way, all summer, for their water to get down to Silver Creek.

Mr. Clint Taylor stated he would like Mr. Kolar to come to his property and see the mud running down his side yard, directly from Silver Springs subdivision.

Mr. Kolar stated he is not aware of this situation and would be more than happy to take a look at it.

Mr. Clint Taylor stated he has silt in his ditch he has dug by himself that has come directly from the subdivision, there was ponding there this summer that was draining directly into his yard, that has drained directly into Paw Paw Lake without the benefit of going through the silt pond so the control of erosion in this development has been very poor.

Mr. Kolar stated, if this is true, it is a very limited case and if it is brought to our attention, as it just has been, they will establish an erosion fence to contain it.

Mr. Taylor stated the erosion fences which Mr. Kolar has now put up , there has been some changes made today, this October when some changes were made, exchanging new bales for old bales, however the old bales were left right next to the new ones, consequently all the straw flowed right into the silt pond, the old bales were not even picked up off the ditch when changed, they were just allowed to stay there.

Mr. Kolar stated if this is true and if they created the problem they will correct the problem. If they have caused the erosion, then they will solve the problem. Mr. Kolar stated if you look at the facts and you look at

the major contributor, the major inflow to Paw Paw Lake is Silver Creek and if you look at that and you look at the progress of the work and how it went by, they did not put any significant part of that silt in Silver Creek, the pipes from the subdivision were not connected up.

Mr. Taylor stated when the pipes were laid along Bell Road, after it was laid and back filled, there were ruts after a rain two feet deep, where did that dirt go?

Mr. Kolar stated that dirt was not out of their subdivision, that is the natural course of water down Bell Road and there were ruts before they were there.

Mr. Taylor stated yes, but they were seeded and planted and there was no soil erosion coming down that ditch.

Mr. Kolar stated they did not want to install that storm sewer there, in all honestly, it was done like that at the insistance of the people in Paw Paw Lake. They can not control the flow down Bell Road itself, in other words, that ditch still drains a large area, part agricultural and part development. There is no way they can control the water which originates above their development. They have done the best they can do to try and contain that situation, but with open cut ditches, and with the grading on Bell Road you are always going to have erosion in those ditch lines and it isn't just that ditch line, it is all the ditch lines along Bell Road.

Mr. Taylor stated the storm sewer was requested by the people of Paw Paw Lake so Silver Springs could put their drainage and erosion water through their silt pond rather than directly across his property and into the Lake. Mr. Taylor stated the erosion down the south side of Bell Road has never caused ditches to be eroded two feet deep after a rain like they were during the construction of that storm sewer.

Mr. Kolar asked Mr. Taylor if he would grant him one thing, as an accommodation to Paw Paw Lake, the line was put in and excavation and construction work had to take place to dig up the ditch line to bury a significantly large pipe and as a result, the soil is disturbed and there might be some erosion as a result.

Mr. Taylor stated he will agree, however, when it went for five weeks after the ditch was completed before any seeding was done, that is what caused the erosion. Mr. Kolar stated he does not believe that is a true statement, they did not wait that long and besides, they had to wait for some compaction of the ditch line in order to do the planting. Mr. Kolar stated what you see now is not the permanent condition it will be left in, they want to be able to control that, but a certain period of time has to transpire to allow the ground and so forth to compact so when you seed, it has a chance to germinate so the final ditch line is established. Mr. Kolar stated there is no other way to do this other than the way they did it and he does not believe the manor in which they approached it was done in a haphazard manner in anyway and it could not have been any better or differently from that to reduce the erosion any less than what it is.

Mr. Taylor stated the area that supposedly has been seeded, to the immediate east of the new road is bare. Mr. Taylor stated he has attended two Council meetings to complain about the lack of enforcement of the rules and regulations and at the last meeting he understood the Village was going to require the developer to hydroseed the disturbed area. Why was this not done?

Mr. Kolar stated because of the type of grade and conditions at the time, they could get better germination and quicker by doing it by hand. Mr. Kolar stated they would have preferred to do it by hydroseed, it would have been quicker and less expensive.

Mr. Taylor stated a good example of hand seeding is the area directly west of the silting pond and it looks nothing like the hand seeding done by Silver Springs.

Mr. Kolar stated they did what they thought was the best possible job they could do at the time and in addition it was not their desire or intention to seed at that time, it was an accommodation to the Village as a result of complaints by certain individuals, they would have preferred to complete the improvements and then put the finish grade and then seed it. The Village prevailed upon them, it seemed like good advice at the time to go in and seed, to eliminate any concern as to when the seeding was done and if there would be germination, so they accelerated the process. The Village might not like the way it came up in some areas, there are also some areas where the grass is very well established, over a large portion. Mr. Kolar stated he feels his grass is growing better than alot of areas in other subdivisions.

Mr. Taylor stated he has checked with the Soil Conservation Division of Ohio Department of Natural Resources and they say the absolutely worse time for soil erosion is construction during the winter months and their reasoning is because the inspections are not as thorough as they are when it is a nice day outside. You dig up soil and it snows and it is one of the wettest times of the year. Then in the spring when everything melts, it all goes. Now if the soil barriers that they have installed up to this date have allowed a pile of dirt to accumulate and create a bar in their silt pond, what will happen when it all melts in the spring. Mr. Taylor stated this is his reason for saying that he objects on the basis of the past track record.

Mr. Kolar stated in response, Mr. Taylor insists on drawing the conclusion that the silt bar in the settling pond is a result of Silver Springs and he very strongly denies that . They have monitored it and they have not seen it and what he is asking Mr. Taylor is if he can give them proof positive that that soil is a result of erosion off of their subdivision, then he will agree with Mr. Taylor. However, they have followed it very closely, because they knew there would be objection and they see no evidence of it. What he suggests is, Paw Paw Lake is at the end of a large water shed and there is significant siltation of Silver Creek and you only need to stand down there in a moderate to heavy rain and it is very obvious. Mr. Kolar stated he also disagrees with what Mr. Taylor reported from the soil conservation people because he feels they have taken it out of context.

First, what you are dealing with in the winter is primarily frozen ground and frozen ground is not suspect to erosion simply because it is frozen. What is being referred to is construction in and around, directly in the watershed. They are talking about building approximately 100 feet back from the edge of pavement, which is outside of the area which has been disturbed by the construction already, the only thing they will have crossing that, at this point, are utility lines, which will be trenched, and a temporary drive, to drive in. They will be building primarily in wooded lots and if there is erosion off of dirt piles or around the excavation, that is going to be, by a vast majority, contained on the lot and this is based on his experience and the experience of other people in this business and you may consult the Soil and Conservation service but he can bring two or three experts who will contradict what Mr. Taylor reported. In fact, they will suggest the good time to do this type of construction is in the winter. The time when it will be most suspect to erosion is during late spring, early summer, when you have significantly heavy rain. It is generally considered that the winter time is the time you are least suspect to erosion.

Mr. Taylor asked Mr. Kolar if he said the soil bar in the silt pond is in no way his responsibility?

Mr. Kolar stated he said they were not a significant contributor to it.

Mr. Taylor asked why the Village Engineer wrote a letter to Mr. Kolar suggesting to them that they clean it out when they are finished?

Mr. Kolar stated he feels the letter was written because concerns were voiced by people of Paw Paw Lake and the Engineer felt in order to eliminate any doubt as to whether or not, and they (Heritage) have agreed to this, it was their responsibility, they will agree to remove it. Mr. Kolar stated he told the Village Engineer he truly believes they are not the significant contributor to the silt bar in Paw Paw Lake's silt pond. Mr. Kolar stated he is not admitting they are a large contributor but if the Village believes they are, he will remove the silt bar and that will eliminate any doubt.

Mr. Taylor stated he is not at liberty to divulge his source but there have been core samples taken in the silt pond. The natural amount of siltation in that area is 1/4 of an inch per year and you should see the core samples. Mr. Taylor stated he is not going to show them to anybody until it becomes necessary to show them.

Mr. Bill Phillips, 1181 Sheerbrook, was sworn in. Mr. Phillips stated he agrees with some of the statements made tonight and disagrees with others. Mr. Phillips stated he has walked miles of sewer lines being installed in Washington D. C., on highly sloped areas. The way they installed them was very straight forward, the pipe was about the same size as the one installed by Heritage. They came in, dug their trench in a day, laid the pipe in and then came in with compactors, pneumatically operated, on the back of the tractors. They compacted in place in a day and then laid their rock

over it and then paved over the top of it. Mr. Phillips stated the developer did not take that approach, you could of taken that approach. Technically, and from an engineering standpoint, you could have compacted over the storm drain and had it done in a day or two. Instead, they let it sit for a long period of time, and when he saw it sitting like that all he thought is all is needed is a heavy rain and all the mud will be in Paw Paw Lake. So there are other approaches which would have eliminated alot of the problems, one being tractors which could have compacted the storm drain in the ground and had it all over within a day. The second point, made by Mr. Kolar, Mr. Phillips stated he agreed with whole heartedly and that is, now is the time for construction. The rain levels are low and the soil is frozen. Mr. Phillips stated he owns a private lake in the Chagrin Lakes development and there was a strong sedimentation run-off in the spring that killed all the fish in his lake. Experts have re-evaluated the problem, immediately after it happened, while the dead fish were floating in the lake, and reported the cause of the problem was the clay silt that was brought up during the construction of the utilities of Kensington Green subdivision. If you delay until the spring, to install the utilities, you are delaying to a time frame of the heaviest rain and run-off period you are going to encounter. The clay siltation run-off was what killed the fish, it suffocated them, not the top soil. Mr. Phillips stated a variance is being requested where the installation of utilities will be delayed until the spring, which is absolutely the worse time because you need to dig deep and bring the clay to the surface. Mr. Phillips stated he feels if the developer waits till the spring, brings the clay to the surface, Paw Paw Lake could end up with an entire lake full of dead fish.

Mr. Kolar stated he wants to clarify something, he is not asking to delay the installation of the utilities. They have stated they are going to install the electric utilities this year when the ground is sufficiently frozen. The variance that they are requesting now, is for whatever portion of utilities are not installed. Mr. Kolar stated all the materials are at the site necessary for the installation and they have made arrangements with CEI and Western Reserve and they have indicated that it should take no more than 1 or 2 days to do the job.

Mr. Taylor asked why they are not putting in the utilities now?

Mr. Kolar stated the equipment is there but he wants to do it on the day which is the best day to do it, which will be when there is six to twelve inches of frost in the ground and two days without precipitation. Mr. Kolar stated the Village Engineer has an inspector which will be watching as the utilities are installed to be sure the ground is not disturbed anymore than absolutely necessary.

Chairman Daniels asked if the Village Engineer had any comments? Bill Driemiller, Village Engineer, stated they went out today and made a punch list inspection and has a list of items yet to be completed on the subdivision.

Mayor Harvey asked the Engineer if he had any problems

with regard to the road being installed in October, can you test it as well and see what you need to see as well now? Do you have any problems with it being put down in October, does that cause any difference? Engineer stated no, he has no problems with it, it was done at temperatures that were above the minimum requirements.

Marilyn Cotesworth stated they have two divergent opinions, one to construct during the winter and one to wait till spring. Mrs. Cotesworth asked the Village Engineer with which one does he agree?

Mr. Driemiller stated that depends on the contractor doing the work. Driemiller explained they have had problems, in fact when the gas line was put in, there was an enormous amount of disturbance that was done and basically that was because the ground conditions were as they were, and that was quite wet. Driemiller stated he suspects with a frozen surface and with tight controls, as far as where that equipment would be operated, there would be less potential for erosion now than possibly in the spring. The problem is, the only way we can protect the ground, once the trench is in, and once the cable has been laid, is with a straw mulch material, they can't rely on grass at this time of the year, whereas, in the spring you could get some more immediate results from the grass germination. Engineer stated he thought all in all, with some real tight controls with the way the equipment operated and where it went, with the ground frozen and the area heavily mulched over the trench area and the area on which the track vehicle went, there probably will be less potential for erosion than in the spring.

Mayor Harvey asked the Engineer if he was saying it is better to do it now than it is to do it in late May or early June?

Engineer stated based upon the fact that generally speaking in this area the potential for erosion is much greater in the spring than it is in the winter, he would have to say yes.

The Engineer stated the right of way is not anywhere close to the proper cross section and there is going to have to be an enormous amount of grading work done up there in the spring, that will far exceed anything done by installing utilities, so you are going to be faced by that erosion potential in the spring, whether or not the utility goes in now or not. Engineer stated frankly he would rather leave the whole mess for the winter. There is some grass established and the mulch is in place and they have right now what is starting to be a frozen cover.

Mr. Kolar stated the Engineer is contradicting himself, he is saying if it is done in the winter and the ground is frozen and mulched properly, there is less of a potential for the erosion than in the spring however, then you state nothing should be done in the winter.

Engineer stated what he is saying is, the trench work is going to be a small part of the potential of the erosion problem. There are alot of cubic yards of earth to be moved when the regrading is done.

Mr. Kolar stated this is true but a large portion that needs to be regraded, along the west right of way is in pretty decent shape. There is good grass established. If they were to be just starting the subdivision in the spring, they will not be any worse off. The paving is already established, there is no rough road cut to do, the basin and underground work is done and at a minimum you have to agree we're better off than if they were starting the subdivision in April.

Chairman Daniels asked Mr. Kolar what took so long to put the road in, what happened between when the subdivision was first started in the spring of 1986 and October of 1986?

Mr. Kolar stated they had repeated vandalism, material was stolen off the job. Mr. Kolar stated their excavator had a real rough time and if you look at the police reports, it was a real significant problem. There were many days the workmen went out to work and the equipment was disabled. There was a backhoe stolen off the subdivision and they had to stake and re-stake the subdivision because the kids with their dirt bikes went in there and tore them out and this is a significant expense they had to bear. There were a number of other things,the weather at certain parts of the summer were not ideal, constraints on the fact that it took time to get material because there is alot of development work going on, they could not always get material for labor when they needed it and the other thing, there is no question the subdivision work could have gone quicker but other subdivisions have been developed in this area, and in the general Cleveland area, that with comparable improvements that are still not done right now, that started before their subdivision and are to the level theirs is right now. It was not a fast subdivision and obviously knowing what has happened right now, if he had had his drouthers, he would have liked it to go alot faster.

Mayor Harvey asked Mr. Kolar if he had any other subdivisions going on during the summer, the same time as Silver Springs?

Mr. Kolar stated yes he did.

Mr. Taylor asked when the houses are started this winter what provisions have been made to stop the soil erosion from the excavation of the basements and footers.

Mr. Kolar stated they will implement the same erosion controls that the Village enacted and that is erosion barriers have to be established at the curb line at the front of each house and fencing as necessary.

Mr. Taylor stated Mr. Kolar will have to install at least 1/2 mile of fencing because every lot that is dug on the west side of the road will drain into somebodies yard in Paw Paw Lake. Mr. Taylor described the siltation problem he had during the past summer.

Mr. Bill Phillips stated he agreed that the installation of hay bales is an excellent method to contain siltation, however,the question is, will these hay bales actually be installed. This is a "trust me" attitude, is Mr. Kolar asking us to trust him or is he making a commitment that around every construction site he will circle it with hay bales, maintain the hay bales, and do a real hard job to control run-off or is he going to leave it to the Village and Bill Driemiller to monitor and make sure Mr. Kolar does what he says he is going do.

Mr. Kolar stated yes they will do what they say they will do, it is not necessary to circle every lot, but there are areas that are easily identified, where there will be runoff from the lot. Yes they will be controlled by whatever is required. Mr. Kolar stated to Mr. Taylor, he would encourage any adjoining property owner to view what they are doing, come on to the property and if there is any problem, they will have ready access to them and they will deal with it to the residents satisfaction.

Mr. Sutliff asked the Engineer where he feels the silt, that has formed in the silt pond, has come from.

Mr. Driemiller stated that he would suspect the area that was disturbed by Silver Springs Subdivision represents maybe one-quarter of one percent of the water shed that, practically speaking, most of it was generated up stream. Driemiller stated he doesn't think he could designate how much silt was from Silver Springs although he tends to believe that it is not a significant amount. Sutliff asked Driemiller, in other words, he feels the impact was minimal on Paw Paw Lake.

Driemiller stated yes, however, he feels there was some impact and therefore he has requested the developer to remove the silt bar in question.

Mr. Kolar stated he agrees with Mr. Driemiller and that is why they have agreed to remove it.

Mr. Kolar stated the purpose, first of all, for requesting this variance is not primarily a problem for us as a developer. There are many people who have had to make plans for living arrangements prior to being able to move into the subdivision. If the variance is not granted, it is not going to be a particular inconvenience to them as a developer, however, they have commitments in terms of delivering these houses to those individuals who are sitting in the audience and these people will be future residents of South Russell and they have rights too.

Dale Markowitz asked Mr. Kolar if he has any houses under construction in South Russell right now.

Kolar stated no, however, they do have a model home in Kensington Green and have plans to build more, but nothing is currently under construction.

Markowitz stated he was curious if when they were constructing the model home if there were any erosion problems that they had to deal with.

Mr. Kolar stated there were the erosion controls that they were required to put in and these were enacted about the time they started the model home and as far as he knows they complied with them without any problem.

Markowitz asked Mr. Kolar if he needed to put up straw bales and fences.

Mr. Kolar stated yes, a portion of the lot had to be strawed.

Markowitz asked if these controls were controls John Neely asked to be put in or were these based on the grade plan review of the Village Engineer.

Mr. Kolar stated he would say they were requested by John Neely and he believes they were in response to discussions and so forth that they had with the Village Engineer.

Markowitz asked if Mr. Kolar remembered going through a grade plan review and did that grade plan review require any of the bales, etc. we have been talking about.

Mr. Kolar stated yes they did go through a grade plan review and he believes there were notations made on other drawings as to areas which had to be dealt with in terms of erosion controls and had to be put in commensurate with the start of construction.

Markowitz stated at the time that the subdivision was approved and the improvement plans were approved by the Engineer, Mr. Kolar gave the Village a performance bond and it required the completion of the improvements by a specific date. Mr. Markowitz asked if Mr. Kolar would agree that the improvements were not completed by the date called for in the performance bond.

Kolar stated yes, however, there was some delay in originally getting the bonds put in place in an acceptable format and that took a period of time prior to that date for completion was establish prior to the lapse of that month or month and a half that that took. Now, Mr. Kolar stated, subsequent to that time, when we did start construction, he had a conversation with Mr. Markowitz that he thinks this should be extended. In fact, when he returned the bond form to Mr. Markowitz, he had updated it to the date six months commencing from that time. It was returned to him saying, this has to be approved by the Engineer and it is his decision. Mr. Kolar stated at that time he was told he should request an extension from the Engineer and he requested it verbally, not in writing, and that is an error on his part, and he has every reason to believe that had they done that, it would have been extended for a longer period of time.

Markowitz asked Mr. Kolar if he didn't think the original date was set because of the very problem we are dealing with, that he wanted the improvements in prior to the bad weather setting in.

Kolar stated the Engineer will have to clarify that, however,it is his belief it is a specific number of months from the time construction started.

Markowitz asked when Mr. Kolar signed the agreement, when we submitted the letters of credit and the performance bond, had you agreed to that date?

Kolar stated they had agreed to that date, but you have to admit that that date is significantly shorter than comparable performance bonds in other subdivisions in South Russell.

Markowitz stated assume they would have completed it by the date of September 1, obviously you would not have to be here on a variance request.

Kolar stated not true, the variance is a separate issue, it is about the top surface of the road and planting of the trees, and they are in agreement, they think that should be done after the substantial part of construction is done.

Markowitz stated they have a punch list with 16 items on it, some of which are not dealing with the land itself, and Mr. Kolar is asking for more of a variance than the other variances he states have been granted in South Russell. Markowitz stated Mr. Kolar is asking that they be allowed to proceed before the finish grade in the right of way is done, before the surface coat to the road is done, before the trees are put in.

Mr. Kolar stated they are not asking for a variance from the punch list items.

Mr. Markowitz asked Mr. Kolar if he is granted the variance, he wants the Commission to say that he will complete the items on the punch list, other than ones just specified, before the permits are issued.

Mr.Kolar stated yes.

Mr. Markowitz asked Mr. Kolar if he would agree that occupancy permits should not issue until such time as everything is done.

Mr. Kolar stated yes except for the top surface in the road and the trees. Kolar stated if the Village changes their mind and wants them to go ahead in the spring and put the top coat on and plant all the trees, they will do that.

Mr. Markowitz asked Mr. Kolar if he would agree with him that the other variances that were granted were different from his, the others had everything done except the surface coat and the trees at the time the variance was requested.

Mr.Kolar stated he can't speak for that.

Markowitz asked if Mr. Kolar knew the specifics on which the other variances were granted?

Mr. Kolar stated not entirely, no

Markowitz asked as far as Kensington Green and Emerald Lakes, to Mr. Kolar's knowledge, neither of those were granted variances prior to the finish grade being done

and before the utilities were in.

Mr. Kolar stated he can't specifically say, he has no knowledge.

Mayor Harvey stated Mr.Kolar spoke of an agreement with the Village, of what
agreement is he speaking?

Mr. Kolar stated the agreement is the meeting they had in September in which yourself, the Engineer, the inspector, himself, their attorney and the excavator met because of the concerns that were being voiced, by individuals in the community, that they wanted rough grading and seeding established for purposes of erosion control as soon as possible. The difference between what they asked for, an additional two weeks, the utilities and other improvements would have been done, but they felt if this was a real concern, what they will do is finish the paving because at that point they were waiting to pave, the road was ready to pave, it had not rained for several days. They stated they were going to hold off the rough grading and seeding, waiting for the electric utilities to be installed, but they agreed to go in and as soon as the paving was done, they will rough grade and seed and then stay out, at the request of the Village, until the grass is established or until they get reasonable conditions, frozen ground. This is what was agreed to, a verbal understanding and discussed at that meeting.

Mayor Harvey stated wasn't the reason for the meeting, that in approximately four days the performance bond ended and if the grading and seeding wasn't done the Village said they would use the letter of credit to go in and do it.

Mr. Kolar stated yes, this is what triggered the meeting, but the meeting covered a wide variety of topics and the reason the Village was so intent on accelerating the performance bond, for whatever reason, the Village didn't feel they were preceding in good faith and trying to get the seeding done and they came to the meeting to tell the Village that that was not the case, they were proceeding as best as they possibly could, they asked for input from all the people involved and as a concession they said fine, if this is what your real concerns are, then we'll show good faith by changing the normal course of the way they would do the improvements, which would be most economical and expeditious for them, and they will go in and grade it twice and seed it twice and that is what they are committed to do and hold off on the other things and now do them in the winter which is a better time to do them. Mr. Kolar stated if they had gone ahead with these things, they could have been physically in a position to start houses in December. As an accommodation to the Village, they have moved their whole program back, they are trying to work with everyone, but they have certain rights too and they have to be addressed. They are conducting a business, they are building houses for people who have a right to be there and buy those houses. It can't be all one side, it has to be a give and take.

Mayor Harvey asked what brought about the hand seeding of the low areas.

Mr. Kolar stated what brought that about was the gas company, without notifying them, contracted with an excavator to go in and run the gas line. Mr. Kolar stated he did not know the gas lines were run until Bill Driemiller called and asked what was going on. Mr. Kolar stated he can honestly say he did not know they were coming in to do it and had no control. Mr. Kolar stated they had notified the utilities that they were not going ahead and were delaying and waiting. Kolar stated he was not a party to that, no one consulted him and he did not know the gas lines were being installed until they were already in and that is when they tore up the east side of the road. He wished it had not been done but it was an independent contractor and they did not have any control over what they did. Had they asked them, they would have told them positively to stay out. Kolar stated he had not even signed the contract for them to do the work.

Mr. Clint Taylor stated, speaking for the people of Paw Paw Lake, it is not their intent to try and stop this development but what they want is the development to be put in without any abnormal amount of siltation flowing into their lake. They only want the rules and regulations of the Village enforced now, so we don't have any more problem and Paw Paw Lake suffers.

Mr. Kolar stated he agreed with what Mr. Taylor said, he wants to be a good neighbor, they have taken extreme measures to try and control siltation, it is not perfect but they have done as good as they can possibly do, the majority of the earth work is done but they are going to continue to monitor it and they want to cooperate with the Village residents.

Anita Vitas was sworn in and stated she is the sales representative for Heritage Homes. Mrs. Vitas stated there are a possible nineteen homes to start, there are a number sold now and if the developer is made to wait till spring every one of the homes will be started at the same time and there will be more of a problem with run off than if part could start now and the rest in the spring. Many of these people who have bought in Silver Springs are in a situation where their homes are sold and are in uncomfortable rental situation.

Mr. Markowitz asked Mrs. Vitas when these people were negotiating with Heritage Homes to build a home, were they advised that the subdivision was not yet approved for building permits.

Mrs. Vitas stated she was told the subdivision would be started, preceding with things as they should be, in December and January.

Markowitz asked who told you that?

Mrs. Vitas stated her manager, Dave Kolar.

Nancy Snell, Lodi, Oh, was sworn in. Mrs. Snell stated they have bought a lot and she is very glad to hear the concerns of South Russell and she will make a point to make sure she knows what is happening and the Village concerns are now their concerns.

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Alex Machello, 424 Richmond Road, was sworn in, stated his current home is sold and must move out by June. Mr. Machello stated if he is held up building it will cause a lot of problems.

Mr. Markowitz asked what was his understanding when he signed a contract as to when the permits would be issued for building.

Mr. Machello stated they said building would start December or probably January.Markowitz stated he is sure the question will probably come up and he may as well tell the Village'a position, because he was at the meeting with Mr. Kolar and he reviewed his notes. At the meeting with Mr. Kolar, they did not indicate to him he could get a variance granted to allow the building of homes, they made Mr. Kolar aware that the variance procedure was available but they did not tell the developer that the variance would be granted. What the developer already knew was that a variance had been granted to Kensington Green to build homes before the surface coat was on and before the trees were planted. Mr. Markowitz stated the Village took the position in that subdivision that the surface coat of the road should not be put on because there was construction traffic going in and out and you had more than one street of a subdivision being built at the time. Markowitz stated the purpose of the meeting was to tell Mr. Kolar that we were going to declare a default in his performance bond, which in fact we have done, but that we were not going to call in his letter of credit at the time because we were trying to work with him to get the improvements in because our concern was not to get money to finish they improvements ourselves, but to get him to get it done to avoid any further problems for either his subdivision, Paw Paw Lake, or any other property owner of the Village. Markowitz stated we think we got their attention when we declared a default and we got some work done. This is essentially what happened between the Village and Mr. Kolar.

Mr. Kolar stated he would like to expand on that by saying subsequent to that time as a result of that meeting, it was suggested to them that they, because of the subdivision things they were talking about, or just those things that were in question at the time, as to whether or not they were going to be completed, you recommended to us that they go to the Planning Commission and request an extension of the time on the bond and also as a result of the Planning Commission meeting, that they request a variance and it was made to sound very routine.

Mayor Harvey stated the Planning Commission did not give any indication of whether the variance would or would not be granted. All they said was, here is the procedure that had been done before. Harvey explained if you look back at the variances granted Emerald Lakes and Kensington Green, these were slightly different than what is being requested tonight and not quite as broad. . Markowitz stated the question he has in his mind, there are a number of people at this meeting who are going to be residents in the Village and they are the ones suffering the hardship, not the developer. Had these people been told that a variance had to be granted before you have the right to build, I wonder how many would have

signed the contract and avoided the hardship. The Village is being put on the spot where they have to decide if they can try and alleviate the problem that these people have and yet not create a greater problem for the people in the Village, they have a balancing act.

Mr. Kolar stated he feels this is a legitimate concern, but in his own defense he does not think it is fair to put him on the spot and say he is at personal fault because he has had numerous conversations from the time the subdivision was approved until now and he can only deal in good faith on the basis of the representation that has been made to him by numerous people in the Village. They have only had two letters sent to them regarding this subdivision, the first one dealing with the default time and they immediately contacted the Solictor and the Engineer and discussed the situation. Mr. Kolar stated he has to deal in good faith because there has been very little by way of written correspondence between the Village and Heritage Homes.

John Alexander, Maple Springs, was sworn in and asked when the developers performance bond was cancelled.

Markowitz stated the letter was dated September 9, 1986, and it declared a default in the bond. The developer was aware prior to September 1, 1986, that the Village could declare a default and probably would because of a prior communication in late August.

Mr. Kolar stated the default date was September 1, 1986, and they were notified after the fact and the prior notice given to them that there was a problem, they didn't feel the speed of the development was going well, was relatively few days before the default date.

Mr. Alexander asked when most of the homes sold.

Mr. Kolar stated that they have been sold primarily since mid October. Mr. Kolar stated to the best of his knowledge the problem of the default on the bond has been resolved.

Mr. Markowitz stated the default on the bond was a failure to complete all improvements in accordance with the improvement plan which are still not done. Markowitz stated they have till March 1987 to call the letter of credit but the Village has not done so because they are trying to continue to work with the developer.

Mr. Ritchner stated he wants to point out that following the meeting, work on the development proceeded as fast as it possibly could have. If the Village had taken over the project and had all the money in the world, the work that was done could not have been done any quicker and the bond, the funds available to complete the subdivision if they don't, is still available to the Village and will be until March and based upon what happens with the variance, the developer is going to have to have it extended.

Mr. Wallace Sonnie, Riverview Drive in Bainbridge, was sworn in and stated he has purchased a house to be built in Silver Springs and stated as he understands it, the Engineers punch list can be accomplished in one to two

days, weather permitting. If the variance is granted, when would the occupancy permits be issued?

Mayor Harvey stated assuming the punch list was completed and the variance granted, building and zoning permits could then be issued. However, no occupancy will be issued until all the improvements are in, inspected and accepted for dedication.

Markowitz stated he wants everyone present to know, when improvements are done, the developer still has to come back to the Village and get dedication and that requires an ordinance, it requires the submission of a maintenance bond, a security for the maintenance bond and action by the Village Council to approve it. Markowitz stated if the road is finished in April, you could have acceptance of dedication done at the end of May.

Mayor stated the one other thing still needed is some form of performance bond, all the Village has is a string on a letter of credit. Markowitz stated the developer also needs to present the final plat for approval prior to any construction begun. Mayor stated if the variance was approved, the final plat presented and approved and the performance bond extended, the earliest that the building permit could be issued would be mid-January, and that is at the earliest.

Mr. Sutliff asked how many homes are they wanting to break ground for right now?

Kolar stated about 8 to 10, 3 on the east side and 7 on the west.

Public hearing was adjourned at 9:20 P.M.

The regular meeting was called to order at 9:30 p.m. by Chairman Daniels. Roll call, all members were present.

Chairman Daniels asked the Commission members to give their feelings regarding the variance request.

Bud Moroney stated at the December 11th Council meeting, the Council made a motion to recommend to Planning Commission that the variance be denied. Mr. Moroney stated he feels if the Village allows the building at this time, we are just not going to be able to control the run-off.

Mayor Harvey stated we have clearly granted before a variance relative to the final coat and the trees and in his mind if all other things were equal, he would see no reason not to grant a similar variance to this party. The problem the developer has is grading and digging in the middle of winter, it may very well be a fine time to do it and it may mean in the middle of winter you are not going to have run-off and you are not going to have soil erosion but the spring will come and you get rain,, the snow melts and you've got a very precarious position because of the lack of ground cover there and he would vote no on the variance.

Sutliff stated he is not convinced that the right thing to do is see 19 homes all started in the spring, all at

the same time. Sutliff asked the Engineer if he had any strong feelings, is now a good time to dig eight basements, once the ground is frozen, as oppose to 15 basements started in the spring.

Driemiller stated his main concern is the spring, the excavation for the houses and the enormous amount of grading that has yet to be done within the right of way and he definitely does not want any grading to be done right now. There is going to have to be extreme care undertaken in the spring to insure the sediments are controlled when the grading operation is done. As far as the houses are concerned, the Village is going to be faced with the same situation in Kensington Green. Kensington Green was hydroseeded not too long ago and their grass doesn't look any better or worse than Silver Springs. Engineer stated staggering the housing starts makes sense to him. The fact that some of it is done in the winter time with frozen subgrade also will contribute less potential sediment than it would in the spring condition.

Mayor asks what happens in the spring when you have got additional disturbed ground?

Engineer stated the Village is in the process of evoking some erosion control measures now, by way of ordinance, with time restrictions which will insist upon seeding within specific periods of time.

Commission discussed the pros and cons of starting construction in the winter versus the spring.

Mr. Sutliff stated he feels if alot of the work done while the ground is frozen, in the long run, it might be better for Paw Paw Lake. Mr. Sutliff stated he would suggest to the Commission they consider allowing only 8 homes to be started in the winter, no more, to stager the season.

Mrs. Cotesworth stated she can't get a clear reading on what way is the best for the Village and residents. She feels in the spring it is going to be a mess. How much more of a mess will be created if all 19 homes are started versus 8, is not defined. She wishes she could get a yes or no on which is the better way to go. Cotesworth stated the delay is not the fault of the Village, it is the fault of the developer. Cotesworth stated she thought the Engineer stated he would prefer that the land not be disturbed at all and left until spring, is this correct?

Engineer stated he just sees the amount of turmoil that is going to be created in the spring when they go to correct the deficiencies in the right of way and whether further accented by the little bit of trenching for the utilities, it is kind of immaterial.

Daniels stated he thinks the responsibility of the Commission is to try and figure out what is best for the community overall. Number one, you have to protect the people in Paw Paw Lake and number two, the people who have purchased lots, they have the right to try and get something done too. Daniels stated what he is suggesting, if the remaining utilities, which is only the

electrical ditching, are completed and the punch list is taken care of, and the plot plans and architectural approval are given, the earliest anyone could break ground is the end of January and if it is ever going to freeze, it will be frozen and this will work well with the time schedule of keeping the environmental impact down to a minimum. Whereas, if we sit and wait and say no you can't do it, then all this will be done in the spring and he thinks that will be worse for Paw Paw Lake than it ever was.

Sutliff asked the Engineer if he agreed with Mr. Daniels?

Engineer stated he could see a case for that, yes.

Markowitz stated what we are talking about is cutting the driveways, cutting holes for foundations and then putting up houses. His question is, under the current grade plan review process, can the Village put in the type of controls that Dave Kolar was talking about, straw bales, fences, etc.

Engineer stated the way it is set up, measures are shown on the grade plans before they are approved, then turned over to the building department and the Building Inspector does make an inspection of them at the time of the foundation check to insure that it is in place and functioning. Mr. McCartney, Building Inspector, stated he has the authority to shut the job down if it was not inplace.

Commission discussed the formulation of a motion approving the variance with several contingencies. Harvey stated he feels the Village is asking for trouble if the variance is granted as proposed. Harvey stated he feels opening up the ground in the middle of winter is asking for more run-off than can be handled. Mr. Daniels stated he did not agree.

Driemiller stated the Village has never approved a variance other than for paving and landscaping, which we feel there is engineering benefits, and the fact that the road is not to the proper cross section, far from even an acceptable rough grade, we have not in the past accepted a subdivision under that condition.

There being no further discussion, Sutliff moved to deny the variance, Cotesworth seconded. Roll call, ayes, Cotesworth, Harvey, Moroney; nays, Sutliff and Daniels.

Daniels asked Markowitz what now?

Markowitz stated they have to deal with the developer on the letter of credit, maintenance bond and what can be done in the interim to get the improvements finished in the subdivision. The developer will have to complete everything that is in the improvement plans and do so at a time when acceptable to the Engineer. Markowitz stated he can't say Mr. Kolar can go ahead and finish his punch list over the winter time, he doesn't think the Engineer would approve of a surface coat being put on in the winter. So we are talking about coming back in the spring or alternatively they finish those things on the punch list and then come back and ask for another variance and they would be entitled to ask because the circumstances would be different.

Sutliff stated what Markowitz is saying is if Mr. Kolar took care of all the other items except the final coat of asphalt and the tree planting and he would come back and strictly apply for a variance for the finish coat of asphalt and the landscaping, then he thinks the Planning Commission has made its position quite clear.

Daniels ask the Commission what they would feel about modifying the motion to approve granting a variance for just the final coat of asphalt and planting of the trees if every other item has been taken care of.

Markowitz stated what you would be saying is go out there and do the final grade, disturbing all that ground under seed.

Harvey stated he agreed and that is why he voted no.

Markowitz stated the last thing he will mention is we need to sit down with the developer and resolve the performance bond and letter of credit and they also need to get the final plat in.

Mr. Kolar stated he is confused about what exactly the Village wants them to do.
Mr. Markowitz stated he can meet with the developer and provide him all the answers he needs by talking to him on the phone or in person.

Mr. Kolar stated he wanted everything in writing and then they will respond.

Mayor Harvey moved to waive the reading of the November minutes and approve them as recorded, Moroney 2nd. Roll call, all ayes.

Mr. Warren Wolfson, Care Services, stated he is before the Planning Commission tonight to bring them up to date with respect to their proposed development. Mr. Wolfson stated they are in the final stages of the feasibility study regarding the services that will be provided at their residence for the frail elderly. They have contracted with a construction company. They offered to

form an over site and community participation committee so that they can avoid situations like this evening. They hope to have their first meeting with interested citizens in January. Mr. Wolfson stated they have their package in the hands of the investment bankers and with luck, they will be moving forward hopefully in the spring.

Marc Block, resident in Chagrin Lakes, stated he would like to request the Planning Commission to conduct some baseline studies on some of the lakes in the area that may end up with some problem due to this development. Commission discussed this proposal and the Solicitor stated he would look to see if the Village has the legal right to spend money on such a project. Mayor stated this would be presented to Council at the first meeting in January.

Mr. Phillips stated he would like to request that Mr. Wolfson put in a small lake at the entrance to the culvert going under Rte. 306. This lake would be two purpose, a lovely site for geese, etc, that the residents of the facility could enjoy and second, a superb sedimentation control pond, so during the course of construction, the sedimentation stays on Mr. Wolfson's property and doesn't flow into Chagrin Lakes.

Mr. Wolfson stated what Mr. Phillips is talking about is just the reason why he is very interested in getting community involvement. Mr. Wolfson stated he wants to be a good neighbor.

Markowitz stated that he wants to point out the zoning code does not allow a pond in front yards as a permitted use.

Mr. Wolfson stated they will address that when they reach that point.

Commission thanked Mr. Wolfson for coming.

Mr. Tom Burns came before the Planning Commission to request a minor lot split.

Markowitz explained the Chagrin Galleries and the warehouse are on one lot and Mr. Burns and Mr. Gottschalk want to split the land into two parcels of land, each lot would be one acre. Markowitz stated he and Sam Pearlman have been working on an easement between the Galleries and the Brass Shop, which was needed because of the insufficient side yard set back. Markowitz explained at the time we were working this out, Pearlman advised him they were going to split the back lot off. So, they came up with an easement which RTB Geauga LTD will have with RTB Properties LTD, which will be filed prior to the time that the lot split will occur. The significance of that is that the easement is going to provide that no other new building can occur on either of those lots and when the new deed is file, we must have a restriction in the deed which would prohibit the warehouse lot, after it is split off, from having no additional building because all the density was needed for all three of the parcels in order to get where we are now, and then some. The easements also provide for the shared use of the common areas, parking, sidewalk, ingress, egress, things of this

nature. The only thing that wasn't covered, which can be done, is an easement from the front parcel to the warehouse in back and they can put that in the deed and that conveys out.

Commission reviewed the plat presented by Mr. Burns. Mr. Markowitz stated the cross easements will relate to the Brass Shop and The Chagrin Galleries for shared common areas, the easement for access will relate to the warehouse and the Galleries and the restrictions for future building will relate to all three parcels. The easements are set up so that no modification can occur without the consent of the Village.

Mr. Markowitz stated what Mr. Burns must do is make application for a minor subdivision and prepare a plat. Their problem is they need to do this before the end of the year so they can get the warehouse in a new entity, so they can get the 19 year depreciation under the tax code. Commission discussed the proposed plan. Following a lengthy discussion, Harvey moved to accept the lot split subject to the Solicitor being satisfied relative to the cross easements and limitations on rights of use and subject to the Engineer being satisfied on the final plat requirements and contingent upon getting the fee filed, Sutliff seconded. Roll call, all ayes.

Mayor presented a letter written 11/24/86 by the fire prevention officer to the building inspector regarding the Galleries building and missing ceiling tiles in Ski Town. Mayor stated the fire prevention officer has notified the Village that this is a violation of the fire code and he does not want to be in a position of being told it is a violation of the fire code and something happens and the Village has liability.

Mr. Burns explained they have a problem with the roof which has not been resolved and until they can stop the leaks they have removed the ceiling tiles
Mayor stated they must get this situation resolved so the fire prevention officer can sign off on it. Burns and Mr. McCartney agreed to meet at the Galleries building and resolve this situation.

Mayor stated they have a second letter from the fire prevention officer regarding the warehouse, stating that there are people in the warehouse without an occupancy permit. Mayor stated he thought he had worked out with Ed Gottschalk that this would not happen again. Mr. Burns stated the building has been inspected.

Mr. McCartney stated he has not done any final inspections and no occupancy permits can be issued until a final inspection has been completed and approved. McCartney presented his inspection reports for units 2, 3, & 9 and explained what exactly needs to be completed and there are occupants in unit #9.

Mayor stated the Village has had to previously evict occupants and because of that situation, worked a deal with Ed Gottschalk that nobody would move in until the final occupancy permit for the unit to be moved into was obtained. This was the understanding the entire Village was operating under. However, now we have found out that there are more units occupied which is flat out against

what the Village was told would be done. Mr. Burns stated he was not aware of this agreement. Commission discussed at great length the situation of the warehouse occupancies and final inspections.

Mayor stated as mayor, he is asking the Building Inspector to go to the warehouse, if any units don't meet the Code and they are occupied, serve the eviction notices tomorrow.

Commission, Building Inspector and Mr. Burns discussed at length the situation of continually having to serve violations and eviction notices because tenants are moving in prior to the issuance of occupancy permits. Burns assured the Commission that they have the system down now of getting the inspections and permits and he feels there should not be any further problem.

Dave Ondrey presented the final draft of the revised Zoning Code and asked the Commission to review and be ready to hopefully recommend it to Council at the next Planning Commission meeting.

Markowitz reminded the Commission that Council is having a joint meeting with Eckstein on December 15th and asked the Planning Commission to please attend to hear his presentation of the most current water study.

There being no further business, meeting adjourned at 12:15A.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Building Inspector
Clerk of Council
Engineer
Solicitor
ABR
ZBA

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

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

Held October 2, 1986 *19*

Members present: Cotesworth, Harvey, Daniels, Moroney
Other officials: D. Ondrey, W. Driemiller, W. McCartney
Guests: Paul McParland, Tom Burns, S. Circerreto

Meeting was called to order at 8:00 P.M. by Chairman Daniels. Roll call, Sutliff absent.

Following the correction of several typographical errors, Harvey moved to approve the September minutes as recorded, Cotesworth 2nd. Roll call, all ayes.

Paul McParland, attorney for John Neely of Construction Development, presented a revised plat of phase II of the Kensington Green subdivision. Mr. McParland explained there was a survey error when the development was originally platted which left out a small strip of land along the southern edge of lots 34 through 44. Mr. McParland stated they are submitting the revised plat to the Planning Commission and they then will petition the court to amend the plat. Planning Commission reviewed the plat and asked the Village Engineer to review it and give his recommendation at their next meeting.

Tom Burns presented development review application for the Brass Shoppe, 512 E. Washington St. Commission reviewed the application and the site and floor plan of the building. The first floor consists of Brass Shoppe and an empty area not leased. The second floor consists of the offices of MKT, Inc., Lake Forest Construction, Prime Time Advertising and storage of the Brass Shoppe. Commission discussed exits and exit signs for the second floor.

Commission reviewed the site plan of the Brass Shoppe, along with the site plan of the Galleries building. Commission questioned whether there was sufficient parking for these buildings when taking into consideration all the different uses and parking requirements.

Following a lengthy discussion, Commission agreed that they must review the plat of the warehouse, now under construction behind the Galleries building, to be sure there is sufficient parking for all three buildings, the warehouse, the Galleries and the Brass Shoppe. Commission asked the Engineer to review the same and report back at the next meeting. Commission asked the Secretary to review the past minutes of the Planning Commission and Zoning Board of Appeals and make copies of those which would pertain to any developing done by Mr. Burns. Due to the requirement that the Planning Commission must take action on this application within 30 days, Commission agreed to hold their next meeting on Thursday, October 30, at 8:00 P.M.

Mr. Burns presented the development review applications for three tenants in the Galleries building; Milner Wallpaper, Petals and Valley Parsons. Commission reviewed the applications and the plan showing these businesses. Mr. McCartney, Building Inspector, stated he has inspected these areas and given his approval. Following lengthy discussion, the Commission stated the Quilt Works, already doing business, has not yet received development review approval and an application must be filed. Mr. Burns completed an application for the Quilt Works and stated he would submit the application fee the next day. Mr. Mc Cartney stated the Quilt Works has been inspected and he has given his approval. There being no further discussion, Moroney moved to approve the development review application of Milner Wallpaper, Petals and Valley Parsons, Cotesworth 2nd. Roll call, all ayes.

Cotesworth moved to approve the development review application of the Quilt Works contingent upon the $250.00 fee being paid by Mr. Burns, Moroney 2nd. Roll call, all ayes.

Dave Kolar, Heritage Homes, came before the Planning Commission regarding the Silver Springs development. Mr. Kolar stated he is before the Planning Commission to request three items. First that the performance bond and letter of credit be extended to November 1, 1986. Second, that they be

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

granted a variance which would allow the issuance of building and zoning permits prior to the completion of improvements, final coat of asphalt and landscaping. Third, after 11-1-86, the bond be reduced to an amount equivalent to what is left to be completed in the development.

Mayor stated he and the Engineer met with Mr. Kolar about the lack of paving in Silver Springs and the problems it has caused with run-off. Mayor stated the performance bond came due September 1, 1986 and the Village is now in the position where they could call on the letter of credit and complete the paving. Mayor stated the Village does not want to get into the paving business and they are now on a day to day basis with the Kolars in hopes that the paving will be done as soon as we get a couple of dry days.

Mr. Ondrey stated that Council is the body which grants extensions of the performance bond, however the Planning Commission could make a recommendation. As far as the variance request, Mr. Kolar must file an application and a proper fee and the Planning Commission must hold a Public Hearing.

Commission discussed the public hearing date and agreed if the application is filed, that they would hold the public hearing on December 4, 1986 at 7:30 P.M.

Commission discussed the extention of the performance bond and agreed they were not in a position to make any recommendation.

Mr. Moroney asked what had occured regarding Mr. Steel's landscaping plan and his neighbor. Secretary reported Mr. Steele called and stated he had developed a landscape plan and his neighbor, Mrs. Diamond, had approved. Commission asked the Secretary to get a copy of the plan with Mrs. Diamond's signature.

The subject of the conditional use permit granted the Western Reserve YMCA was discussed. Commission felt the three year permit was probably expired and asked the Secretary to check and if so, notify the YMCA.

Commission asked Mr. Ondrey to check and find out if there is a statute of limitations regarding the conditional approval granted for the proposed office campus project proposed by Tom Burns. Commission explained the development review was approved contingent upon getting a drainage easement and they want to know if that conditional approval is indefinite or if there is a time limit.

There being no further business, meeting adjourned at 10:45 P.M.

Charles M. Daniels, Jr. Cathy Male

Charles M. Daniels, Chairman — Cathy Male, Secretary

xc: P/C
Council
Clerk of Council
Bldg. Dept.
Engineer
Solicitor
ABR
ZBA

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING Meeting

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

Held October 30, 1986 19

Members present: Sutliff, Cotesworth, Harvey, Daniels
Other officials: W. Driemiller, W. McCartney, D. Markowitz
Guests: R. Pintar, O. Diamond, G. See, S. Circerretto, T. Burns, J. Steel, B. Famageltto, B. Christian, J. Neely

Meeting was called to order at 8:00 P.M. by Chairman Daniels. Roll call, Moroney was absent.

There being no additions or corrections to the October 2, 1986 minutes, Harvey moved to approve them as recorded, Cotesworth 2nd. Roll call, all ayes.

Gary See, Board Chairman of the Western Reserve YMCA, stated he is before the Planning Commission to inform them exactly what they are doing at the Gurney Building. Mr. See explained they are leasing the building from the Chagrin Falls Board of Education and using it to hold receational and educational classes. Mr. See presented pamphlets explaining all the programs offered. In addition to their own programs, they have sub-leased space to other entities that are not part of the YMCA which include the ABC Day Care Center, the Creative Learning day care, Mrs. Shakely Suzuki music classes and the Royal Scottish dancers. Markowitz stated the Planning Commission granted the YMCA a conditional use permit three years ago and this permit expired in August of 1986. Therefore they must again apply for a conditional use permit and any group that is sub-leasing space from the YMCA and is a separate entity must apply for a separate Conditional Use permit.

Commission asked the Secretary to send the proper applications to the Gurney YMCA.

Mr. John Neely, Kensington Green, came before the Planning Commission requesting approval of the resubdivision of four lots of phase II. Mr. Neely stated there was a mistake made along the southern border of the development. in the original survey. Mr. Neely stated there was a strip of land left out and the revised plat now includes this strip of land. Bill Driemiller stated he has reviewed plat and he has no objections and the only item that needs to be included is the signed certification of the surveyor. Following brief discussion, Cotesworth moved to approve the amendment to the plat of phase II subject to getting all the required signatures. Mr. Markowtiz stated he will hold his signature until the judgement entry comes in and he is no informed by Mr. Neely. Harvey 2nd. Roll call, all ayes.

Robert Pintar stated he is before the Planning Commission requesting a resubdivision of the Chagrin Heights development which involves S/L #72, owned by Hedwig E. Schuetzman. Mr. Pintar explained that the Schuetzmans want to split S/L#72 and sell 30 feet to the Kramers and keep 34 feet with S/L #71. If this is done, no one will be able to come in a build a home between Schuetzman and Kramer. Planning Commission stated they had no objections to this resubdivision. Markowitz stated Mr. Pintar needs to get the signature of Schuetzman and Kramer on the plat before the County will record it. Planning Commission informed Mr. Pintar that this resubdivision must be filed in the County Court prior to it getting recorded. Following a brief discussion, Harvey moved to approve the resubdivision as presented, Cotesworth second. Roll call, all ayes.

Olive Diamond, 117 Fairview, came before the Planning Commission to discuss the situation of **John Steele's** mound of dirt in his back yard and the fence which he put up along the property line between Ms. Diamond and Mr. Steele property. Ms. Diamond stated Mr. Steele phoned her 10 days ago and informed her he would take the mound down. Mr. Steele stated it will cost three to five hundred dollars to take the mound down and he would have it down by 5-1-86, weather permitting. Mr. McCartney stated he inspected the area last week and if Mr. Steele takes eight feet off the mound, it will bring it down to approximately the same level as Ms. Diamond's rear yard. Mr. McCartney stated there is enough room to push the dirt around without disturbing the natural drainage of the property. Ms. Diamond stated Mr. Steele has also installed a split rail fence one foot off her property line and the Code requires that the fence must be three feet off the propertyline. Mr. Steele stated he was told by the fence company it could be put in one foot off the line and now he finds out it has to be 3 feet. Mrs. Cotesworth asked Mr. Steele

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if he had contacted the Village prior to working on the mound of dirt or the installation of the fence. Mr. Steele stated no he had not. Planning Commission stated Mr. Steele will have to go before the Zoning Board of Appeals and request a variance from the three foot set back requirement. Mr. Steele stated he will apply for this variance with the Zoning Board of Appeals. Mayor Harvey asked Mr. Steele what his time frame was for removing the mound. Mr. Steele stated he will get in and remove it as soon as it dries up in the spring of 1987.

Tom Burns came before the Planning Commission requesting approval of the Brass Shop development review application, filed October 3, 1986. Bill Driemiller presented review comments dated 10-13-86 for the site plan dated 10-3-86 and a second set of review comments dated 10-30-86 for the site plan dated 10-27-86. Mr. Driemiller explained the reason there are two sets of review comments is because between 10-13 and 10-30 he reviewed the Zoning Board of Appeals (ZBA) minutes of their 11-7-84 meeting, met with the Village Solicitor, met with Mr. Burns' architect after he revised his drawings on 10-27-86, thereby necessitating some changes. Driemiller stated he would address the 10-30-86 review in conjunction with the 10-13-86 review and go over each item. (Copies hereto attached)

Item #1 deals with the lot coverage and the Engineer stated the gross square footage of the Galleries is 16,600 not 15,000 as originally calculated in 1984. The maximum allowable lot coverage requirement is 25% and when figuring the Galleries and the Warehouse there is 29% coverage and when figuring the Galleries, Warehouse and the Brass Shop, it is 26.4%. Markowitz explained when Mr. Burns was requesting to develop behind the Galleries in 1985 (for the Warehouse) the only way the Planning Commission could approve the building of the Warehouse on the Galleries property and remain within the 25% maximum lot coverage was to include the land which the Brass Shop is on. By combinng the two parcels, the one with the Galleries and the Warehouse and the one with the Brass Shop, the lot coverage was less than 25%. However, now, with the second floor of the Brass shop developed, the lot coverage is 26.4%, 1.4% over the Code.

Item #2 states the parking is based on gross area and the number of required spaces for this development is 153. The original parking calculations were figured in 1984 on the net area of the Galleries building being 15,000 square feet. Markowitz stated in 1984 the ZBA granted a variance from the parking requirement based upon the submission of a site plan showing the Galleries having 15,000 square feet, and reduced the number of required spaces from 137 to 122, a total reduction of 15 spaces. Now calculating the number of spaces based on the gross area requires 153 spaces. If we subtract the 15 spaces granted by the variance in 1984, the number required would be 138. The plan presented tonight shows only 132 spaces, six short of what is required. A variance will be required.

Item #3 is an explanation of the 15,000 square foot figure used for the Galleries.

Item #4 Mayor Harvey asked Driemiller what item #4 is stating. Mr. Markowitz stated #4 has three separate issues. Driemiller stated the first is the 15 foot side yard, required for parking lots, which was brought up in 1984, however there was no action taken and it was not a condition of the variance granted. The plan presented tonight doesn't provide for the 15 foot side yard. Solicitor stated the November 7, 1984 ZBA minutes reflect that Driemiller told the ZBA they had to consider the surrounding set backs for parking spaces however the motion did not address this requirement. Markowitz stated the ZBA motion reads, "They move to grant the variance which eliminates the requirement for a hard surface and the requirement for minimum number of parking spaces conditioned upon the elimination of all parking spaces on the east side of the building, designating a loading area on the west side and eliminating all spaces less than 25' from the right of way. In addition there must be a minimum of 122 spaces on the site." Mayor asked if the plan dated 10-27-86 complied with the 11-4-84 ZBA motion? Driemiller stated it does not, it has parking on the east side of the Galleries and the loading area is on the east side instead of the west side. Markowitz stated the second issue of #4 has to do with the non-conforming structures. The Brass Shop is five feet off the east property line making it a non-conforming structure. The Brass Shop expansion violates the Zoning Code because you can not expand a non-conforming structure without getting a variance. Therefore Mr. Burns would not have been allowed to put the second floor on without a variance granted by ZBA. The third item has to do with the possibility of consolidating the properties through common easements, as was done on the Povall property. Markowitz reviewed the Povall amendment and determined it could be applied to Burns property and explained if cross easements were drawn up between the two partnerships, RTB Properties LTD and RTB Geauga LTD, the problem of the Brass Shop being a non-conforming structure would be eliminated because there would be no side yard violation.

Item #5; Engineer stated the possible use of dirt mounds could

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resolve this situation as long as the drainage is handled properly.

Item #6 and #7 have been corrected.

Item # 8; parking is not allowed along the east side as ruled by the ZBA. Relief must be sought from the ZBA because the plan currently shows three spaces along the east side of the Galleries building.

Item #9; corrected

Item #10; this states the aisle along the east side should be posted one way going south. Planning Commission discussed this point and agreed a variance is not necessary, this can be handled by the P/C.

Item #11; this deals with the loading space requirement of the ZBA ruling, 117-84. Commission agreed this item must be resolved before the ZBA.

Item #12, #13, #14; these deal with the existing conditions of areas marked for parking on the current plat. Some areas shown on the plan to be used as parking can not be used as they exist today. Planning Commission stated these points are something that can be addressed with the P/C, not needing a variance.

Item #15; states any additional parking spaces that are required must be put in with a hard surface as per the Code, unless a variance is granted.

Planning Commission stated as far as the Engineer's comments of 10-30-86, items #1, #2, #8, #11 and #15 are items that must go before the Zoning Board of Appeals.

Markowitz stated the Planning Commission must take action on the development review application tonight due to the time limit of the Zoning Code. Markowitz explained Mr. Burns could grant the P/C an extention in order to go to the ZBA for the items the Planning Commission has delineated on the Engineer's review. Harvey stateduntil the P/C knows how the ZBA will vote on those items to be put before them, the Planning Commission can not act on the development review application. Mr. Burns stated he grants a time extention until the first Planning Commission following the Zoning Board of Appeals meeting.

Mr. Burns stated he would file the proper application for the needed variances.

Markowitz stated he has reviewed part of the revised Zoning Code and would like the Planning Commission to meet with him at a special meeting just to discuss the Code and in hopes of getting all the revisions completed. P/C agreed to meet Wednesday, November 19, 1986 at 7:30P.M.

There being no further business, meeting adjourned at 10:45 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
P/C
Clerk of Council
Engineer
Solicitor
Bldg. Dept.
Bldg. Dept. Secretary
ZBA
ABR

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Minutes of *Meeting*

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

Held 19

SDWA

SEYMOUR D. WEISS & ASSOCIATES, INC.
Consulting Engineers/Surveyors

5380 Naiman Parkway • Suite G
Solon, Ohio 44139
(216) 349-3400

October 30, 1986
File No: SR103-47

REVIEW COMMENTS

Site Plan - Copper & Associates Sheet A-1, Rev. 10/27/86
The Brass Shoppe/The Gallaries
516 E Washington St., South Russell

This amends my submittal dated 10/13/86 based upon a review of the ZBA minutes of 11/7/84 and the above referenced revised site plan.

✓ (1.) The revised coverage is as follows: RTB Geauga, Ltd. (Gallaries & Warehouse) =

$$\frac{16,660 + 17,496}{117,681} \times 100 = 29.0\%$$

RTB Geauga, Ltd. + RTB Properties, Ltd. (Galleries + Warehouse + Brass Shoppe) =

$$\frac{16,660 + 5,200 + 17,496}{117,681 + 31,620} \times 100 = 26.4\%$$

✓ (2.) The total parking requirement based on gross area of buildings is 153 spaces as tabulated on Sheet A-1 (10/27/86). Previous calculations were based on net area of the Galleries building.

Eq. each shows 132

3. The 15,000 square foot used in the original parking calculations for this Galleries is a net area excluding corridors, bathrooms utility rooms etc.

✓ (4.) The 15 foot parking side yard problem was brought up at the 11/7/84 ZBA meeting. Compliance was not a condition of the approval but neither was a variance requested or granted. Another consideration is the fact that separate entities hold title to the Brass Shoppe and Gallaries properties (RTB Properties, LTD and RTB Geauga LTD) resulting in side yard violations for both buildings as well as the parking, along the common property line. The corrective alternatives being, additional variances or a consolidation of the properties. The question also arises as to the necessity of cross easements for parking, ingress and egress if dual ownership is maintained.

5. Still applicable.

6. Corrected.

7. Corrected.

8. Corrected for problem specified, except all parking to be excluded from East side of Galleries building (ZBA 11/7/84).

9. Corrected.

10. Aisle should be posted as one-way, South.

11. Loading space shown on East side of Galleries; ZBA condition required west side location. Location shown would only serve one business, not accessed onto main entry corridor.

12. a. Corrected.

b. Shown as being leveled, but will require a stabilized aggregate surface.

c. and d. Not addressed.

13. Still applicable.

14. Still applicable. The following additional comment is offered:

15. The hard surface requirement under Section 8.03 (b) would apply to the ten (10) additional spaces required for the 2nd floor of the Brass Shoppe, unless an additional variance is granted.

V - Z.B.A.

cc: Stephen Circiretto
Kathy Male, P.C. Secretary

WRD/lg
D-16

SEYMOUR D. WEISS & ASSOCIATES, INC.
Consulting Engineers/Surveyors

5380 Naiman Parkway • Suite G
Solon, Ohio 44139
(216) 349-3400

File No: SR103-47
October 13, 1986

REVIEW COMMENTS

Site Plan - Copper & Associates Sheet A-1, Rev. 10/3/86
The Brass Shoppe/The Gallaries
516 E Washington St., South Russell

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1. Regarding maximum lot coverage reference S. Ciriretto letter dated 10/3/86, Galleries will require portion area of Brass Shoppe to meet 25% maximum coverage:

$$\frac{5{,}200 + 16{,}540}{31{,}620 + 54{,}910 \text{ (to R/W)}} \times 100 = 25.1\%$$

2. Reference above letter, parking exclusions, Section 8.01C allows exclusion (with P.C. approval) for storage and parking areas; no reference is made to mechanical rooms, public toilets or circulation.

3. I was not able to verify the 15,000 square foot net area of the Galleries building referred to in the letter which was used for the parking calculation.

4. Fifteen foot side yard requirement for parking has not been observed.

5. Lack of barriers along frontage can result in vehicles intruding into 25 foot minimum front yard.

6. Reference to six parking spaces at Northwest corner of Galleries should be changed to four.

7. Twenty-one foot wide aisle of Southeast corner of Galleries insufficient for 90° parking.

8. The seven 90° parking spaces at Northeast corner of Galleries will be difficult to exit without encroaching on adjacent property.

9. The parking spaces at the end of aisle, South of the Brass Shoppe will be difficult to exit with lack of backing space.

10. There is a twelve foot wide aisle along the East side of the Galleries; is the intent to make this one way only?

11. One loading space (12' x 40') required for each building (See Schedule 8 of Zoning Code.)

12. Existing conditions in some cases not conducive to parking spaces indicated for example:

    a. Steep slope at Southwest corner of Brass Shoppe.
    b. Spoil piles South of Gallaries.
    c. Railroad tie configuration Northeast corner to Galleries.
    d. Random areas that do not have aggregate base.

13. Parking spaces at the corner of aisles are not protected by barriers or planting spaces and parked cars are exposed to vehicles negotiating the 90° turns. Example: Southeast and Southwest corner of Galleries.

14. Just as a general comment, that without a hard surface and therefore the inability to accurately delineate parking spaces, the parking layout shown becomes theoretical and is unlikely to be duplicated under normal operations.

cc: Stephen Circiretto
Kathy Male, P.C. Secretary

WRD/lg
D-16

RECORD OF PROCEEDINGS

Minutes of Planning Commission Meeting Meeting
national graphics
National Graphics Corp., Cols., O. Form No. 1097

Held September 4, 1986 19

Members present: Harvey, Daniels, Sutliff, Moroney
Other Officials: D. Ondrey, W. Mc Cartney, W. Driemiller
Guests: S. Pearlmen, R. Burns, J. Neely, E. Ketchel, J. Steel, S. Circeretto, L. Lechman

Meeting was called to order at 8:00 P.M. Roll call, Cotesworth was absent. Chairman Daniels stated on page 405, paragraph #8, "15" should be changed to "35". There being no more additions or corrections, Mayor Harvey moved to waive the reading of the August 6th minutes and approve them as recorded, Sutliff 2nd. Roll call, all ayes.

John Neely, Kensington Green, presented a request which has been submitted to the Village Engineer and approved by him to extend the letter of credit for six additional months and reduce the performance bond from $500,000 to $45,000. Mr. Neely stated they're nearly done with phase III, all the excavation is done, the sewers and storms are in and four of the five cul de sacs were paved today. Mr. Neely stated certainly by next week, all of phase III will be paved and all that will be left to do is the final coat of asphalt for the entire project. Mayor asked the Engineer if $40,000 is sufficient to cover the final coat of asphalt. The Engineer stated yes it is sufficient.

David Ondrey stated the Subidivision Regulations require the Council to make the final decision about an extention of time as being requested, however he feels that the Planning Commission should make a recommendation prior to Council's action.

There being no further discussion, Harvey moved to recommend to Council that the request to extend the letter of credit six months and reduce the performance bond to $40,000 be granted, Moroney 2nd. Roll call, all ayes.

John Steel, 600 Hemlock Road, came before the P/C to request permission to change the grade of the land in his back yard. Mr. Steel stated when he purchased the property, there were two swamp areas and what he has done is cleaned out one and filled in the second. The dirt from the one swamp was used to fill in the second and the end product is a large mound which he has seeded and now mows. The Engineer stated this was completed without permits and there has been a complaint from one of the property owners that abutts Mr. Steel's property regarding the mound. The Engineer stated he has seen the property and aesthetically it is not pleasant viewing it but from a soil erosion aspect, he has grass growing on it therefore stabilizing it.

Following lengthy discussion, the P/C asked Mr. Steel to contact the neighbor who lodged the complaint and see if he can work out a plan for screening (i.e. pine trees, etc.) that would be acceptable to both parties. If that can be done, then Mr. Steel should report to the Secretary an agreement has been reached, then P/C can make a recommendation to Council that the application should be approved. Mr. Steel agreed to contact the neighbor and then report back to the Secretary.

Tom Burns came before the Commission and stated he is asking for occupancy permits for the Townley Dance Studio, Victorian Bell and the Red Door. Secretary stated Mr. Burns had filed a development review application for all of the three tenants and the appropriate fees. The Building Inspector, Mr. McCartny, stated the building and electrical permits have to be issued for the Townley Dance Studio.

David Ondrey stated to refresh everyone's mind, there has been a stop work order issued for the Townley Dance Studio. Ondrey stated after the issuance of the 3rd stop work order, work was still being done. In addition to this problem, we still have to figure out what tenants of the Galleries building have the proper permits to be there. Wally Sutliff asked what sections of the Ohio Revised Code were violated to result in the stop work order.
Mr. McCartney stated the provision of Chapter 3781 and 3791, which require the builder to acquire proper permits and the builders must use proper materials as spelled out in the OBBC.

Mayor asked if all three of these applications being filed fall within the

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

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permitted uses of the Zoning Code? Ondrey stated the Red Door and the Victorian Belle are permitted uses however the dance studio is not listed as a personal service, however the P/C has the ability to interpret personal use to include the dance studio

Planning Commission discussed the Galleries Building and how the interior units were divided. Mr. Burns stated the Red Door sells country collectables and the Victorian Belle sells victorian furniture. Bill McCartney stated the Victorian Bell and the Red Door do not need building permits because there are no structural changes being made. The Townley Dance studio does need a building permit and an electrical permit. Mr. Burns stated he is presenting the most complete plan of the building he has, showing all the current tenants. Commission discussed the work done in the Townley Dance Studio without permits. Following this discussion, Commission reviewed the procedure of getting building and occupancy permits. Commission agreed that they must first approve the use, that of a ballet studio, as a personal service. Mayor Harvey moved to allow the dance studio as a permitted use, as a permitted personal service, and grant approval of the development review application, Sutliff 2nd. Roll call, all ayes.

David Ondrey asked Bill McCartney if he approves of the plans that have been submitted for the dance studio as they have been submitted. Mr. McCartney stated yes he does and they also have approval from Ray Stewart. Mr. McCartney stated he is now ready to issue a building permit and inspect it for the issuance of an occupancy permit.

Mr. Ondrey stated the next item needed for P/C action is development review approval for the Red Door and Victorian Bell. Secretary stated Mr. Burns has filed the proper appliction and fees. Mr. Ondrey stated this is a permitted use. Following a brief discussion, Sutliff moved to approve the development review application for the Red Door, Moroney 2nd. Roll call, all ayes.

Planning Commission reviewed the application of the Victorian Bell. Mr. Burns stated this is a retail shop. Mr. Ondrey stated this is a permitted use. Following a brief discussion. Moroney moved to approve the development review application of the Victorian Bell, Sutliff 2nd. Roll call, all ayes.

Mr. Pearlman, Mr. Burns' attorney, asked where the stop work order stands at this point? Mayor Harvey stated it still is in effect until the property building permits are taken and when the permits are taken, the order will be rescinded.

Mr. Ondrey stated there are still businesses in the Galleries building that have not requested development review. The following tenants need to file applications; Interior Details, Village Quilt Works, Petals & Milners. Mr. Burns stated he will get together with these tenants and make sure the proper applications are filed.

Ed Ketchel stated he is before the Planning Commission to follow up last months meeting and try and get a feel as to the Commission's attitude toward the retirement community proposed for the property east of Deerfield Drive. Mr. Daniels stated Mr. Ketchel left at the last meeting a packet of information and Commission stated they had reviewed it.

Mr. Moroney stated what bothers him regarding this proposal is S. Russell is approximately 4 square miles and this will be the second elderly care center with a total of 450 residents. Mr. Moroney stated there is nothing wrong with either project, it is just the fact of two similar projects within such a small area.

Mayor Harvey stated he voted against the Care Service project because of the change in density and he feels the same regarding Mr. Ketchel's project, he does not approve of changing the density requirements. Mayor Harvey stated he is also not comfortable with the proposed project butting right next to a residential area.

Mayor stated if Mr. Ketchel wants to proceed further with his proposed project, it will need a zoning amendment. Commission explained the zoning amendment procedure.

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Mr. Ketchell presented fact sheets regarding the tax revenues that might be generated from the type of project he is proposing. Commission discussed this information.

Dave Ondrey asked if the letter of credit for Emerald Lakes was coming due and if so, what was left to be completed? Commission stated they were not sure and even though the road is completed, work on their lake has not been completed. Mayor Harvey stated it is important this work be completed before the winter sets in. Commission agreed that Mr. Simon should be contacted and made aware of their concerns and deadlines.

Mr. Ondrey stated the letter of credit for Silver Springs is coming due and the road is not yet paved. Mayor Harvey stated they are creating a severe run-off situation with Paw Paw Lake. Mayor Harvey stated something must be done to the open land, be it seeding or paving, prior to the winter. David Ondrey and the Village Engineer will check into this situation.

Commission reviewed and discussed the 8-28-86 draft of the revised zoning code. Mr. Ondrey distributed revised pages #23 thru #28. These new pages addressed the deposit required for a zoning amendment, making the fee $1,000 and further requiring the applicant to be responsible for any cost over and above the $1,000,

Commission discussed at great length the sections dealing with conditional uses, industrial districts, signs total lot area, open space, net area and occupancy permits.

Ondrey stated he will present the final draft at the next meeting and if it is approved byPlanning Commission, they can then recommend it to Council for adoption.

There being no further business, meeting adjourned at 11:45 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Planning Commission
Council
ABR
Clerk of Council
Building Inspector
Engineer
Solicitor

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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 4, 1986 *19*

Members present: Sutliff, Moroney, Harvey, Daniels, Cotesworth
Other officials: B. McCartney
Guests: R. Cipriani, R. Wantz, E. Ketchel
Chairman Daniels called the meeting to order at 8:00 P.M. Roll call, all present.

There being no additions or corrections to the July 17, 1986 minutes, Harvey moved to waive the reading and approve them as recorded, Moroney 2nd. Roll call, all ayes.

There being no additions or corrections to the July 30, 1986 minutes, Harvey moved to waive the reading and approve them as recorded, Moroney 2nd. Roll call, all ayes.

There being no additions or corrections to the July 10, 1986 minutes, Harvey moved to waive the reading and approve them as recorded, Sutliff 2nd. Roll call, all ayes.

Mr. Ray Wantz came before the Commission requesting development review approval which would allow for a video store to be located in the shopping center at the corner of Rte. 306 and Bell Road. This store would be where the old pharmacy was located. Mr. Wantz stated he hoped to open in September, if his application was approved. Mr. Wantz stated his store would rent videos and sell video equipment. Mr. Wantz stated the hours of the store would be Mon. through Fri. - 12-9; Saturday - 11-9; Sunday -12-5.

Following a brief discussion, Sutliff moved to approve the application as requested, Cotesworth 2nd. Roll call, all ayes.

Mr. Ed Ketchel came before the Planning Commission to informally discuss the possibility of putting in a retirement care community on the property located at the end of Deerfield Drive. Mr. Ketchel presented copies of part of an application which he has submitted to the Ohio Department of Health requesting permission to develop such a facility. Mr. Ketchel explains this application states his philosophy however some specifics regarding the physical building and size of the facility he currently would like to build will be different. Mr. Ketchel stated his original plan had the facilitylocated in a different area than what he is proposing tonight. Mr. Ketchel stated what he is proposing is that this retirement care community would fit in very well on the property off of Deerfield Drive, with an entrance off of Rte. 422. Mr. Ketchel stated a retirement care community is a little broader than the assisted living facility, it will encompass independent living units, assisted living units and a nursing home facility. Mr. Ketchel stated he is proposing for the first phase a 50 bed nursing home, 50 bed assisted living units and 200 unit independent living facility.

Mayor Harvey asked what would be proposed for the 2nd phase? Mr. Ketchel stated he does not know at this time if there will be a 2nd phase or if there is, of what it will consist.

Mayor Harvey asked Mr. Ketchel why he chose this piece of property for his development. Mr. Ketchel stated he feels this is a good area for this type of development. Mr. Ketchel stated he owns the 20 acres and the lay of the land is such that they hope to be able to put in underground parking. Mr. Daniels asked if he was still thinking of one story buildings. Mr. Ketchel stated he would like up to 30 feet in height at the eaves, which would be 2 stories. There is a possibility some structures could be 3 stories. Mr. Daniels stated there is a maximum height requirement in the Village of 35 feet.

Mayor Harvey asked how many total residents and employess is Mr. Ketchel anticipating? Mr. Ketchel stated approximately 350 residents and 50 employees.

Mr. Ketchel stated he owns the 20 acres east of Deerfield Dr. and if the development is approved he will purchase 12 acres from the Muggletons which will provide access from Rte 422. Commission reviewed the plat plan showing the proposed development. Mr. Ketchel stated their plan has 30% of the land covered by buildings and parking and 70% of the land would remain open.

Mayor Harvey stated this land is currently zoned residential and the land sur-

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Minutes of *Meeting*

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

Held *19*

rounding it is residential and Mr. Ketchel will have to request a zoning amendment for his proposed development. Mr. Ketchel stated what he would be requesting is an amendment which would provide for a retirement community which would encompass an independent living, assisted living and a nursing home care facility on a 28 to 30 acre parcel of land.

Mr. Ketchel stated what he is really asking tonight is for some indication from Planning Commission as to whether he should proceed further or forget the whole idea. Mayor Harvey stated he feels the Commission should review all that has been presented tonight and then they will be able to form their opinions and questions by the next meeting in September. Mr. Ketchel asked to be put on the agenda of the next meeting.

Commission reviewed the proposed zoning code amendments as presented by David Ondrey. Commission discussed signs, drive-in restaurants and fees at length. Mr. Ondrey stated he would try and put together the final draft and deliver a couple weeks before the September 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
Engineer
Solicitor
Bldg. Dept.
ZBA
ABR
Clerk of Coucnil

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION WORK SESSION *Meeting*

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

Held July 30, 1986 *19*

Members present: Sutliff, Harvey, Moroney, Daniels (arrived late)
Other officials:
Guests:

Work session was called to order at 7:30 P.M. by Chairman Pro-tem Sutliff.

Commission reviewed and discussed the proposed amendments to the Zoning Code.

Work Session adjourned at 10-45P.M.

Walter H. Sutliff

Walter H. Sutliff, Chairman Pro-tem

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

Held 19

RECORD OF PROCEEDINGS

Minutes of SPECIAL PLANNING COMMISSION MEETING *Meeting*

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

Held July 17, 1986 *19*

Members present: Harvey, Daniels, Moroney, Sutliff
Other officials:
Guests: J. Neely

Meeting was called to order at 7:30 P.M. by chairman Daniels. Roll call, Harvey, Daniels, Moroney - present, Sutliff arrived at 8:30 P.M.

John Neely presented the application and final plat for phase III of Kensington Green Subdivision. Mr. Neely stated he is requesting that Planning Commission give their approval. Mr. Neely stated the Village Engineer has given his approval and signed off. Following a brief discussion, Harvey moved to approve the plat conditioned upon the Solicitor's approval, Moroney seconded. Roll call, all ayes.

Commission adjourned the special meeting and then met with Council for a work session on the proposed zoning code amendment.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
ZBA
ABR
Bldg. Dept.
Solicitor
Engineer
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 & PUBLIC HEARING Meeting

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

Held July 10, 1986 19

Members present: Moroney, Sutliff, Cotesworth
Other Officials: D. Ondrey, W. Driemiller, W. McCartney
Guests: J. Neely, T. Burns

Public hearing was called to order by Chairman Pro-tem Wallay Sutliff at 7:40P.M. Roll call, Harvey and Daniels were absent.

Secretary read the public notice, published in the Geauga Time Leader on 6/10/86, announcing the public hearing for Construction Development requesting for phase III of the Kensington Green development.

John Neely, Construction Development, presented copies of the Kensington Green plat showing phase III. Neely stated what they are asking for, is the same variance they have received for both phase I and phase II. They are asking to be able to receive the building and zoning permits prior to the final coat of asphalt and final landscaping. Mr. Neely stated the completion date for the final coat of asphalt would be at the very latest November of 1987 however it would be his hope to completely finish it by November of 1986, weather permitting.

Village Engineer stated he is in favor of this variance. There is a great benefit from detecting problem areas prior to putting on the final coat of asphalt.

There being no further discussion, the public hearing adjourned at 7:55 P.M.

Chairman Pro-tem Sutliff called the regular meeting to order at 7:55 P.M.

Mr. Sutliff asked for any additions or corrections to the June 5, 1986 minutes. Mr. Sutliff stated the minutes state on page 397, paragraph 4, the item of the Fire Prevention officer's report was not resolved, and it was Mr. Sutliff's memory that, that item, had been resolved. David Ondrey, solicitor, stated he agreed, it was left that if the Fire Prevention Officer had any objection he would contact the Village. Secretary stated she would amend the minutes to reflect the above. There being no further discussion, Cotesworth moved to approve the minutes as amended, Moroney 2nd. Roll call, all ayes.

There being no further discussion on Mr. Neely's variance request, Cotesworth moved to approve the variance as requested, Moroney 2nd. Roll call, all ayes.

Tom Burns stated he had three items to resolve from the last meeting regarding the proposed office campus development review application. First, he presented the letter from Bob McKay, stating they will give Mr. Burns permission to tie into the sanitary sewer. Second, Mr. Burns presented the report from Dr. Eckstein stating there is sufficient water for a maximum of 138 individuals in his office buildings. Mr. Burns stated the maximum companies he anticipates for each building is eight and each company will have approximately four or five people. Also, this project will be phased and by the time the third building will be constructed, they hope to be on the Chagrin water system.

Third, and the one item he does not have, is the easement for the storm sewer along the rear of the property. Mr. Burns stated his attorney is talking to the property owners along the rear and at this time they have not come to an agreement.

Mr. Burns stated what he would like to do is ask for an approval contingent upon getting an easement. Commission discussed this request at length. Engineer stated the grading plan has had some changes in the last couple of days and he has not finished his review, however, he doesn't feel they are major changes.

Following a brief discussion, Mrs. Cotesworth moved to approve the development review application for the proposed office campus contingent upon first receiving an easement for the storm sewer; second, adhering to Dr. Eckstein's water report and third, receiving approval from the Village Engineer on the grading plan, Moroney 2nd. Roll call, all ayes.

Dave Ondrey stated there is one more issue that is unresolved and that is the deficit in the development review account for the office campus project. Village records show that as of this date, there is a negative balance of over $1,500. in the develoment review account.

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Minutes of Meeting

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

Held 19

Mr. Burns stated he is not in agreement with this figure and he has turned it over to his attorney to work it out with Dale Markowitz and Mayor Harvey. Dave Ondrey stated this will have to be resolved prior to the issuance of any building permit for this project.

John Neely presented the final plat for phase III of Kensington Green. Dave Ondrey asked Neely what problem did they have along the south property line. Mr. Neely stated there was an error in the legal description which ultimately proved they had .6 of an acre more than they thought. The third phase reflects the change, however the phase II final plat still has to be amended to show the additional land.

Engineer stated he received a copy of the plat today and has not had a chance to review the final copy.

Mr. Neely stated National City has not signed off, but he will have that done tomorrow. Mr. Neely stated he can not be here for the August meeting and what he would like to do is get the plat accepted contingent upon getting the proper signatures and engineer's approvel.

Following a lengthy discussion, Commission stated they are not willing to give a conditional approval however if Mr. Neely could get the approval from the Engineer and the required signatures, they could meet at a special meeting. Commission agreed to schedule a special meeting on July 22nd at 7:30 P.M. FOR A WORK SESSION ON THE ZONING CODE AND TO ACT on the final plat application for Kensington Green, phase III. Secretary to contact Harvey & Daniels and confirm this date.

Mr. Neely reported he has been in constant contact with Chagrin Lakes development throughout this very rainy summer. The lasr storm was the worst but he wanted to let the Commission know he is, with the help of the Village Engineer, doing everthing possible to keep excessive siltation from flowing into the Chagrin Lakes.

Mr. Sutliff asked if the repairs and mulching had been done in the Emerald Lakes as requested at the last meeting. Engineer stated the upper beaver dam was repaired however the mulching and seeding behind the model homes has not been completed as of yet, but is in the process.

Mr. Bill McCartney, Building Inspector, stated he has a few items to discuss with the Commission. First, there is a company, Walters Construction, that wants to put in an office in the small building next to the dentists office at the corner of Rte 306 and Bell Road. The office will be used to show different types of shingle, cabinets, etc. for new homes they are contracted to construct. Mr. McCartney stated it is zoned limited business and he is asking the Commission what does he need to do to get a permit. Following lengthy discussion, the Commission stated the applicant would have to follow the development review process as described in the Zoning Code. Second, Mr. McCartney reported he put a stop work order on the dance studio being constructed within the Chagrin Galleries building and the reason being they were installing flooring that was not fire treated and there were no permits taken out for this construction. Mr. McCartney stated there are several violations of the OBBC in this one area. Mr. McCartney asked the Commission what permits would be required for the dance studio. McCartney presented a list of items that had not been completed at the Chagrin Galleries and stated there is one item he feels is of utmost urgency and that is the fact that the required audible fire alarms in each store have not been installed. This requirement was given in June, 1984. Commission and Mr. McCartney reviewed the items on the list not yet completed, and necessary action that should be taken.

As far as the dance studio, Solicitor stated he would review the zoning and speak to the building inspector early next week. Mr. McCartney stated the stop work order will stay in effect until he hears from Mr. Ondrey

Commission discussed at length the necessity of zoning and building permits for the Chagrin Gallery tenants and possible violations of the OBBC.

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

Walter Sutliff, Chairman Pro-tem — Cathy Male, Secret

xc: Council, P/C, ZBA, Engineer, Solicitor, Bldg. Dept. Clerk of Coucnil

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

527, 529
& 531

July 10, 1986

Action taken by the Planning Commission on July 10, 1986:

Moved by Cotesworth and seconded by Moroney to approve the Development Review Application for the office campus development to be constructed behind 539 East Washington contingent upon receiving an easement for the storm sewer, adhering to Dr. Eckstein's water report and receiving approval from the Village Engineer on the grading plan.

RECORD OF PROCEEDINGS

Minutes of Planning Commission Meeting *Meeting*

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

Held June 5, 1986 *19*

Members present: Daniels, Sutliff, Harvey, Moroney
Other officials: D. Ondrey, B. Driemiller
Guests: S. Cerfetto, J. Neely, T. Burns, S. Pearlman, D. Carpenter, S. Simon, M. Simon, R. Rosner

Meeting was called to order at 8:00 P.M. by chairman Daniels. Roll call, Cotesworth was absent.

John Neely, Con Dev., presented an application for a subdivision variance for phase III of Kensington Green. Neely explained the variance being requested was the same as requested for phase I and II and asks that they may get building and zoning permits prior to the application of the final coat of asphalt and final landscaping. Engineer stated he approves of the variance request, if there are any problems with the paving, they will be detected prior to the final coat. Following a brief discussion, Commission agreed to hold the Public Hearing at &;30 P.M. and the regular meeting at 8:00 P.M. on Thursday, July 10th at 7:30 P.M.

Tom Burns stated he is before the Commission to discuss the development review application for the office campus development. Mr. Burns stated there are a number of items they need to addressfrom the last meeting.

First was the inspection of the fire prevention officer. Mr. Burns stated the Chagrin Falls Fire Department had no comment on this project and the S. Russell Fire Prevention Officer, Mr. Davis, is suppose to review the plans and send a letter to the Planning Commission with his findings. David Ondrey, Village Solicitor, stated he has not received this report.

Second, a letter must be provided from Bob McKay giving approval of Chagrin Falls to tie-in to the sanitary sewer. Mr. Burns stated this letter is in the works however permission has been verbally given. Mr. Ondrey stated the Planning Commission has not received this letter.

Third, a drainage easement must be provided by the property owners to the rear of the proposed development. Mr. Pearlman, Mr. Burns attorney, stated the property owner to the rear, Mr. Hattenbach, has agreed to give Mr. Burns an easement however they have not put it down in writing because they do not know what they want to charge Mr. Burns.

Forth, there must be a letter from Dr. Eckstein, Village Hydrologist, stating there is sufficient water for this development. Mr. Burns stated they have drilled a well and there is a report which was given to the Planning Commission. Mayor Harvey stated this report only dealt with the office warehouse and not the office campus.

Fifth, there must be an amendment for the Povall property which will include the corner of Building three. Mr. Pearlman stated that is completed and ready for signatures.

Sixth, the plans must be phased per the Village Engineer's requirement. Bill Driemiller stated this has been completed.

Mayor summarized that the following items need to be addressed. First; the letter from Chagrin Falls approving the tie-in to the sewer; second, drainage easement from Hattenbach's; third, Dr. Eckstein's report stating there is sufficient water for the office campus and fourth, the letter from the South Russel Fire Prevention officer stating his approval of the proposed development.

Burns stated he can get a letter from Chagrin Falls regarding the sewer tie-in approval. As far as the drainage easement, they have to get the details on paper and they have not achieved that at this time.

Mr. Burns and the Commission discussed the situation of the water report written by Dr. Eckstein. Commission stated the report previously presented specifically pertains to the office warehouse and does not deal with the office campus. Commission

RECORD OF PROCEEDINGS

stated they must have confirmation from Dr. Eckstein there is sufficient water for this office campus development.

As far as the report from the Fire Prevention Officer, they will get that within the next week.

Mr. Burns asked the Commission for a conditional approval contingent upon resolving the four items previously discussed. Mr. Harvey and Mr. Moroney stated they did not want to grant a conditional approval, however they would be willing to meet for a special meeting whenever the four items were resolved. The Commission discussed this situation at length. Mr. Sutliff and Mr. Daniels stated they felt if a conditinal approval was given, the onlyrisk is to Mr. Burns, not to the Village.

Mr. Ondrey stated it was the opinion of Mr. Markowitz that a conditional approval not be given and that Planning Commission wait until all the items discussed have been completely resolved pior to any approval being given.

Following a lengthy discussion, Chairman Daniels stated as long as the four items discussed are presented and are satisfactory to the Commission, they will grant an approval.

Mayor Harvey stated theymust be grated an extention of time or the Commission must vote on the application tonight. Mr. Pearlman stated they will grant the Commission an extention of time until the next meeting.

Jim Manning, representative from Southwyck Lake development, stated he, other residents and Dr. Edward Fankell-Hauser, their lake consultant, were present tonight because they are concerned about the coninuation of the sedimentation flowing into their lake from the development of Emerald Lakes. Mr. Manning stated what they would like to accomplish is to check over the sedimentation plan approved by the Village Engineer and be assured that the problems that they are having now will be short lived and be corrected at once.

Mr. Manning stated Dr. Fankell-Hauser had written a report and submitted it in July of 1985 which pointed out some control measures which could have, in their opinion, prevented some of the problems they are having now and it is disturbing to them, as homeowners, that these suggestions werenot recognized and put into place. Mr. Manning stated the primary thing that has not been done is seeding and mulching of disturbed areas The soil has been disturbed and left exposed for seven months. Mr. Manning stated some mulching and seeding has very recently been completed however the areas behind the model homes are still open. Mr. Manning reviewed the letter of May 23, 1986 written by Dr. Fankell-Hauser to Mr. Driemiller, detailing the items which he feels must be completed to prevent further damage to Southwyck Lake. Mr. Manning stated in addition to the items listed, one situation that has just developed is a ditch was cut into the upper beaver pond dam allowing the sedimentation to flow directly into the stream. Commission, Mr. Driemiller, Mr. Manning and Dr. Frankell-Hauser discussed this situation at length. Marjorie Simon stated she has no idea why or who did this to the dam.

Dr. Fankell-Hauser stated he feels the mulching of the rear yards of the model homes is of utmost importance. Mr. Driemiller stated Mr. Simon stated he would mulch following the removal of the water well drilling rigs and those rigs were just removed in the last couple of days.

Mr. Manning presented photos showing the condition of the water flowing into the Southwyck Lake following heavy rain storms and after the the dam had been breached.

Mr. Stanek stated the report of Dr. Fankell-Hauser last July stated lots #2,3, and 4 were going to be environmentally sensitive and needed attentin prior to any development. Mr. Stanek stated now we are in

a situation of trying to correct a problem that could have been prevented through better planning and execution of mulching and seeding. Mr. Stanek stated they are not only concerned with these lots but phase 2, 3, etc. Mr. Stanek emphasized we must put safeguards in the plans prior to the beginning of development. Commission reviewed Dr. Fankell-Hauser's report of July3, 1985. Dr. Frankell-Hauser stated one area which is working, now that some mulching and seeding has been done, is the sequencing of the straw bales behind the system of sedimentation ponds. Dr. Fankell-Hauser stated the critical thing with these bales is they must be replaced systematically, when they start filling up with silt, and it should be done during dry periods.

Marjorie Simon stated they realize theymay be a little late in doing some of the things requested regarding sedimentation control however they (Emerald Lakes, Inc.) are here to work the Village and Village residents. Mr. Stanek stated it has taken seven months to get straw placed on disturbed land and he feels that this shows a lack of follow-up and communication, possibly there should be more inspections to better maintain the requirements of the Village Engineer's approved sedimentation control system. Mr. Stanek stated another objection is the fact there isnot a copy of the approved sedimentation control plan available at the Village Hall.

Mr. Manning stated Dr. Fankell-Hauser has made some very good points in his 1985 report and is there anything they can do to implement these extra measures into the current plan. Commission and Engineer discussed these measures and the timing with which they must be installed. Dr. Fankell-Hauser stated their concern is that all the sedimentation controls, i.e. repairing the beaver dams and retention ponds, be completed prior to any further development. Dr. Fankell-Hauser stated now that the dam of the upper beaver pond has been breached, he feels it would be prudent for he, Mr. Simon and the Village Engineer to look at the situation and possible work out other alternate meausres, i.e. some diversion technique worked out temporarily to take the water flow of the pond over back lots and meadows. Certainly, if any further areas are exposed, it is imperative that it be mulched immediately.

Commission discussed at length the current sedimentatin controls and those needed in the future.

Mr. Manning stated in summary they would like the following items to be reviewed and completed. First, they would like Dr. Fankell-Hauser to, prior to any new lots being developed, especially those in the sensitive areas which the run-off will affect Southwyck Lake, review the situation and make somments. Mayor Harvey stated they have the mechanism with which there is enough time and they can give Dr. Fankell-Hauser and the Homeowners Assoc. of Southwyck knowledge about whats going on and provide the grade plans for their review. Second, the beaver dam must be repaired immediatley and put back to its previous condtion. Third, all open areas must be mulched immediately. This item was discussed at length and it was agreed that mulching would be done immediately within specific parameters as determined by the Village Engineer. Fourth, the mulching of the four rear yards of the model homes must be done immediately. Mr. Simon stated as soon as it dries up they are going in and grading and landscaping all those areas.

Mr. Manning stated, in closing, he appreciates the Planning Commision's time and they feel Southwyck Lake is a real asset and they want to ask that the future plans call for good sedimentation controls and these controls are implemented and supervised.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

Mr. Richard Rosner, attorney for Mr. Simon, presented the final plat of the phase I of Emerald Lakes. Bill Driemiller stated he has reviewed the plat and he has three comments. First, the block A acreage is not broken out, it is still incorporated into the lots. Second, the reference to the 17 acres of the CEI parcel must be relagated to open space in phase I is notnoted on the plat. Third, the numbering sequence is not consecutive and asked that it be corrected. Following a brief discussion, Harve, moved to approve the final plat of phase I and authorize the Chairman and Secretary to sign the final plat, contingent upon the Vill Engineer's and Solicitor's approval and upon the above three changes, requested by the Engineer, being completed, Sutliff seconded. Roll call, all ayes.

Chairman asked for any additions or corrections to the April 3rd and April 15th meeting minutes. Secretary stated the April 15th minutes have been corrected to show that the test well of Mr. Burns' was drilled on the office campus property, not the office warehouse property. There being no other additions or corrections, Harvey moved to waive the reading of the April 3rd and April 15th minutes and approve them as recorded, Sutliff 2nd. Roll call, all ayes.

Mr. Bill McCartney, Building and Zoning Inspector, asked the Commission to review and consider increasing the fee for a zoning amendment application. It is currently $500 and the last zoning amendment cost alot more that $500. Commission agreed and will discuss this at the work session for the Zoning Code.

Mr. McCartney asked the Commission their opinion regarding a request to put in a video store with a back room which would be used to show adult movies. Commission researched this question and found the Codified Ordinances rule against such uses.

Commission agreed to meet on Wed., June 25th at 7:30 P.M. to work on the proposed zoning code amendments. Mayor Harvey stated Council would be invited to attend.

There being no further business, meeting adjourned at 11:15P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

XC: COUCNIL
PLANNING COMMISSION
BUILDING DEPT.
CLERK OF COUCNIL
ENGINEER
SOLICITOR
ZBA
ABR

Minutes of Special Planning Commission Meeting Meeting

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

Held April 15, 1986 19

Members present: Daniels,O'Donnell, Sutliff, Harvey
Other officials: D. Markowitz, W. Driemiller
Guests: T. Burns, D. Braun, Sun Deck, Inc., S. Cirretto

Meeting was called to order by Chairman Daniels at 7:45 P.M. Roll call, Cotesworth absent.

There were no minutes of the previous meeting.

Bob Russell, Sun Deck, Inc., filed plans and application for development review for a proposed tanning salon to be put in at 5216 Chillicothe Road. Commission reviewed the plans showing four or five booths and their layout. Mr. Russell stated their clients will come to use their facility by appointment only. Markowitz stated this use is allowed under the zoning code, as a personal service. Mr. Russell explained that not only will they have the tanning service, they would also like to be able to sell incidental items such as lotions, moisturizers and goggles. Mr. Markowitz stated retail sales are not allowed in this district however the Planning Commission can interpret the Code, allowing the sale of such incidental items as integral to the service they are provideing. Planning Commission discussed this situation and agreed they had no objection to the selling of incidental items such as lotions, moisturizers and goggles. Following a brief discussion, Harvey moved to approve the development review application of Sun Deck, Inc, O'Donnell 2nd. Roll call, all ayes.

Tom Burns stated he is before the Commission to get development review approval for his office campus development. Planning Commission stated the application will be considered filed tonight.

Mr. Burns stated as far as proof of sufficient water for this project, they have drilleda test well on the site of the ~~warehouse~~ office campus property, which is within 500 feet of the ~~office campus~~ warehouse property. The well log and report were reviewed by the Commission The Commission stated the report presented states there is sufficient water for the warehouse project and did not deal specifically with the office campus project.

The Village Engineer stated he has reviewed the plans and written a report, dated April 12, 1986. (Copy hereto attached) Engineer stated he has reviewed the letter with Damon Braun, applicant's engineer, and the items that could not be resolved are items #1, 2, 3, 4, and 7. Commission discussed the items unresolved.

The Engineer stated one item he had not put on his report is, if the project is going to be phased, it must be shown on the plan, indicating how the sewers, drainage and building will be phased. Mayor stated his concern with phasing is the possibility of the developer putting up only the first phase, changing the grades and not have provided for all the drainage problems because all the improvements of sewer and drainage have not been completed. Markowitz stated the Village must be assured that all the improvements will be completed prior to the construction of the buildings

The Village Engineer questioned whether the basement would be used for offices or storage only? Mr. Burns stated it would be used for storage only. Markowitz stated as long as this area is used for storage only, it will not affect the number of required parking spaces.

Markowitz stated as far as item #3 of the the Engineer's letter, the water study presented is only for the warehouse

property across the street. Following a lengthy discussion, Planning Commission asked Mr. Burns to get a letter from Dr. Eckstein stating there is enough water for both the warehouse project and the office campus project.

Daniels asked what solution was there for item #2, the drainage easement. Mr. Burns stated he has two alternatives for getting easements to put the storm drainage in however nothing has been confirmed yet.

Harvey asked what has been resolved for item #1, hooking up to the sanitary sewer. Mr. Burns stated they have spoken to Chagrin Falls and once they get South Russell development approval, they will go under Rte 422 and tap into the sewer. Planning Commission asked that they get a letter from Bob Mc Kay stating Chagrin Falls will allow them to tie into the sewer system.

Commission, Engineer, Solicitor and applicant discussed phasing and the problem of providing assurance the improvements will be completed should the developer not be able to complete it himself.

Commission reviewed what must be provided by Mr. Burns in order to receive development approval. First, they must get a letter from Chagrin Falls stating they give approval to tie-in the sanitary sewer and they approve of their plan for a lift station. Second, they must provide a drainage easement from the neighbors in the rear of the property. Markowitz stated he wants, included in the easement, a provision which will allow the Village to maintain the easement in the event the owner's of the property do not. Third, the applicant must get a letter from Dr. Eckstein stating there is sufficient water. Fourth, Planning Commission determined that the basement level is to be used for storage only. Fifth, the applicant will amend the Povall easement to include the corner of Buidling #3. In addition, the Planning Commission requested that the storm sewer must be completed up to the catch basin, on the northwest corner of the property, prior to the construction of the first office building. Sixth, the Planning Commission requested the applicant to get a letter from the Chagrin Falls Fire Chief regarding any possible problems fighting a fire on the north side of building #2 and also have the South Russell Fire Prevention Officer, Jim Davis, review the plans. Seventh, architect for the applicant agreed to mark the proposed phasing on the plans to the Village Enginer's approval.

Mr. Burns stated they want to request a condition approval subject to fulfilling the required items as previously discussed. Mr. Markowitz stated many of the items being requested are judgement areas which must be presented to the Planning Commission prior to giving final approval and it his advise to the Commission that they not give a conditional approval.

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

Charles M. Daniels, Jr.

Charles M. Daniels, Jr., Chairman

Cathy Mae

Cathy Mae, Secretary

xc: Council, Planning Commission, Clerk of Council, Engineer, Solicitor, J. Franzese, D. Bannerman, Bldg. Dept.

SDWA

SEYMOUR D. WEISS & ASSOCIATES, INC.
Consulting Engineers/Surveyors

5380 Naiman Parkway • Suite G
Solon, Ohio 44139
(216) 349-3400

April 12, 1986
File No: SR 103-46

MEMO TO: Mr. Damon Braun
Braun-Prenosil Associates, Inc.

FROM: Bill Dreimiller

RE: RTB Partnership, LTD.
East Washington Street
Review of Development Plan as Prepared by
Stephen Cigiretto, A.I.A.

1. Approval from Chagrin Falls to tap-in sanitary sewer. Approval of lift station and force main?

2. Evidence of 20' drainage easement on JWJ Corp. and Goldbach properties.

3. Water well test submitted and approved by Village Hydrologist.

4. Do buildings have basements? If so, how utilized, will lot coverage and parking requirements be applicable?

5. Building site will be placed on fill from 0 at S.E. corner of building group to 5 +/- feet (7 feet to first floor) along N. side.

6. Show downspout connections to storm sewer.

7. Agreement with Povall (partial building, parking and drainage on his lot).

8. In restricting size of storm sewers to force surface storage, a more realistic value of "n" compatible with PVC pipe must be used.

9. Minimum side yard in table should read 15' (for building and parking) instead of 4'.

10. Note minimum front yard parking is 25'.

11. Maximum slope along N. P.L. to be 1:3.

12. Add bearing and distances along Povall N. and E. line.

13. Use HW-D type headwall instead of HW-4B at storm outlet. Regrade bank as required.

COPY

14. Add note regarding restoration through easement.

15. Add note regarding sediment control, install straw bales or silt fence along N. and W. property line prior to grading.

16. Specify on curb/pavement detail
    2" asphalt surface course - ODOT Item 404
    5" aggregate base course - ODOT Item 304

17. Indicate on plan degree of new work on driveway entrance back to site. Show concrete apron. Revise apron detail to minimum 8 inch thickness with 6" x 6", #4/4, 58# wire mesh. Full length of entry drive to be asphalt.

18. Parking spaces provided:
    138 actual, 24 future (banked).

19. For purposes of cleaning and reducing potential for blockages, minimum storm sewer diameter to be 8 inches.

20. Include typical trench section: 6" crushed aggregate bedding; 12" aggregate cover over top of PVC; premium backfill under proposed pavements and compacted earth backfill through easements.

21. Corner to corner separation of buildings is 10 feet.

22. Review by Fire Chief: Serving North side of No. 2 building will require laying out approximately 500 feet of hose. He may require additional hydrants on site.

23. Provide specification on storm manhole and casting.

24. Instead of 2' x 2' catch basin, use 3' diameter precast with 2' x 2' opening in flat slab top. Mack Ind. #CB-D-8 or approved equal. Include steps where depth exceeds 6'.

25. Provide specification on curb style CB#4.

26. 6" concrete encasement of PVC out of CB#4 until 3' cover or lower pipe.

27. CB#6 too deep for 2-2-A basin, use 4' diameter manhole.

28. Right-of-way permit required.

29. P.E. to stamp plan re drainage improvements.

cc: Planning Commission

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING Meeting

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

Held April 3, 1986 19

Members present: Daniels, Harvey, Sutliff, O'Donnell
Other officials: Markowitz, Driemiller
Guests: S.Simon, M. Simon, R. Rosner,J. Neely,B. Young, C. Taylor

Meeting was called to order at 8:03P.M. Roll call, Cotesworth absent, O'Donnell arrived at 9:20 P.M.

John Neely, Kensington Green, stated he would like to respond to the concerns given to Council last week by representatives of Chagrin Lakes. Mr. Neely stated they have had constant communication with Chagrin Lakes since October, 1985 and met several times and he feels he has a good dialogue. Mr. Neely stated last week, due to the weather and because the utilities were being installed, the ground was disturbed and some run-off occured. This work has been completed and as of today Thursday, 4-3-86, it has been seeded. Mr. Neely stated he met with Chagrin Lakes earlier this evening and they stated they are satisfied with their progress to date. Mr. Neely stated they will do everything they can when complying with the Subdivision Regulations and in addition, comply with any other reasonable measures as they can do as a neighbor to mitigate any impact from the run-off. Bill Driemiller stated he has been following the progress and he is satisfied with their work.

Richard Rosner, attorney for Mr. Sid Simon and the Emerald Lakes development, reported at the last Planning Commission meeting they requested the ordinance governing this subdivision be amended so that the property can be developed not as a condominiun development of single family detached homes on limited common area lots but as single family homes on a platted subdivison plat. Mr. Rosner stated a new ordinance has been drafted that first, creates the new use under the multifamily classification and second, deletes the old reference to a condominium development of single family detached homes. Mr. Rosner stated they are before the Planning Commission tonight requesting they recommend approval to Council.

Chairman Daniels read aloud the proposed ordinance.

Residents voiced their concern and opposition regarding the smaller lot sizes which will be allowed for Emerald Lakes if this ordinance is adopted. Mr. Daniels explained that the smaller lot sizes will be allowed however the density of one unit per acre will be maintained. Mr. Daniels stated the amount of swamp area and the CEI easement have created a topographical hardship that prevents development of a large area of land. Markowitz stated what this ordinance will do is maintain the density of one unit per acre but will allow the lots size to be reduced so the developer can make better use of the good land and take the land that is not readily available for development, turn them into lakes or opem areas.

Residents, Planning Commission and applicant reviewed the plat plan and discussed at great length.

Markowitz stated the only change he would suggest is to make clearer the allowed minimum lot size by adding "and lot area size" in the firstline of Section 1.

Bill Driemiller stated he felt that there should be a side yard set back instead of a separation requirement. Following discussion Commission agreed to set the side yard set back requirement to a minimum of 10 feet with a minimum of 30 feet between buildings.

Markowitz stated when the plat is presented there will be a 50foot front set back and there will be a 100 foot width at that set back line and there will be a minimum of 30 feet between buildings.

RECORD OF PROCEEDINGS

There being no further discussion, Sutliff moved to recommend approval of the proposed ordinance as amended to Council, Harvey 2nd. Roll call, all ayes.

Sutliff questioned what the situation was regarding the siltation problems of Emerald Lakes. Driemiller reported he has made an inspection of the siltation system within thelast few days and requested certain repairs be made. These repairs have been made and they are trying to expedite the grading and seeding and mulching of the disturbed areas. Mr. Driemiller stated this should be done within the next few days. Mr. Driemiller stated he has had the soil and water conservation service people out and they feel this system is a good faility for sedimentation control.

Mr. Bob Russell stated he, his wife and Anita and Jerry Czak are contemplating renting part of the building located at 5216 Chillicothe Road and install a tanning salon. Mr. Russell stated he needs to know what the current zoning allows. Mr. Markowtiz stated this area is zoned for limited business use, which authorizes personal services. Markowtiz stated a tanning salon would fit within this use. Mr. Russell stated they would like to sell products that protect their equipment - i.e. lotion, creams, goggles and moisturizers. Markowitz stated this area is not zoned for retail sales, however Planning Commission has the s authority to interpret the Code and determine if the products they wish to sell are incidental to the main use and therefore do not characterize them as retail.

Following brief discussion, Commission instructed the applicants the procedure needed to get the Planning Commission approval and building and zoning permits.

Markowitz presented a list of businesses that are not tied in to the Chagrin Falls sewer on Rte 422. Markowtiz stated the County the EPA and the County Building Department have made the request to the Village that if we are going to approve zoning permits for commercial use in that area that as a condition of the occupancy permit approval, they must hook up to the sanitary sewer.

Kathy O'Donnell stated she has been asked by both the Village Council and the residents of Chagrin Lakes to make a statement to the Planning Commission expressing their concern over some of the zoning changes that have been initiated by Planning Commission, the term used was spot zoning. They want the Planning Commission to know they are very concerned about making exceptions and special cases out of each application that comes before the Commission. Markowitz stated Council also asked the P/C to review the 10 year storm and determine if it is a realistic standard for our improvement standarts. P/C asked the Village Engineer to review these requirements.

David Ondrey presented revisions to the zoning code which he has been working on over the last few months. Planning Commission discussed the proposed changes. Following a lengthy discussion, Commission agreed to review the amendments presented individually and further discuss at the next meeting.

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

Charles M. Daniels Jr. — Cathy Male

Charles M. Daniels, Jr., Chairman — Cathy Male, Secretary

xc: Council, Palnning Commission, Clerk of Council, Bldg. Dept.
D. Bannerman, J. Franzese, Engineer, Solicitor

Minutes of PLANNING COMMMISSION MEETING Meeting

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

Held March 13, 1986 19

Members present: Daniels, O'Donnell, Harvey, Sutliff
Other officials: Markowitz, Driemiller
Guests: S. Simon, T. Burns, D. Kolar, J. Neeley, E. T. Morony, R. Rosner
M. Simon, D. Carpenter, N. Cox, J. Harvey

Meeting was called to order at 8:02 P.M. Roll call, Cotesworth absent.

There being no additions or corrections to the minutes of the February meeting, Sutliff moved to approve them as recorded, O'Donnell 2nd.

Dave Kolar, Hertage Residential, stated he is before the Planning Commission to file an Improvement Plan Application for the proposed Silver Springs subdivison. Mr. Kolar stated he is requesting that the Improvement plan approvals granted to IDA Develpment Co. for Silver Springs Trail back in Novemember of 1985 be transferred to them, they have purchased the property and they are ready to put in the improvements. Mr. Markowtiz stated the improvement plans for Silver Spring have been approved by Bill Driemiller and the IDA application was fowarded to Mr. Markowitz. At that time, Hertage Homes purchased the property. Mr Markowitz stated he instructed Mr. Kolar to fillout the S-3 form, have the Engineer complete it and he (Markowitz) will sign it, then all the bonds can be set and proof of insurance given. Markowitz stated Mr. Kolar has requested an extention for the completion date, which the Engineer will have approve. At that time, if all the above is in order, the Planning Commission can approve the improvement plans as submitted by Heritage Residential Construction.

Tom Burns stated to review what has occurred since the last meeting regarding the proposed office campus, he has met with the neighbors to the rear of the propoerty to discuss the drainage problem which currently exists and those problems that might be created by their development. Mr. Burns stated the Village Engineer, the neighbors, and his architect and engineer met and Mr. Driemiller explained why they have the drainage problem they do and the neighbors stated they felt they could live with the problem as it is, as long as it doesn't increase. The Village Engineer suggested, as for the new building being proposed, that they keep all run-off and drainage on their own property and run it into the creek bed that flows to Ridgewood. Mr. Burns stated this solution was fine with him and they are in the process of working on the engineering for the drainage plans.

Mr. Burns presented a plan showing the placement of the first building and architectural style to be built and asked for any questions from the Commission. Mr. Burns stated the architecture of the building will look similar to that of a large home from the point of view of the neighbors to the rear. Commission discussed the parking space plan at great length.

Mr. Burns stated he very much wanted to get approval from the Planning Commission as soon as possible so he could then go before the Arch. Board of Review before May. Markowitz stated Mr. Burns must get development review approval from Planning Commission, however to get this approval all questions for drainage, engineering, water and all aspects of the on-site development have to be approved by Bill Driemiller prior to any action taken by the Planning Commission.

Markowtiz asked what the situation was regarding the water supply for this project. Mr. Burns staed they will wait till the water is needed and if the tie-in with Chagrin doesn't work out, they will drill a well. Markowitz stated there must be proof of an adequate supply of potable water, in order for the Planning Commission to approve any develoment review appliation. Mr. Burns stated if he has to do that, he will have to spend $3,000 to drill a test well, which he may not have to use if Chagrin gives him water and he doesn't want to have to do that. Mayor stated understand his situation however, the Village , without exception, must have proof of potable water prior to issuing any zoning or building permits.

Commission and Mr. Burns discussed the filing of the development review application and the timing of the Planning Commission action. Following a lengthy discussion, P/C agreed to hold a special meeting on April 15, 1986 at 7:30 P.M. to review the development plans of the proposed office campus.

Mr. Sid Simon stated to review where they are in Phase I of the Emerald Lake development, they have installed the sewers and base for the road. They are currently putting up four models, one is under roof. Mr. Simon stated he has had several meetings with Smythe Cramer, the real estate company in charge of selling their homes, and they told them the homes would be very difficult to ket due to all the paper work and explanations needed to sell single unit condominiums that look like single family homes. Mr. Simon stated he is before the Planning Commission requesting that they be allowed to sell the homes as single family homes, not condominium. Mr. Simon stated they meet the desity of one unit per acre however they do not meet the minimum lot size. Mr. Simon stated they have a lot of area that is swamp that can not be developed except for lake area. Mr. Simon emphasized that he is not changing the density, only requesting that the homes be sold as single family homes not as condominiums.

Mr. Richard Rosner, attorney for Mr. Simon, stated as he perceives zoning, it deals with land use, not land ownership. You will not be able to tell if it is single family or condominium just by looking at the project.

Mr. Harvey asked Mr. Simon on what basis was he making this request. Mr. Simon stated on the basis of hardship, due to the costs of carrying this property for seven years and the necessity of developing all 101 lots to be able to make a success of this development.

Mr. Rosner stated what they are asking is to create another use, within the existing multi-family zoning, which would allow a single family detached home. Mr. Rosner stated the plan is not being changed one bit, the only thing that is changed is the type of ownership. Mr. Rosner stated they are requesting a more restrictive use with the multi-family zoning.

Markowitz stated what they are requesting would affect any land in the R-2 district, it could be Manor Brook or Emerald Lakes. They would allow 100 foot lot width, 50 foot set back and 30 foot between structures if they go with either condominium single family detached or regular single family detached and it would be limited to the multifamily districts.

Markowitz stated the language prepared by Mr. Rosner states the Planning Commission, in its discretion, in the proper circumstances, can allow this type of development. Markowitz stated Section 4.02N would be amended by adding a paragraph to that section that says, in a multi-family district, if you are going to develop single family detached housing, they will allow the same look that you would have in a multifamily district. Mr. Daniels stated he felt a topographical hardship, as exists with Emerald Lakes, is a very important aspect and should be included as a requirement in allowing this type of development.

Commission discussed the concept of amending the multi-family district at length. On the basis of potential litigation, Harvey moved to adjourned to executive session at 10:12 P.M., Sutliff 2nd. Roll call, all ayes.

Chairman Daniels reconveyned the regular meeting at 10:43 P.M. and Harvey moved to request Mr. Markowitz to consult with Mr. Simon's attorney to work out an amendment to the zoning as discussed, Sutliff 2nd. Roll call, all ayes.

Following a brief discussion, Planning Commission agreed to hold a work session on the Zoning Code amendments on Wednesday, March 19, 1986 at 7:30 P.M.

There being no further business, the meeting adjourned at 10:49 P.M.

Charles M. Daniels, Jr. Chairman

Cathy Male, Secretary

xc: Planning Commission
Council
Building Department
Clerk of Council
Secretary to Bldg. Dept.
Eng.
Solicitor, J. Fraanzese, D. Bannerman

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

Held February 6, 1986 *19*

Members present: Cotesworth, Daniels, Sutliff, Harvey
Other Officials: D. Markowitz, D. Ondrey
Guests: T. Burns, J. Neely

Meeting was called to order by Chairman Daniels at 8:oo P.M. Roll call, O'Donnell absent.

There being no additions or corrections, Cotesworth moved to approve the January 2, 1986 and December 18, 1985 minutes as recorded, Sutliff 2nd. Roll call, all ayes.

John Neely came before the Planning Commission and requested the amendmet to the homeowners declarations of Kensington Green subdivision ~~which~~ To prohibit "off-road" vehicles on the common areas in Kensington Green. Following a brief discussion, Sutliff moved to approve this amendment as requested by Mr. Neely, Coteworth 2nd. Roll call, all ayes.

Tom Burns, RTB Partners, presented plans and sketches of his proposed office campus, to be located behind his existing office building at 539 E. Washington. Mr. Burns explained his proposal is to widen the existing drive off of Rte. 422 which will go back to a campus setting with a total of three buildings. Mr. Burns stated his plan shows that the three buildings do fit and meet yard set backs. Mr. Burns stated they will be using the rear of the Povall property for parking, in addition to areas around the office buildings. Burns stated between the three buildings, there will be approximately 18 offices, depending upon how much space each tenant would want.

Mr. Burns stated one concern they have and the residents in the rear have, is the storm run-off along the rear lot line of the property. Mr. Burns has walked the property with Mr. Philpott & Mr. Brooks, residents of Barwood, and discussed a variety of options to try and correct the current run-off problem. Mr. Burns stated one possibility is to put in a pipe from the Clinic property and take it behind, past Philpott's and on the Ridgewood. Mr. Burns stated this situation has to be discussed with the Village Engineer, and get his opinion as to the best solution for the water run-off. Mr. Sutliff stated he walked this area with Mr. Driemiller, Village Engineer, and they saw the drainage and run-off problem and Mr. Driemiller has specific ideas as to how to correct it. Sutliff suggested all the intereseted parties should get together and see if a solution can be worked out.

Commission discussed the procedure of getting development approval for Mr. Burn's campus office complex. Secretary stated Mr. Burns has filed an application and a fee. Mr. Burns stated he would like to resolve the drainage problem prior to submitting the final plat plan of the proposed buildings. Commission discussed the necessity of the Village Engineer, Mr. Burns and Mr. Burns' engineer sitting down with the property owners to the rear of the proposed development and coming to a solution for the drainage situation prior to the next Commission meeting. Mr. Burns agreed and stated he would schedule a meeting. Mayor Harvey stated he would contact the Village Engineer and ask that he attend this meeting.

Mayor reported Sid Simon has requested that Planning Commission and Council meet with him and discuss the proposal of changing his condominium development of single detached condminiums and making them single family dwellings, without increasing the lot size. Mayor Harvey stated he has scheduled this meeting for Monday, February 13, 1986 at 7:30 P.M. and asked the Planning Commission to attend.

Markowitz stated Jim Holt has asked the Planning Commission to rule on where the front yard set back lines should be located on the rear area lots on Sun Ridge Lane. Commission and Solicitor discussed this question at length. Having come to no agreement, Commission asked Markowitz to further research this question and report at the next meeting.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

David Ondrey presented copies of the revised Zoning Code and reported what he has tried to do in these revisions is make the Zoning Code a more readable Code, eliminate alot of the cross-referencing and update with all the amendments passed in the last two years. Mr. Ondrey stated first, he has rewritten the entire definition section, and the Commission reviewed this section. Second, Mr. Ondrey stated he tried to eliminate all the duplication found in the current code and make each chapter as cohesive, in and of itself, as he could. Mr. Ondrey reviewed the proposed amendments with the Commission.

Following a lengthy review, Commission stated they wanted to review the presented text and meet at another meeting to further work on the Zoning Code revisions. Commission agreed to meet 2-25-86, at 7:30 P.M.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Comm.
Clerk of Council
Sec. Bldg. Dept.
Bldg. Dept.
Solicitor
Engineer
D. Bannerman
J. Franzese

Minutes of Planning Commission Meeting *Meeting*

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

Held January 2, 1986 *19*

Members present: Corteswprth, Daniels, Sutliff, Harvey
Other officials: W. Driemeiller, D. Markowitz
Guests: John Neely

Meeting was called to order at 8:05 P.M. Roll call, O'Donnell absent. Chairman Daniels stated there are no minutes from the 12-18-85 meeting. Secretary stated they will be completed for the February meeting.

Dale Markowitz reported that David Ondrey will be ready to present to Planning Commission, at the February meeting, revisions of the Zoning Code. Markowitz stated that Mr. Ondrey is changing the format as well as some content.

Mr. Neely came before the Commission requesting an amendment to the variance motion approved by the Planning Commission on 12-5-85. Mr. Neely stated all they need to do is refine the language by taking phase II and dividing it into two subsections. Commission discussed at length the revised motion Following this discussion, Harvey moved to grant a variance from Section 3.07 of the Subdivision Regulations to allow zoning and building permits to be issued for sublots #11 thru #30 on Annandale and Westover Drives prior to construction of improvements on Wolfpen and Fairfax Drives so long as Kensington Drive is improved to obtain access to Annandale and Westover Drives, and after all improvements that are required by the improvement plans are constructed except for the application of the surface coat of asphalt and completion of the planting of the trees and shrubs. The surface coat shall be applied following the cleaning of the intermediate course and application of tack coat. Distrubed berm and common areas will be seeded. Also, grant a variance from Section 3.07 of the Subdivision Regulations to allow zoning and building permits to be issued for S/L #31 thru #47 on Wolfpen and Fairfax Drives prior to the construction of the improvements on Annandale and Westover Drives so long as Kensington Drive is improved to obtain access to Wolfpen and Fairfax Drives, after all improvements as required by the improvement plans have been constructed except for the application of the surface coat of asphalt and planting of the trees and shrubs. The surface coat shall be applied following the cleaning of the intermediate course and application of tack coat. Disturbed berm and common areas will be seeded. Sutliff seconded the above motion. Roll call, all ayes.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Coucnil
Planning Commission
Bldg. Dept.
Bldg. Dept. Sec.
Clerk of Council
Engineer
Solicitor

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RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

Minutes of SPECIAL PLANNING COMMISSION MEETING Meeting

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

Held December 18, 1985 19 ..

Members present: O'Donnell, Harvey, Sutliff,Daniels
Other officials: W. Driemiller, D. Markowitz
Guests: S. Simon

Meeting was called to order at 7:10 P.M. by Chairman Daniels. Roll call, Cotesworth absent.

Chairman Daniels asked for any additions or corrections to the previous minutes. Solicitor Markowitz state on Page 34, "filing with the state" should read "filing with the recorder". On page 36, the second full paragraph, should have the following addition, "Mr. Neely agreed to eliminate Phase I from his requested variance." There being no further additions or corrections, O'Donnell moved to approve the minutes as amended, Sutliff 2nd. Roll call, all ayes.

Mr. Sid Simon came before the Commission requesting approval of the final plat for Phase I of the Emerald Lakes Condominium development. Markowitz stated the Village Engineer Bill Driemiller, has reviewed the plat and approved it and signed off on it. Markowitz stated he feels everything is in order and acceptable. Commission reviewed the final plat. There being no further dscussion, Harvey moved to approve the final plat of the Emerald Lakes Condominium Development, Sutliff, 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 7:30 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Bldg. Dept.
Bldg. Dept. Sec.
Clerk of Council
Engineer
Solicitor

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held 19

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

Held. December 5, 1985 19

Members present: Sutliff, Daniels, Harvey
Other Officials: D. Markowitz, W. Driemiller
Guests: J. Neely, R. Rosner, S. Simon, E. Moroney, D. Carpenter, T. Hern, W. Young, T. Burns, J. Holt, D. Kenyo, W. Wolfson, R. Wolfson, T. Wyszynski, G. Costa, M. Block, L. Leachman

The Public Hearing was called to order at 7:55 P.M. by Chairman Daniels. Secretary read the legal notice published in the Geauga Times Leader on November 5, 1985.

John Neely, Con Dev, presented the plat map of Kensington Green Subdivision. Mr. Neely stated the nature of the variance being requested from the Subdivision Regulations will allow the transfer of lots and commencing of construction prior to the final coat of asphalt and completion of landscaping in phases I and II. Mr. Neely stated the reason for this is, given the construction traffic for both the development and the homes being constructed, it is better for the road not to have the final coat of asphalt on, which could get torn up with heavy trucks. In addition to that, if the variance is granted it will extend the maintenence and performance bonds on the road for the additional period of time, until they do put in the finish coat of asphalt. As for the landscaping, the only thing that will not be done are small odds and ends, the majority of the landscaping will be completed. Following a brief discussion, the Public Hearing was adjourned at 8:04 P.M.

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

Held: December 5, 1985
Members present: Sutliff, Daniels, Harvey, O'Donnell (arrived at 9:20P.M.)
Other officials: SAA
Guests: SAA

Chairman Daniels called the meeting to order at 8:05 P.M. Roll call, Cotesworth absent.

There being no additions or corrections to the November 7th and November 20th minutes, Sutliff moved to waive the readings and approve them as recorded, Harvey 2nd. Roll call, all ayes.

Markowitz stated Council requested a meeting be set up for both Planning Commission and Council in order to review the proposed amendment to the Building Code. Dale stated Jim Holt and Dixie Kenyo are also present and he and Jim can give a presentation on what is involved in requesting a building permit under the current regulations and what will be involved under the new proposed regulations.

The demonstration illustrated how the new procedure of requesting a building permit would require just one main permit, whereas, with the old procedure, you had to request up to 10 different permits. This new procedure will save time for both the building department with less forms and also in the Clerk's office with one fee paid instead of individual fees with individual permits.

Mr. Sid Simon presented the final plat of phase I of the Emerald Lakes subidivision. Mr. Simon stated he had made the changes requested by the Solicitor and Engineer on the final plat. Commission reviewed the plat. Markowitz asked Mr. Simon if he still wants this project to remain a condominium project? Mr. Simon stated he would prefer to have the development changed from condominium to single family. Mr. Simon stated the only reason he now wants a single family project is because his sales people have told him that there is too much explaining to potential buyers on exactly what they are buying, i.e. condominium concept but with a single family home. Mr. Markowitz stated if they want to change the type of development presented in the final plat, from condominium to single family, it will require either a variance or zoning amendment to the zoning code because the plat does not meet any of the zoning regulations for a residential, single family development.

Mayor Harvey asked if it wasn't a requirement of the Code that the condominium declarations be approved prior to the final plat being approved? Markowitz

stated this was true. Mr. Rosner, attorney for Mr. Simon, stated under state law, they cannot file the condominium declarations until the first buildings are up and certified as built by the architect and surveyor. Mr. Rosner stated to provide for what the Village requires, they have prepared a homeowners declaration which provides for a condominium declaration if that is how the development is approved. Mr. Rosner stated they can provide the Village with the same protection with the homeowners declarations as they can with the condominium declarations.

Commission reviewed the process of requesting a zoning amendment if Mr. Simon wants to amend his development from condominium to single family residential, and the whole process takes between 60 and 75 days. Mr. Simon stated because he can not afford to lose another 75 days before he starts his models, he is asking that the plat be approved as presented. Mayor Harvey asked what happens if the Commission approves the final plat as a condominum project and the models are built and Mr. Simon changes his mind and wants it to be single family. Mr. Rosner stated if one unit is sold as a condominum, the whole project must remain a condominium. Markowitz stated however, if the Commission approves the plat and the plat gets filed and prior to the filing of the declarations with the ~~state~~ recorder, Mr. Simon can come back and request rezoning. Mr. Rosner stated this flexibility is built into the declarations given to Mr. Markowitz for his review.

Markowitz stated this application was filed on November 20th and the Planning Comm. has 30 days to act. Markowitz stated he has Emerald Lakes deed restrictions which he as not yet reviewed. Commission stated they too, would like to review the deed restrictions. Following a brief discussion, Commission agreed to proceed with the rest of the meeting and review the final plat further at the end of the meeting.

Tom Burns came before the Planning Comm. requesting a proposed zoning amendment which would, in the B-2 district, provide for off-site parking on adjacent land and increase the height maximum for office buildings to 35 feet. Commission reviewed the proposed ordinance. Following brief discussion, Harvey moved to recommend to Council approval of the Zoning Amendment introduced by Tom Burns, Sutliff 2nd. Roll call, all ayes. Commission reviewed the process of Council's review and action on zoning amendments.

Warren Wolfson, Care Services Associates, came before the Commission requesting action on their zoning amendment application. The Public Hearing for the application was on November 20, 1985. Commission and Mr. Wolfson reviewed the proposed amendment.

Mrs. O'Donnell asked if this project is for 100 units or for 100 residents? Mr. Wolfson stated it is for units for 100 residents.

Mr. Sutliff asked what they had planned for each unit size. Mr. Markowitz stated he as received information from their architect which indicates the minimum room size for single occupancy is 225 square feet and 325 square feet of double occupancy. The overall building has an area of 325 square feet per resident.

Engineer stated following his review, he noted the building as shown on the plat does not comply with the side and rear yard set back. Mr. Wolfson stated he did feel these set backs were larger than they wanted. Mr. Wolfson stated they would like to keep the building back in the corner of the property. Following a brief discussion, Mr. Wolfson and the Commission agreed the zoning amendment be changed to read a minimum of 75 foot side yard set back and the 100' rear yard set back would remain the same.

The Commission discussed the parking requirements in the zoning amendment. Following a brief discussion, the amendment was changed from one parking space per 2 residents, plus parking for employees, to one parking space per 3 residents, plus parking for the employees.

Markowitz reviewed the changes made to the second draft of the proposed amendment as discussed; 1) Schedule 4, page 2 of exhibit A, under density there must be a parenthesis around "11"; 2) Schedule 4, where it says minimum front yard and minimum yard side yard, the word"(feet)" will be added; 3) Section 7 I, must add "200 square feet for one person, minimum living area; 300 square feet for two persons, minimum living area; and define a living unit as meaning an eclosed room used for sleeping quarters for one or two persons; 4) Schedule 4, will be amended to

to show minimum side yard as 75 feet; 5) Schedule 8, footnote 7, parking will be changed to one space for every 3 residents.

Mr. Bill Young, resident on Maple Springs, stated there are three areas which concern him should this project be approved. First is water, not only the drinking water but the run-off water during construction and after. Second, is the increase in traffic that this project will bring. Third, and his biggest concern is the change in zoning, this change could be considered spot zoning and what will the ramifications be from this amendment. In addition, has it been determined that there is a real need for this facility?

Tom Hern, resident on Sheerbrook, stated this area has been zoning residential and possibly this proposal should be tabled until the Village can further study all other possible areas to place this facility where zoning won't be amended.

Mark Block, resident on Parkland, stated he just recently moved to South Russell from Shaker Heights and he feels this zoning amendment is wrong and the property is zoned for residential and it should remain residential.

John Neely stated his only concern is what will be done around the border of the property, i.e. landscaping and screening, to protect the residents of Kensington Green.

Mr. Wolfson stated he would like to address the concerns just stated by the residents. As for the need for this type of facility, we are all aware of the greying of America and addressing the residential needs of the elderly is self-evident. Mr. Wolfson stated he feels as for the presence of a residential dwelling of this type, on this property, it is preferable to anything else that might be done, aesthetically. This single building will be preferable aesthetically over a housing development. It is more preferable environmentally that a housing develoment because there will be less pavement, less roof area and the majority of the land will remain undeveloped. The proposed building will cover less than 10 % of the land and this would create fewer problems with run-off than that of a housing development.

Mayor Harvey stated the problem he has with the project is the density change, ten people per acre. Mayor Harvey stated the Village has strived very hard to maintain the density of one unit per acre and he feels this would be a step backwards.

Wally Sutliff stated he has no problem with the proposed project. Sutliff stated he feels a development of 10 homes would create more problems with traffic and run-off and possible water than the project proposed tonight.

Dave Carpenter stated he agrees with what Mayor Harvey stated and the Village has tried very hard to maintain the density, as it is today, and he would like to see it protected.

Mr. Wolfson stated when you consider density, you must look at both structures and people. Wolfson stated if you put 10 houses on this property you would have a much more dense development than what is being proposed.

Mrs. O'Donnell stated she has a problem with the idea that elderly people should be put in a business district and live on Rte 422 and look at more brick buildings and heavy traffic. This property is zoned residential and the project proposed is a residential project. For those people who might need the services of an assisted care facility, they should be able to live in a residential area.

Following a brief discussion, Harvey moved to recommend to Council to pass the proposed ordinance amending the Zoning Code of South Russell, creating an elderly assisted living district, R-3, and amending sections 1.03. 2.10 3.04, 4.1, 4.2, 4.3, 10.01, Schedule A, Schedule B, amending the Zoning Map an adding Sections 4.06 and 9.02, subject to the modifications as previously listed by the Village Solicitor, O'Donnell 2nd. Roll call, ayes: Sutliff, O'Donnell, Daniels, nays: Harvey.

Markowitz stated this application will go to Council for the first reading and schedule the public hearing at the December 9th Council meeting.

Markowitz stated Mr. Neely wants to file new deed restrictions for Phase I and they must be approved by the Planning Commission. Neely stated they are trying to iron out a few wrinkles in the original deed restrictions for the first phase and the areas that are being changed are the roof pitch, requirement that only side and rear entry garages will be allowed and amending the minimum square footage of homes. Markowitz stated he has briefly reviewed these restriction and if Planning Commission wants to approve them, he would like them approved subject to the Solicitor's review and approval. Following a brief discussion, Harvey moved to approve the amended deed restrictions for Phase I contingent upon the Solicitor's approval, Sutliff 2nd. Roll call, all ayes.

Commission reviewed the variance application of Mr. Neely's as presented at the Public Hearing.* Following a brief discussion, Harvey moved to allow the issuance of the building and zoning and occupancy permits for phase II after all improvements are in other than the final surface coat and completion of landscaping, Sutliff 2nd. Roll call, all ayes.

Mr. Simon and Commission reviewed the final plat application of Emerald Lakes. Comm., Mr. Simon and Mr. Markowitz discussed the problems of this project switching from a condominium project to a single family development. Mr. Markowitz stated there are certain things that are needed before it can be filed; first, is a title policy; second, fees need to be paid and brought up to a $500 balance in the development review account; and third, the deed restrictions must be reviewed by the Commission and Solicitor.

Following a lengthy discussion, the Commission agreed to hold a special meeting Wednesday, December 18th at 7:00 P.M. to further discuss this application and allow the Engineer and Solicitor to do their final reviews.

There being no futher business, meeting adjourned at 11:50 P.M

Charles M. Daniels, Jr., Chairman — Cathy Male, Secretary

Xc: Council, Planning Commission, Clerk of Council, Bldg. Dept., Bldg. Dept. Secretary, ABR, ZBA

* Mr. Neely stated he is requesting that Phase one be deleted from the variance request.

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

Held November 20, 1985 *19*

Members Present: Sutliff, O'Donnell, Daniels, Harvey
Other officials: D. Markowitz, W. Driemiller
Guests: T. Wyszynski, G. Costa, W. Phillips, Y. Eckstein, F. Kolberg, J. Alexander, D. Pitz, M. Tylicki, M. Reid, K. Tylicki, R. Wolfson, W. Wolfson, M. Gozelanczyk, P. Andrew, G. Norton, W. Young, R. Anderson, T. Burns, T. Hern, D. Carpenter, E. Freshman, F. Carragher, P. Syversten, B. Block, A. Perusek, T. Aquaviva, S. Bartter, D. Pitz

Chairman Daniels called the Public Hearing to order at 8:00 P.M.
Roll call, Cotesworth was absent.

Secretary read the public notice published in the Geauga Times Leader on October 17, 1985 announcing the public hearing for the application for a zoning amendment of Care Services Associates, for property located at 5277 Chillicothe Road, which if approved would permit assisted living retirement residences.

Mr. Warren Wolfson, president of Care Services Associates and owner of the property located at 5277 Chillicothe Road, gave a history of his company and how the concept of "assisted care living" developed. Mr. Wolfson stated in his own nursing homes there are individuals who do not need that type of intensive care, what they needed was a residential environment where the resident can be provided minimum assistance that will enable them to remain independent, enable them to still participate in their home communities and enable them to avoid institutionalization. Mr. Wolfson stated he picked the location of the Mushrush farm because it is spacious and the aesthetics will enhance the living environment of the residents. Mr. Wolfson stated there are no provisions in the South Russell Zoning Code for this type of use and they have therefore made application to the Village for a zoning amendment which will provide for a permit to develop a 100 unit assisted living facility. Mr. Wolfson gave details of exactly what is an assisted living facility for the elderly. Mr. Wolfson stated the proposed facility would be situated far back on the Mushrush property and would occupy roughly 10 % of the property.

David Howe, architect, presented drawings of the building design, unit design and interior decor. Mr. Howe stated the building would be located off an extended existing driveway. Mr. Howe stated the existing structures on the property would remain. Mr. Howe stated the proposed structure will consist of three wings with a central core used for dining, recreation and main activity. Mr. Howe stated the reason for this design is to minimize the travel distance for the residents and it also breaks down the general size of the building. The building will be only one story and each resident will have direct access outside.

Mr. Howe stated the sanitary sewer located on Rte 306 is adequate in size to handle their proposed structure and the storm water can also be handled with the existing storm sewers.

Mr. Howe gave details of the proposed structure and presented renderings of the common areas and individual units.

Following Mr. Wolfson and Mr. Howe's presentation, Chairman Daniels opened the hearing to questions from the floor.

Molly Reid, Sheerbrook, asked for more specifics on the sanitary sewer and are they sure it has sufficient capacity for the proposed facility?

Mr. Milt Gozelanczyk, civil engineer for the project, stated they obtained the sanitary sewer plans from the Geauga County Sanitary Engineer's office and the sewer runs from the property, north along Rte 306, towards Bell Road. It is a 10% grade, which will be able to handle 3/4 of a million gallons, and this can easily handle the addition of this facility.
Mr. Gozelanczyk stated the Geauga County Engineer has not reviewed this proposed project, however they do not feel there will be any problem with either sanitary or storm sewers.

A resident asked what information did the applicant have regarding water, what impact would this project have on the surrounding areas.

Dr. Yorum Eckstein, hydrologist hired by Care Services Associates, stated the applicant asked him to give a preliminary opinion on what was the ground water situation. Mr. Eckstein stated the existing well is located in the Sharon Sandstone and he has determined, through using standards of the EPA, the daily usage of 150 gallons of water perhead in a normal household, there is sufficient water for the proposed facility of 100 residents, with one very important factor. Dr. Eckstein stated this factor is the water well for this facility must be properly designed and well developed.

Johnathan Day, resident, asked Dr. Eckstein what control should there be to insure a properly designed well is, in fact, installed for this facility. Dr. Eckstein stated a hydro geologist should be employed to properly design a well like the one he feels should be required for this project.

Bill Phillips, Chagrin Lakes, stated his concern is surfact water. Mr. Phillip explained the two locations of where the surface water flow into the Chagrin Lakes property and fill their lakes. Mr. Phillips stated it is imperative that the proposed facility is placed in an area that will not obstruct the surface water flow into their lakes, because if it does, their lakes will dry up.

Mr. Gozelanczyk stated they are not allowed to divert water by law and will not disturb the flow which would disturb the levels of the lakes in Chagrin Lakes. Their final plans will have to be approved by the Village Engineer and this will insure them that there will not be any problem with surface water run-off.

To a question regarding the problem of poor quality of water, would the drilling of any additional wells affect the quality of water. Dr. Eckstein stated normally, development of any kind, excluding an industrial development, does not cause the deterioration of water quality.

Mr. Day asked if the farm is going to be maintained, would the house be occupied? Mr. Wolfson stated tenatively there will be a tenant for the house, possibly, in the future, a caretaker for the property.

Freda Kolberg, questioned if this is being considered spot zoning and does this fit in with the overall plans the Village has for South Russell and how does this affect anyone, who in the future, might request a zoning change. Mayor Harvey stated as far as the question of whether this use fits within the community and will it be a positive addition, that is what the Planning Commission is trying to determine at this public hearing, the Planning Commission wants to find out how the community feels about this project, and how the proposed uses fit into the current zoning. Mr. Wolfson stated what they have envisioned is a vehicle for people to stay in this community as long as possible. As far as the rural, residential nature of the community, this project is decidely residential and the impact it will have is in many ways, a benefit, in relation to the alternatives. As far as land usage, it provides for a very small land usage relative to the size of the land. An alternative housing development would have far greater use of the land, far more dangerous possibilities regarding water run off, silting, water usage, greater stress to community resources, i.e. security, Village services. As far as traffic and effect on schools, this project will have relatively small impact. Mr. Wolfson stated in many ways this facility will enhance alot of what the residents concerns about the Village are and at the same time avoid certain alternatives that could cause negative effects.

Dale Markowitz, Village Solicitor, state one important concept that must be understood is this proposal keeps the land in a residential district, it is a residential use, not a commercial or industrial use.

Planning Commission reviewed the procedures for filing a zoning amendment application and the steps it must follow for approval or disapproval.

Mr. Young asked if this amendment will have language which will prevent the assisted care facility from beiing turned into a conventional nursing home? Mr. Wolfson stated he does not want a life care community, the senior citizens

he works with do not want that environment. Mr. Wolfson stated what happens in many areas is a developer comes in, who is not a health care administrator, puts up a life care community, they syndicate them in limited partnerships and hire a management company and then they leave. This is totally opposite to what they are proposing. Mr. Wolfson stated as far as who decides if and when a resident must be placed in a higher care facility, a social worker who is on the staff will work with the family to make this decision. What should be noted however, is a very small percentage of the residents living in the assisted care facility will end up in a nursing home.

Mr. Philips, resident, stated he is very concerned about what effect a decision which would allow the development of Care Services Associates' assisted care facility would have on the pending lawsuits of Mr. Ed Ketchel and the proposed Bainwood development. Mr. Philips stated Mr. Ketchel has in his plan a proposed health care facility for the aged and elderly people and if South Russell approves a plan for health care for the elderly in its own village, how could they object to one presented by Mr. Ketchel? Mr. Phillips stated he and other residents of Sheerbrook attended the Bainbridge public hearing for the proposed Bainwood development and opposed Mr. Ketchel'splan. Mr. Phillips stated he would like it noted on the record that he personally objects as a member of the South Russell community to favor the proposed plan for an assisted care facility because of Mr. Ketchel's continuing action to initiate the Bainwood Development.

Mr. Freshman, resident, asked what the cost would be to live in the facility? Mr. Wolfson stated approximately$1,200 to $1,600 per month.

Mr. Markowitz stated there are three changes that need to be noted on the first draft of the proposed zoning amendment for Care Services Associates. First, in schedule 4, under density, it should be changed to 10 persons per acre. Second, in the legal description, the five acre parcel description is very vague, but these five acres will remain in the R-1-A district and an exact description will be provided in the final draft. Third, the minimum size of the living units was left out intentionally because of the lack of information. Markowtiz stated he will take this up with both the Planning Commission and applicant.

There being no further discussion, Chairman Daniels adjourned the Public Hearing at 10:15 P.M.

RECORD OF PROCEEDINGS

Minutes of Special Planning Commission Meeting
Held November 20, 1985

Members present: SAA
Other Officials: SAA
Guests: Tom Burns, D. Carpenter

Chairman Daniels called the regular meeting to order at 10:30 P.M.

Tom Burns came before the Planning Commission requesting a zoning amendment which if approved would increase the height limits for offices and amend Schedule 8 of the Zoning Code by changing parking requirements for offices and adding Section 10.02 providing for off-site parking.

Solicitor handed out copies of this proposed amendment. Commission, Burns and Solicitor discussed the amendment at length. Commission discussed their concern regarding the concept of "off-site parking" Following a lengthy discussion, Mr. Markowitz stated he would like to come back to the Commission with some revised language which would make some limitations regarding the off-site parking. Commission agreed and they will discuss further at the next meeting.

Secretary presented the final plat, application and fee for phase one of Emerald Lakes. Planning Commission accepted it for filing and passed it on to the Solicitor and Engineer for their review.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

There being no further business, meeting adjourned at 11:35 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Planning Commission
Council
Clerk of Council
Bldg. Dept.
Bldg. Dept. Secretary
Engineer
Solicitor
D. Bannerman

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

Held November 7, 1985 19

MINUTES OF PUBLIC HEARING FOR VARIANCE REQUEST OF SID SIMON

Members present: Cotesworth, O'Donnell, Daniels, Sutliff
Other officials: W. Driemiller, D. Markowitz
Guests: Sid Simon, Margie Simon, G. A. Stanek, P. Bradford, T. Wyszynski, G. Costa, F. G. Wohlschlaeger, E. Gottschalk, T. Burns Rose Ohlson, T. Puette

Public hearing was called to order at 8:00 P.M. Chairman Daniels read the legal notice published in the Geauga Times Leader on October 7, 1985, stating the purpose of the public hearing was to hear the variance request of Sid Simon Emerald Lakes, which if granted would allow the transfer of condominium units in the Emerald Lakes subdivision prior to the application of the surface coat of asphalt and prior to the completion of plating of trees and shrubs.

Mr. Markowitz, Village Solicitor, stated he needed to make a correction to the legal advertisement, the Sections 3.07 and 3.15 are correct, however the request is actually for a variance which will allow the issuances of the zoning and building permits prior to the final coat of asphalt and planting of trees.

Mr. Simon asked if he has to have the gas and electric lines in before getting zoning and building permits. Markowitz stated the Subdivision Regulations require all utilities to be installed prior to the issuance of building and zoning permits. Mr. Simon stated if he can't start building before the utilities are put in, he will lose the building season.

Mr. George Stanek, President of Southwyck Homeowners Assoc. questioned of what will the first phase consist. Mr. Simon stated the first phase will consist of 33 units. Mr. Stanek asked when the final improvements must be put in, is there a deadline date? Mr. Markowitz stated Mr. Simon has until the date of the performance bond and letter of credit expiration. If the improvements are not in by that date the Village can call on the letter of credit. The expiration date is approximately in September of 1986.

Mr. Stanek stated Southwyck Lake is having a silting problem in their lake and presented photos showing the muddy looking water going into Southwyck Lake from Mr. Simon's development.Mr. Stanek stated he felt the siltation system installed was not large enough to hold the run-off from the rains over the last 4 or 5 days, therefore they have a problem of the silt flowing into their lake.

Bill Driemiller, Village Engineer, stated they have an excellent four stage sedimentation system installed and described each stage. Mr. Driemiller explained they will get some clay fines in suspension and this is virtually impossible to filter out and some discoloration of the water will occur. Mr. Driemiller explained he does not feel there will be a siltation problem from this one storm, there is currently a very small sediment load in the basin and if you go further down stream to the straw bales, you see very little silt. Commission discussed the uniqueness of this situation because of the extraordinary amounts of rain that have fallen in last four days.

Mr. Markowitz stated he wanted to make sure everyone understands what is being requested in the variance application tonight. Mr. Simon and the Planning Commission agreed this variance, if granted, would allow the building department to issue building and zoning permits for the 29 units in phase one prior to the final coat of asphalt and final landscaping.
Markowitz stated Mr. Simon has permission now, to build four model homes prior to the construction of the road, however Mr. Simon has refused to sign the hold harmless agreement, a requirement for issuing the building permits for the model homes. Mr. Simon stated he will not sign that form because it requires him to be responsible for every street in the Village, keeping them free of any construction mud. Commission and Mr. Simon discussed this situation at length. Mr. Simon stated he will not start the model until the road is in, however now he finds out he can not start his models until the utilities are

in for all of phase one. Therefore, can he amend his variance request to begin his models prior to the completion of the utilities installation. Mr. Simon stated he will not start any of the other 29 homes or allow anyone to move into the models until all the utilities are completed for Phase one. Commission discussed the landscaping requirements and Mr. Simon agreed to mulch all distrubed areas and whatever else is required of the Village Engineer. Engineer asked if there is any problem amending the variance request the night of the public hearing? Markowitz stated no because it still pertains to the same sections of the Subdivision Regulations.

There being no further discussion, public hearing adjourned at 8:45 P.M.

MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION

Members present: Cotesworth, Daniels, Sutliff, O'Donnell (arrived at 9:20P.M.)
Other Officials: SAA
Guests: SAA

Chairman Daniels called the meeting to order, roll call, Harvey absent, O'Donnell arrived at 9:20 P.M.

There being no additions or corrections, Cotesworth moved to approve the October minutes, Sutliff 2nd. Roll call, all ayes.

Ed Gottschalk and Tom Burns came before the Commission requesting a developmental review approval for their proposed office warehouse, located behind the Galleries building. Commission, Engineer and applicants reviewed the proposed drainage plan. Markowitz reviewed Ordinance 1984-45 with the Commission describing the duties of the Commission in reviewing and approving a development review application.

Following lengthy discussion, Cotesworth moved to conditionally approve the development review application for an office warehouse contingent upon the Village Engineer's approval of the plans and his determination of whether a performance bond is required, Sutliff 2nd. Roll call, all ayes.

Rose Ohlson presented developmental review application for a proposed catering kitchen to be installed in half of the small building next to the office of Dr. Gary Holz, at the southeast corner of Bell and Rte.306. Mrs. Ohlson explained she will be only cooking in this building and there will be no retail sales. All the items she makes, she delivers herself. Mrs. Ohlson stated she needs a food service license and in order for her to get that license she must fulfill many health department requirements that a home kitchen can not.

Mr. Markowitz and Commission reviewed the application and discussed at length. Engineer stated when the dental office was given its approval, the small building was included in that approval. Mr. Markowitz stated with that development approval then all that is needed is an approval of occupancy permit.

Following further discussion, Sutliff moved to interpret the zoning code to consider the proposed use of a catering kitchen as a personal service conditioned upon no retail sales and the zoning inspector be authorized to issue a zoning and occupancy permit, Cotesworth 2nd. Roll call, all ayes.

Markowitz stated he would like the Planning Commission to consider the possibility of requiring any new developments to provide proof of good quality of water as well as quantity. Markowitz explained this is, in part, a result because of the problem the Village is having in drilling a new well and having a very serious problem with contaminants, i.e. salt, gas and other chemicals. Markowitz stated the Subdivision Regulations don't considerquality studies and Eckstein has only been looking at quantity. Markowitz stated he is asking that the Planning Commission keep this in mind for any future amendments to the S/D Regulations.

Markowitz presented the proposed zoning amendment for the height and parking requirement in the B-1, B-2 and I districts. The changes proposed are to the height maximum which will allow for a 3 story office building, change in the parking requirements from 1 space per 250 square feet plus one per employee, to one space for every 200 square feet. In addition the amendment would allow for off-site area for common area parking. These changes are only for office buildings, not reta-

retail buildings. Markowitz asked Planning Commission to review this amendment and it will be discussed at the November 20th meeting.

Markowitz presented copies of the proposed preliminary language for the zoning amendment for the assisted living facility. Markowitz stated this has not been put into an ordinance form yet because he would like the Commission to review the specific requirements.

Commission discussed the proposed language and requirements. Markowitz stated he would draft the final language in an ordinance form and the present it at the public hearing scheduled for November 20, 1985 at 8:00 PM

Commission reviewed the variance request of Mr. Simon. Markowitz explained if the variance is granted the four model units can be started when the Engineer accepts the work done on the road ~~and prior to the installation of the utilities~~ and prior to the installation of the utilities and prior to the installation of the trees however whatever measures the Engineer determines are necessary for sedimentation control must be in place before the four model units are started. Then the remaining 29 units can go in after everything required by the Subdivision Regulations and Improvements Standards other than the top coat of asphalt and final landscaping.

Mrs. Cotesworth asked Mr. Markowitz his opinion of the variance request and what he advises the Planning Commission should do. Mr. Markowitz stated he and the Village Engineer agree that the letter of credit is sufficient. He does not have a problem with the model units being installed prior to the utilities, this variance is the same as granted to Con Dev. The area that concerns him is the possibility of mechanics liens prior to the dedication.

Commission, Markowitz and Mr. Simon discussed at great length the specifics of the variance request and the conditions of the Engineer to make sure all the sedimentation controls needed to be installed on all disturbed areas.

Mr. Simon stated he can not live with the Engineer being able to hold up his construction because of the stipulations for sedimentation controls. Mrs. Cotesworth stated the Commission has given Mr. Simon permission to build his four models in a previous variance request. Mr. Sutliff stated the thing that is holding up the four model homes is that Mr. Simon will not sign the hold harmless agreement. Mr. Simon stated this agreement is unresonable, it requires him to clean every street in the Village and in addition, give a copy of the agreement to the bank and then the bank can use it to hold out his money and he won't sign it.

Markowitz stated this agreement is not written as Mr. Simon is interpretting it, if he wants to take out the last sentence relating to giving a copy to the bank, that is ok with him, but he will not amend any further language. Mr. Simon stated if this sentence is taken out, he will sign it.

Mr. Driemiller stated that before the Emerald Lakes job is wintered they want temporary erosion control on all disturbed areas. Mr. Simon stated he might, weather permitting, do the final grading and hydroseed. Mr. Driemiller stated when utilities do come in, all distrubed areas damaged in the spring will have to be repaired. Mr. Simon agreed.

Following a lengthy discussion, Cotesworth moved to allow the issuance of zoning, building and occupancy permits for 29 units following the installation of all improvements except for the surface coat installation and the planting of the trees. The four model units, that the Commission previously granted a variance for, the building and zoning permits can be issued upon the signing of the Guarantee and Hold Harmless Agreement, with the last sentence of page three deleted. Occupancy permits can be issued on the four model units when all improvements are installed, except top coat installation and planting of the trees, Sutliff 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 10:39 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*

Minutes of SPECIAL PLANNING COMMISSION MEETING Meeting

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

Held October 24, 1985 19

Members Present: Daniels, Harvey, O'Donnell
Other officials: D. Markowitz
Guests: John Neely, Chuck Fazio

Meeting was called to order at 7:30 P.M. Roll call, Cotesworth and Sutliff were absent.

Chairman Daniels asked for any additions or corrections to the October 3, 1985 minutes. Mrs. O'Donnell stated three different times the minutes state Mr. Costa is speaking and it was Mr. Wolfson. Secretary made those corrections. There being no further changes, O'Donnell moved to approve the minutes as amended, Harvey 2nd. Roll call, all ayes.

John Neely, Con Dev, presented a variance application from the Subdivision Regulations requesting that the lots #11 through #47, plus ½ of the common area, in Phase II be able to be transferred prior to the final coat of asphalt and final landscaping. Commission discussed this request at length. Markowitz stated his only concern with this variance request is the problem of the potential for mechanic leans prior to the dedications of the roads. Markowitz stated it will be important that the Village is sure there are no mechanics leans when roads are dedicated. Following a brief discussion, Planning Commission set the Public Hearing date for this variance request for December 5, 1985 at 7:45P.M.

Chuck Fazio, architect for Rosie's proposed renovation to the building behind the restaurant, came before Commission requesting development review approval. Mr. Fazio stated he has physically inspected the parking area and has come up with 66 spaces onsite, the Code requires 76 spaces. Mr. Fazio stated they have gotten permission to use the parking lot of the office building owned by Tom Burns, across the street from Rosie's, for the needed 10 additional spaces. Markowitz stated Mr. Burns can not give Rosie's 10 spaces because he does not currently have sufficient parking, as per the Code requirements, for his own building. Markowitz stated not only is the number of parking spaces a problem, but the Code reqires the surface be a hard surface and the rear parking area is not a hard surface.

Following a lengthy discussion, Harvey moved to grant a zoning permit and approve the developmental review conditioned upon the Zoning Board of Appeals granting a variance to eliminate the requirement for the additional 10 parking spaces so long as the 34 spaces to the rear of the party center building are constructed of a hard surface and provide drainage in a manner approved by the Village Engineer, O'Donnell 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 9:35P.M.

Charles M. Daniels, Jr., Chairman — Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Building Dept.
Buidling Dept. Sec.
Eng.
Solicitor
D. Bannerman

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

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

Held October 3, 1985 19

Members presented: O'Donnell, Harvey, Daniels, Sutliff
Other Officials: D. Markowitz, W. Driemiller
Guests: W. Young, J. Alexander, H. Magee, G. Costa, G. Lenarcic, T. Pistil, P. Syversten, S. Paton, D. Roberts, E. Gottschalk, J. Day, C. Fazio, T. Wyszynski, I. Tripp, S. Bartter, S. Simon, M. Vedder D. Otten, W. Wolfson

Meeting was called to order at 8:00 P.M. Roll call, Cotesworth absent.

There being no additions or corrections, Sutilff moved to approve the minutes of September 5 and September 17 meetings, O'Donnell 2nd. Roll call, all ayes.

Dale Markowitz presented the Chagrin Falls and Hudson senior resident zoning code. Markowitz stated he has read them over and likes the code from Chagrin Falls better however there are items missing and others that need to be deleted. Commission briefly review these codes.

Ed Gottschalk presented plans for the office warehouse proposed behind the Galleries building. Gottschalk stated this is the same plan presented to the Planning Commission when requesting a conditional use permit. Since that time, they have been granted a variance from the Zoning Board of Appeals for the side yard and rear yard setback. The variance granted is the combined side yards be no less than 70 feet with the west side yard not less than 30 feet and the rear yard no less than 50 feet. Mr. Gottschalk stated the building will be more that 50 feet from the rear line and the west side will have greater than 30 feet for a side yard set back. Commission and Mr. Gottschalk discussed the layout of the proposed building and the traffic pattern for the trucks coming and going.

Markowitz stated Mr. Gottschalk is requesting for a reconsideration of the conditional use permit which was denied on July 9, 1985. The Commission discussed the reasons for the denial, side and rear yard set back, parking and drainage of storm water.

Following a lengthy discussion, Mrs. O'Donnell moved to rescind the previous denial of the conditional use permit, Harvey 2nd. Roll call, all ayes. Following a brief discussion, O'Donnell moved to grant the conditonal use permit for a storage and distribution center to RTB Properties LTD with the following conditions; 1) obtain developmental review approval including drainage plan, water, sewer, 2) obtain Chagrin Falls approval for water tie-in or obtain approval of the Village Hydrologist for an on-site well, 3) obtain approval of the Village Solicitor for an easement of a half acre parcel, owned by Tom Burns, to tie into the development for parking, ingress and egress and eliminate water on that parcel and 4) obtain an easement or fee in trust for a 25' X 75' strip of land owned by Ed Gottschalk, Sutliff 2nd. Roll call, all ayes.

Mark Vedder, volunteer from Chagrin Falls Fire Department, stated he is before the Planning Commission regarding water for fire proptection. Mr. Vedder explained their fire trucks carry water however there are times they have need to refill. In S. Russell, there are not hydrants everywhere and they would like to depend upon the lakes. In order to do this, they have to have dry hydrants installed which has a connection which the trucks can attach to and draft water. Mr. Vedder stated the fire departments would like to encourage legislation requiring dry dydrants in all new developments. Vedder stated in addition, they would like to encourage any existing developments to also install dry hydrants. Mr. Vedder stated the fire department would provide the labor to install the hydrant if the developments would pay for the materials and if the Village could provide a back hoe and an operator to do the digging. Mayor Harvey stated Mr. Vedder will have to request the back hoe and operator from the Village Council however the P/C could initiate legislation which will require dry hydrants for all future developments. Commission agreed it is an excellent idea and thanked Mr. Vedder.

Greg Costa, Care Services, filed his application for zoning amendment, which requests the rezoning for the Mushrush property for an assisted care liviing facility. Mr. Costa presented plans showing the proposed units in the facility. Commission reviewed the plans. Markowitz stated there is

no language written for this zoning amendment at this time and what he needs is some information from the P/C as to what they want in the amendment. Mr. ~~Costa~~ Wolfson stated the physical structure will be something like 5 moduals connected at the corners or by breezeways. It will be one structure in the sense of central utilities however from the aesthetics standpoint, it won't look like one building. Mr. Costa stated the whole idea of this assisted living facility is, to provide a combination of residential needs and personal needs without sending the senior citizens out to a nursing home. This facility will be provide for a group of individuals to be living in a private dignified environment surrounding a common area, i.e. living room and dining room, in addition to having access to the community through a recreation director and van.

Mr. Markowitz stated he is having a difficult time drafting an ordinance, not knowing exactly what specifications are needed. Mr. ~~Costa~~ Wolfson stated he will canvass the state, looking for other ordinances which could be used, with their own specifications. Following a brief discussion, Mr. ~~Costa~~ Wolfson requested to extend the 30 day limit for P/C action on his application to 45 days. P/C accepted his request and scheduled a Public Hearing for Wednesday, November 20, 1985 at 8:00 P.M. Solicitor stated he would prepare the legal notice and asked the clerk to notify the media.

Chuck Fazio, architect for Rosie's, stated he was hired to change the building behind Rosie's restaurant into a party center and he is requesting development approval from the P/C for that project. Mr. Fazio presented the proposed plan. Harvey stated the biggest problem he sees is parking, at the present time, there doesn't seem to be enough for the restaurant alone. Mr. Fazio stated the capacity of the party center will be 50 people.

Planning Commission discussed parking requirements at length. Commission approved the party center concept, however felt the parking situation is a monumental problem and don't know how it can be resolved.

Following a review of the code, Markowitz stated all parking does not have to be onsite and if Rosies can come up with a plan with the required number of spaces, offsite and onsite, and the Commission agrees to the plan, Planning Commission can approve the plan. Mrakowitz stated this plan must still go before the Village Engineer for his review. Once the Engineer is satisfied, then they should come back before the Commission to get the development approval.

Markowitz stated he has met with Tom Burns and Damon Braun regarding the request for a zoning amendment for the B-2 area, which would create an additional district allowing for an office campus setting. Markowitz stated the changes that Mr. Burns and Mr. Braun want are to increase maximum allowable height of the building to 35 feet, amend the parking requirements to one space per 200 square feet, grant the ability to cluster buildings, i.e. for the "campus style" office complex and grant the ability to use off-site land to be counted for open space or parking area. Markowitz stated there is no language written for this request at this time but there will be by the November meeting. Commission agreed not hold a public hearing on this application but need to see the exact language of the proposed amendment prior to taking any action. Markowitz stated the language will be presented prior to or at the November meeting.

Sidney Simon presented deposit for a subidivision variance, requesting to record his subdivision and sell lots prior to the application of the final coat of asphalt and final landscaping. Markowitz stated this is the same request P/C granted to Kensinton Green. Following a brief disucssion, Harvey moved to schedule the public hearing for Mr. Simon's request on November 7, 1985 at 8:00 P.M. contingent upon the Solicitor being able to get the advertisement into the Geauga Times Leader, O'Donnell 2nd. Roll call all ayes.

Markowitz stated he has met with David Ondrey and the Zoning Code revision he is preparing will be ready in a month.

There being no further business, meeting adjourned at 11:43P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

XC: Council, P/C, Bldg. Dept., Eng. Solicitor, ZBA, Clerk of Council

RECORD OF PROCEEDINGS

Minutes of SPECIAL PLANNING COMMISSION MEETING *Meeting*

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

Held September 17, 1985 *19*

Members present: Cotesworth, Harvey, Sutliff
Other officials: D. Markowitz
Guests: J. Prenosil, B. Rickert

Meeting was called to order at 7:30 P.M. Roll call, O'Donnell and Daniels absent.

Cotesworth moved to appoint Wally Sutliff Chairman Pro-tem, Harvey 2nd. Roll call, Cotesworth and Harvey, ayes; Sutliff, abstained.

Joe Prenosil, BRP, Inc., presented plans and application for development review for a proposed addition to their building, located at 547 East Washington, South Russell, Mr. Prenosil stated they are proposing to add 12 feet to the rear of the first floor and 24 feet to the rear of the second floor. The second floor is currently 12 feet short of the first, therefore, when the addition is completed, the first and second floor will be of equal depth.

Mr. Rickert, architect for BRP, Inc., explained they were issu a zoning and building permit, however after it was discovered that they had not been before the Planning Commission for development review, the permits were rescinded. They are now before the Planning Commission in hopes of getting development approval so their permits can be issued once again.

Secretary reported she had spoken to the Village Engineer and he reported that the side yard and rear yard set backs were sufficient and the grading plan had been approved.

Mayor asked if there will be an increase needed for parking. Mr. Rickert stated they are not increasing the number of employees, only the square footage of the building. Commission reviewed the Code requirements and determined they have 3,400 square feet which will require 26 spaces. Mr. Rickert stated they have currently 16 spaces. Mr. Prenosil stated in the 3,400 square feet, there is a lot of storage and areas not used for office space and he feels there is ample parking. Commission discussed the need for additional parking and reviewed all the storage and non-office areas. Following a lengthy discussion, Commission agreed existing parking was sufficient as long as the use of the building remains the same.

Commission agreed if the use of the building did change, there is sufficient area in the rear to put in additional parking.

Following a brief discussion, Harvey moved to approve BRP Inc.'s development review application conditioned upon there will be no change in the use of their building, Cotesworth 2nd. Roll call, all ayes.

Markowitz stated he can't come to the special P/C meeting scheduled on September 26th at which time they were going to continue to review the Zoning Code. Markowitz stated he would like to propose to the Commission that instead of meeting to go through the rest of the Code, have one of his partners, David Ondrey, review what has been amended, put it in outline form and put it all into a new text for the Commissions review. Markowitz stated he does not have the time, now, to complete the Zoning Code review and he feels getting someone new will possibly get it done faster and in addition with some new ideas. Commission agreed and asked Markowitz to proceed.

There being no further business, meeting adjourned at 8:35P.M.

Wally Sutliff, Chairman Pro-tem — Cathy Male, Secretary

xc: Council
Planning Commission
Engineer
Solicitor
Bldg. Dept.
Clerk of Council
Bldg. Dept. Secretary
D. Bannerman

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held 19

Held September 5, 1985 19

Members Present: O'Donnell, Harvey, Daniels, Sutliff
Other officials: S. Markowitz, W. Driemiller
Guests: D. Braun, W. Wolfson, Greg Costa, T. Wyszynski, R. Wolfson
T. Brockman, D. Barr, T. Burns, Lillian Mushrush, T. Mushrush,
B. Craig

Chairman Daniels called the meeting to order at 8:00 P.M Roll call, Cotesworth absent.

There being no additions or corrections, O'Donnell moved to approve the August 1, 1985 minutes as recorded, Sutliff seconded. Roll call, all ayes.

Greg Costa, Care Services Associates, stated he is before the P/C to answer some of the questions from the August meeting.

First, was the question of sufficient ground water availibility. Mr. Costa stated he contacted Dr. Eckstein's office and one of his graduate assistants conducted a test pump of the existing well and the result of that test was it was not a well that could support their proposed facility. However, after analysis of the data collected, Dr. Eckstein concluded there will be sufficient water, however it will be a necessity to have a water well professionally designed with the construction of such water well providing optimal utilization of the aquifer.

Second question deals with the availability of a nursing home should one of the residents need a higher level of care. Mr. Wolfson explained they do not want the assisted living facility associated with a specific nursing home, or have one on the premises. Mr. Wolfson stated he felt when there is a nursing home on the premises, the assisted living facility becomes a "feeder" for the nursing home and this is not their intention or desire. Mr. Wolfson stated when a resident requires a more intense level of care, there are several facilities in the area to handle the situation.

Third, Mrs. O'Donnell stated another question was what could this building be used for should the assisted living facility fail after a number of years? Mr. Wolfson stated the type of use they are designing the building for is very unique. Wolfson stated he is sure there are other uses the building could accomodate with some renovation. However, the demograhics and what they are finding in the community, Mr. Wolfson stated this type of facility is something that is going to be needed more and more and more. Mr. Wolfson stated he is not trying to avoid the question of what can be done if the project does not succeed, but if nothing else, his organization has resources to capitalize and hang in to make it a success.

Mr. Costa presented a demographic study and a traffic study, P/C briefly discussed, copies can be found in the file.

Mr. Costa asked where they go from here, how do they get to the point of where construction can begin. P/C explained the process of requesting a zoning amendment and the timing involved. Mr. Costa was informed how to initiate rezoning and fees involved. Commission stated with the application, there must be proof of the option to purchase the land involved in the rezoning. P/C and Mr. Costa reviewed the entire process from rezoning through to development review.

Tom Burns presented a conceptual sketch of what he would like to do behind the existing office building located at 539 E. Washington. Mr. Burns stated there is 2 1/2 acres of land currently zoned office use, and they would like to develop a "campus" style office complex with at least three and possibly four buildings. Mr. Burns stated they are trying to do something that will blend in with the residential homes located behind, in Barwood. Mr. Burns presented a property map illustrating the location of the piece of property for the proposed development. Commission and Burns discussed the proposal and stated they liked the idea. Burns stated there are some problems with sanitary and storm tie-in but he feels he will be able to work out those problems.

Commission reviewed the zoning requirements for this proposal. Burns stated regarding parking, he would like to set aside certain green areas for additional parking and not put in the required number of spaces. If at some time down the line, more parking is needed, develop it at that time.

Markowitz stated what Mr. Burns would like to do is utilize the green area behind Povall's building through deed restrictions and possibly rezoning the entire B-2 area which will then accomodate this proposed project and any possible future development. Damon Braun stated one possible benefit to rezoning is to be able to have only two entrances off of Rte. 422 and then intermingle the parking areas behind all the office buildings from Povall to Braun and Prenosil.

Commission stated they liked what Mr. Burns proposed on his drawings and would like more information on this project and more information on the possible proposed rezoning.

Bob Craig presented plans of the proposed structure, to be constructed just west of Holzheimer's Interiors. Craig explained the plans and layout. Commission and Craig discussed details fo the plans at length. Mr. Craig stated he has to get the land surveyed, culvert put in and water well drilled before any construction can begin. Markowitz stated Mr. Craig is before the P/C tonight requesting development review approval. Markowitz explained the P/C must foward these plans to the Engineer for his review and approval of the landscape and grading plans prior to any P/C action. Mr. Craig stated the topo will be completed by next Thursday, 9/12/85. Markowitz stated once the Planning Commission gives their approval, Mr. Craig can obtain his zoning permit and then go before the Architectural Board of Review. Mr. Craig stated he already had his zoning permit. Mr. Markowitz stated the zoning permit should not have been issued before P/C development approval, however now that he had it, he can go before the ABR.

Secretary asked if Mr. Craig's plans had to go before Ray Stewart? Markowitz stated yes they do because they do not have the stamp of an Ohio registered architect.

Commission reviewed the requiremnts of the ABR with Mr. Craig.

Following a lengthy discussion, Sutliff moved to conditionally approve Bob Craig's application for development review contingent upon the Engineer's approval of the landscape and grading plans, O'Donnell 2nd. Roll call, all ayes

Don Barr, prepresenting the TJR Land Co., presented application for a minor subdivision. Mr. Barr's request is splitting off 1. acres from a 40 acre parcel owned by the TJR Land Co., located north of Manor Brook, west side of Rte 306. Mr. Barr explained the 1.43 acre parcel contains the house and barns owned by Mr. Rickleman. Mr. Rickleman was once a partner of TJR Land Co. and now is not and they want to split off his property. Engineer stated he has reviewed the plans, there are a couple of minor changes needed, as noted on the plans, but other than that, it meets all zoning. Following a brief discussion, Harvey moved to conditionally approve the application contingent upon receiving the Engineer's final approval, O'Donnell 2nd. Roll call, all ayes.

The plan and application ofAlfred Wilber for a minor subidivision were presented by the Secretary. Mr. Wilbur is requesting to split a 4.097 parcel into two parcels, 1.947 acres and 2.150 acres. Engineer stated he has reviewed the plans and have approved them. Following a brief discussion, Harvey moved to a approve the application, Sutliff 2nd.

Markowitz reported Mr. Simon stated they are all square with National City regarding the letter of credit however it hasn't actually been issued. Markowitz stated he has spoken with Dr. Eckstein and Dr. Eckstein stated as far as he can tell there will be more than adequate water and he is pleased they are going with individual wells. Engineer stated he felt it should be a requirement to have a completed water study, on record, as a condition for signing off on the improvement plans. Commission agreed.

Wally Sutliff stated he has received several calls from builders who have built in South Russell. After listening to their complaints of how difficult and cumbersome it is to get a building permit, he decided to look into the

problem himself and he is appalled at what he found. Sutliff stated to build a house in South Russell you must get a zoning permit, get approval from the ABR, get a general building permit, make a construction deposit, get an electrical permit, heating and air conditioning permit, ~~XXXXXXXXXXXXXXXXXXX~~ grading permit, grading deposit, temporary electrical hookup permit, plumbing permit, storm sewer permit, storm sewer or septic tank permit from the county, culvert permit, fireplace permit, curb cut permit, sidewalk permit, driveway and apron permit, wellpermit from the county, well permit from South Russell, deck permit, gas grill permit, gas line permit, fence permit, engineer's right-of-way permit,driveway permit and a concrete floor permit. Mr. Sutliff stated he feels these regulations have driven [redacted] every respectable builder out of South Russell and something must be done. Markowitz stated when Wallay King came from Willoughby he brought with him the basic concept of what he had been doing in Willoughby. Is there anything that can be done? Harvey and Markowitz stated they would bring this up at Council meeting and agreed something should be done to make the process a little simpler.

There being no further business, meeting adjourned at 10:45 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Enginer
Building Dept.
Building Dept. Secretary
Clerk of Council
ZBA

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 August 1, 1985 *19*

Members present: Sutliff, Cotesworth, Daniels
Other Officials: D, Markowitz
Guests: Greg Kosta, Mr. & Mrs. Mushrush

Meeting was called to order at 8:00 P.M. Roll call, Harvey and O'Donnell absent.

There being no additions or corrections, Cotesworth moved to approve them as recorded, Sutliff 2nd. Roll call, all ayes.

Mr. Greg Kosta, Care Services Associates, explained it is their intention to develop an assisted living facility on the Mushrush Property, 5277 Chillicothe Road. Mr. Kosta stated they are not talking about a nursing home, they are talking about a lower level care facility which will be built with the exclusivity of South Russell in mind. Mr. Kosta explained when someone finds himself not able to take care of their own home due to failing health, placement in a nursing home might not be necessary but a lesser care facility would be the answer.

Mr. Kosta stated they have gotten some of the additional information requested by the Planning Commission at the previous meeting. They have had soil tests done by Herron Consulting and traffic studies were conducted at three similar facilities. The traffic study results were presented and discussed. Mr. Kosta stated they have contacted Mr. Fredebaugh, local well driller, and he did not have time to come out to the site but he felt there would be no problem with the water. Commission stated it is imperitive that they get a complete waterstudy done by a qualified water hydrologist. Commission gave Mr. Kosta the village hydrologist's name and address and stated he would give them a name and number of someone to contact to do the study.

Commission asked what provisions would be made for those residents who became ill and needed a higher level of care. Mr. Kosta stated they would have contacts with other area nursing homes and the residents would be transferred.

Mr. Kosta stated this facility would be a residential community for retirees with a low level of assistance. Each unit would have a private bath and kitchenette. Mr. Kosta stated the building would be constructed on the back half of the property. The existing house and barns would remain.

When asked how many would it take to staff this facility, Mr. Kosta stated during the daytime, approximately 15 and less in the afternoon and evening.

Commission asked the size and cost of the proposed structure. Mr. Kosta stated the building would be approximately 30,000 square feet and the cost would be about two the two and a half million dollars.

Mr. Kosta asked what other concerns did the Planning Commission have with this project. Mr. Sutliff stated his concern is the actual mechanics of the Zoning. He stated he is worried about setting a precident as far as the "apartment" type, rental unit set-up this building will have. Markowitz stated his concern is in what will they do with the building should, for some reason, this venture fail, for what could they use this building? Mr. Kosta stated he would put this problem before their architect and ask him to keep in mind other possible uses when designing the structure.

Markowitz stated another item they should look at is contacting the Village's ambulance service and check with them whether they will have any problems servicing this type of facility.

Commission again stressed the importance of getting proof there is sufficient water to support this facility in addition to their concern regarding the zoning changes possibly setting a precident for apartment type structures.

Mr. Kosta thanked the Commission and stated they would go back and address the Commission concerns and come back with more information next month.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

Mr. Markowitz presented the findings of fact for the Damon Braun variance denial. Commission reviewed the findings and following a brief discussion, Cotesworth moved to approve them as written, Daniels seconded. Roll call, ayes -Daniels and Cotesworth; abstained - Sutliff. Motion carried.

Commission agreed to meet August 15th at 7:30 P.M. to further work on the Zoning Code amendments. Secretary will notify the media.

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

Charles M. Daniels, Jr., Chairman — Cathy Male, Secretary

xc: Planning Commission
Council
Building Dept.
Building Dept. Secretary
Clerk
Solicitor
Engineer
ZBA

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION *Meeting*

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

Held July 9, 1985 *19*

Members present: Sutliff, O'Donnell, Harvey, Daniels, Cotesworth
Other Officials: D. Markowitz, W. Driemiller
Guests: Warren Wolfson, S. Simon, J. Neely, T. Burns

PUBLIC HEARING - Construction Development's request for variance from the Subdivision Regulations.

Public hearing was called to order at 7:25P.M. by Chairman Daniels. Roll call, all members present. The Secretary read the public notice published in the Geauga Times Leader on June 9, 1985.

John Neely, Con Dev, presented his variance application requesting to be able to transfer lots in the Kensington Greeen subdivision prior to the developer putting on the surface coat of asphalt on the road and th planting of all the trees and shrubs. Mr. Neely stated this would be just for Phase I, the entrance road which will have 10 lots.

Mr. Neely explained they are requesting to withhold the surface coat of asphalt on the entrance road until November, 1986. This will allow them to start to develop in the second and third phases without tearing up the surface coat of asphalt with all the heavy truck traffic. Neely stated the benefit to the physical subdivision would be it makes more sense in terms of the wear and tear on the base coat, a lot of the wear and tear will be out of the way before putting the final one inch top coat. The benefit to the Village is it enhances the physical condition of the asphalt, in addition, the performance bond would be continued right along at that time, which means the maintenence bond would be extended another year. Commission discussed the plan presented and the drainage plan for the entire development.

Markowitz stated the Planning Commission has already granted a variance which allows for three model homes to be built and if this variance is granted what is being allowed is the transfer of lots, but there will be no acceptance of dedication by the Village Council of the improvents, this will be delayed until the roads are completed. Markowitz stated one thing that must be done is get an extention of the letter of credit from the bank and he and Mr. Neely will take care of this.

There being no further discussion, this Public Hearing was adjourned at 7:50 P.M.

PUBLIC HEARING - Request of RTB Group for a Conditional Use Permit.

Chairman Daniels called the public hearing to order at 7:50 P.M. Secretary read the public notice published in the Geauga Times Leader on June9, 1985.

Mr. Burns asked Mr. Markowitz to explain to the Commission why he is required to file for a conditional use permit.

Markowitz stated the property Mr. Burns is asking a conditional use for is in the combined district of Industrial/B-1. The permitted uses do not include the type of operation proposed in Mr. Burns application, that of a office distribution center. Markowitz stated because this use is a conditional use, the Zoning Code requires that a public hearing be held prior to Commission action.

Mr. Burns stated his property, 2 3/4 acres, is located behind the Galleries, 516 E. Washington St. and the entrance will be from Industrial Parkway. Mr. Burns presented a plan showing the proposed building. Mr. Burns stated he has reviewed the plan with the Village Engineer and discussed a problem with the parking and agreed to have traffic one way with angle parking. A second concern of the Village Engineer is the drainage and they worked out a solution by containing the water on the property and then taking it out to the storm sewer Rte 422.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held July 9, 1985 *19*

Mr. Burns presented a letter from Ed Gottschalk stating his approval to allow RTB to use the 25 foot piece of land to gain access to his property off of Industrial Parkway. In addition Mr. Burns presented a letter from Bill Harvey, Milbar Corp., granting permission allowing Mr. Burns to use Milbar property to contain water. Commission and the Engineer discussed the drainage problem at length.

Mr. Daniels asked about the water supply. Mr. Burns stated they could drill a well if Chagrin water does not open up before they need it.

Mr. Daniels stated he has a concern regarding the truck traffic and questioned whether a semi could get in and maneuver around. Mr. Driemiller stated they have amended the plan to allow for one way traffic, with angle parking on the west side and shifted the building over and eliminated parking on the east side and created about 43 feet of area for maneuvering. Commission discussed the truck traffic at length.

Markowtiz stated the plan presented does not have sufficient side and rear yard set backs. The Code requires 50 feet side and 100 rear yard set back. Commission reviewed the plan and discussed the set backs. The proposed plan shows only a 43 foot side yard.

Joe Franzese, Chairman of the Architectural Board of Review, stated they reviewed the drawings and have recommended to the Planning Commission that the parking spaces #22 and #27 be eliminated and replaced with landscaping in addition to bringing the brick face and roof around the northeast corner of the building. The elimination of the parking spaces would allow for easier parking and and bringing the brick and roof around would make it more pleasing aesthetically.

Commission discussed the need to go before the Zoning Board of Appeals to request a variance for the side and rear yard set back prior to granting the Conditional Use Pemit. Commission discussed the procedure needed for development review of Mr. Burns proposed building.

There being no further discussion, Publi Hearing adjourned at 8:35P.M.

REGULAR MEETING OF THE PLANNING COMMISSION

Chairman Daniels called the regular meeting to order at 8:40 P.M. Roll call, all members present.

There being no additions or corrections to the minutes of the June 6, 1985 meeting, Cotesworth moved to waive the reading of the minutes and approve them as recorded, Sutliff 2nd. Roll call, all ayes.

Robert Kunkel, representing the ten homeowners of Sugarbush Lane, stated he is before the Planning Commission requesting permission to dredge their lake, Hidden Lake, and place the material in low spots around the lake. Dr. Kunkel stated 12 years ago 1/3 of their lake was dredged and 5 years ago they put in a settling pond. Their plan calls for removing 2,000 cubic yards, if they go to rock bottom, which they probably won't do, and place the dredgings around the lake.

The Village Engineer atated he has reviewed the proposed plans and has written some comments in a letter to Dr. Kunkel, dated July 1, 1985. Engineer stated there is sufficient area ajacent to the lake to deposit the material and any loss or sedimentation that might occur would be into their own lake. There will also be some low areas on individual property owners land.

Following a brief discussion, Harvey moved to accept the dredging plans as presented by the Homeowner's drawing of Hidden Lake subject to completion of the nine items set forth in the July 1, 1985 letter of Bill Driemiller and obtaining written consent from property owners of lots 1, 2, 3, and 4 allowing the dredgings to be put on their land, Cotesworth 2nd. Roll call, all ayes.

RECORD OF PROCEEDINGS

Warren Wolfson came before the Commission and stated he is the owner of a small chain of nursing homes. Mr. Wolfson stated he wants to develop a concept which will provide residential independence as well as dietary, recreational and social services for those elderly who don't need a nursing home but would be placed in one. Mr. Wolfson stated a concept like this would allow the elderly to live and thrive in an environment that will allow them to reach their potential yet address their limitations. To this end, Mr. Wolfson stated he has obtained certain options to the Mushrush property, 5277 Chillicothe Road, and presented plans and elevations of the proposed structure. Mr. Wolfson stated what they have conceived of are modules so each living area is independent, surrounding interior community areas. In addition, each module would have its own veranda. There would be larger dining areas, recreation area, bus to drive residents and laundry service. The modular concept allows for quite a bit of privacy while allowing for the proper attention for each resident. Mr. Wolfson stated he would like to build 50 modules, however still keep the house and barns already on the property.

The building would be constructed in the rear of the property. Commission discussed the concept with Mr. Wolfson at length.

Mr. Daniels stated he felt this is a nice concept, however there is nothing in the Code which will permit it. Mr. Markowtiz stated Mr. Wolfson would have to do one of two things, one, create a new district or two, make it a conditiona use in a residential district.

Commission discussed Mr. Wolfson's proposal and stated they have concerns with water, the density concept and the potential traffic problem, but agreed it was a very interesting idea and there is a need for something like this.

Mr. Wolfson agreed to gather information on water and traffic, in addition to getting specifics on the building, square footage, density, staff requirements parking, etc. Mr. Wolfson stated he would come back to the August meeting with this information.

Sidney Simon, Emerald Lakes, stated he is before the Commission regarding a letter he received from Dr. Eckstein, Village hydrologist. Mr. Simon explained he has had the water quality tested and county has given their approval. Mr. Simon stated Dr. Eckstein is requesting him to drill 8 test wells to be sure there is sufficient water. Mr. Simon stated Dr. Eckstein is currently out of the country and can not be reach. Simon explained there were water studies done 3 to 4 years ago on this property and it was proven there was sufficient water for a central water system, not individual wells. Mr. Simon stated this procedure will be very costly time wise and he could lose what's left in the building season.

Commission, Markowitz and Mr. Simon reviewed Dr. Eckstein's letter along with the plat of Emerald Lakes and discussed the placement of the eight test wells. Mr. Simon stated he knows there is enough water because of the testing done four years ago. Simon stated because Dr. Eckstein is currently out of the country, could he use another firm to interpret the results of the test wells? Commission discussed the possibility of Mr. Simon only having to drill the four test hole in phase I. Engineer agreed to try and contact Eckstein's office and try to find out if only the four test wells would be sufficient.

Following a lengthy discussion, Commission told Mr. Simon in order to get the improvement plans approved, both the Engineer and Solicitor must be satisfied there is sufficient water. Therefore, Mr. Simon must first find out if he must drill all 8 sells or if he could just drill the four wells in phase one. Second, he must drill the wells, have a hydrologist monitor the drilling and interpret the results. Commission asked the Engineer to try and contact Eckstein's office, find out if he can be reached and if he can, can he interpret the results. If Eckstein can not be reach to interpret the results, Planning Commission will determine what to do at that time. Mr. Simon stated he understood and would proceed accordingly.

Commission reviewed the variance request of John Neely, Con Dev, as presented in the Public Hearing. Following a brief discussion, Harvey moved to grant

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

a variance from requirements of Section 3.07 and 3.15 of the Subdivision Regulations to provide that at such time as the Engineer certifies to the Secretary of the Planning Commission that all improvements in Phase I are in except for surface coat of asphalt and completion of the landscaping plans as approved by Knight and Stolar, lots in Phase I may be transferred and a building and zoning permit may be issued to the transferee therefore so long as the surface coat of asphalt and lanscaping be completed prior to November 1, 1986, and the Secretary of the Planning Commission is thereafter authorized to certify to the County recorder and auditor that such lots in Phase I may be transferred, O'Donnell 2nd. Roll call, all ayes.

Mr. Neely filed the application for final plat approval and the final plat. Commission reviewed the application and plat. Markowitz stated both he and the Engineer have to review the plan and approve it. Following brief discussion, Harvey moved to approve the final plat of the Kensington Green Subdivision contingent upon the Engineer's and Solicitor's satisfaction with the plat language and deed restrictions, Sutliff 2nd. Roll call, all ayes.

Commission reviewed the Condituional Use application of RTB Properties. Following a lengthy discussion, Commission agreed that the proposed building has insufficient side and rear yard set backs and it does not comply with Section 7.02 of the Zoning Code. There being no further discussion, Harvey moved to deny the request for a condition use permit as requested by RTB Properties, Sutliff 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 11:30 P. M.

Charles M. Daniels, Jr. Cathy Male

Charles M. Daniels, Jr., Chairman — Cathy Male, Secretary

xc: Council
Planning Commission
Engineer
Solicitor
Clerk Of Council
Building Dept.
Building Dept. Secretary
ZBA

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

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

Held June 6, 19 85

Members present: Harvey, Daniels, Sutliff, Cotesworth
Other Officials: D. Markowitz, W. Driemiller
Guests: S. Simon, G. Stanek,

Meeting was called to order by Chairman Daniels at 8:00 P.M.
Roll call, O'Donnell absent.

Cotesworth moved to waive the reading and approve as recorded the May 23, 1985 minutes, Harvey 2nd. Roll call, all ayes.

Harvey moved to wiave the reading and approve as recorded the minutes of the May 30, 1985 meeting, Cotesworth 2nd. Roll call, all ayes.

Jeffrey Kunz, president of Bellwood Association, stated he is before the Planning Commission to resubmit their request to dredge the settling pond, which is connected to their manmade lake, Bellwood Lake, and put the dredgings along the north edge of the lake property, owned by Ken Otto. This property is abutted by Mr. Miller's land, whose property, 150 acres, is in Russell Township. Mr. Kunz stated there will be approximately 800 cubic yards of material dumped over an area of approximately 1/4 of an acre. This information was given to Mr. Kunz by Mr. Scala, who will be doing the excavating.

Mr. Kunz stated he understands the Village is currently working on getting a response from Mr. Miller, in regards to his approval of the dredging project.

Mr. Kunz stated he has spoken with Mr. Scala and they do not have property insurance that would protect the association nor does he feel they can afford to procure it. They do have liability insurance of $300,000 and they have insurance for anything accidental in nature. Mr. Scala stated he would be willing to pursue a performance bond, if in fact this would satisfy the requirements of the Village.

Mr. Markowitz stated he has a letter from Mr. Miller which states he understands that there is the possibility of run-off of materials on his property and he doesn't object to the dredging or normal amounts of material going on his property. The concern he had was that the contractor do the job in accordance with whatever conditions the Village imposes and in that regard he wanted to be sure there was a performance bond posted by the contractor. Markowitz stated the bond would run in favor of the homeowners association and state the dredging work will be performed in accordance with whatever standards are established by with the Planning Commission or Engineer.

Commission, Mr. Kunz, Engineer and Solicitor discussed the proposed dredging plan at length.

Following this discussion, Harvey moved to reconsider granting a permit allowing the dredging of Bellwood Development's silting pond conditioned upon the Engineer setting forth standards for the dredging which will be complied with by the owner and the contractor and the contractor providing the owner with a performance bond in the amount deemed necessary by the Engineer, Cotesworth 2nd. Roll call, all ayes.

Mr. Sidney Simon, Emerald Lakes, Inc., presented the final plan of the overall total development and final plat of phase I, which consists of 33 units east of the CEI easement.

RECORD OF PROCEEDINGS

Commission reviewed both plans. Village Engineer stated he is currently reviewing the improvement plans for phase #1.

The Solicitor and Commission discussed the revised judgement entry as drawn up by the Village Solicitor and Mr. Simon's attorney and the process needed to be completed prior to Mr. Simon beginning his subdivision.

Mr. George Stanek, President of Southwyck Homeowners Association, stated they are very concerned with how this proposed development will affect the water supply of the individual water wells in Southwyck in addition to the potential siltation damage to their lake. Mr. Stanek stated they have hired a professional hydrologist who is currently establishing the current condition of their lake and any damage occuring due to developing the land to the north will be the responsibility of the developer and Village. Mr. Stanek stated Southwyck Development feels it is prudent to ask the developer to establish a performance bond. The Village Engineer stated the improvement plans currently show certain sedimentation requirements and he has since added additional ones through his review. Once that is done, they send it to the Soil and Water Conservation service and get their input.

Mr. Stanek stated the professional they have hired will be taking samples during the construction and monitor any dramatic changes.

Mr. Simon stated he will perform any requirements asked by the Village Engineer to prevent excess siltation, however he will not be responsible for the damage done by factors out of his control, i.e. hundred year storms.

Village Engineer stated preventing excess siltation is going to be tricky because there are some severe slopes on the Emerald Lakes property. Mr. Simon stated he will make sure all the requirements of the Village Engineer and Soil and Water Conservation Service are completed but he will not post a performance bond.

Following a brief discussion, Mr. Stanek stated the residents of Southwyck are concerned with the proposed development with respect to the effect on their drinking water and as it effects their lake and they believe the Commission should require a performance bond of the developer to protect Southwyck Lake and any damage to their water supply.

Mr. Simon asked the Village Engineer what would be the strictest measures used to contain the siltation. Engineer stated what is available as the best preventative measures today are siltation basins, straw bales around inlets and temporary seeding of the slopes prior to pouring the concrete. Mr. Simon stated he is willing to do all or any of those measures in order to protect the downstream area.

Engineer stated even if Mr. Simon complies with all the previously stated measures, there is still the chance of a 200 year storm that would inundate any preventative measure they put up.

Mr. Sutliff asked the Village Engineer to be sure and design the maximum protection against siltation. Commission and Engineer agreed.

Markowitz stated what he needs the Planning Commission to do tonight is authorize the amendment to the journal entry and file the final plat for phase I.

Following a brief discussion, Cotesworth moved to approve the amendment of the Judgement entry with the attached exhibits; exhibit A, the site plan for proposed development; exhibit B, variance motion of conditional approval, dated May 2, 1985; and exhibit C, description of the common area, Sutliff 2nd. Roll call, all ayes.

Markowitz stated it is necessary to clarify the language of the conditional approval of variance granted on May 2, 1985. Markowitz explained the Planning Commission indicated no transfer of any land would take place as far as occupancy permits, until the dedication of the improvements, unless waived. The language used was "any public land" which could be construed to mean all the land west of CEI easements and our intent was just the east side. Markowitz stated Mr. Simon's attorney

is asking that Planning Commission clarify their decision. Following brief discussion Sutliff moved to clarify the variance motion, dated May 2, 1985, so that the requirement that no transfer of any interest in the land or dwelling unit occur until acceptance of dedication of all public land and no issuance of occupancy permits for any dwelling unit occur prior to acceptance of dedication of all public land be limited to the public land as contained in Emerald Lakes Subdivision #1, which contains all land east of the CEI easement, Cotesworth 2nd. Roll call, all ayes.

The Planning Commission adjourned into executive session at 9:45 P.M. and reconvened at 10:10 P.M.

Markowitz and Commission discussed proposed changes to the Zoning Code relating to signs. Markowitz stated proposed changes are, decrease the set back from 20 feet to 10 feet for signs, increase the total available sign area with more area allowed for wall signs over pole signs and third, make some provision for non-conforming signs.

There being no further business, meeting adjourned at 10:45P.M.

Charles M. Daniels, Chairman

Cathy Male, Secretary

xc: Planning Commission
Council
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 SPECIAL PLANNING COMMISSION MEETING - Work Session on Zoning Code *Meeting*

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

Held May 30, *19* 85

Members Present: O'Donnell, Harvey, Cotesworth
Other Officials: D. Markowitz, D. Rowe
Guests:

Meeting was called to order at 7:30 P.M. Roll call, Daniels and Sutliff were absent.

The Commission reviewed and discussed proposed changes to the Zoning Code as written in the proposed ordinance, revised draft dated 5-16-85, pages 24 through 28 in additions to the current sign regulations

Commission agreed to discuss at the next meeting Chapters 5, 6, 8, and 12 and I-1 districts permenent and conditional uses.

There being no further business, meeting adjourned at 10:20 P.M.

Cathy Male

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 SPECIAL PLANNING COMMISSION MEETING *Meeting*

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

Held May 23, 1985 *19*

Members present: Daniels, Cotesworth, O'Donnell, Harvey, Sutliff
Other Officials: D. Markowitz, W. Driemiller
Guests: Elizabeth Rodgers, Bob Craig, Donald Martin, Alice Martin, John Neely, Damon Braun

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, all members were present.

Chairman Daniels asked for any additions or corrections to the May 2, 1985 minutes. Mrs. O'Donnell stated on page 379, last line should be corrected to read, "Mr. Markowitz asked Mr. Braun" and on page #380, "conditionally" was misspelled. There being no further additions or corrections, O'Donnell moved to approve the minutes as corrected, Cotesworth 2nd. Roll call, all ayes.

Chairman Daniels stated the first order on the agenda is the Planning Commission's decision on the variance request of Damon Braun, asking to reduce the minimum right-of-way for the proposed entrance of a 20 lot development off the east end of Deerfield Drive. Mrs. O'Donnell asked if Mr. Braun had produced any documents showing true interest in the 20 acre parcel. Mr. Braun stated there is now a signed document however the Planning does not have a copy. Mr. Markowitz stated this document was not signed at the time of the Public Hearing and it is his opinion that because there was no signed document showing true interest in the land, the Planning Commission has valid reason to deny the variance. Commission discussed the concept of true interest with Mr. Braun at great length.

Mrs. Cotesworth stated she does not see any proven hardship, there are other possibilities that have not been pursued for access into this 20 acre parcel.

Mrs. O'Donnell stated she agreed with Mrs. Cotesworth and she is also opposed to the narrowing of a street which will be the entrance of a 20 parcel development.

Chairman Daniels stated he sympathizes with those neighbors who moved there with the understanding that Deerfield Drive would never be extended and he did not like the idea of diverting the road in order to make it flow within the reduced right-of-way.

Following a brief discussion, Mayor Harvey moved to deny the variance application of Damon Braun, Cotesworth 2nd. Roll call, ayes - O'Donnell, Harvey, Daniels, Cotesworth; abstained - Sutliff.

Mr. Robert Craig and the Commission reviewed the rezoning application and proposed ordinance prepared and amended by Mr. Markowitz for the property west of Holzeheimer Interiors. Markowitz explained the changes made at the last meeting; first, the maximum square footage of the structure was reduced from 7,000 sq. ft. to 4,000 sq. ft.; second, maximum number of employees on premises will be 10; third, there must be an area large enough for 10 parking spaces unless otherwise approved by the Commission; fourth, the provision for a nameplate was deleted. Following a review of this proposed ordinance, Mr. Markowitz noted there was no provision requiring signs to be located in the rear. Commission agreed to amend Section 9.02C1(a) to read "signs shall be located on the rear of the structure and shall be subject to the approval of the Planning Commission. Schedule 5 will be revised to show in the B-4 district, under signs, it will read "See Section 9.02 C 1 (a).

Commission discussed and explained the procedure and timing of a zoning amendment application. Following a brief discussion, O'Donnell moved that the Planning Commission recommends to Council approval of the proposed zoning amendment as amended 5-23-85, Cotesworth 2nd. Roll call, all ayes.

Bud Copper, architect representing Mr. Robert Povall, stated he has resubmitted a site plan for the renovation of the old Paulo pizza building, 525 East Washington ST., and has complied with everything they could as far as zoning. The items they could not comply with are first, the front yard set back with the existing building is only 100 feet; second, the side yard set backs are 13.2 feet on the west side and 3 feet on the east side.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

Mr. Copper explained when he drew the renovation plans, he used the site plan of the previous owner which showed a 13 foot side yard on the east side. Mr. Copper stated the problem developed when he had his own survey done and the eastern side yard wasdecreased to approximately three feet, after discovering an error in the first site plan. Mr. Coper presented his development plans a photos of the existing building.

Mr. Copper stated he started this development review process by presenting Dee Rowe with preliminary drawings on January 2, 1985 and then one month later they sent to Ray Stewart a set of drawings for his preliminary approval. They received a letter back from Ray Stewart and they have completed everything according to his letter in order to complete the working drawings. They have resubmitted the working drawings, two months ago, and have not heard anything yet from Ray Stewart's office.

Commission reviewed the Engineer's preliminary review, dated 5-7-85 and revised 5-22-85, of Povall's plan. Following a lengthy discussion, Markowitz stated because they are adding onto a non-conforming structure, you have to go before the Zoning Board of Appeals and acquire their approval prior to construction of any addition.

Following lengthy discussion, Harvey moved to conditionally approve the development plan of Robert Povall subject to the Zoning Board of Appeals approval to expand the structure within the required front yard and to expand a non-conforming structure and construct the drive and parking area without a hard surface. Also this approval is subject to the Village Engineer being satisfied with all of the requirements to be shown on the plan as required in his May 7, 1985 letter,as revised May 22, 1985, and there will be no zoning permits issued until the Village Engineer gives his written approval, Cotesworth 2nd. Roll call, all ayes.

Mr. Bud Copper, representing Tom Burns, presented the development plans for a proposed industrial warehouse behind the Gallery, 516 E. Washington St. Mr. Copper stated Mr. Burns was before the ZBA last night and a height variance was granted for this proposed building. Mr. Copper explained the proposed layout for the warehouse structure.

Commission discussed the plan and the need for a conditional use permit because the proposed use, as a warehouse, is not listed in the zoning code under B-1, I-1 district. Commission discussed and reviewed the Engineer's comments dated May 13, 1985.

Secretary stated Mr. Burns has filed his conditional use application and paid the $250.00 deposit, however the names and addresses of surrounding property owners was not included.

Following a lengthy discussion, Commission agreed to set the public hearing date for the conditional use permit application for July 9, 1985 at 7:30 P.M. contingent upon getting the list of surrounding propoerty owners by June 3, 1985.

John Neely, Con Dev., presented his subdivision variance application which is requesting that the lots in the Kensington Green subdivision be able to be transferred prior to the application of surface course of asphalt and completion of planting of trees and shrubs. Engineer stated he approved of the concept and discussed it with the Commission and Solicitor.

Commission agreed to set the variance application for Public Hearing on July 9, 1985 at 7:25 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, Building Inspector, Bldg. Dept. Secretary, Engineer, Solicitor,

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING - PUBLIC HEARING FOR DAMON BRAUN VARIANCE REQUEST *Meeting*

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

Held. May 2, 1985 *19*

Members present: Sutliff, O'Donnell, Cotesworth, Harvey, Daniels
Other officials: W. Driemiller, D. Rowe, D. Markowitz
Guests: A. Martin, D. Martin, R. Reboul, L. Reboul, C. Sutliff, F. Rowe, G. Rowe, G. States, R. Stenko, H. Jacobs, M. Valponi, R. Silk, J. Taylor, R. McDonald, J. Slaterer, R. T. Burns, R. Povall, R. Craig

Meeting was called to order at 7:35 P.M. Roll call, all members were present.

There being no additions or corrections, Harvey moved to waive the reading of the April 11, 1985 minutes and approve them as recorded, Cotesworth 2nd. Roll call, all ayes.

There being no additions or corrections, O'Donnell moved to waive the reading of the April 25, 1985 minutes and approve them as recorded, Harvey 2nd., roll call, all ayes.

There being no additions or corrections, Cotesworth moved to waive the reading of the April 10, 1985 minutes and approve them as recorded, Harvey 2nd., Roll call, all ayes.

Dale Markowitz, Village Solicitor, presented the proposed language for the motion of conditional approval for the variance application of Construction Development, Inc., Kensington Green Subdivision. Copy hereto attached. Commission reviewed the proposed motion.

Mayor Harvey read and introduced the motion as written in attached copy, Cotesworth 2nd. Roll call, all ayes.

Bill Driemiller, Village Engineer, presented the final plat for Bill Grierson's amendment to the Stanton subdivision plat. Mr. Grierson is proposing to combine three lots on Fernwood Rd., and then dividing the land into two buildiable lots. Engineer stated he is satisfied with the plat and the language on the plat. Solicitor Markowitz stated one item left to be done, prior to acceptance by South Russell, is filing a petition with the Common Pleas Court. Markowitz stated the Commission could conditionally approve the plat subject to Mr. Grierson receiving approval from the Common Pleas Court for resubdividing the Stanton Subdivision.

Following a brief discussion, Harvey moved to conditionally approve Mr. Grierson's final plat contingent upon receiving approval from the Common Pleas Court, O'Donnell 2nd. Roll call, all ayes.

Robert Poval, Poval Associates, presented a plan to renovate the old Paulo's pizza building, 525 E. Washington Street, and make it into a graphic art studio. Mayor Harvey asked the Building Inspector, Dee Rowe, if it met all zoning? Mr. Rowe stated yes it did, including parking. Bill Driemiller stated he has not yet seen the plan. Dee Rowe stated the plan has been to Ray Stuart, landscape architect. Following a brief discussion, Commission agreed to meet May 16th, at 7:30 P.M. to act on this development plan. Engineer stated he would have his review completed by that time.

Tom Burns, RTB Geauga, Presented plans for an industrial warehouse, 17,600 square feet, proposed to be built off of Industrial Parkway, behind the Gallery building. Burns explained this will not be a storage type ware house but more of a multi-tenant type building for small companies. Commission reveiwed the plan, Mr. Burns stated he has reviewed this plan with the building inspector. Mayor asked Mr. Rowe how this plan stood zoning wise, Mr. Rowe stated it complies with the Zoning Code. Mayor asked the Engineer if he could review these plans and be ready by May 16th? Engineer stated he could however he needs the grading plans in addition to to what was presented tonight. Mr. Burns stated he would have those plans tomorrow, 5-3-85, and will get a copy to the Engineer. Commission agreed to act on this on May 16th.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

Chairman Daniels called the Public Hearing to order at 8:14 P.M. to hear the variance request of Damon Braun. Secretary read the public notice published in the Geauga Times Leader on April 2, 1985.

Mr. Damon Braun stated what he is proposing is a 20 lot subdivision, residential subdivision, on an extention of Deerfield Drive. Mr. Braun stated because he does not have the sufficient right of way width of 60 feet to extend Deerfield, he is requesting a variance which would allow him to extend the road easterly from Deerfield Drive into his proposed development. Mr. Braun stated he has been unable to negotiate a purchase of the needed land, 90 square feet of sublot 5, which would give him the necessary width for the entrance into the 20 acre parcel. Mr. Braun presented maps showing how Deerfield Drive is plated and recorded. Mr. Baun stated he is requesting permission to extend Deerfield Drive, into the 20 acre parcel, for 20 single family residential lots.

John Slaterer, 18 Daisy Lane, was sworn in and asked the size of the proposed lots. Mr. Braun stated they would be one acre. Mr. Slaterer expressed his concern about the effect of this development on the surrounding residents water supply.

Bob Mc Donald, 28 Daisy Lane, was sworn in and expressed his concern on the water supply and the effect this will have on the Rolling Ridge residents water.

Bob Reboul, 3 Deerfield Drive, was sworn in and asked if the houses would be built all all once. Braun stated probably not, he is not going to be building the houses directly, he is the owner developer. Mr Reboul asked if he owned the land now. Mr. Braun stated they have a purchase agreement for it. Mr. Reboul asked how the utilities would be brought in. Braun stated sanitary sewer would come up from the McFarland Creek trunk line, across the CEI right-of-way and the gas and electric would come through Daisey Lane. Mr. Reboul stated he is concerned with the condition of Deerfield Drive now and with the construction vehicles, who will be paying for the repairs of these roads following the construction?

Rich Stenko, 15 Woodside, was sworn in and stated he is very concerned about the quality of life for the current residents of Rolling Ridge if this development is approved.

Gordon Rowe, 33 Forest, was sworn in and asked what was the price range for the proposed homes? Mr. Braun stated 160 thousand to 200 thousand dollars. Mr. Rowe asked if there isn't a better access to this property, perhaps Rte 422 or Bell Road. Mr. Braun stated there is no direct access road like Deerfield Drive and they want a residential access because this is a residential development. In addition, it is not economical for a 20 lot subdivision to extend a road of 1,000 feet or more to gain access.

Francis Rowe, 33 Forest Lane, was sworn in and asked how long would it be before this 20 lot development would be completely finished. Mr. Braun stated it is their plan to complete it within one year.

John Taylor, 49 Daisy Lane, was sworn in and stated his concern with the safety of traveling on Daisey and Deerfield, especially with the increased traffic with the additional homes of the proposed development.

Don Martin, 6 Deerfield, was sworn in and asked if Mr. Braun had an option to buy this land contingent upon getting this variance? Mr. Braun stated he has a written binding agreement to purchase this land.

Dr. Martin commented on his concern with the water situation, road conditions and the quality of life for those living on Deerfield Drive. Martin presented petitions signed by all but one resident of Rolling Ridge stating their disapproval of the proposed development.

Mr. Braun read a letter from Cedric Morrision, dated 3-1-85, explaining why the 20 acre parcel was not developed along with the rest of Rolling Ridge. Copy hereto attached.

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Caroline Sutliff, 5 Deerfield Drive, was sworn in and asked who owns the land he wants to develop? Mr. Braun stated Ed Ketchel. Mrs. Sutliff asked if, as the plat currently shows the land, is this exactly how the land will be developed.? Braun stated no, there will be a piece of land, a portion to the east of the 20 acres, which will be added and this is owned by Gene Muggleton.

Mark Valponi, 6047 Sommerset, N. Olmstead, was sworn in and stated he is an attorney, representing the Rebouls and the Martins, and is here tonight to address the legal issues which face the Planning Commission in the decision of whether or not to grant this variance. First, Mr. Braun must demonstrate that he actually has a written agreement to purchase this land, thereby confer standing upon him to ask for this variance. Second, Mr. Valponi stated, even is Mr. Braun has standing, he must demonstrate that there has been hardship accrued to him because of unusual topography of the land. Mr. Valponi stated it is his opinion Mr. Braun has brought any hardship proven, upon himself.

Mr. Valponi stated if Mr. Braun can prove his written agreement and prove hardship, he belives granting this clearly violates the objectives set forth in the Subdivision Regulations, Section 3.12. Mr. Valponi stated this variance, if granted would violate the following objectives; first, the objective of the orderly development of property, how can the Commission make a determination without a plan showing the proposed development; second, the objective of providing safe and convenient pedestrian, vehicular travel, would be jepardized. Mr. Valponi pointed out #5 of the Village Engineer's report, dated 3-18-85, stated the angular alignment of Deerfield Drive and Daisy Lane intersection is very poor for South bound traffic on Daisy entering Deerfield and the increased traffic from the proposed subdivision will accentuate this problem. Mr. Valponi stated another objective of the Regulations is to provide coordination off development in the Village. Without any preliminary plans, how can the Commission be sure that proper coordination ofdevelopment will be achieved.

Mr. Valponi pointed out Section 4.03 E of the Regulations which requires whenever there is land abutting a non-conforming street, additional width shall be provided when such land is subdivided. It is Mr. Valponi's interpretation that it is this regulation which should prevent the Commission from granting a variance.

Mr. Valponi stated for the arguements he has just stated, he is asking the Commission to deny the variance and he belives it might well constitute an abuse of discretion if the Commission would grant a variance based on what they have before them now.

Mr. Braun and the residents discussed the possibility of gaining access from either Rte. 422 or Bell Street.

Alice Martin, 6 Deerfield Drive was sworn in and stated her concerns on the road condition situation of Deefield Dr., and the quality of life during the construction for the residents.

Residents and Mr. Braun discussed the concerns of the road construction and safety of Daisy and Deerfield at great length.

Dale Markowitz, Village Solicitor, asked why the purchase agreement was not presented to the Commission and put in as eveidence at tonights meeting. Mr. Braun stated there is no reason and what he has in lieu of a purchase agreement is a power of attorney from Ed Ketchel. Markowitz stated Mr. Braun has indicated there is a purchase agreement, and questioned if this purchase agreement was executed between Mr. Braun and Mr. Ketchel. Mr. Braun stated the purchase agreement is not signed directly but it is prepared. Markowitz asked if there is any reason why it wasn't signed prior to making this variance application. Mr. Braun stated it was not prepared at that time. Mr. Markowitz stated putting aside the fact that the agreement is not signed, therefore not legally binding upon either you or Mr. Ketchel, does the contract provide that if you are unable to obtain approval to extend your proposed subdivision through Deerfield Dr., that you would then be permitted to withdraw from the obligation to purchase the property. Mr. Braun stated he does not recall that that provision is in the agreement. Markowitz asked if Mr. Markowitz recalls if there are any contingencies

BRAUN

RECORD OF PROCEEDINGS

in the purchase agreement that would permit you to get out of the contact. Mr. Braun stated no, other than an agreement to just cancel the contract by mutual agreement. Markowitz asked if it states that in the contract? Braun stated he does not recall. Markowitz asked Mr. Braun if he had the contract tonight? Mr. Braun stated he did not.

Mayor Harvey asked if Mr. Braun has an option to purchase the land or a contaact to purchase the land. Mr. Braun stated he would consider it a contract to purchase. Mayor Harvey asked if he is obligated to purchase the property no matter what the outcome of this hearing. Mr. Braun stated he truthfully doesn't know, but probably he would not have to purchase the land.

Markowitz asked if the contract to purchase the land is only for the 20 acres that is contained in the plan submitted. Braun stated no, there is additional land owned by Mr. Muggleton, east to the CEI _ lines. Mr. Braun explained the 20 acre parcel which Mr. Ketchel owns in total is more land north of the proposed subdivision. The excess land north that Mr. Ketchel owns is going to be swapped for a portion of the Muggleton property to the east, which is needed to extend the road to it's total length in the proposed subdivision. Mayor Harvey asked if Mr. Braun has a written agreement with Mr. Muggleton for the purchase of his portion of the land. Braun stated it is in the same agreement to purchase the parcel from Mr. Ketchel. Markowitz asked Mr. Braun if he has asked Mr. Muggleton to sell him a portion of his land to the south of the proposed development in order to get access to Rte. 422 and obtain more land which would make it more feasible to pay for the cost to extend the read back from the development to Rte 422. Braun stated he has not and it is not practical for what he is proposing.

Markowitz asked what Mr. Braun's plans were regarding the compliance with the Subdivision Regulation section 4.03E, which requires developers to bring a non-conforming street up to Village standards when it abutts a proposed development. Mr. Braun stated he would have to bring it up to its present or better conditions following the completion of the subdivision. Markowitz asked if the entire cost would be absorbed by him, Braun stated it would be absorbed by him.

Markowitz referred to the Village Engineer's review, dated 3-18-85, and asked Mr. Braun if he agreed with Mr. Driemiller's opinion as stated in paragraph # 3. Mr. Braun stated he did with reservation. Mr. Markowitz asked Mr. Braun if he would agree that if he could obtain the small piece of land from Mr. Sutliff, therefore allowing him to put in a straight road, this would be preferable for not only for the Village but he as a developer. Mr. Braun stated that is correct.

Ed Ketchel was sworn in and stated there are two contingencies in his contract with Mr. Braun. First is receiving a variance approval and second is being granted the preliminary plan approval. At that time, when those conditions are met, the land will transfer.

Engineer stated he has no further comments but wanted to make clear that he did not review the subdivision plan, he only reviewed the variance application and his comments only pertain to the variance application. Engineer read his review of the proposed Deerfield Drive extension , dated 3-18-85, copy hereto attached.

Planning Commission secretary marked the exhibits as presented. Exhibit #1, the petition signed by Rolling Ridge residents; #2, the letter from Cedric Morrison; #3, scketch map; #4, graphic map of Deerfield Drive, dated 3-85; #5, Village Engineer's review, dated 3-18-85, of Deerfield Drive Extention; #6, copy of the plat of Deerfield Drive; #7 copy of the map showing the intersection of Maple Springs Drive and Bell Road, illustrating a 40 foot right-of-way.

Following a brief discussion, Harvey moved to accept all seven exhibits as presented, Cotesworth 2nd. Roll call, all ayes

Public hearing was adjourned at 11:15P.M.

Chairman Daniels call the regular meeting to order at 11:17P.M.

Commission reviewed the proposed language, copy hereto attached, for the motion to conditionslly approve the variance request of Emerald Green Subdivision. Following a brief discussion, Commission agreed to add the following as #5 on page 3 of the attached motion, "This conditional variance approval be further conditioned upon amendment of the agreed journal entry, to the satisfaction of the South Russel Village Solicitor, in the case of in re:appeal of Emerald Lakes, Inc. versus South Russell Village, in the Court of Common Pleas of Geauga County, to provide for the amendment of the final plat, attached to such journal entry, to reflect the change in development of the land as set forth in the preliminary plat submitted to this Commission and to which this variance applies."

Mayor Harvey moved to conditionally approve the Emerald Lakes, Inc. variance request as set forth in the amended attached motion, O'Donnell 2nd. Roll call, all ayes.

Bob Craig, Solicitor and Commission reviewed the proposed zoning amendment for the property directly west of the Holzheimer Interiors. Following brief discussion the following changes were made; first, on page 3, #2, change the maximum size building from 7,000 square feet to 4,000 square feet; second, amend the parking area requirement to provide for a maximum of 10 spaces to be located only in the rear of the building unless otherwise approved by the Planning Commission; and third, amend the sign section to allow for a wall sign only in the rear of the building and eliminate the name plate.

Markowitz stated he will put this proposed amendment in the final form for the Commission to review on May 16th. Commission reviewed the timing for the zoning amendment process.

There being no further business, meeting adjourned a 12:10 A.M.

Charles M. Daniels, Jr., Chairman — Cathy Male, Secretary

xc: Planning Commission
Council
Clerk of Council
Building Inspector
Engineer
Solicitor
ZBA
Secretary to Bldg. Dept.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

May 2, 1985

APPLICATION FOR SUBDIVISION VARIANCE

EMERALD LAKES, INC

APPLICATION # Z-847

South Russell Planning Commission took the following action on May 2, 1985.

Mayor Harvey moved to conditionally grant the request of developer for a variance from the requirement of Section 3.07 of the Subdivision Regulations that all public lands be accepted for dedication prior to issuance of zoning and building permits to allow the issuance of four (4) zoning and building permits for four (4) single-family dwellings in the proposed Emerald Lakes Subdivision, to be constructed east of the CEI easement located in the Subdivision on the following conditions and upon the following findings:

1. Developer has not met the requirements of a hardship under Section 3.12 of the Subdivision Regulations and requires this variance only to obtain economic benefits to its development; however, such benefits will also enhance the viability and completion of the public improvements to the benefit of the Village and the future residents of Emerald Lakes and, therefore, this Commission finds that conditionally granting the variance will provide a benefit to developer and any potential detriment can be avoided by the enforcement of the following conditions which must be complied with prior to issuance of any zoning or building permits:

A. Developer shallobtain approval of improvement plans for all land in the Subdivision east of the CEI easement in accordance with all provision of Section 3.05 of the Subdivision Regulations;

B. Developer shall obtain approval of the final plat of all land east of the CEI easement in accordance with all provisions of Section 3.06 of the Subdivision Regulations;

EXHIBIT "B"

C. Developer shall file and record the approved final plat with the Geauga County Recorder (Recorder) in accordance with Section 3.06(c) of the Subdivision Regulations;

D. Developer shall provide South Russell Village with all fees, deposits, insurance, bonds and guarantees required by all provisions of Section 3.08 of the Subdivision Regulations.

2. No transfer of any interest in any land or dwelling unit allowed to be constructed herein shall be permitted by Developer prior to acceptance of dedication of all public land by the South Russell Village Council unless such requirement is waived by this Commission upon appropriate application by Developer pursuant to Section 3.12 of the Subdivision Regulations and further this order shall be attached to any final plat to be recorded with the Recorder to provide notice to the Recorder and any interested party that no transfer of any interest in any land or dwelling unit described in the final plat shall be made until acceptance of dedication of all public lands is obtained pursuant to Section 3.07 of the Subdivision Regulations or unless waived by this Commission and a certified copy of the order waiving this requirement filed with the Recorder. Nothing in this paragraph shall be deemed to prohibit Developer from granting a mortgage to any Lender, but such consent to mortgage shall not be deemed to allow such Lender or any successor or assign of the Lender ("Lender") or any Purchaser at a judicial or judicially ordered sale ("Purchaser") to obtain any rights greater than those given to Developer and such Lender or Purchaser shall be subject to all the terms and conditions of the conditional variance and any rights they may obtain shall be subordinate to the ordinances, rules and regulations of South Russell Village and to the grant of this conditional variance.

3. No occupancy permits for any dwelling unit constructed in the Subdivision shall be issued by the Zoning Inspector to Developer, Lender, Purchaser or any other person, firm or entity until acceptance of dedication of all public lands by the South Russell Village Council unless such requirement is waived by this Commission upon appropriate application by Developer pursuant to Section 3.12 of the Subdivision Regulations.

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

4. Developer shall guarantee, in writing, that all public roads and private property not owned by Developer shall at all times be kept free of mud, dirt and debris and in the event that Developer or its employees, agents, contractors or subcontractors do not comply with this requirement that Developer shall hold the Village of South Russell harmless from any expenses incurred in removing such mud, dirt and debris and then this Commission, after notice and hearing, may revoke this conditional variance and cause the Zoning Inspector to revoke any zoning and building permit issued pursuant to the authority granted herein and seek any other remedies it may have either legal or equitable or otherwise.

5. This conditional variance approval be further conditioned upon amendment of the agreed journal entry, to the satisfaction of the South Russell Village Solicitor, in the case of In Re Appeal of Emerald Lakes, Inc. vs South Russell Village, in the Court of Common Pleas of Geauga Counсy, to provide for the amendment of the final plat, attached to such journal entry, to reflect the change in development of the land as set forth in the preliminary plat submitted to this Commission and to which this variance applies.

Further, Developer shall be responsible for any damage occurring to the proposed improvements in right of ways during construction and failure to remedy any damage or defect within the period required to complete all improvements, shall give the Village cause to deem the Developer in violation of Developer's obligations under the improvement bond and cause forfeiture thereunder.

NOW, THEREFORE, in consideration of the above and upon the condition of compliance with all terms and conditions set forth herein, the Zoning Inspector be authorized to issue no more than four (4) zoning permits to Developer for four (4) single-family dwelling units to be constructed

with direct access to a road to be dedicated to the public east of the CEI easement and that the Building Inspector be authorized to issue not more than four (4) building permits for such dwelling units in accordance with applicable ordinances, rules and regulations of South Russell Village regarding construction of such dwellings.

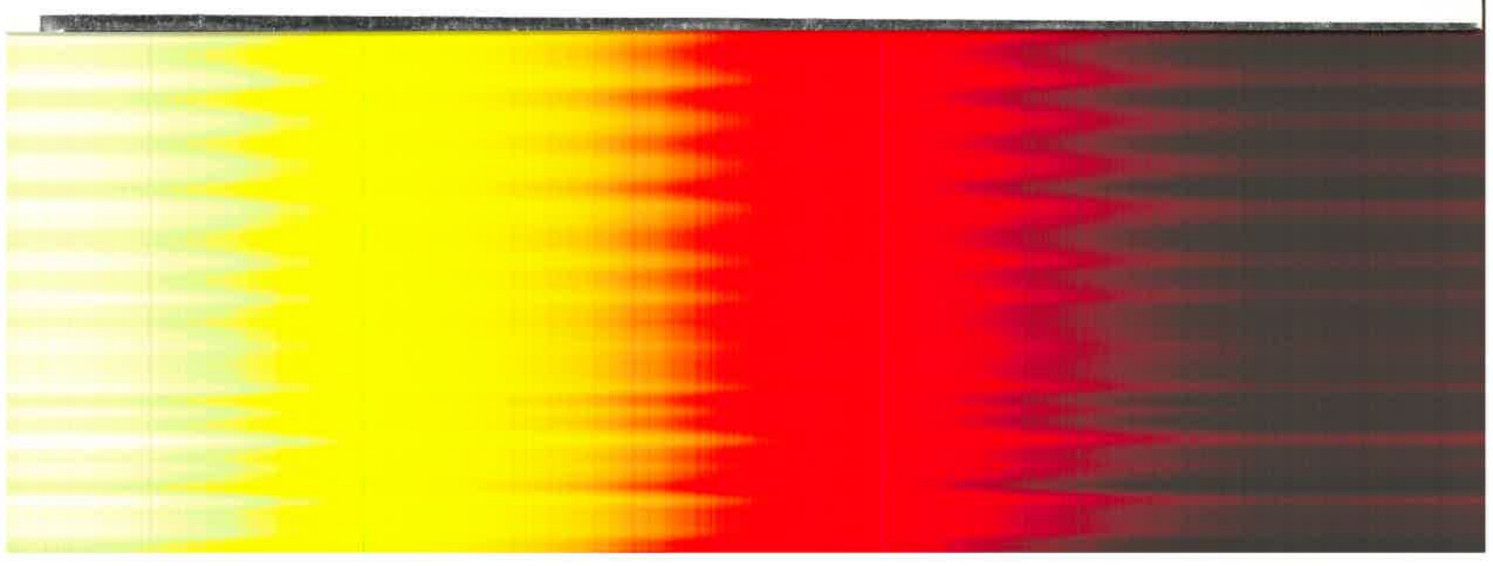
Mrs. O'Donnell seconded the motion. Roll call, all ayes. Motion carried.

THIS VARIANCE WAS AMENDED BY THE SOUTH RUSSELL PLANNING COMMISSION BY ACTION TAKEN JUNE 6, 1985, A COPY OF SAID AMENDMENT BEING ATTACHED HERETO AND MADE A PART HEREOF.

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

AMENDMENT TO CONDITIONAL APPROVAL MOTION FOR THE VARIANCE REQUEST OF EMERALD LAKES, INC., MAY 2, 1985.

Sutliff moved to clarify the variance granted on May 2, 1985 to Emerald Lakes, Inc. so that the requirement that no transfer of any interest in the land or dwelling unit occur until acceptance of dedication of all public land and no issuance of occupancy permits for any dwelling unit occur prior to acceptance of dedication of all public land be made to apply to Emerald Lakes Subdivision Phase 1, which contains all land in the Subdivision east of the CEI easement. Cotesworth 2nd. Roll call, all ayes.



VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

AMENDMENT TO CONDITIONAL APPROVAL MOTION FOR THE VARIANCE REQUEST OF EMERALD LAKES, INC., MAY 2, 1985.

Sutliff moved to clarify the variance granted on May 2, 1985 to Emerald Lakes, Inc. so that the requirement that no transfer of any interest in the land or dwelling unit occur until acceptance of dedication of all public land and no issuance of occupancy permits for any dwelling unit occur prior to acceptance of dedication of all public land be made to apply to Emerald Lakes Subdivision Phase 1, which contains all land in the Subdivision east of the CEI easement. Cotesworth 2nd. Roll call, all ayes.

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

May 2, 1985

APPLICATION FOR SUBDIVISION VARIANCE

CONSTRUCTION DEVELOPMENT, INC.

APPLICATION # 85-1

South Russell Planning Commission took the following action on May 2, 1985.

Mayor Harvey moved to conditionally grant the request of developer for a variance from the requirement of Section 3.07 of the Subdivision Regulations that all public lands be accepted for dedication prior to issuance of zoning and building permits for three (3) single-family dwellings in the proposed Kensington Green Subdivision Phase I, as presented to the Planning Commission as more fully set forth in the improvement plans submitted to the Village Engineer on the following conditions and upon the following findings:

1. Developer has not met the requirements of a hardship under Section 3.12 of the Subdivision Regulations and requires this variance only to obtain economic benefits to its development; however, such benefits will also enhance the viability and completion of the public improvements to the benefit of the Village and future residents of Kensington Green Subdivision and, therefore, this Commission finds that conditionally granting the variance will provide a benefit to developer and any potential detriment can be avoided by the enforcement of the following conditions which must be complied with prior to issuance of any zoning or building permits:

A. Developer shall obtain approval of improvement plans for all lands contained in Phase I in accordance with all provisions of Section 3.05 of the Subdivision Regulations;

B. Developer shall obtain approval of the final plat of all lands contained in Phase I in accordance with all provisions of Section 3.06 of the Subdivision Regulations;

C. Developer shall file and record the approved final plat with the Geauga County Recorder (Recorder) in accordance with Section 3.06 (c) of the Subdivision Regulations;

D. Developer shall provide South Russell Village with all fees, deposits, insurance, bonds, and guarantees required

by all provisions of Section 3.08 of the Subdivision Regulations.

2. No transfer of any interest in any land or dwelling unit allowed to be constructed herein shall be permitted by Developer prior to acceptance of dedication of all public land by the South Russell Village Council unless such requirement is waived by this Commission upon appropriate application by Developer pursuant to Section 3.12 of the Subdivision Regulations and further this order shall be attached to any final plat to be recorded with the Recorder to provide notice to the Recorder and any intersted party that no transfer of any interest in any land or dwelling unit described in the final plat shall be made until acceptance of dedication of all public land is obtained pursuant to Section 3.07 of the Subdivision Regulations or unless waived by this Commission and certified copy of the order waiving this requirement filed with the Recorder. Nothing in this paragraph shall be deemed to prohibit Developer from granting a mortgage to any Lender, but such consent to mortgage shall not be deemed to allow such Lender or any successor or assign of the Lender ("Lender") or any Purchaser at a judicial or judicially ordered sale (Purchaser") to obtain any rights greater than those given to Developer and such Lender or Purchaser shall be subject to all the terms and conditions of the conditional variance and any rights they may obtain shall be subordinate to the ordinances, rules and regulations of South Russell Village and to the grant of this conditional variance.

3. No occupancy permits for any dwelling unit constructed in the Subdivison shall be issued by the Zoning Inspector to Developer, Lender, Purchaser or any other person, firm or entity until acceptance of dedication of all public lands by the South Russell Village Council unless such requirement is waived by this Commission upon appropriate application by developer pursuant to Section 3.12 of the Subdivision Regulations.

4. Developer shall guarantee, in writing, that all public roads and private property not owned by Developer shall at all times be kept free of mud, dirt and debris and in the event that Developer or its employees, agents contractors or subcontractors do not comply with this requiremnt that Developer shall hold the Village of South Russell harmless from any expenses incurred in removing such mud, dirt, and debris, and then this Commission, after notice and hearing, may revoke this conditional variance and cause the Zoning Inspector to revoke any zoning and building permit issued pursuant to the authority granted herein and seek any other remedies it may have either legal or equitable or otherwise.

Further, Developer shall be responsible for any damage occurring to the proposed improvements in right of ways during construction and a failure to remedy any damge or defect within the period required to complete all improvements, shall give the Village cause to deem the Developer in violation of Developer's obligations under the improvement bond and cause a forfeiture thereunder.

NOW, THEREFORE, in consideration of the above and upon the conditions of compliance with all terms and conditions set forth herein, the Zoning Inspector be authorized to issue not more than three(3) zoning permits to Developer for three (3) single-family dwelling units to be constructed with direct access to a road to be dedicated to the public which is contained in Phase I as set forth in the proposed final plat to the Planning Commission and as set forth in the improvement plans presented to the Village Engineer and that the Building Inspector be authorized to issue not more than three (3) building permits for such dwelling units in accordance with applicable ordinances, rules and regulations of South Russell Village regarding construction of such dwellings.

Mrs. O'Donnell seconded the motions. Roll call, all ayes. Motion carried.

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISION WORK SESSION *Meeting*

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

Held 7:30 P. M. April 25, 1985 *19*

Members present: Daniels, Sutliff, O'Donnell, Harvey, Cotesworth
Other officials: D. Rowe, D. Markowitz
Guests:

Chairman Daniels called the meeting to order at 7:40 P.M. Roll call, all members present.

Solicitor Markowitz presented the written motions for the variance requests of Emerald Lakes and Kensington Green. Commission review these motions, copy hereto attached.

Commission reviewed and discussed the proposed zoning code amendments, dated 11-1-84, copy attached to the March 14, 1985 minutes. The Commission discussed pages 12 through 24.

Meeting adjourned at 9:40 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

PUBLIC HEARING FOR CON DEV AND EMERALD LAKES VARIANCE REQUESTS

Minutes of PLANNING COMMISSION MEETING *Meeting*

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

Held April 11, 1985 *19*

Members present: Cotesworth, Daniels, O'Donnell, Harvey, Sutliff
Other officials: D. Markowitz, D. Rowe, W. Driemiller
Guests: S. Simon, J. Neely, B. Phillips, P. Cadou,
F. Wohlschlaeger, G. Stanek

7:30 P.M - PUBLIC HEARING FOR EMERALD LAKES VARIANCE REQUEST

Meeting was called to order by Chairman Daniels, Roll call, all present.

Secretary read the legal advertisement published in the Geauga Times Leader on March 8., 1985.

Chairman Daniels read a letter from Thomas and Thomas Construction regarding the variance requests of both Emerald Lakes and Kensington Green. The letter expressed their disapproval of the granting of the requested variances.

Chairm. Daniels stated the Planning Commission had received a letter from Lyndall Hughes objecting to Mr. Simon's request, however the Commission has since received a second letter withdrawing his objections.

Chairman Daniels stated what Mr. Simon is requesting is a variance from the Subdivision Regulations which would allow him to build four model homes, entrance to the development being approximately across the street from Southwyck Drive, prior to completing all the improvements.

Mr. Bill Phillips, 1181 Sheerbrook, was sworn in and asked what was the variance being requested and why was it being requested. Mr. Simon explained it takes 2 to 3 months to put in all the improvements for the development. If they begin in May they would not be able to start construction until August and by then they have lost the majority of the building season. Therefore, he would like to build his models while putting in the improvements so he doesn't lose the entire season.

Pete Cadou, 106 Anglers Drive, was sworn in and asked how Bell Road would be kept clean, if this is granted, during all the construction. Mr. Simon stated he would do everything in his power to keep the roads clean.

Fred Wohlschlaeger, Spring Drive, was sworn in and asked if the bonding requirement for this development has been addressed. Mr. Simon stated he will either post a bond or give a letter of credit for the amount set by the Engineer and Solicitor.

Mr. Simon stated he met with his engineer and the Village Engineer and they decided, due to the terrain east of the CEI lines, they will be building single units, not two family units as shown on their plan.

Mr. Wohlschaleger asked if this variance was granted, what part of the development would be started first. Mr. Simon stated he would start east of the CEI lines.

Chairman Daniels read the section of the Sudivison Regulations pertaining to variance request, the procedure and requirements.

Mr. Driemiller, Village Engineer, stated the requirements for granting a variance under this code are very restrictive under the definition and he recommends disapproval because there is no topographical hardship.

Mr. Phillips stated the plan presented tonight shows two family units and Mr. Simon has stated tonight they are changing his plan to single family, what would this plan look like? Mr. Simon pointed out the proposed location of the single family units and stated if there is not enough area for the proposed 40 units in phase one, they could be relocated in phase two, west of the CEI lines.

There being no further discussion, the public hearing for Emerald Lakes was adjourned at 8:40 P.M.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

8:10 P.M. - PUBLIC HEARING FOR KENSINGTON GREEN VARIANCE REQUEST.

Chairman Daniels called to order the public hearing for John Neely, Con Dev, Kensington Green Subidivision.

Secretary read the legal notice published in the Geauga Times Leader on March 8, 1985

Chairman Daniels read the applicat's variance application and questioned what he meant by asking for a variance in "any phase"? Mr. Neely stated they would like to build models prior to the completion of the improvements in phase one and when they are ready to stat phase II, they would again like to be allowed to build three models prior to the completion of phase II improvements. Mr. Neely presented plans and an aerial photo of his proposed plan for Kensington Green. Mr. Neely stated phase I will consit of 10 homes and he is requesting a variance which will allow them to construct up to three model homes while putting in the improvements. Mr. Daniels pointed out Mr. Neely has a hard surface access from Bell Road with the old runway of the airport. Commission and Mr. Neely discussed the plan presented.

Following a brief discussion, public hearing adjourned at 8:20 P.M.

Chairman Daniels called the regular meeting to order at 8:21P.M.
Roll call, all present.

Chairman Daniels asked for any additions or corrections for the minutes of March 7, 1985. Wally Sutliff stated the minutes state Mr. Braun is requesting a variance for a 42.96 width of Deerfield Drive. This distance is the arc distance of the road and the actual width as stated in the Village Engineer's letter ~~XXXXXXXXXXX XXXXXXXXXXX~~ is 41.65 feet. Solicitor stated tonight minutes will reflect this error in Mr. Braun's application. There being no further additions or corrections, Sutliff moved to approve the minutes as recorded, O'Donnell 2nd. Roll call, all ayes.

There being no additions or corrections, Harvey moved to approve the minutes of April 14, 1985, Sutliff 2nd. Roll call, all ayes.

Commission discussed the timing and construction schedules for both Kensinton Green and Emerald Lakes.

Following a five minute recess, the Planning Commission adjourned in an executive session at 8:45 P.M.

The Planning Commission reconveyned at 9:30 P.M. Chairman Daniels explained the P/C is inclined to rule favorably on both variance requests however there are several conditions contingent to the approval which must be written in the motion. The Solictor will write the formal motion and it will be presented at the May 2nd meeting.

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

Charles M. Daniels, Jr., Chairman — Cathy Male, Secretary

xc: Council, Planning Commission, Clerk of Council, Engineer, Solictor, ZBA, Building INspector.

RECORD OF PROCEEDINGS

Minutes of SPECIAL PLANNING COMMISSION MEETING *Meeting*

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

Held April,10, 1985 *19*

Members present: Sutliff, Harvey, O'Donnell, Cotesworth
Other Officials: D. Rowe, D. Markowitz
Guests: W. Grierson

Meeting was called to order at 7:30 P.M. Roll call, Daniels absent.

O'Donnell nominated Wally Sutliff for Chirman Pro-tem, Cotesworth 2nd. Roll call, all ayes.

Bill Grierson, 115 Fernwood, presented a major subdivision amendment application and plat. Mr. Grierson stated he owns 2½ lots on Fernwood, frontage of each lot is 75', 75' and 40' respectfully. Mr. Grierson stated he would like to combine these three lots and create two lots with 100' frontage and 90' frontage. The lot with the 100 foot frontage would be the lot with his present home and the 90 foot lot would be a buildable lot.

Solicitor explained in order for Mr. Grierson to accomplish this split, it is necessary for him to go through amending the subdivision plat process. Markowitz stated there are two aspects to this process. First, he must receive approval from the Planning Commission, Solicitor and Village Engineer on the final plat amendment. Second, he must file a petition through the Common Pleas Court because he is amending the plat. The idea of this is to notify the court, who will notify the County Recorder to amend the county records.

Mr. Grierson stated he has not been before the court because he wants to get some idea from the Commission as to whether or not they will approve his amendment.

Commission briefly discussed Mr. Grierson's request and stated they have no objection. Solicitor and the Engineer must review the plat and will report back to the Planning Commission at the May meeting.

An application for rezoning the parcel of land directly west of the Holzheimer property on Bell Road, requested by Robert Craig, was presented by the Secretary. Mr. Craig was out of town.

Mayor Harvey explained Mr. Craig wants to build a house on the property, however it would be used for office use. Markowitz explained what the Planning Commission could do is develop a new district for light limited business use, this would be a good transitional area between residential and business use. The other alternative is to change the zoning from R-1, residential to B-2, limited business. Solicitor stated he would advise the Commission to develop a new district, thereby being able to put in the proper controls on the use, signs, parking, etc. for this area.

Solicitor stated he would develop the language for a new district and would present it at the May meeting.

Commission discussed and reviewed the proposed zoning code amendments, presented 11-1-84, pages 6 through 12. Copy attached to the March 14, 1985 minutes.

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

Walter H. Sutliff, Chairman Pro-tem

Cathy Male, Secretary

xc: Council, Planning Commission, Clerk of Council, Solicitor, Engineer, Building Inspector, ZBA

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 COMMISSION MEETING *Meeting*

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

Held March 14, 1985 *19*

Members present: O'Donnell, Harvey, Daniels, Sutliff
Other Officials: D. Markowitz, D. Rowe
Guests:

Chairman Daniels called the meeting to order at 7:45 P.M.

Roll call, Cotesworth absent.

Commission held a work session on proposed amendments to the Zoning Code which were presented to the Planning Commission November 1, 1984 by the Village Solicitor Dale Markowitz. Copy of proposed amendments is hereto attached.

Commission reviewed and discussed pages 1 through 6.

Commission agreed to meet on April 10th at 7:30 P.M. to continue the work session.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Engineer
Solicitor
Clerk of Council
Building Inspector

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

RECORD OF PROCEEDINGS

Minutes of Regular Planning Commission Meeting *Meeting*

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

Held March 7, 1985 *19*

Members present: Harvey, Daniels, Sutliff, O'Donnell
Other officials: D. Markowitz, D. Rowe
Guests: Damon Braun, Bob Craig,

Chairman Daniels called the meeting to order at 8:00 P.M. Roll call, Cotesworth absent.

There being no additions or corrections to the February minutes, Sutliff moved to approve them as recorded, Harvey 2nd. Roll call, all ayes

Mr. Damon Braun presented a proposal for extending Deerfield Drive and developing a 20 acre parcel. Mr. Braun explained they would like to develop 20 lots on this land. Mr. Braun stated Deerfield Drive ends in a cul de sac and the amount of frontage remaining on the cul de sac has an arc distance of 42.96 feet. The Village requires 60 feet right of way, so what they will be requesting is a variance which would allow them to continue Deerfield Drive into the open area, to develop the land. Mr. Braun presented an application requesting a variance on the 60 foot requirement which would allow him to put the road in with a 42.96 foot width. Mr. Braun stated even though the road is less than 60 feet, his plan shows they can still put in the required pavement. with all the utilities without needing any additional frontage.

Commission reviewed the proposed plan. Mr. Braun explained sublot 5, owned by Wally Sutliff, has a piece of land which goes to the middle of the right of way, at the end of Deerfield, and because he has not been able to purchase this small piece of land, the proposed entrance road veers around to the left to get into the open space.

Mr. Braun read a letter from Mr. Cedric Morrison, original developer of the Rolling Ridge Subdivision, explaining why this 20 acre parcel was not developed, copy hereto attached.

Mayor Harvey stated as he understands, a 60 foot right of way is the normal width used throughout the Village. Markowitz stated the reason for the 60 foot requirement is because of the need for a right-of-way area beyond the pavement in order to put in the utilities and do any necessary repairs. The Village also needs room to reqair the roads and ditches. Exactly how they arrived at the exact 60 foot requirement, the Solicitor did not know.

Mayor stated he would like to get input from Bill Driemiller, the Village Engineer regarding the 60 foot right of way requirement and Mr. Braun's proposal.

Commission discussed Mr. Braun's plan and variance request at length.

Following a 5 minute recess, Commission reconvened. Following brief discussion, Commission agreed to set the public hearing for Mr. Braun's variance request on April 11, 1985 at 8:30 P.M.

Mr. Bob Craig stated he has had an advertising agency in Chagrin Falls for 15 years and he would like to build a home style office building and his proposal is for the lot just west of Holzheimer's, on Bell Road. Mr. Craig stated Virgil White owns the lot presently, it is 200 feet by 400 feet and it is zoned residential. Mr. Craig stated he would be requesting a zoning change from residential to commercial.

Mr. Craig presented plans for the proposed structure. It is based on an "Auburn Lakes" style home. It is 2,800 square feet with a kitchen and great room, the floor plan is very similar to a single family home. Mr. Craig stated he has tried to come up with a transitional type structure, something that would be a good buffer between commercial and residential zoning. Mr. Craig stated all the parking would be in the rear and there would be no signs in the front. Mr. Craig stated he would be using 1,800 square feet and then lease out the remaining 1,000 square feet.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

Mr. Craig stated he would like to request a zoning amendment rather than a conditional use permit due to the cost of the lot improvement and building costs.

Markowitz stated what the Commission could do is create a new district to fit this situation, it would recognize that this is a transitionsl area between commercial and residential and it would provide for either no signage or limited signage for any business in the building.

Following a lengthy discussion, the Commission explained the zoning amendment process. Commission stated they liked the plans very much and the idea of creating a buffer area between the commercial and residential area is a very interesting idea. Commission stated they feel this would be an outstanding addition to South Russell. Mr. Craig stated now that he has had positive feedback from the Planning Commission, when he has worked out a purchase agreement with Mr. White, he will come back to the Village and apply for the zoning amendment.

Markowitz stated what he would forsee doing if Mr. Craig applies for a zoning amendment, is creating a district which would provide for limited type uses which don't have the normal commercial type traffic; so there wouldn't be alot of people constantly coming in and out.

Mr. Craig thanked the Commission for their time.

Mr. Markowitz passed out copies of the proposed zoning code amendments. Markowitz explained Dee Rowe and he have gone through the entire zoning code and developed the language they feel is necessary for the amendments, all except for the sign regulations. Markowitz stated he has looked at language on signs from Willoughby and Burton, but has not written anything yet for the Village.
Markowitz stated what he has tonight is revisions for Chapter 4 and at the next meeting he will have Chapter 5 thru 12 and the language for the signs. Commission agreed that a separate meeting should be scheduled in order to discuss andwork solely on these proposed amendments. Following a brief discussion, Commission agreed to meet on March 14, 1985 at 7:30 P.M. for a work session on the proposed amendments to the Zoning Code.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Building Inspector
Engineer
Solicitor
Planning Commission

MORRISON & MORRISON
REALTORS • COUNSELORS • APPRAISERS
ONE TRYON PLACE BUILDING
TRYON, N. CAROLINA 28782

WILLIAM H. MORRISON (1887-1963)
CEDRIC W. MORRISON

March 1, 1985

Mr. D. A. Braun, P.E., P.S.
Braun-Prenosil Associates, Inc.
547 East Washington St.
Chagrin Falls, OH 44022

Dear Mr. Braun:

At your request I will place in written form the response to your questions placed to me during your telephone call.

The problem which you described reveals a second survey engineering layout error by the Fitzgerald and Gregory firm.

The first was discovered by you as being the 3/100 of an acre error in your survey for Curtis Clinic's sanitary sewer outlet over the only remaining acre on Forest Drive. The present owner acquired this residence site with full knowledge of the 3/100 shortage and with the knowledge that an application for relief would be necessary.

Your call now points up an equally neglectful use of ordinary diligence expected by a client in paying for professional survey planning.

Municipal Codes provide for a relief of these vexing problems by the process of minor variance as a lawful means to permit the previously expected use of a site, if there is no loss of the major protection intended. Logic, reasonableness and fairness are within the foresight that caused the installment of this process within the Municipal Codes.

I am pleased to be available to contribute this information and other facts toward the correction of this second problem which until now was unknown to me. Your questions related to the historic background of my prior ownership of South Russell property. I believe that the following information will be adequate to serve your needs.

In 1953 I acquired 80 acres for the purpose of developing the Cedric W. Morrison Subdivisions in South Russell Village. At that time my intention was to subdivide all of the land which I owned.

In 1956 I acquired an additional 20-acre land-locked parcel of land lying adjacent easterly of Subdivision No. 2. In order to gain access to this 20-acre parcel, Subdivision No. 2 had to be replatted into Subdivision No. 4 so that Deerfield Drive could be established as the access to this 20-acre parcel. Since I was not then prepared to plat a subdivision encompassing the 20 acres, South Russell Village required that I instruct my engineer to terminate Deerfield Drive with a cul-de-sac at its easterly end. It was my plan that it could later be extended as the access road to my adjoining lands to the east.

I would suggest that you check the deeds for any land on each side at the end of Deerfield. These should verify the intent of extension.

I was surprised to learn from you that the 17.72 foot wide parcel of land taken from the 20-acre parcel and added to Sublot 5 in Subdivision No. 4 ran to the center of the road rather than to the margin of Deerfield Drive. I am at a loss to explain how this occurred, as my given instructions were related to my intention and the sole purpose for the resubdivision establishing Deerfield Drive was for it to eventually be extended for its full 50-foot width easterly through the 20-acre parcel.

If I may be of further assistance, please call or write.

Sincerely,

Cedric W. Morrison

Cedric W. Morrison, C.R.P.A.

CWM/jf

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING Meeting

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

Held February 7, 1985 19

Members present: Cotesworth, Daniels, Harvey, Sutliff
Other Officials: D. Rowe, D. Markowitz
Guests: F. Wohlschlaeger, P. Cadou,

RECORD OF PROCEEDINGS FOR PUBLIC HEARING FOR CONSTRUCTIONS DEVELOPMENT CO.

Chairman Daniels called the Public Hearing to order at 7:55 p.M.
Secretary read the legal notice published in the Geauga Times Leader on January 4, 1985.

The public hearing was called for the variance request of Construction Development Co. asking for a variance from the Subdivision Regulations relating to the street standards, Section B.01

Roll call was taken, Mrs. O'Donnell was absent.

Bill Driemiller, Village Engineer, explained what Con Dev would like to do is change the geometry of the entrance layout of their proposed Kensington Greene development. Engineer explained he has no objection to their request, their main reason for the change is aesthetics and no safety factors have been affected.

Commission showed a drawing illustrating the change in the radius of the entrance road curve.

Following a brief discussion, Chairman Daniels closed this public hearing at 8:05 P.M.

RECORD OF PROCEEDINGS FOR PUBLIC HEARING FOR EMERLAD LAKES, INC.

Chairman Daniels called to order the second public hearing at 8:08 P.M.
Secretary read the legal advertisement, published in the Geauga Times Leader on January 4, 1985.

The applicant, Emerald Lakes, Inc., is requesting a variance which would allow him to construct four model homes prior to the dedication of all public land in this development.

Solicitor Markowitz explained he was advised a couple hours earlier that due to an over sight, a notice of this meeting did not go out to the applicant, Mr. Simon. The Commission is required under the Subdivision Regulations to give written notice of the meeting to the applicant. Markowitz stated if he should arrive, they could proceed with the meeting however without his presence they can not take any testimony from anyone. What has to be done is either have the Public Hearing continued or reschedule and readvertise. Markowitz stated the only thing the Commission can do tonight is explain to the public the purpose of the meeting and exactly what is being requested. Chairman Daniels asked the Solicitor to try one more time to reach Mr. Simon by phone. Commission recessed for 10 minutes.

Meeting reconveyned, Mr. Markowitz was unable to contact Mr. Simon.

Commission explained Mr. Simon's request and discussed briefly. Public Hearing adjourned at 8:30P.M.

RECORD OF PROCEEDINGS FOR REGULAR MEETING OF THE PLANNING COMMISSION

Chairman Daniels called the regular meeting to order at 8:31 P.M.
Roll call, O'Donnell absent.

There being no additions or corrections the January minutes were approved as recorded.

Mayor Harvey asked that the Planning Commission start again their review of the Zoning Code and by the March meeting be ready to review Chapters 1 through 3 Chapter 10. Markowitz stated he has asked Dorsey Rowe to review what changes have already been suggested in addition to any notes made by Wallay King. Commission agreed to review and be ready to discuss the Zonning Code in March

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

Chairman Daniels asked for any discussion on Construction Development's variance request. There being no discussion, Sutliff moved to approve their variance request as applied for in their application, Harvey 2nd. Roll call, all ayes.

Following a lengthy discussion, Commission agreed the public hearing for Emerald Lakes would be rescheduled for March 21, 1985 at 8:00 P.M.

Wally Sutliff asked if the Commission wanted to discuss the topic of locked thief hatch covers. Markowitz stated he has some other areas which need to be discussed and suggested that all of these topics be discussed at the March meeting. Commission agreed.

John Neely stated he would like to request a variance which would allow him to build two models while putting in his improvements for Kensington Green. Commission advised Mr. Neely he must file an application requesting his variance and provide the proper deposit. Following a brief discussion, Commission tentatively scheduled to public hearing for March 21st at 8:00 P.M. contingent upon receiving the completed application. Mr. Simon's public hearing was changed to 7:30P.M.

There being no further discussion, meeting adjourned at 9:10 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Engineer
Solicitor
Building Inspector
ZBA

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

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

Held January 3, 1985 *19*

Members present: Daniels, Harvey, Sutliff, O'Donnell
Other officials: D. Rowe
Guests:

Meeting was called to order at 8:00 P.M. by Chairman Daniels. Roll call Cotesworth absent.

Mrs. O'Donnell asked that a correction be made in the fourth paragraph from the bottom of the December minutes, the word "no" be amended to "not". There being no further corrections or additions, O'Donnell moved to approve the December minutes as corrected, Sutliff 2nd. Roll call, all ayes.

Chairman Daniels read a letter from Wallay King, thanking the Commission for a wonderful association over the past five years he has been building inspector. Mr King was the Administrative Assistant and Building Inspector until his resignation in November of 1984.

Mayor Harvey introduced Dorsey Rowe to the Planning Commission. Mr. Rowe will be replacing Wallay King as the Building Inspector.

Mr. Rowe presented a development plan for the old Paulo's Pizza building on East Washington Street. Mr. Rowe explained they are saving the front portion of the existing building and adding a large addition in the rear. The building will be used as a commercial artist studio. Commission reviewed the proposed plan and agreed it would be an improvement over what is existing there today.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Building Inspector
Engineer
Solicitor
ZBA Chairman

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 12, 1984 19

Members present: Sutliff, Harvey, Cotesworth
Other Officials: D. Markowitz, D. Rowe, W. Driemiller
Guests: Sidney Simon, Craig Cawrse

Meeting was called to order by Mayor Harvey. Roll call, Chairman Daniels and Kathy O'Donnell were absent.

Marilyn Cotesworth moved to appoint Wally Sutliff Chairman Pro-tem, Harvey 2nd. Roll call, all ayes.

There being no additions or corrections, Harvey moved to waive the reading of the November 1 and November 8 minutes and approve them as recorded, Cotesworth 2nd. Roll call, all ayes.

Mr. Sidney Simon presented a revised plan for the proposed Emerald Lakes development. Mr. Simon explained he has removed all the units facing Bell Road and relocated them within the development, a minimum distance of 400 feet from Bell Road. Mr. Simon stated what he would like to do is start his models while putting in the improvements and road for phase one. Mr. Simon stated he would put in a temporary road which would serve the models. Mr. Simon stated his plan right now is to have the eastern entrance be phase one and western entrance be phase two.

Mayor Harvey asked the Solicitor what the Planning Commission must do if they were willing to agree with Mr. Simon's request. Markowitz explained the Commission must go through the amendment process for the proposed amendment being presented tonight which amends the side yard requirement for single unit buildings. Second, they must grant a variance, allowing the models to be started prior to the completion and acceptance of the road. Markowitz stated what the Village can do, for their own protection, is agree to issue building permits but no occupancy permits until the road is completed and dedicated.

Markowitz reviewed with the Commission the proposed amendment to the Zoning Code, relating to multifamily definition, copy hereto attached. Markowitz stated the present definition of a multifamily unit is it must be in a 3 to 8 unit family structure, now it has been changed to a one or two unit family structure. In addition the minimum front yard set back and side yard set back regulation has been amended for the one family unit structure, providing a limited common area of no less than 100 foot frontage. Markowitz explained where the development is fully dedicated development to condominiums and where there are one unit buildings and where there is recorded limited common area, the building set back line can be 50 feet with 100 foot of width and distance between buildings will be no less than 30 feet.

Commission and Markowitz reviewed the proposed ordinance. Following a lengthy discussion, Cotesworth moved that the Planning Commission no hold a public hearing on the proposed amendment, Harvey 2nd. Roll call, all ayes.

Harvey moved to make a resolution to initiate the adoption by the Planning Commission of an ordinance amending Section 2.10(c) (1) (c) (3) of the Zoning Code to change the definition of a multi-family dwelling and to add section 4.02(n)(8) to the Zoning Code for the Village of South Russell to vary yard regulations in multi-family districts, copy hereto attached, Cotesworth 2nd. Roll call, all ayes.

Cotesworth moved to recommend to Council the approval of the above proposed ordinance, copy hereto attached, Harvey 2nd. Roll call, all ayes.

Markowitz stated as far as Mr. Simon's request to begin the construction of the models prior to the completion of all the improvements, the Planning Commission must grant a variance to the Subdivision Regulations. Mayor Harvey asked th Engineer his opinion regarding Mr. Simons's request. Driemiller stated the Village has not granted anything like this since the regulation has been adopted

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

and if it is granted there is the possibility of creating problems with the right of way construction. Driemiller explained when you have project construction and right of way construction going on at the same time, it's difficult to separate the two when determining responsibility for what is being done. Mayor Harvey asked the Engineer what type of bonds are required when a developer puts in a road like the one Mr. Simon is proposing. Engineer stated the Village requires a performance bond which insures the completion of the road. Mr. Simon stated it is not possible for him to get a performance bond but he could get a letter of credit. Commission and Mr. Simon discussed the problem and purpose of performance bonds &letters of credit. Following lengthy discussion, Mr. Simon and the Commission agreed if Mr. Simon can get a letter of credit and have it set up such that the money, an amount determined by the Engineer and the Solicitor, is deposited with a bank and as the work is completed the money will be paid out, the Planning Commission will consider the variance request, asking that the construction of the model units be started prior to the dedication of the entrance road. Markowitz stated Mr. Simon must complete a variance application, submit the $500 deposit and Planning Commission will set a public hearing date. Following a brief discussion, Commission tentatively set the public hearing date for February 7, 1985, pending the submittal of Mr. Simon's application, deposit and names and addresses of surrounding property owners.

Craig Cawrse, landscape architect for Con Dev's Kensington Green development presented a preliminary landscape plan for their entrance. Mr. Cawrse explained his plan shows the entrance and the first ten lots and instead of following the requirement of placing trees every 50 feet along the entrance road, he wants freedon to create a plan with a little more interest. Mr. Cawrse stated he is asking for an OK from the Commission in order to steer away from the straight regulation of one tree every 50 feet. Commission reviewed his reliminary plan and agreed that this plan was very attractive and he should proceed with a final drawing.

Village Engineer stated Con Dev is requesting a variance regarding the entrance road. Driemiller explained the Code requires 100 feet of straight road from any intersection before putting in any curve. Therefore, Kensington Green's entrance road must be 100 feet of straight road from Bell Road before it is allowed to curve. Their plan does not have 100 feet of straight road, therefore they are requesting a variance from this requirement. Mr. Cawrse stated their main reason for requesting this variance is for aesthetic reasons.

Commission agreed to set the date for the public hearing for Con Dev's variance application, February 7, 1985 at 7:45 P.M.

Commission reviewed and completed a questionaire regarding the abandonment of the B & O railroad right-of-way.

Commission discussed amending the Gas and Oil ordinance to require locks on the thief hatch covers. Mayor Harvey stated during the development of the gas and oil regulations, Warren Wiant had the expertise on the thief hatch covers and he should be asked to come and give us his opinion. Markowitz asked if the Secretary would write Alan Andersen and ask for his opinion.

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

Walter H. Sutliff, Chairman Pro-tem

Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of Special Planning Commission Meeting *Meeting*

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

Held November 8, 1984 *19*

Member present: Sutliff, Daniels, Harvey
Other Officials: None
Guests: Gus Stern, J. Hendley

Meeting was called to order at 8:03P.M. by Chairman Daniels. Roll call O'Donnell and Cotesworth absent.

Chairman Daniels read a memo from the Village Engineer to the Planning Commission regarding Paw Paw Lake dredging application, copy attached hereto. Commission reviewed the memo and proposed plan. Following a brief discussion, Sutliff moved to approve the issuance of the permit subject to the conditions listed in the Engineer's memo, dated 11-7-84, Harvey 2nd. Roll call, all ayes.

Mr. James Hendley, President of Chicago Title, was present requesting approval of the Fourth Amendment to the Declaration of Condominium Ownership of Manor Brook Gardens Condominiums. Chairman Daniels read the letter from Dale Markowitz which states following his review he finds that the amendment is acceptable to the Village of South Russell as it relates to the regulations affecting the development. Following a brief discussion, Sutliff moved to approve the Amendment, Harvey 2nd, roll call, all ayes. Commission asked Mr. Hendly for a copy of what is recorded, when it is recorded. Mr. Hendley agreed.

There being no further business, meeting adjourned at 8:15P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Coucnil
Planning Commission
Clerk 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 November 1, 1984 19

Member present: Cotesworth, Daniels, O'Donnell, Harvey, Sutliff
Other Officials: D. Markowitz
Guests: Sidney Simon, F. Wohlschlager

Meeting was called to order at 8:00 P.M. by Chairman Daniels.
Roll call, all present.

There being no addtions or corrections, Mayor Harvey moved to waive the reading of the October 11, 1984 minutes and approve them as recorded, Cotesworth 2nd. Roll call, all ayes.

Mr. Sidney Simon presented a revised plan for Emerald Lakes and stated he made the changes requested at the last Planning Commission meeting. Mr. Simon stated the east entrance has been moved west, approximately across from Southwyck Dr. In addition, he has taken units from the far west side and put them on the east side. The lakes were also revised due to the topo of the land. Mr. Simon stated off of the east entrance there are 20 proposed duplexes and off the west entrance there will be 62 proposed single units. Commission reviewed the revised plan along with the Engineer's comments, dated 11-1-84. Markowitz stated there is a requirement in the zoning code that requires multifamily units to be a minimum of 400 feet away from another road. The revised plan presented has units closer than 400 feet to Bell Road. Commission asked if the units facing Bell Road could be moved off of Bell and placed further into the development. Mr. Simon stated the units facing Bell Road will be his models and if he had to use units within the development, he would have to put in 300 feet of improvements which would be not only costly money wise but also time wise.

Commission discussed the requirement of 50 feet minimum distance between buildings and noted there are duplexes facing Bell Road that do not comply with this requiremnt. Mr. Simon and the Commission discussed at length different possibilities for the development layout; all condominium ownership; half condominum ownership and half single family ownership; or a residential neighborhood concept.

Commission stated they did not like the duplexes facing Bell Road. Mr. Simon stated the units will not look like duplexes and he will bring photos to the next meeting and show them to the Board.

Following a lengthy discussion on the development's common area and its maintenence with both a single family area and a condominium area, Markowitz suggested, keep the entire area in condominium ownership in order to avoid platting lot lines however still maintain similar yard regulations for the single units as found in Schedule 4. Markowitz stated they could incorporate a limited common area around each house, allowing the homeowner to have some space to do with what they wish.

Markowitz stated if this development is going to be all condominium, he must develop something that will alow the yardage distances for multi-family units to be different than what is currently zoned, and include single family detached and two family units in the definition of multi-family. Distances proposed for single detached units, from unit to the road, will be 50 feet and the distance between two units will be a minimum of 30 feet.

Commission discussed at length the problem with the duplexes facing on Bell Road. Mrs. O'Donnell stated she felt the entrance to the development would be much more aesthetically pleasing without the units at the entrance. Mr. Simon agreed to remove five of the units facing Bell and angle the two remaining units, to use as models, so they won't face Bell Road but access to them will still be from Bell Road.

Markowitz presented copies of the proposed zoning code amendments upon which he and Wallay King have been working. Markowitz asked the Commission to review and be ready to discuss it at the next meeting.

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

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

Charles M. Daniels, Jr. Cathy Male

~~Charles~~ Daniels, Jr., Chairman Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Building Inspector
Engineer
Solicitor

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

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

Held October 11, 1984 *19*

Member present: Sutliff, Daniels,Cotesworth
Other Officials: D. Markowitz
Guests: D. Satava, K. LaRue

Chairman Daniels called the meeting to order at 8:00 P.M. Roll call, O'Donnell and Harvey were absent.

There being no additions or corrections, Sutliff moved to waive the reading of the October 4, 1984 minutes and approve them as recorded, Cotesworth 2nd. Roll call, all ayes.

Chairman Daniels stated the purpose of this meeting was to meet again with Mr. Satava, regarding the proposed dredging of Bellwood Lake. Daniels explained the Planning Commission received a letter from the Village Engineer, dated October 1, 1984, stating after his review of the plan, it was his recommendation that the area designated on the application is not a viable site for disposal of the Lake dredgings. Engineer explained he has walked the property and he does not believe that the material can be stabilized on the steep back slope of the dam and if placed there, the material will migrate across the Village corporation line, onto the adjacent property and could additionally pose a sedimentation hazard to Silver Creek. Mr. Satava stated he feels the point regarding the hazard to Silver Creek is not justified. He walked the area and the way the overflow from Bellwood Lake travels, snakes around and finally reaches Silver Creek, there are planty areas where embankments are naturally eroding and taking sand and dirt through to the Creek. Mr. Satava stated he doesn't feel that by depositing the dredging material, they would have any more of a negative effect to Silver Creek that what nature is currently doing. Commission asked Mr. Satava about possibly hauling the material out of the Village. Mr. Satava stated the man who will do the dredging, does not want to haul the material because of the expense of cleaning up the roads after hauling the soupy, silty, substance. Commission, Village Engineer and Mr. Satava discussed the dredging plan at length and possible other sites for dumping. Engineer stated there is a flat area on the other side of the dam, in Russell, that could be used however they would need to attain the property owner's permission. Solicitor explained because the Engineer had found that this situation could potentially be an erosion and siltation problem, our ordinance states the Geauga Soil & Water Conservation people must review the plan.

Following a lengthy discussion of the proposed plan, Cotesworth moved that Mr. Satava must submit detailed plans of the proposed dredging for the review of the Geauga Soil & Water Conservation and the Planning Commission, Sutliff 2nd. Roll call, all ayes.

Markowitz presented the proposed ordinance amending the multi-family section of the Zoning Code which will allow a one unit detached building in a condominium development. Following a brief discussion, Commission tabled any action until their next meeting.

There being no further business, meeting adjourned at 8:55 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Planning Commission
Council
Clerk of Council
Building Inspector
Solicitor
Engineer
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 *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 19

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING Meeting

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

Held October 4, 1984 19

Members present: Daniels, O'Donnell, Harvey, Sutliff
Other Officials: W. King, D. Markowitz
Guests: Sidney Simon, Fred Wohlschlager

Meeting was called to order by Chairman Daniels at 8:00 P.M. Roll call, Cotesworth was absent.

There being no additins or corrections, Harvey moved to waive the reading of the minutes and approve them as recorded for the following meetings; August 16, 1984; September 6, 1984 and September 18, 1984, Sutliff seconded.

Mr. Sidney Simon presented a revised plan for the proposed EmeraldLakes development located off Bell Road, west of Rte. 306. Mr. Simon explained there will be 102 unitswith two entrances. The development will have detached condominiums, they look like single family but all the land will be owned and maintained by the condominium association. The first entrance is west of CEI easement with 93 units and the second entrance is proposed for east of the Lyndall Hughes property with 9 units. The streets will be dedicated and plan showed 5 lakes throughout the development.

Mr. Simon stated the typical living space for each unit will be approximately 2,500 to 3,000 square feet.

Commission discussed set back for the single units. Markowitz stated the Code really does not address itself to the set back for detached multi-family. Markowitz stated he will draft a new definition for multifamily which will allow for single unit condominiums.

Mr. Fred Wohlschlager, resident of Country Estates, stated his concern is making sure the existing screening is maintained on the far west side of the project to protect the privacy of the residents in Country Extates. Mr. Wohlschlager, Mr. Simon and the Commission discussed the screening situation at length.

Commission stated they liked the plan, it is an improvement over anything presented up to this point.

Mr. Daniels asked if the eastern entrance is in the middle of the hill on Bell Road? If it is, it will be completely blind to traffic coming from the east, down that hill. Mr. Simon stated he thought it was on top of the hill but he will check and see and if it is in a blind spot, then he possibly could move it opposite the Southwyck entrance.

Mayor harvey asked as far as the agreed upon entry of the first Emerald Lakes plan, where are we as far as Mr. Simon's presentation tonight. Markowitz stated the Commission must have new improvement plans and a new final plat and then the Village would go to Court and file an amended judgement entry and authorize him to record it with the County Recorder.

Mr. Simon stated the project would be phased, the first phase would include the largest lake and the first two cul de sacs. Following a lenghty discussion the Commission stated they liked the plan and it is an improvement over any previous plan and Mr. Simon could go ahead with the engineering drawings.

Wally Suliff and the Mayor reported on the meeting they went to regarding the rezoning of land in north Bainbridge for a proposed multi-use development named Bainwood Center. (Copy of proposed rezoning is hereto attached) Mayor asked the secretary to give copies of the rezoning application to all the members of the Commission, then if the Commission agrees they can get together, discuss it and fomulate an opinon and then go to the continuation of the public hearing which will be held on October 29, 1984. Commission agreed.

Harvey stated the Commission received a letter from the Village Engineer regarding the proposed dredging of Bellwood Lake. Mayor stated the recommendation from the Engineer is the area designated for disposing the silt is not a viable area. Harvey

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

stated the Commission gave their approval of the proposed plan at the last meeting with the understanding that the approval would be contingent upon the Village Engineer approval. Markowitz stated that was the understanding, however that is not the way the motion was stated in the minutes. Following a brief discussion, Commission agreedto contact Mr. Satava and schedule a special meeting with the Village Eningeer , Planning Commission and the Solictor and discuss the necessary measures for dredging their lake.

Mayor Harvey moved that the Planning Commission will notify Mr. Satava that there will be a special meeting to discuss their dredging plan with the Village Solicitor and Village Engineer, Sutliff seconded. Roll call, all ayes. Commission agreed that if it was convenient to all, they would meet on October 11, 1984 at 8:00 P.M.

Wallay King stated this meeting will be last regular Planning Commission meeting which he will attend due to his resignation effective November 1, 1984. King stated he has had a very pleasant association with the Village and hopes he has been some help to the Village. King stated there is one recommendation he would make and that is to make sure you have good field inspections, make sure the new developments are thoroughly inspected as far as sewers, road, etc. If they aren't it will come back to haunt the Village after dedication. Commission discussed and agreed and thanked Wallay for this suggestion.

Markowitz stated he is giving the Commission the proposed amendments to the Zoning Code upon which he and Wallay have been working. Markowitz asked the Commission to reveiw these changes, especially those found in Chapter 3. Markowitz stated what he would like to do is hold a special meeting before the end of October to review all these proposed changes before Wallay King leaves.

Kathy O'Donnell thanked Wallay King for his job well done and wished him well in his new life. Commission agreed and thanked Wallay.

There being no further business, meeting adjourned at 9:55P.M

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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

RECORD OF PROCEEDINGS

Minutes of SPECIAL PLANNING COMMISSION MEETING *Meeting*

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

Held September 18, 1984 *19*

Members present: Cotesworth, Daniels, Sutliff, Harvey
Other Officials:
Guests: John Neely

Chairmal Daniels called the meeting to order at 8:00 P.M.
Roll call, O'Donnell absent.

John Neely presented a revised plan for the proposed Kensington Greene, showing the entrance moved west, opposite from W. Bel Meadow. It originally was opposite E. Bel Meadow. Neely explained moving the entrance west, closer to the retention basin, there will be a water entity at the entrance which will be very pleasing aesthetically. Neely stated the open space will stay the same and the loop road will be the same length. They will be eliminating one cul de sac, but cul de sacs A and I will remain the same. Commission and Mr. Neely discussed proposed screening plans. Mr. Neely stated he wants to maximize the entrance with landscaping, lake, etc. Traffic situation was discussed, Mr. Neely stated this amendment will not change anything that would affect the traffic as far as the quantity or congestion.

Following a brief discussion and agreement by the Commission that this entrance change improves the look of the development, Harvey moved to approve the amended plan of the Kensigton Greene subdivision, Ctoesworth 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 8:20 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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 September 6, 1984 *19*

Member present: O'Donnell, Harvey, Daniels
Other Officials: D. Markowitz, ;
Guests: D. Satava

Meeting was called to order at 8:00 P.M. by Chairman Daniels. Roll call, Cotesworth and Sutliff absent. Harvey arraved at 9:25P.M.

Mr. Don Satava, President of Bellwood Club, presented a plan for dredging their lake and placing the dredging material along the north slope of the dam. The application stated they will be dredging 2,500 cubic ~~feet~~ yards. Daniels stated he feels 2,500 cubic ~~feet~~ yards is alot of dirt and theremay be an error in the figure. Mr. Satava stated this was the figure given to him by the excavator and he would check it out. Daniels stated this plan must be reviewed by the Village engineer before Planning Commission can make their decision. Engineer will determine whether this application needs to go through the ordinance process and be recommended to Council, or whether Planning Commission can just approve it. Daniels stated he didn't feel this plan necessitated going through the ordinance process, however without a quorum, the Planning Commission can not act on any motion. Commission tabled the application until the Mayor arrived. Mayor Harvey arrived at 9:25 P.M. and discussed the application with the applicant and the Commission.

Mayor Harvey stated his only concern is making sure the Soil and Water Conservation people and Engineer are convinced the plan will not cause siltation problems down stream. If that is the case, he has no objection to this plan. Following a brief discussion, Mayor Harvey moved to aprove their dredging plan, O'Donnell 2nd. Roll call, all ayes.

Markowitz presented drafts of two ordinances. The first one is the first part of the rezoning which he and Wallay King have been working on, however it does not include and the amendments to Chapters 3 and 4. That section will be ready at the next meeting. The second ordinance amends Schedule 4. Markowitz stated in working on Chapters 3 and 4, he realized there is a discrepancy between how we handle density in the R-2 district and how we handle the density as it is defined in Chapter 2 and Chapter 4. Markowitz stated on the last page of schedule 4 of the proposed ordinance, the R-2 district shows the density for multi-family as one dwelling unit per acre for that area. The existing code has it setout as 100. Markowitz stated the two family density is also incorrect and the proposed amendment shows 1 dwelling unit, not the original 10. Markowitz explained the confusion between the definitions in Chapter 2 and density figures in Schedule 4.

Following brief discussion, O'Donnell moved to recommend to Council that they adopt the proposed ordinance amending Schedule 4 of the Zoning Code and that the Planning Commission not hold a public hearing, Harvey 2nd. Roll call, all ayes.

Markowitz stated the second proposed ordinance, copy hereto attached, is the beginning of the Zoning Code amendments that he and Wallay King have been working. Markowitz stated what is before them tonight is mostly wording changes, with a few substantive chagnges. Markowitz stated they did not make drastic changes in the basic concept of how you administer the Code. They tried to speed up, cut out layers, and have better definitions.

Markowitz and the Commission reviewed the proposed changes and discussed at length.

There being no further business, meeting adjourned at 10:40P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council, Planning Commission, Clerk of Council, Engineer, Building Inspector, Wm. Jackson.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

national graphics National Graphics Corp., Cols., O. Form No. 1037

Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

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

Held August 16, 1984 *19*

Members present: Cotesworth, Daniels, Harvey, Sutliff
Other Officials: D. Markowitz, W. Driemiller
Guests: J. Neely

Meeting was called to order at 8:00 P.M. by Chairman Daniels. Roll call, O'Donnell absent.

Mayor Harvey moved to waive the reading of the August 2, 1984 minutes and approve them as recorded, Sutliff 2nd. Roll call, all ayes.

Secretary read the legal advertising, published in the Geauga Times Leader, July 16, 1984, announcing the public hearing for the variance application of Construction Defvlopment, Inc.

Chairman Daniels called the public hearing to order at 8:05 P.M.

John Neely, Con Dev, presented his plan and application requesting variance from the requirements for curb and gutters on the cul de sac streets within the proposed Kensington Green Subdivision. Mr. Neely explained he is requesting variances for the cul de sac streets only, the main entrance and loop road would have curb and gutters. Mr. Neely presented the maps and plan illustrating the layout of the proposed development. Neely stated there are two reasons they are asking for this variance. First, from a market point of view and his own personal aesthetics, he prefers streets without curb and gutters. It looks nice, provides a semi-rural, country setting. Second, from a hydrology point of view, grass swails benefit the area by allowing the water to flow back into the ground, to recharge.

Bill Driemiller, Village Engineer, stated when they started with the Village, the Code required only berm with a ditch. They have in the past few years, changed that and now require curb and gutter. There were many problems that developed with berms and ditches and th s is why they urged South Russell to make this change. The Engineer gave the following list of problems caused by ditches and swails. Culverts are crushed and damaged during the construction of the homes. Putting in undersized culverts and putting them in incorrectly. Culverts were put in with insufficient cover. Berm materials have been a problem, maintenence is handled by the service department and they do their best to keep the material off the roads, however the berm material is lost, the edge of the avement is exposed and edge failure occurs. With grass berms, the grass causes drainage problems when the grass grows above the edge of the pavement and prevents the water from exiting the pavement into the ditches. This causes softening of the shoulder and edge failure occurs. Driemiller stated one serious problem, as the Village ordinance reads, is the maintence of the ditches rests on the homeowner. This has currently caused the Village alot of problems. Engineer stated regarding the ground water recharge, he doesn't find it applies in this case. Engineer stated the main absorbtion you will find in this area is the sheet flowing action across the lawns a the water approaches the ditch or curb. Once it gets into the ditch, you are in the situation where you are in a rather impermeable conduit, which does not absorb that much water and 200 or 300 feet down the line it will fall into a catch basin that flows into a storm sewer system. Engineer stated that little bit of ditch doesn't justify the ommission of curb sections.

Commission, Engineer and Mr. Neely discussed the pros and cons of ditches and swails for the cul de sac streets. Both the Engineer and Building Inspector stated they were in favor of curb and gutters over ditches and swails.

Wally Sutliff stated it is his opinion that the places you need the curb and gutters are on the spur roads because that is where all your maintenence problems develop. Sutliff suggested if you want to eliminate curb and gutters, eliminate them on the main road and not on the cul de sac street. Commission discussed this possiblity at length.

Following lengthy discussion, Mr. Neely requested to amend his variance application requesting the installation of swails on the main entrance road and loop roads

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Engineer stated he feels strongly that it is in the best interest of the Village to reqire curb and gutter throughout the entire development, his reasons are the same as stated earlier. Commission took a ten minute recess.

Following the recess, Mr. Markowitz summarized what is being requested. Markowitz stated Con Dev is asking to amend their request for variance to eliminate the requirements for curbs and gutters as is required by Section 5.03 and Appendix B, Section 3, on the main entrance road and the loop road. They are withdrawing their request for variance on the cul de sac roads.

Following brief discussion, public hearing was closed at 9:37 P.M.

Chairman Daniels called the regular meeting to order at 9:38 P.M. Roll call, O'Donnell and Cotesworth absent.

Sutliff moved to deny Con Dev's variance application, Harvey 2nd. There being no further discussion, roll call, nays - Harvey; ayes, Sutliff and Daniels. Motion carried.

Harvey reported the Council reviewed Dr. Eckstein's proposal for the water study. Council and Solicitor determined the total cost would be $18,144 Harvey stated the chairman of the finance committee was not at that meeting and there still is an open item as to what the Village can afford. Council felt it is important they meet with Eckstein and get all the needed information. Commission will wait until more information is given and if the Village can afford it.

Mrkowitz reported he and Wallay King have been meeting weekly, working on revising the Zoning Code. They have currently gotten through Chapter 3. Markowitz stated he will present a draft on the proposed changes at the first meeting in September.

Harvey reported that G.T.E. did not show up for the public hearing held by council for the proposed zoning amendment. Council will be required to take a vote at their first meeting in September. Markowitz stated he is waiting to hear from G.T.E.'s attorney, who is waiting to hear from G.T.E.'s main office as to whether the application is to be withdrawn.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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Planning Commission
Clerk of Council
Engineer
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Building Inspector
Wm. Jackson.

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Minutes of PLANNING COMMISSION MEETING *Meeting*

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

Held August 2, 1984 *19*

Members present:: Daniels, Cotesworth, Harvey, Sutliff
Other officials: W. Driemiller, D. Markowitz
Guests: J. Brickner

Meeting was called to order at 8:00 P.M. by Chairman Daniels. Roll call, O'Donnell absent.

There being no corrections or additions, Harvey moved to waive the reading and approve the July minutes as recorded, Cotesworth 2nd. Roll call, all ayes.

Jack Brickner, Thomas and Thomas, stated he presented the development plans for Building E, a single detached unit to be constructed at Manorbrook Estates. Brickner stated this plan has been approved by the Village Engineer. Following brief discussion, Sutliff moved to approve the development plan as amended by the Village Engineer, Harvey 2nd., roll call, all ayes.

Secretary presented plans from Wm. Grierson for a land split stating she was told by Wallay King, under the new Subdivision Regulations, this would not need the Commission approval however he wants the Commission to be informed as to what was being done. Secretary explained Mr. Grierson has approximately 2 1/3 lots on Fernwood Road and what he wants to do is combine the lots and then divide into two lots, one with his house and the other to sell as a buildable lot. Dale Markowitz stated Mr. Grierson must follow the procedure as stated in the Subidvision Regulations, Section 3.11. The original subdivision plat is being amended therefore the applicant must go through the process as outlined in our Subdivision Regulations and then file a petition with the Common Pleas Court for their approval. Following a brief discussion, the Commission instructed the Secretary to inform Wallay King he must review Section 3.11 of the Subdivision Regulations and inform the applicant of the proper procedures

Commission reviewed the proposal, dated 7-17-84, from Dr. Yorum Eckstein for studiyng the availablility of ground water resources and hydrogeological conditions in the Village. Dr. Eckstein proposed developing one, a map of radii of influence and second, a map of ground permeability and infiltration properties and of aquifer hydraulic conductivity. Such maps will provide the necessary information for computation of the minimum acreage to accomodate a septic tank at an adequate and safe distance from the water well in any given part of the Village.

Harvey stated he would like to have as much inforation we can get and endorses getting the information of at least the first study and if possible, the second study. Council must determine if there is enough money to do both.

Commission discussed at length Dr. Eckstein's proposals and the cost. Commission agreed information is needed, but they are not certain if it is feasible cost wise.

Markowitz stated is is very important to constatly update the zoning and make sure it is justifiable and to do this it costs money.

Following further discussion, Commission found confusion in the fee schedule and agreed to try and get more information, prior to makeng a formal recommendation to Council.

Harvey agreed to report back to Council that the Commission agreed, that if money was not a concern, they would request both studies, get as much information as possible, being beneficial to the Village, both from the planning and the

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zoning areas. However, they can not determine what the costs are and they feel it is necessary to get that specific information prior to a formal recommendation.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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Clerk of Council
Building Inspector
Engineer
Solicitor
Planning Commission
Wm. Jackson

Members present: Cotesworth, Daniels, Harvey, O'Donnell
Other Officials: W. Driemiller, D. Markowitz, W. King
Guests: John Neely, R. Durn, Jack Brickner

Meeting was called to order at 8:00 P.M. by Chirman Daniels. Roll call, Sutliff absent.

There being no additions or corrections, Mayor Harvey moved to approve the June 4, 1984 minutes as recorded, Cotesworth 2nd., Roll call, all ayes.

Joh Neely, Con Dev., presented for filing his application for a variance from the Subdivision Regulations, Section 5.02 and Appendix B, Section B.04, relating to the curb and gutters for the proposed Kensington Green subdivision. The variance application is requesting to use swales instead of curb and gutters on the cul de sac streets only. Following brief discussion, Commission agreed to hold a special meeting and public hearing for this application on August 16, 1984 at 8:00 P.M.

Ray Durn, attorney for GTE, stated they are before the Commission with a revised proposed zoning amendment for the moblenet tower which they are requesting to build in the southwest corner of the industrial district. Mr. Durn explained the proposed ordinance which Mr. Markowitz wrote has two items they feel they (GTE) can not live with. First, is the posting of a bond to insure the removal of the tower when it is no longer needed. Mr. Durn stated they felt this was a little stiff, it would mean an annual premium as long as the tower was there. Mr. Durn stated he wanted to make clear to the Commission and Council that they will be a permenent facility in the community and there are responsible people behind the construction and maintenence of the tower and therefore, this bond is totally unnecessary. The second item they had trouble with is the indemnification provision which requires them to hold harmless the Village against any claims which might arise because of the tower. Mr. Durn stated as far as he knows, that is not a requirement for anyone else currently doing business in this community. Mr. Durn stated they have revised these two areas and copies of this revision were delivered today. Mr. Durn explained they have eight of the eleven tower sites under construction and once all of these are built they have a test phase which takes quite a bit of time. They would prefer to be in South Russell however, they are going to have to force themselves into the community and if they are going to have difficulty they will have to explore some other site. Mr. Durn stated Mr. Markowitz amended the ordinance, providing that once the ordinance was approved the tower would require a conditional zoning permit., They have no objection to t this in principle, however the time element could cause a serious problem. Mr. Durn stated another provision written in is a requirement for landscaping around the tower site. Mr. Durn stated he understood the requirement however it makes no sense in this proposed location in the middle of a concrete parking area. Mr. Durn stated they have representatives from Altel who can answer any question regarding the tower and tis function.

Mr. Durn stated with regard to the possibility of another company coming in and requesting to construct another tower for this same use, the FCC has designated two entities to serve this area, MCI and GTE Moblenet. They have seen the application of MCI which is before the Public Utilities Association of Ohio and they believe they are using an existing network of towers and communication network. Therefore, they will not be requesting to put up towers such as the one they are proposing.

Mrs. Cotesworth asked if they have explored other possible sites. Mr. Durn stated they have explored other sites however South Russell is their preferred site, it will work best in the system they have set up.

Mrs. Cotesworth asked what benefit is there for South Russell to have the tower in their community. Mr. Durn stated the Village will get some tax benefit with the added value of the building and tower being put on the tax duplicate. In addition, having the tower in South Russell, the Village will have control over the construction and placement, whereas if it is just over the line, you will have the physical presencewith no control.

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Mr. Markowitz stated there are several differences between the GTE proposed ordinance and the Village proposed ordinance. Markowitz reviewed with the Planning Commission the changes which include landscaping, fencing, parking, side yard set back and tower removal.

Mr. Durn stated there are only two items they can not live with, all other items are negotiable. First item is the requirement of posting a surety bond and second, the indemnification requirement. Commission, Markowitz and Mr. Durn discussed the two requirements at length.

Commission discussed the procedure and timing for the zoning amendment application and the conditional use permit for the proposed GTE tower. Markowitz stated the Commission must make a recommendation to Council tonight on the proposed ordinance, it is then sent on to Council for their action. If it is adopted, GTE will then have to apply for the conditional use permit.

Markowitz, Commission and Mr. Durn discussed the requirement for a surety bond. Mr. Markowitz stated there is a limit as to the scope of risk with the GTE tower however he does not feel it is unreasonable that the Village have an ability in any situation to order a surety bond and deem it necessary.

Mr. Durn stated they have public liability insurance and they will give proof of this insurance which will protect anyone that would conceivably be hurt by this tower. With this insurance, why do you need GTE to post this surety bond? Markowitz stated it is the only form the Village could think of that would protect them in the event that GTE goes out of business and stops paying on the liability policy. Markowitz stated they could put a provision in the ordinance that would accept a surety bond or proof of public liability insurance. Following a lengthy discussion, the Commission agreed to put in a provision that would accept proof of public liability insurance in place of a surety bond however if for any reason, the public liability insurance lapse and a surety bond is not posted, the tower will be required to be taken down.

Mayor Harvey stated as far as the hold harmless clause in the proposed ordinance, it is there to protect the Village in the event that the Village is sued because of something happening because of granting the conditional use permit, allowing the construction of the tower. Markowitz stated the primary reason for the hold harmless clause is to prevent the Village from spending ten to twenty thousand dollars in proving they are not liable, should any accident ever occur. Markowtiz, Mr. Durn and the Commission discussed this requirement at length. Mr. Durn stated his objection to providing a hold harmless clause is that it sets a precident, and he has never encountered a hold harmless provision of this kind as a condition for zoning and he feels it is unreasonable. Mrs. O'Donnell and Mrs. Cotesworth both stated they agreed with Mr. Markowitz, if they are changing the zoning to accomodate the construction of this tower, the Village should not be expected to take any risk. Commission discussed this clause at length and whether they should keep the hold harmless requirement or delete it. Mr. Durn stated they are recommending to GTE not to accept any hold harmless provision. If the Commission votes to disapprove, they will then go before the Council and try to prove it is unfair and unreasonable.

Following lengthy review, the Commission and applicant agreed to make the following changes to the applicants proposed ordinance. First, add the requirement for screening where the P/C deems appropriate. Second, put back in the requirement for Z-3, the conditional use permit. Third, the Planning Commission may waive the requirement of having a public hearing for the conditional use permit. Fourth, add that the Village will require either a surety bond or proof of public liability insurance.

Following lengthy discussion, Chairman Daniels moved to accept the ordinance as requested by the applicant and ass amended tonight, Cotesworth seconded. Roll call, Daniels, aye; Harvey, O'Donnell, Cotesworth, nay. Motion disapproved.

Cotesworth moved to recommend to Council that they not approve the ordinance as proposed, O'Donnell 2nd. Roll call, Daniels, nay; Cotesworth, O'Donnell, Harvey, aye. Motion approved.

Following a brief discussion, Commission took an informal vote as to whether they would approve this ordinance if the hold harmless clause is added. Harvey, O'Donnell, Daniels voted yes, Cotesworth voted no. Mrs. O'Donnell

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stated she would pass this information on to Council.

Bill Driemiller stated he met with Jack Sutcliff, Wallay King, Yorum Eckstein and Dale Markowitzto try and determine how to update and review water inventory requirements and information. Driemiller stated the ultimate goal will be to develop a model whereby radii of influence could be determined for all areas of the Village, which could be extrapolated to determine separation distances for dwellings. We might find that certain areas in the east end of the Village m might have been conservatively zoned.

Driemiller atated Dr. Eckstein basically proposed a two step plan, one will be an intern type which would update the Richards report. The second would be a field study, looking at the soil porosities, this report will take one year of information gathering plus three months preparing the report. Dr. Eckstein will be sending his proposal on paper before the August meeting.

Mayor Harvey stated he is in favor of reviewing the water study information and re-evaluating the water supplies. Markowitz stated he feels the type of report Dr. Eckstein is talking about would first provide a substantial support for anything to do with our zoning and second, once the model is created it will give us the ability to update the information very readily and inexpensive-ly. Markowitz stated this will be an excellent topl in planning as well as as a defense in court.

Markowitz stated the gradfather ordinance has been adopted, however the adver-tising time was incorrect, therefore it must be done again. Harvey moved to recommend to Council to adopt the proposed grandfather ordinance, Cotesworth 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 10:53 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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Planning Commission
Clerk of Council
Building Inspector
Solicitor
Engineer
Wm. Jackson

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Members present: Daniels, Sutliff, Cotesworth
Other officials: W. Driemiller, W. King, D. Markowitz
Guests: John Neely, D. Braun

Chairman Daniels called the public hearing to order at 8:04 P.M. Roll call, Cotesworth and Harvey absent.

Secretary read the legal notice published on May 11, 1984 in the Geauga Times Leader.

John Neely, Construction Development Co., presented his variance application and plans for the proposed Kensington Greene Subdivision, requesting variances from the minimum required distance of 400 feet between local street intersections and the maximum length of 2,500 for cul de sac streets.

Commission discussed the definition of a cul de sac at length. Commission reviewed the distances between the intersections of the roads coming off the loop road.

There being no further discussion, the public hearing was adjourned at 8:20 P.M.

O'Donnell moved to approve the requested variances of Kensigton Green subidivision, Sutliff 2nd. Roll call, all ayes.

Public Hearing was called to order at 8:30 P.M. to hear the variance request for Silver Springs subdivision. Application is requesting a variance from the minimum required distance of 400 feet between Paw Paw Lake Drive and the proposed entrance of Silver Springs development.

Mr. Clint Taylor stated he approved of the variance request for safety reasons, the further west of the Maple Hill entrance, the safer it will be.

There being no further discussion, public hearing adjourned at 8:35 P.M.

Sutliff moved to approve the variance as requested by Silver Springs, O'Donnell 2nd. Roll call, all ayes.

Regular Meeting of the Planning Commission
June 13, 1984
8:36 P.M.

Members present: Harvey, O'Donnell, Sutliff, Cotesworth, Daniels
Other officials: SAA
Guests: Bud Copper, Ed Gottschalk, Tom Burns

Meeting was called to order at 8:36 P.M. by Chairman Daniels
Roll call, Cotesworth absent.

There being no additions or corrections, Sutliff moved to approve the May 10, 1984 minutes as recorded, O'Donnell 2nd. Roll call, all ayes.

Dale Markowitz stated the meeting scheduled for last Monday with GTE was canceled because GTE and their attorneys had some questions and problems with the proposed amendment which would allow the GTE tower to constructed as a conditional use. The major areas of concern for GTE were the indemnification language and the required bonds. Markowitz stated they want to have some time to develop an alternative to what the Village is requiring and will probably be back at our July meeting.

Bud Copper, architect for the proposed Chagrin Galleries building renovation, presented plans for their development review. Mr. Copper explained the floor plan, stating the proposed tenants are Nance Randol, Ski Town and Plum Perfect, a woman's apparel shop. There will be an open mall area in the middle of the buidling. Commission discussion the floor plan at length.

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Mayor Harvey asked how many parking spaces do they have on the plan. Mr. Copper explained what the code requires is 122 spaces and they show 101 spaces. Mr. Copper stated they have over 2,000 square feet in the mall area and if that area is counted in the total area when figuring the required number of spaces, it adds 14 to 18 spaces. Commission discussed the code requirement for minimum number of parking spaces. Markowitz stated if they are planning to put in only 101 spaces, they will have to request a variance from the Zoning Board of Appeals. Mr. Copper stated they thought they would have to request a variance.

Commission and applicant discussed the procedure and timing of the building renovation and development approval. Mr. Gottschalk explained the Nance Randol area has been "roughed in" and they are waiting for the Planning Commission's development approval in order to complete this particular space, and they continue with the remaining space. Mr. King stated they are still waiting for approval from the plan examiner, Ray Stuart, then it must be approved by the Engineer and himself. At that time, the Planning Commission could issue an approval conditioned upon the applicant receiving a variance from the ZBA regarding the minimum number of parking spaces and the parking lot surface. Commission discussed the procedure and requirements for the development review at length.

Mr. Gottschalk explained the process for development review in South Russell is very cumbersome and it takes an exceedingly long time. They are in a position, expecially with the Nance Randol space, where they have a hardship. They have commitments, signed leases and they need help getting the necessary approvals in order to continue renovation. Mr. Burns explained they are not changing the zoning, they are only enhancing the building.

Commission discussed at lengthy the procedure of approving the development plans for the Nance Randol space and the remainder of the building. Mr. Markowitz expalined our code requires, when you change the tenant in a building, the tenant must get a zoning permit. In order to get the zoning permit, the applicant is required to get a development review by the Planning Commission. Markowitz stated the purpose of this requirement is to try and determine what use is being proposed and whether or not it is a permitted use. Once the zoning permit is granted and if the plans are approved by the plan examiner, the building inspector, and engineer, then the building permit can be issued and construction can continue.

Mr. Burns asked if there is anything that can be done to get approval for the Nance Rando space only. Mr. King stated the plans for Nance Randol have gone to the plan examiner and they were returned with comments. Markowitz expained there is the problem with parking, as he calculates the Code, there are 142 spaces required, when including the Brass Shoppe area, and they are only proposing 101 spaces. Markowitz explained the previous owner received a permit he should not have received, because he did not have the proper number of parking spaces or the correct parking surface. The Commission can not issue a zoning permit for something the Code does not permit. Therefore, this problem must be resolved prior to the issuance of the zoning permit for the current renovation of the Chagrin Galleries.

Commission discussed the problems of issuing the zoning permit for Nance Randol. Following a lengthy discussion, Commission agreed to approve the issuance of the zoning permit for the Nance Randol section only. In order to get the zoning permits and occupancy permits for the remaining areas of the building, they must seek relief from the code parking requirements by either requesting a variance or zoning amendment and receive the approval of both Wallay King and Bill Driemiller. Following further discussion, Commission agreed, if the development plans are approved by both Wallay and Bill, the Commission could issue a conditional approval contingent upon the applicant receiving a variance from the parking requirements.

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Following brief discussion Harvey moved to approve the application of RTB Properties, relative to the Nance Randol Interiors space for issuance of a zoning permit, O'Donnell 2nd. Roll call all ayes.

Harvey stated when Wallay and Bill have determined that the rest of the Building meets the code, the Planning Commission will hold another meeting.

Wallay King stated even though the zoning permit can be issued, he can not issue the building permit until the drawings meet the Ohio Basic Building Code. Mr. Markowitz stated the building permit for Nance Randol can not be issued until the revised plans come back in conformity with Ray Stewarts comments, and approved by Bill and Wallay. When they are in conformity, and assuming the building does not otherwise violate the building code, the building permit will be issued for Nance Randol.

There being no further business, meeting adjourned at 11:00 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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

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Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

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

Held May 10, 1984 *19*

Members present: Cotesworth, Daniels, Harvey, Sutliff, O'Donnell
Other Officials: D. Markowitz
Guests: T. Ehr, Ray Durn, Tom Burns

Meeting was called to order at 8:00 P.M. by Chairman Daniels. There being no additions or corrections, Cotesworth moved to approve the May 3, 1984 minutes as recorded, Harvey 2nd. Roll call, Harvey, Daniels, Cotesworth, Sutliff, all ayes; O'Donnell, abstained.

Mr. Ray Durn, attorney representing GTE, presented a zoning amendment application and plot plan which would allow the construction of a 150 foot moblenet telephone tower on the southeast corner of the Chem Masters property located on Industrial Parkway. Mr. Durn stated the plot plan shows the location of the proposed tower which is a minimum of 900 feet from any private homes. There is a large block of land, used as a recharge area for the Chagrin Falls water system, which provides a buffer zone to those homes to the south in Bainbridge. Mr. Durn presented copies of a proposed ordinance which he drew up, limiting the construction of a mobil telephone tower to the B-1, I-1 district. Mr. Durn stated this ordinance provides for the construction of a tower specifically for cellular, telephone communications along with a 600 square foot single story building which houses the related communication and electronic equipment.

Tom Ehr, representative for GTE Mobilnet, gave a lengthy description of the development of mobil telephones. In the recent years they have been able to develop a system that wortks, the cellular system. In Cleveland it is made up of 11 "cells" or installations which overlap each other. Each installation consists of a 50' by 50' piece of property with a 157 foot tower and an equipment shelter. It is an unmanned site. This system wortks with a very low power frequency.

Mrs. O'Donnell asked why they chose South Russell for a tower site. Mr. Ehr stated there are 11 sites in Cleveland which must be critically located in close proximity to one another to give the proper coverage and there must be one in the area of South Russell in order to interface with four other sites. Mr. Ehr explained seven of the eleven sites are set, they are filed with the FCC which puts them in the position that to move any of the remaining sites would necessitate a redesign of the total system.

Mr. Daniels stated if this tower is built and because of the close proximity of the helicopter pad at the Chagrin Valley Medical Center, he would ask that a light be required for the top of the tower. Mr. Ehr stated that would not be a problem.

Mr. Durn stated he has contacted the neighbors to the east and to the west and they have no objections to the tower. Mr. Durn explained they feel the proposed location is a good one from the Village stand point because it is in the industrial zone and it will be approximately 900 feet from any homes in Bainbridge.

Dale Markowitz stated one area which must be dealt with in the proposed ordinance is some provision for removing this tower in the event that the use ofthe tower is no longer needed in 15 or 20 years.

Mayor Harvey asked if the tower was inspected on a regular basis for safety, stress problems, etc? Mr. Ehr stated there are annual checks by a competent tower construction crew.

Mr. Markowitz and the Commission discussed the procedure of amending the Zoning Code for this application. Markowitz stated they would amend Schedule 6, providing for the use of towers in the I-1 district. Commission discussed the specifics of amending the Zoning Code at length. Markowitz

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stated in Section 2.10 C3, they can regulate the items discussed earlier; lighting the tower, removal of the tower, side yard distances and distances from residential areas.

Commission discussed the time schedule of the zoning amendment process. Due to the on once a month meetings of Council during the summer, Planning Commission agreed to meet prior to Council's meeting on June 11th, 7:35P.M. and make their recommendation regarding this application.

Mr. Markowitz stated he would make the changes to the proposed ordinance as discussed and get copies to the Commission members and applicant prior to the June 11th meeting.

Mayor Harvey stated he was contacted by Ed Gottschalk, builder for the renovations to the Chagrin Galleries building, asking for development approval. Harvey stated they have been given the go ahead for changing the face of the building however they would like to do some construction within the building itself in order to rent a portion to an interior decorating business. Harvey stated in order to get a building permit, one must get a zoning permit and in order to get a zoning permit, they need development approval from the Planning Commission. Mayor Harvey stated what Mr. Gottschalk is asking for is approval for one area of this building, in order to obtain a building permit for this one area. Harvey stated an application and fee have been filed for development review of the Chagrin Galleries.

Mrs. O'Donnell asked how can they look at just one part of the building and approve or disapprove without knowing what the rest of the building will be used for? Mr. Markowitz stated each area, as it is proposed, must stand on its own, and in relationship to what is already existing.

Tom Burns, developer and owner of Chagrin Galleries, stated there is 15,000 square feet in this building and what they want to do is get approval just for the Nanc Randall Interiors area, 3,400 square feet, and then next month came back with the e entire development plans for the rest of the building.

Commission discussed the problem of parking and other details of the development plan that have not been provided due to Mr. Burns only requesting approval for one small part of the entire building.

Mr. Markowitz stated what he thinks the Planning Commission can do is approve the use of this one area for the interior decorator, which will allow Wallay King to issue a building permit however, until the question of parking and the development plans for the rest of the building are presented, a zoning permit won't be issued, thereby preventing occupancy. Mr. Markowitz stated he will research the building code and verify whether or not a building permit can beissued and will let Wallay King know on Monday.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Coucnil
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 May 3, 1984 19

must set a date for the public hearing for both Kensington Green and Silver Springs. Following a brief discussion, Commission agreed to reschedule the regular June meeting for the 13th and set the public hearings for the 13th also.

Following a brief discussion Mayor Harvey moved to conditionally approve the preliminary plat for Kensington Green contingent upon the variances being granted, Cotesworth 2nd. Roll call, all ayes.

Cotesworth moved to set a public hearing for Kensington Green's variance request for June 13, 1984, at 8:00 P.M., Sutliff 2nd. Roll call, all ayes.

Cotesworth moved to set a public hearing for Silver Springs' variance request for June 13, 1984 at 8:30 P.M., Sutliff 2nd. Roll call, all ayes.

Cotesworth moved to hold the regular meeting following the 8:30 public hearing on June 13, 1984, Sutliff seconded. Roll call, all ayes.

Markowitz stated Council held the public hearing for the Gas and Oil Ordinance and they asked first, that language be added which would require the permenent storage tanks be lined on the inside with a coal tar based material. Second, they deleted the requirement of placing the steel pit no further than one foot in the ground. Mrakowitz explained Al Andersen felt if they use the mud system initially and the tank was not substantially buried in the ground, it is conceivable that the steel pit could not structurally hold the weight. The third change made was to amend the ordinance allowing for shaped explosives to perforate the casing of the cement. Markowitz stated these changes will be made and submitted at Council's next meeting, May 14, 1984, and presumably the ordinance will be accepted that night.

There being no further business, meeting adjourned at 10:45 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Planning Commission
Clerk of Council
Engineer
Solicitor
Buidling 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*

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Held May 3, 1984 *19*

Members present: Cotesworth, Daniels, Harvey, Sutliff, O'Donnell
Other officials: W. King, W. Driemiller
Guests: Ray Durn, Tom Air, Damon Braun, Clint Taylor, W. Wiant, John Neely

Meeting was called to order at 8:00 P.M. Roll call, all present.

There being no additions or corrections, Sutliff moved to approve the April minutes as recorded, Cotesworth 2nd. Roll call, all ayes.

Mr. Ray Durn stated he is representing G.T.E. and their Mobilnet division. Mr. Durn stated G.T.E. has been selected by the Federal Communications Commission to be one of two entities to put in a moble telephone system in the greater Cleveland area. In order to do this, there will be eleven locations for towers which will blanket the Cleveland metropolitan area. Mr. Durn stated what they are asking for tonight is permission to build a communication tower on the property of Chem Masters, located off of Industrial Parkway. This tower is a single monopole, no guidewires and no lattice work. The tower itself is 150 feet hight with whip antennae which extend another 7 feet. This height is necessary in order to get the range that they need to get to the next tower. The tower goes 24 feet into the ground and is designed to withstand 100 mph winds.
Associated with the tower is a small building, 20' X 28', which houses the electronic equipment. Mr. Durn stated this is a highly complex design, millions of dollars have gone into the entire program and the layout of these eleven towers.

Mr. Durn stated the operation of the tower is totally automatic so there is no traffic in and out, other than an occassional serviceman to check the equipment. The operation is totally silent, normal low power radio signals are emitted and received. Mr. Durn presented plans of the proposed tower.

Mr. Durn distributed materials which explained what this moblenet concept is and how it operates.

Mr. Durn stated they have been before the Zoning Board of Appeals requesting a variance for the tower's height and they were turned down. Mr. Durn stated he doesn't know how the Commission wants to handle their request, as far as he understands there is no objection to the proposed site, because it is in the industrial zoned area, but it is a question as to how they can comply with the Zoning Code. Mr. Durn stated he had suggested that they could go back to the Zoning Board of Appeals with a full explanation and handle it with a variance. The other possibility would be an amendment to the Zoning Code which would specifically permit a moble telephone tower, not to exceed 160 feet. Commission discussed these two options and decided the best one would be to apply for a zoning amendment.

Chairman Daniels expressed his concern, if for some reason, the tower would come down. Are there any homes close enough to be damaged? Mr. Durn stated they do not have this information, but if they apply for rezoning, they will present this information.

Following lengthy discussion, the Commission agreed to hold a special meeting on May 10, 1984. At that time, G.T.E Mobilnet and Mr. Durn will file their zoning amendment application and present a model ordinance. Mayor Harvey stated he would like to know how far the closest buildings and homes are to the proposed sitein addition to getting some input from Bainbridge regarding the location of the tower.

Commission asked the Secretary to notify Eleanore Mattson, in Bainbridge, of this pending application.

Damon Braun, Silver Springs development, presented his preliminary plat and application to the Commission. Mr. Braun stated with respect to the Village Engineer's Report, dated April 23, 1984, their plan now shows a 20 foot storm sewer easement on S/L 44 of Paw Paw Lake which will pick up the gutters and downspouts from

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up the gutters and downspouts from S/L 13 and 14, as request in #4 of the Engineer's report. Mr. Braun stated the certification of the survey is now shown on the plat. Mr. Braun stated the main road was shifted west placing it only 360 feet from Paw Paw Lake Drive and the Code requires 400 feet minimum. If the preliminary plat is approved, they will apply for a variance from this requirement.

Mr. Sutliff stated there was concern shown at the Council meeting regarding the open space location, the southwest corner of the property, along Bell Road. Mrs. O'Donnell stated Council recommended that the open space should be moved to the rear of the property. Mr. Daniels stated the area in the rear is the nicest natural area and it would be a nice area for common area however it would also be a lovely area to build a house. Mr. Sutliff stated it is his opinion, the proposed area is not suitable for a house and if the developer is willing to grade and landscape it so it would be useable, he feels the proposed area is fine for open space. Following a lengthy discussion, the Commission agreed the open space could be left in the southwest corner of the property as long as the developer is willing to grade and landscape it in a manner which will allow the residents to use it. Mr. Braun stated they will provide mounding, berming and landscaping in the improvement plans.

Following a lengthy discussion, Mr. Sutliff moved to conditionally approve the Silver Springs preliminary plat contingent upon the Engineer's satisfaction that the run-off is being handled properly, second, the applicant must obtain a variance for the intersection distances between Paw Paw Lake and Silver Springs and third, side yard and rear yard easements will recorded, Cotesworth 2nd. Roll call, all ayes.

John Neely, Con Dev, stated he is before the Commission requesting approveal of the preliminary plat for Kensington Green. Mr. Neely stated this application has gone before Council and they recommended conditional approval contingent upon sufficient landscaping being provided along Bell Road and the entrance road and definite plans for the retention basins.

Mr. Neely stated regarding the retention basins, they have the plans from the basins proposed in 1979 showing a cross section and the new plan will not differ greatly from these. Mayor Harvey stated Council and P/C are concerned with shallow, stangnant ponds breeding mosquitos, will these basins be dry or lakes? Mr. Neely stated they will be lakes at least eight feet deep. Engineer stated eight feet is acceptable and there is enough run-off on this property to maintain this depth. Mr. Neely stated these basins will be approximately one to one and a half acres in size. Mayor Harvey asked what plans will there be to handle siltation during the development. Engineer stated they will have to provide a siltation plan, what they could do is use the basin as a temporary silting basin. Mr. Cox, Con Dev's engineer, stated they might dig the basins ten feet deep so if there is even two feet of silt, they still will have an eight foot deep retention basin.

Mr. O'Donnell stated as far as the landscaping, Council's main concern was with the homes that back up to the entrance road. Mr. Neely presented a drawing showing the concept of what they want to do. Mr. Neely stated the entrance is very important and proper screening will be provided for those homes along the entrance road. Commission approved of the drawings presented.

Mr. Sutliff asked of what would phase one consist.? Mr. Neely stated phase one would be the entrance road and cul de sacs one and two. Commission reviewed the procedure and process for phasing a subdivision, approving improvement plans and the final plat.

Mayor Harvey stated Mr. Neely must request a variance from Section 4.03(c) relating to the 2,500 foot maximum cul de sac length and the 500 foot minimum between the roads within the subdivision. Mr. Neely stated they have already filed an application for these variances. Markowitz stated the P/C

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION *Meeting*

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Held April 12, 1984 *19*

Members present: Cotesworth, Harvey, O'Donnell, Sutliff
Other officials: W. King, W. Driemiller, D. Markowitz
Guests: Joe Prenosil, D. Braun, C. Taylor, J. Tennemeyer, R. Vannice, B. Scott, R. Scott, J. Tripp, I. Tripp, C. B. Webster, E. Freeman

Meeting was called to order at 8:00 P.M. Roll call, Chairman Daniels absent. Marilyn Cotesworth moved to appoint Walter Sutliff Chairman Pro-tem, Harvey 2nd. Roll call, all ayes. There being no additions or corrections, Harvey moved to approve the minutes of the March meeting, Cotesworth 2nd. Roll call, all ayes.

Damon Braun, representing the I. D. A. Development Co., Inc., presented the application and preliminary plat for the proposed Silver Springs development. Mr. Braun explained they first presented their plat in 1979 and on May 17, 1979 their plat was approved subject to the Engineer's approval of the drainage plans. Due to the economic factors, they did not proceed with the project in 1979. Braun stated they are back before the Planning Commission tonight with basically the same plan as presented last month however they have made all the lots a minimum of two acres and placed all the open space in the front of the property. Mr. Braun presented a map showing how the property currently drains and explained their plan calls for draining most of the property, by way of storm sewer, south to Bell Road, down Bell to Silver Creek. This will decrease the amount of acreage run-off flowing towards the Paw Paw Lake pump house. Warren Wiant, stated you might reduce the amount of acreage, however, through development, you will be increasing the rate of flow on the acreage which still remains draining toward the pump house. Commission, Mr. Braun and residents discussed the total acre feet of water versus the rate of flow of the water at length.

Mr. Clint Taylor stated this location for this proposed development is unique because it is being constructed in between two existing subdivisions, Paw Paw Lake and Maple Hill, and also on a side of a hill. The subdivision at the bottom of this hill is Paw Paw Lake, which has a spring fed central water system. The residents of Paw Paw Lake are vary concerned if the drainage of this property is not handled correctly, their water source will be contaminated. Commisson discussed the drainage/run-off situation at length.

Mr. Braun presented their new plan for the open space, illustrating the area provided is large enough for a baseball field or soccer field and not really conducive to building a house. Commission review these plans.

Mr. Sutliff asked if any water studies had been completed. Mr. Braun stated they have sites for test wells, however, they won't drill till they have a preliminary plat approval.

Mr. Taylor asked the Commission to walk the area of the proposed development and see first hand the area which concerns Paw Paw Lake residents. Commission agreed to do so.

Mr. Robert Vannice, representing John Neely of Con Dev, presented the preliminary plat and plan for the proposed Kensington Green subdivision, located on the old airport property. Mr. Vannice stated they have had a traffic study done, approximately two weeks ago, by Traff-Pro Consultants, Inc. and presented a copy to the Commission. Mr. Vannice stated Traff-Pro reports there will be no problems at the intersection of Bell & Rte 306 as a result of this development, nor will there be any significant problems at the entrance of the development on Bell Road. Mr. Vannice stated the traffic study was done on a typical week day, during peak morning hours, peak evening hours and off peak hours, in order to see the major movements during rush hour and non rush hour periods. Mr. Bernard Scott stated resident were very concerned about the safety of the children, with the increased flow of traffic, possibly 210 cars coming out of one street, onto Bell Road at peak traffic hours. Mr. Scott stated traffic is currently backed up at Bell and Rte 306, 8 to 10 cars, early in the morning and he concerned with the result of all the possible increased traffic

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from this proposed development. Mr. Vannice stated this traffic study speaks to all th these problems. Commission agreed they must have more time to review this report and a copy will be given to the Chief of Police for his recommendations.

Mr. Markowitz asked if the cul de sac streets will be private or public. Mr. Driemiller stated Mr. Neely stated these will be dedicated however he will request a variance which would eliminate the requirement for curb and gutters on the smaller cul de sac streets. The major loop road will be built to dedicated street standards.

Commission reviewed and discussed the 14 items of Engineer Driemiller's review, dated 4-11-84. Isaac Tripp, resident, asked how much run-off would flow into Lake Louise from the area of the proposed development. Mr. Vannice stated they have not calculated the exact amount to Lake Louise, however the requirements state the peak flow off of the property from the design storm can not exceed the peak folow rate that presently exists off of it. Mr. Vannice explained by using the retention basins, in the northeast and northwest corners, they provide temporary storage and release the water at a slower rate.

Mr. Tripp asked what was the status of the water supply, he has heard two conflicting reports. Mr. Markowitz stated in 1979, Dr. Eckstein, Village Hydrologist, did a s study on this property and found adequate water supply. In addition, Con Dev had their own study done by Moody & Assoc. which found the same. Mr. Clint Taylor stated possibly where the confusion lies is in the fact that what Dr. Eckstein stated was, there might not be an adequate supply if Con Dev used a central water system however if individual wells are used, drawing water over a much larger area, supply will be no problem. Commission stated there will be another study required prior to final approval.

Commission reviewed the definitions of cul de sacs and questioned whether the proposed main loop road would be considered a cul de sac. If it is, it exceeds the 2,500 foot maximum length and must receive a variance from the Planning Commission. In addition, if it is a cul de sac, there is a maximum of only 50 homes allowed on cul de sacs and they have 105 proposed. Mr. Markowitz stated he will review the definitions and determine, if in fact, the main loop road is a cul de sac.

Mrs. Cotesworth asked if their retention basins will be dry or permanent lakes. Mr. Vannice state he recommends permenent lakes, 5 to 6 feet deep., however he does not know what Mr. Neely's final plans are regarding this item. Mrs. Cotesworth asked who maintains the retention basins. Mr. Markowitz stated these basins are in the common area by deed restrictions and the homewoners in the residential neighborhood have the obligation to take care of them. Mr. Taylor suggested that a minimum depth requirement be put in the description of the deed restrictions, which the homeowners association must maintain to prevent any overflow in the case of heavy rains.

There being no further discussion, Chairman Pro-tem Sutliff stated Con Dev's and Silver Spring's plats are considered filed tonight and will go before Council on April 23rd for their recommendation.

Mayor Harvey stated there will be a public hearing held by Council on the Gas and Oil ordinance on April 30, 1984. Mayor Harvey asked the Planning Commission members to please attend.

Mr. Markowitz stated there are three ordinances, which due to improper advertising, the ads were not published in the paper within the time permitted by the Ohio Revised Code, must be adopted again.

Mayor Harvey introduced the first ordinance, amending Sections 3.04, 4.03, Schedule 4, the Zoning Map and adding Section 4.02 (o), relating to residential neighborhood development within the Village of South Russell. Dale Markowitz stated this ordinance is identical to the one previously adopted with one addition on page 3, #9. Language was added which states if the Planning Commission determines there is inadequate groundwater then any property within the residential neighborhood district shall comply within one family dwelling

RECORD OF PROCEEDINGS

regulations as otherwise set forth in the R-1-A district. Following brief discussion, Harvey moved to waive Planning Commission having a public hearing, O'Donnell 2nd. Roll call, all ayes. Cotesworth moved to recommend to Council approval of this ordinance, O'Donnell seconded. Roll call, all ayes.

Mayor Harvey introduced the second ordinance amending the Zoning Code/ Zoning Map of the Village of South Russell, increasing the area of residential-multifamily (R-2). Mr. Markowitz stated this ordinance is identical to the one previously adopted with the exception of added verbage to Section 3. Copy hereto attached. Following brief discussion, Harvey moved to waive the Planning Commission from having a public hearing, O'Donnell 2nd. Roll call, all ayes. Cotesworth moved to recommend to Council approval of this ordinance, O'Donnell seconded. Roll call, ayes.

Mayor Harvey introduced the third ordinance amending the Zoning Code/ Zoning Map of the Village of South Russell, increasing the area of B-2 zoning. Mr. Markowitz stated this ordinance is identical to the one previously adopted with exception of added verbage to Section 3. Copy Hereto attached. Following brief discussion, Harvey moved to waive the Planning Commission from having a public hearing, O'Donnell seconded. Roll call, all ayes. Cotesworth moved to recommend to Council approval of this ordinance, O'Donnell seconded. Roll call, all ayes.

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

Walter Sutliff, Chairman Pro-tem

Cathy Male, Secretary

xc: Council
Clerk of Council
Planning Commission
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 March 13, 1984 *19*

Members present: Cotesworth, Daniels, Harvey, O'Donnell, Sutliff
Other officials: W. Driemiller
Guests: J. Prenosil, Gene Spohn, H. Davidson

Meeting was called to order at 8:03 P.M. by Chirman Daniels. Roll call, all members present.

There being no additions or corrections, Harvey moved to approve the minutes of the February 9 and February 21 meetings as recorded, Cotesworth 2nd. Roll call, all ayes.

Joe Prenosil, representing I. D. A. Development Co., presented the preliminary plat and application for the proposed Silver Springs subdivision. The proposed development is 45.5 acres located on Bell Road, between Paw Paw Lake and Maple Hill and there will be 19 lots in this subdivision. Mr. Prenosil stated this project was originally presented to the Planning Commission in 1979 and after much work and review they withdrew their application. One of the major concerns with this project in 1979 was the storm drainage. Mr. Prenosil stated what they are proposing now, with this new plan, is to drain everything south, along the proposed road, down towards Paw Paw Lake.

Mayor Harvey stated the minimum lot acreage is two acres and there are four lots less than two acres. Harvey pointed out there is open space along the EOG easement, are there any limitations of what can be done on this land? Mr. Prenosil stated the only thing they can not do is build on it. Harvey and the Commission reviewed the EOG easement and open space requirements of the Code and Subdivision Regulations.

Clint Taylor stated the residents of Paw Paw Lake have basically two concerns when looking at this proposed development. First, water supply and second, the drainage of storm water and sewer water. Mr. Taylor stated he thought the drainage from lots 9, 10, 11, and 12, the extreme north end, could drain into the far swail, thereby, bypassing Paw Paw Lake's water supply. This might be a better solution than draining everything south. Commission discussed the drainage problems of the land. Mrs. O'Donnell stated Councilman Sutcliffe has stated this a delicate area due to it being a recharge area.

Dale Markowitz stated as far as the smaller lot sizes, 1.8 and 1.85 acres, this can be explained by the Code, which states, in the R-1-C district, minimum lot acreage is two acres however they can reduce it by ¼ acre if that ¼ acre is put into open space. Harvey stated it was his opinion, as far as the open space is laid out, this area would be difficult to use as any type of recreational area. Markowitz stated if the Planning Commission feels the easement area is not the appropriate place for open space, that easement area can be used as a portion of the lots and the open space can be located somewhere else. Mr. Prenosil stated the reason the open space is placed where it is, is to trim the lots down which helps them with the configuration of the total project. Harvey stated he understood their reasoning, however the open space, as proposed, is totally worthless to the residents.

Commission discussed various possibilities for moving the open space.

Following lengthy discussion, the Commission agreed they did not like the plan as presented tonight and suggested the open space be moved to an area which could be enjoyed by all the residents.

Mayor Harvey stated the developers must address three areas, first the common area, second the lot sizes and third, the water run-off. Mayor, Commission and Mr. Prenosil discussed at length the natural drainage path of the run-off and possibilities of draining part of the water to the south and part to the north instead of all of it going south.

Mr. Sutliff asked the engineer if he was agreeable with all the run-off going south to Bell Road or could he agree to having it split? Engineer stated you generally try to avoid diversions, because you are usually better off

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

Held ..... *19* ...

allowing the water to flow in it's natural direction. However, in this particular case, the diversion to the north would be minor and would probably not affect anyone adversely. Engineer stated taking all the run-off south to Bell would also be agreeable to him.

Mr. Taylor stated he would like to see the drainage split to keep the amount of run-off to a minimum flowing into Paw Paw Lake which will cut back on the maintenance of the silt pond for Paw Paw Lake.

Mr. Daniels suggested Mr. Prenosil take the plan back to the developers, and work on the problems of water run-off, lot size and placement of the cammon area.

Mr. Prenosil stated he would like to withdraw his application as presented and he will file another application next month.

Mr. Clint Taylor stated with regard to the proposed gas and oil ordinance, he feels the Commission and Solicitor should be commended for the work they have done. Mr. Taylor stated he would also like to thank Ann Malmquist for all her diligent work in developing this ordinance.

Commission reviewed the 2-25-84 draft of the proposed gas and oil ordinance, copy hereto attached. Following brief discussion, Cotesworth moved to initiate an amendment to the existing gas and oil provisions of the Zoning Code, Harvey 2nd. Roll call, all ayes.

Harvey moved that the Planning Commission not hold a public hearing on this proposed amendment, Cotesworth seconded. Roll call, all ayes.

Harvey moved to recommend approval of the proposed gas and oil amendment to the Village Council. The amendment, as set forth in the document known as the 2-24-84 draft, with exhibits 1 through 5 and diagram A, Sutliff seconded. 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
Engineer
Solicitor
Clerk of Council
Building Inspector
Wm. Jackson

RECORD OF PROCEEDINGS

Minutes of SPECIAL PLANNING COMMISSION MEETING *Meeting*

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

Held February 21, 19 84

Member present: Cotesworth, Daniels, Harvey, Sutliff
Other officials: D. Markowitz, W. King
Guests: A. Malmquist, G. Spohn, B. McLaughlin

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, O'Donnell absent.

Mr. Markowitz presented the forth draft of the proposed gas & oil ordinance along with a revised page 25, Schedule 3, Schedule 7, Form Z-3-A and a map showing groundwater recharge areas.

Markowitz stated he has made the change of requiring steel pits in place of earthen pits. Markowitz stated he spoke with Ken Schultz from the E.P.A. office and when asked for his recommendation, Mr. Schultz stated he would require steel pits. Mr. Schultz reasons for steel pits are first, t he State does not do an adequate job of inspecting the pits to make sure the plastic liners of the earthen pits are properly maintained; second, he has never seen a plastic liner that is strong enough to do the job; and third, he has never seen a spill with a steel pit and be has seen spills with earthen pits. Mr. Schultz stated steel pits are available in this area and it is not difficult to get them. Commission discussed specifics of steel pits with Mr. Markowitz, Brian Mc Laughlin and Mrs. Malmquist. Mayor Harvey stated his concerns with steel pits are the limited size and the weight ~~of~~ however these items can be regulated through this ordinance. Harvey stated he felt it would be necessary to require the applicant to provide to the Village the weight of the pits and size of the pits prior to bringing them into the site. Mrs. Malmquist asked if it was possible to require that the level of contents in the steel pits only get within so far of the top before having to empty them. Commission discussed this requirement and agreed that the level of the tank could not exceed 18 inches from the top. Markowitz stated he would add the proper language.

Commission reviewed Schedule 3, Required Fees & Deposits; Schedule 7, Conditional Use Regulations; Application For Z-3-A; and the Groundwater Recharge Area Map. Commission reviewed the forth draft, dated February 20, 1984, and discussed the following changes at length.

Mayor Harvey stated he felt it was important to distinguish between the ownership of fee and ownership of the mineral rights when defining "applicant". Following discussion, Commission agreed to amend #6 on page 3 to read "Applicant means record owner of real property, and owner if different than record owner and producer, it being the intent that ~~xxxxx~~ the record ownere and owner and producer shall comply..."

Mayor Harvey stated on page 5, #12, there is some confusion with recharge and discharge districts versus recharge protection zones. Are these the same or different. Markowitz stated this should be further defined by rewriting the first sentence to read, "There are hereby created groundwater recharge and discharge districts (herein before and herein after refered to as recharge and discharge districts) within the Village of South Russell". Then in the second sentence change "groundwater recharge protection zone" to recharge "district" and in the last sentence, delete "groundwater".

On page 11, #10, Harvey stated he felt it was necessary to include the weight and method of transporting the steel pits. Commission agreed to amend #10 to read "Give details of steel pit to be provided during drilling operation, including dimensions and weight of steel pit, capacity and method

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Markowitz stated on page 28, (U), Commission must decideif they want to allow further development of the drilling unit after production has begun. Commission discussed this question at length. Markowitz suggested that if the owner wants to further develop the land, they must come back to the Planning Commission for their approval. Commission agreed and asked Markowitz to provide such language.

Brian McLaughlin, POI Energy, stated on page 25, (G), the requirement of only 65 decibels at 30 feet is very strict. McLaughlin stated POI had an environmental sound test done and the noise does drop rapidly once you get 300 feet away, but to ask for 65 decibels at 30 feet would be very difficult. Following lengthy discussion and review of the environmental sound test, the Commission agreed to amend (G) to require no more that 65 decibels at 350 feet.

Ann Malmquist referred to page 11, #15 and asked why do they allow a well site within 2,000 feet from Silver Creek in a recharge district and only 1,000 feet from Silver Creek in a discharge district. Malmquist stated she didn't feel there is any reason the distance should not be 2,000 feet for both districts. Malmquist explained what we are concerned about in this section is not whether the recharge or discharge district can be polluted in the ground, it is protecting Silver Creek from surface spills. Following lengthy discussion, Commission agreed to delete any distinction between recharge and discharge districts and only allow the development of well site no closer than 2,000 feet of Silver Creek.

Mr. Markowitz stated he will again incorporate all the changes discussed tonight and will have the final draft ready for the next meeting.

Commission agreed to hold their next meeting on March 8, 1984 at 8:00 P.M. due to the possibility of not having a quorum.

There being no further business, meeting adjourned at 10:45P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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

2/20/84

ORDINANCE NO._____

First Reading_____
Second Reading_____
Third Reading_____

INTRODUCED BY:_____

ORDINANCE AMENDING SECTION 2.10(b)(1)(g), (DEFINING GAS AND OIL WELLS), AMENDING SECTION 3.05(b), (REVIEW AND HEARING OF CONDITIONAL USE PERMITS), AMENDING SECTION 3.09, (PENALTIES), AMENDING SECTION 7.00, AMENDING SECTION 7.02(u), (CONDITIONAL USE REGULATIONS GOVERNING GAS AND OIL WELLS), AMENDING SCHEDULE 3 AND SCHEDULE 7 OF THE ZONING CODE FOR THE VILLAGE OF SOUTH RUSSELL AND ADDING SECTION 7.02(v), (PROVIDING FOR CONDITIONAL USE REGULATIONS, AND PROCEDURES AND PENALTIES FOR GAS AND OIL WELLS DRILLED WITHIN THE VILLAGE OF SOUTH RUSSELL), ADDING SECTION 7.02(w), (REVOKING CONDITIONAL USE PERMITS), AND CREATING GROUNDWATER RECHARGE AND DISCHARGE DISTRICTS

WHEREAS, it is in the best interest of the health, safety and welfare of the Village of South Russell and its residents to update and revise regulations governing oil and gas wells within the Village which use is a conditional use under South Russell Village Zoning Regulations; and

WHEREAS, it is the intent of the Village of South Russell to protect its surface water and groundwater located within the Village of South Russell and to preserve aquatic life and endangered species located within the Village and to protect public and private property within the Village of South Russell;

NOW, THEREFORE, BE IT ORDAINED by the Council for the Village of South Russell, Geauga County, Ohio, that:

SECTION 1. Existing Section 2.10(b)(1)(g) of the Zoning Code is hereby amended to read as follows:

(g) Gas and Oil Wells: Well means any bore hole, whether drilled or bored, for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil filled waters. Oil means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir. Gas means all natural gas and other fluid hydrocarbons not defined herein as oil, including condensate. Condensate means liquid hydrocarbons that were

originally in the gaseous phase in the reservoir. Oil and gas wells shall mean all wells as defined herein for the production or extraction of oil and/or gas.

Existing Section 2.10(b)(1)(g), the full text of which follows, is hereby repealed:

(g) Gas and Oil Wells: All land and structures associated with the exploration and removal of natural gas or oil from the land.

SECTION 2. The third sentence of existing Section 3.05(b) of the Zoning Code is hereby amended to read as follows:

At such meeting the Commission shall schedule a public hearing within 60 days thereafter.

The existing third sentence of Section 3.05(b), the full text of which follows, is hereby repealed:

At such meeting the Commission shall schedule a public hearing within 30 days thereafter.

SECTION 3. Section 3.09 of the Zoning Code is hereby amended by adding the following sentence at the end of said Section as follows:

Any person who violates the provisions of Chapter 7 or Schedule 7 or fails to comply with any of its requirements shall upon conviction thereof be subject to the fines and penalties set forth in Section 7.02 of the Zoning Code.

SECTION 4. Section 7.00 of the Zoning Code is hereby amended by adding the following:

No conditional use permit shall be assignable or transferable. Any change in ownership or operation of any conditional use shall require the new owner or operator to file an application for a new conditional use permit in accordance with the regulations set forth in the Zoning Code. It shall be the duty of the existing permit holder to advise the Commission of any change in ownership or operation and it shall be a violation of the Zoning Code if the permit holder does not advise the Commission of such change.

SECTION 5. Existing Section 7.02(u) is hereby amended to read as follows:

(u) Oil and gas wells shall be subject to and comply with the following definitions, minimum requirements procedures and regulations in order to obtain a conditional use permit for the drilling and production of an oil and gas well.

1. Oil and gas means oil or gas or both.

2. Producer means the owner of a well capable of or producing oil or gas or both or a person intending to produce an oil and gas well. Production shall include transmission of oil and gas within pipelines when used in the Zoning Code.

3. Owner means the person who has the right to drill on a tract or drilling unit and to drill into and produce from a pool and to appropriate the oil or gas that is produced therefrom either for themselves or for others.

4. Contractor means any third party engaged by an owner or producer to conduct drilling, producing and other operations.

5. Division means Division of Oil and Gas, Department of Natural Resources for the State of Ohio.

6. Applicant means owner or producer or both, it being the intent that both the owner and producer shall comply with all laws and regulations and shall be treated as jointly and severally responsible for all acts performed in drilling, production and abandonment of oil and gas wells.

7. All well drilling, production and transmission operations and facilities for oil and gas shall comply and conform with all requirements of the Zoning Code, Ohio Revised Code Chapter 1509, the rules of the Division, and all other Ohio Revised Code and administrative regulations, or requirements of the Ohio and Federal Environmental Protection Agencies and National Pollution Discharge Elimination System Regulations and permit provisions, if applicable, and statutes and regulations promulgated thereunder, all anti-degradation statutes and regulations for the State of Ohio and all other applicable Federal laws and regulations. In case of any conflict between any Local, State or Federal laws, regulations, or standards, the greater restriction or a more stringent provision shall apply and control. No person, firm, corporation or any other entity shall violate any provision of any law, regulation, or standard applicable to gas and oil well drilling, production and/or transmission.

8. No gas and oil well shall be drilled unless the owner, producer, or contractor complies with all minimum requirements set forth in Schedule 7 or more stringent restrictions as may be set forth by the Commission due to existing or proposed development of surrounding properties reasonably affected by the drilling, production or transmission of oil and gas wells or due to the characteristics of the land upon which the well is to be drilled. In the event the Planning Commission shall impose more stringent restrictions than as set forth in Schedule 7, the Planning Commission shall give notice to the applicant who shall have the right to request, within three days after receiving actual notice from the

Commission, a public hearing on the decision to increase minimum requirements under Schedule 7 which public hearing shall be held within twenty-one days after the applicant notifies the Commission of its request for a public hearing. The Commission may, but need not advertise the public hearing or send notice to those persons otherwise entitled to notice of a public hearing on an application for a gas and oil well permit. Any person adversely affected by a decision of the Planning Commission to impose more stringent restrictions shall have a right of appeal to the Zoning Board of Appeals within 20 days after such adverse decision of the Commission.

9. The minimum lot area for each gas and oil well in a discharge district as hereinafter set forth, shall be eighty acres which shall be deemed to be a drilling unit. The minimum lot area for each gas and oil well in a recharge district as hereinafter set forth, shall be eighty acres which shall be deemed to be a drilling unit. No more than one oil and gas well shall be permitted to be drilled in any drilling unit. To comprise a drilling unit, no more than two separate contiguous lots of records may be joined for the purpose of creating a drilling unit and meeting minimum lot area requirements. The applicant shall submit a legal description of the drilling unit and note the boundary lines of the drilling unit on information to be submitted under Section 14(G)(3).

10. There shall be no tanks, separators, sumps, pit areas, wells, or other apparatus or equipment erected for or maintained for the drilling, production, transmission, or storage of gas, oil, waste, natural or artificial brines, oil field waters, sewage or any liquid used in or resulting from any drilling or production of an oil or gas well within three hundred feet of any public right-of-way, nor within five hundred feet of any lot line. Such equipment may be within five hundred feet of a side yard line which is the common side yard line of two contiguous parcels which form a drilling unit.

11. For each gas and oil well to be drilled, a conditional use permit shall be obtained and the applicant shall comply with each and every regulation of the Zoning Code prior to issuance of the permit, regardless of the number of permits previously issued within a drilling unit. If the Planning Commission finds that any applicant for a permit for a gas and oil well is in violation of any provision of this Zoning Ordinance or any condition imposed upon any previously issued conditional use permit for a gas and oil well, the Planning Commission shall be prohibited from issuing any new permits for a gas and oil well until the applicant provides satisfactory evidence to the Planning Commission that all violations have been remedied and that all fines, deposits and/or costs have been submitted to the Village or to a Court of competent jurisdiction. No permit shall issue

unless the applicant complies with the regulations set forth in Schedule 7, all supplementary regulations, and all other regulations set forth in the Zoning Code and all other State, Federal and Village laws, regulations and standards.

12. There is hereby created groundwater recharge and discharge districts within the Village of South Russell. Attached hereto, incorporated herein, and marked Exhibit "A" is the groundwater recharge area map for the Village of South Russell. Any well to be located within an area designated on said map in the groundwater recharge protection zone shall be located at a minimum distance of 2,000 feet from any water well or any existing structures either within or without the limits of the Village of South Russell and 2,000 feet from any platted undeveloped land or land undergoing the process of subdivision or other residential development or other development where structures or uses will depend on groundwater for its potable water supply either within or without the limits of the Village of South Russell at the time an application is made for a conditional use permit for a gas and oil well. Any applicant seeking to obtain a conditional use permit for a gas and oil well within a discharge district may develop in accordance with gas and oil well discharge district regulations set forth in Schedule 7. Any gas and oil well located in the groundwater recharge district shall develop in accordance with the regulations set forth in Schedule 7 for gas and oil wells in recharge districts.

13. Any applicant for a gas and oil well permit whose proposed well shall be within 2,000 feet of any lake, whether natural or man-made, stream, creek, or other body of surface water within the Village of South Russell, shall indicate the same on their application for a conditional use permit. It shall be the duty of the Planning Commission to impose and the responsibility of the applicant to comply with additional conditions in order to assure that any said body of water shall not be exposed to any danger of erosion, siltation, pollution, contamination, or alteration. In addition, the Village of South Russell hereby deems Silver Creek, within the limits of the Village of South Russell, to be in an environmentally protected zone as the habitat of aquatic life listed on Recognized Endangered Species Lists. Any oil and gas well proposed to be drilled within 2,000 feet of Silver Creek shall present with their application for a conditional use permit measures to be taken to avoid any danger of injury to such species or their habitat and the Planning Commission and Village Engineer are hereby delegated the duty to establish and enforce conditions to insure that during drilling, production, and abandonment of any such gas and oil well, that no such injury occurs. The Commission shall determine, as one condition of the permit, the distance of any well, storage tanks, production equipment or other apparatus from Silver Creek. Adequate contingency plans shall be taken to avoid contamination of

Silver Creek in the event that any of oil, gas, brine, waste, toxic materials or other such contamination spills during drilling, production or abandonment of any oil and gas well.

14. An applicant for a gas and oil well permit shall file an application on Form Z-3-A and submit all information set forth in Section 7.02 in order to be deemed to have submitted a complete application for a conditional use permit. Upon receipt of said application, the application shall be deemed to have been filed on the first Planning Commission Meeting after receipt of the application. The Planning Commission shall decide whether to grant, deny, or conditionally grant said permit within seventy-five days after the application is deemed filed with the Planning Commission. In order to meet the requirements to obtain a conditional use permit, the applicant shall file Form Z-3-A executed by the record owner of the real property, owner if different than record owner, and producer if different than owner or land owner, and provide the following information, deposits, bonds and other information or documents as is requested by the Planning Commission, Solicitor, Village Engineer, Village Hydrologist, Geologist or Petroleum Engineer, and such other officials or consultants acting on behalf of the Village of South Russell in reviewing an application for a gas and oil well permit:

A. Post a $10,000.00 cash deposit with the application. This deposit shall cover the cost incurred by the Village in reviewing the application by the Planning Commission, Village Engineer, Village Hydrologist, Village Geologist or Petroleum Engineer, Village Solicitor, Environmental Biologist, or such other professionals which the Planning Commission deems necessary to review in order to determine the effect on the health, safety and welfare of the residents of the Village of South Russell if a permit were to be granted. If at any time should the deposit be reduced by disbursements in an amount less than $2,500.00, the applicant shall be notified to post an additional $2,500.00 to bring the cash deposit back to $5,000.00. No permit shall be issued if an applicant fails to comply with the provisions of this section. Upon a final order granting or denying a permit, the applicant may request the return of the unused portion of the deposit.

B. Applicant shall post a $10,000.00 cash deposit or surety bond to guarantee proper maintenance and/or restoration of the drilling site after completion of drilling and proper abandonment of the well. If during review of an application for a conditional use permit, the Planning Commission determines that a higher cash deposit is necessary to guarantee property maintenance and/or restoration of the drilling site and proper

abandonment of the same, the Planning Commission may order a higher cash deposit as a condition to the issuance of a conditional use permit. Further said cash deposit or bond will be used to properly landscape the premises in the event the applicant fails to do so and if the balance falls below $10,000.00, the applicant shall submit a new bond or cash to insure adequate abandonment. Upon completion of abandonment procedures in compliance with State laws and to the satisfaction of the Commission and upon total restoration of the property in a condition satisfactory to the Commission, the applicant may make a request to the Commission to return any unused portion of the cash deposit or surety bond. Said cash deposit or surety bond shall be posted with the Village after approval of a permit by the Planning Commission and prior to the issuance of the conditional permit. By requesting a conditional use permit to drill a gas and oil well in the Village of South Russell, any applicant is deemed to have consented to the Village taking the necessary steps to obtain abandonment of any gas and oil well being operated, at any stage, in violation of the Zoning Code or any other applicable Federal, State or Village law or regulation.

C. Applicant shall post a $5,000.00 cash deposit to defray the Village's cost of inspecting the oil and gas well and the site where said well will be drilled. All costs incurred by the Village in inspecting said wells and sites shall be reimbursed by said deposit of $5,000.00. If at any time should this deposit be reduced by disbursements to the sum of $1,000.00, the applicant shall be notified to post an additional $2,000.00 to bring the total cash deposit back up to $3,000.00. Upon satisfactory completion of drilling of said well, and upon commencement of production, the applicant may request a return of the unused portion of the cash deposit. In the event that the applicant has complied with all Village laws and regulations, the Village shall return all but $2,000.00 of said deposit to the applicant. The remaining $2,000.00 of said deposit may be used by the Village of South Russell for hearings, inspections, testing of water wells, springs and surface waters by the Hydrologist, or such other inspections deemed to be necessary by the Village of South Russell of said well site during the production and/or abandonment stages. If at any time should this deposit be reduced by disbursements to the sum of $1,000.00, the applicant shall be notified to post an additional $1,000.00 to bring the total cash deposit back up to $2,000.00. Upon completion of abandonment procedures in compliance with all laws and regulations, said $2,000.00 deposit or any unused portion remaining shall be returned to the applicant upon request. If the applicant, after drilling of a well, determines not

to make a well a productive well, the $5,000.00 cash deposit shall be held by the Village to insure that the applicant complies with all applicable laws and regulations regarding abandonment of said well and said deposit shall be returned upon the request of the applicant upon satisfactory evidence to the Planning Commission that all abandonment procedures have been complied with by applicant. Said $5,000.00 cash deposit shall be posted to the Village after approval of a permit by the Planning Commission and prior to the issuance of the conditional use permit.

D. Applicant shall file a copy of the State permit application as submitted to the Division, including all salt water and waste disposal plans and surveyor's map. Applicant shall provide the Planning Commission with a plan for the handling, storage, removal and disposal of drilling fluids and materials, salt water, frac-water, sludge and any other gas and oil field waste. Applicant shall also submit a copy of the spill prevention control and countermeasure plan when required by Federal laws or regulations. In addition, the applicant shall submit a timetable listing when site preparation is to begin, when drilling is to begin and end, and when drilling equipment is to be removed, when access roads are to be installed and completed, when permanent storage tanks are to be erected, when transmission lines are to be installed, and when production is to commence.

E. Applicant shall submit a statement naming the land owner, owner if different than land owner, producer, all contractors, and the qualifications and experience of producers and contractors.

F. Applicant shall submit a schematic drawing of the loading area and measures to be taken for removal of brine and oil from storage tanks in order to confine any spillage of the same. Said schematic drawing shall show an aerial view, and side view, indicating location of separator, tank, sump and loading area.

G. Applicant shall submit a site development plan to be reviewed by the Planning Commission and Village Engineer. Applicant shall submit five copies of the site development plan along with form Z-3-A. Said plan shall include the following, and applicant shall develop the property in accordance with the following requirements:

(1) North arrows.

(2) Name, address and telephone number of record owner of property, applicant and driller.

(3) A vicinity map to a convenient scale showing the following:

(a) Property lines, boundary lines of drilling unit, streets, rights-of-ways, corporation lines and easements adjacent to the site.

(b) Well site.

(c) Tank battery site.

(d) Proposed permanent and construction drive locations.

(e) Piping from well to tanks and from tanks to point of connection to existing supply line.

(f) Nearest dwelling or occupied building and nearest water well in every quadrant indicating the same by showing an arrow and the distance in each quadrant to the nearest dwelling, building and water well.

(g) Show water courses, tree lines, marshes, water impondments or other significant natural or man-made features within 2000 feet of the site.

(4) Enlarged details shall be provided at the well site and the tank battery site showing the following:

(a) Well appurtenances: tanks, separators, piping valves, steel pits and dikes.

(b) Fences - to be provided around both the well site and tank battery site. Fence to be a cyclone fence with a minimum of 8 feet height with 3 strands of barbed wire on top. Gates to have provision for padlocking.
An additional gate is to be provided at the driveway entrance, outside of right-of-way, to prevent unauthorized vehicles from entering the site. Provide for padlocking. Show detail of gate on plan.

(c) Existing contours, with a minimum interval of 2 feet, shall be shown within 100 feet of the outer boundaries delineating the area of the proposed well site, steel pits, storage tanks, and all other temporary or permanent fixtures associated with either drilling or production. Maintain positive drainage. Show spoil pile locations.

(d) Drainage structures, sized in accordance with criteria available through the Village Engineer.

(5) Provide details as to width and composition of proposed permanent driveway. Minimum driveway width to be 10 feet. Minimum requirement for driveway material to be a graded, crushed aggregate of a size, and placed to a thickness, sufficient to prevent displacement under anticipated loading. The permanent driveway shall serve both the well and tank sites.
Provide details of the temporary construction drive which shall be installed to provide access and a staging area for equipment and materials. This drive shall be not less than 40 feet in width at the street tapering to not less than 30 feet at the right-of-way and extending from the right-of-way a minimum distance of 100 feet onto private property. It shall be constructed of a graded, crushed aggregate of a size, and placed to a thickness, to prevent displacement under the anticipated loading. If required by the Village Engineer, a properly sized culvert shall be installed at the street (minimum requirement is 12" diameter, 16 gage with annular ends). Unless the temporary drive is incorporated into the permanent drive, it shall be removed along with the culvert and the area restored to its original condition when the well site is restored. Positive drainage shall be maintained around this area at all times.

(6) Show typical cross-sections through diked areas around tanks. Specify liners and method of securing same. State volume of each diked area (minimum volume to be twice tank capacity). No direct discharge will be permitted from the containment areas. Contents must be pumped out and removed from the site along with the brine.

(7) Include restoration details. All disturbed areas to be fine graded, seeded and mulched on completion of grading operations. Between November 1, and March 1, apply mulch only. Temporary mulch to be removed and areas dressed, seeded and mulched after March 1. If, in the opinion of the Village Engineer, due to unique conditions of the site, a potential for erosion or sedimentation exists, a review by the Geauga Soil and Water Conservation District may be required. Recommendations prompted by their review or by the Village Engineer shall be incorporated in the Site Development Plan. Weather permitting, restoration shall be completed within 60 days after drilling is complete. Show all

landscaping, location and plant type, proposed for screening purposes.

(8) Provide an equipment list of those items to be installed at the site by manufacturer with model number or specifications, as applicable. Provide a list of all subcontractors to be employed and the work they will perform.
Provide a list of temporary equipment to be utilized during the drilling operation including complete information on the blow-out preventer.

(9) Provide typical trench sections for pipe lines showing depth of line, trench width, backfill, including bedding and encasement details (where applicable).

(10) Give details of steel pit to be provided during the drilling operation, including dimensions of steel pit, capacity, cross-section and lining materials for steel pit.

(11) Add note indicating pressure testing procedures will be performed on all lines transporting gas (minimum requirement is two times anticipated operating pressure).

(12) Within 30 days after commencement of production, submit to the Village an "as-built" mylar reproducible of the Site Development Plan for record.

(13) Applicant shall file form Z-3-A and attach to said form all information requested in Section (u) herein and shall also attach a description of the drilling procedures to be followed to include the intended depth of drilling, the method of extraction of oil and gas, and the method for abandonment of said well. Also attached to form Z-3-A shall be a list of all names and addresses of all persons, firms or other entities engaged in the process of site preparation, drilling, production, removal of brine or oil, transmission of gas, or any other activity necessary for the drilling and production of gas and oil on the well under consideration for a conditional use permit. The applicant shall also submit a list showing the names and addresses of all property owners within 1,000 feet of any boundary line of the drilling unit, based upon the most recent tax duplicate for Geauga County.

15. Whenever any well is proposed and the well site is located in a recharge district and is within 2,000 feet of Silver Creek, or said well site is located in a discharge

district and is within 1,000 feet of Silver Creek, the applicant shall submit with form Z-3-A an impact study prepared by an expert in environmental biology along with a recommended course of procedure to control spills and reduce the risk of contamination or injury to Silver Creek and its inhabitants. The impact study shall contain, at a minimum, a recent survey of the species of aquatic life in Silver Creek that is within 2,000 feet from any point from the well site in recharge districts and 1,000 feet from any point from the well site in discharge districts along with conclusions as to the potential adverse consequences to Silver Creek and its inhabitants in the event of contamination of Silver Creek by oil, gas, waste by-products of drilling and production, including salt water, brine, and other waste normally and reasonably associated with drilling and production of gas and oil wells in the State of Ohio. The Planning Commission may consult with and hire an environmental biologist to advise the Commission of any adverse impacts of any gas and oil well proposed to be located within the Village and recommend conditions to be imposed upon the applicant to reduce or eliminate the risk of contamination or injury to Silver Creek or any other body of surface water within the Village of South Russell.

16. The Village Engineer shall review the site development plan, anti-siltation plan to be submitted by applicant, and all other information submitted to the Planning Commission as required by the Zoning Code and shall recommend to the Planning Commission whether or not the applicant's proposal complies with the Zoning Code and what additional conditions, if any, should be imposed by the Planning Commission in the event that the Planning Commission grants a conditional use permit to the applicant.

17. The Village Hydrologist shall review each application to determine if the proposed well site will be in a recharge or discharge district and further review all information submitted to the Planning Commission to determine the effect of said well on surface and ground waters within the Village of South Russell and submit his recommendations to the Planning Commission as to the effect of said well upon the Village and further his recommendations for any conditions that should be imposed upon the applicant in the event that the Planning Commission grants a conditional use permit to the applicant.

18. The Village Geologist or Petroleum Engineer shall review all information submitted by the applicant to determine if the proposed drilling and production methods comply with all laws and regulations and shall recommend to the Village whether or not any additional conditions should be imposed in the event that the Planning Commission grants a conditional use permit to the applicant.

19. The Commission, in the event that it grants or conditionally grants a conditional use permit for an oil and gas well shall establish a surety bond, in an amount to be determined by the Commission, and in a form to be approved by the Solicitor, which amount shall be that sum the Commission deems necessary to guarantee the repair or replacement of possible damage of public property resulting from site preparation, drilling, production, abandonment or any other activity of any oil and gas well within the Village of South Russell. No conditional use permit shall be issued until such time as a surety bond naming the applicants as insureds is posted. Such surety bond shall be in effect during the life of the well and until abandonment of the well has been approved by the State and the Village and all other deposits have been returned to the applicant and all laws and regulations have been complied with by the applicant. The amount of the bond shall be established after the public hearing otherwise required by the Zoning Code and upon recommendation from the Village Engineer and Solicitor. Said bond shall specifically provide that it shall protect public property owned or controlled by the Village of South Russell or any other governmental body, and further said bond shall provide coverage, in the amount determined by the Commission, for any damage or injury to public property regardless of fault on the part of the applicant. The Village of South Russell hereby deems the drilling, production and abandonment and all other facets of development of oil and gas wells to be an inherently dangerous activity and the applicant shall be held strictly liable for any damage or injury to public or private property or to personal or bodily injury, regardless of fault on the part of the applicant, and it shall be unnecessary for any injured party to prove negligence or fault on the part of the applicant. Further, the applicant, by submitting an application for a permit for a gas and oil well, agrees that they shall hold harmless and indemnify the Village of South Russell from any and all loss, claims, demands, or causes of action, including reasonable attorneys fees and costs of suit, in the event the same is brought against the Village of South Russell as a result of any activity engaged in by the applicant or their contractors in furtherance of the drilling and production or abandonment of any oil and gas well within the Village of South Russell. In the event that the surety ceases to do business, or if for any other reason said surety bond becomes void, the applicant shall immediately substitute a similar surety bond in the same amount, and in a form to be approved by the Solicitor, and in the event that the applicant fails to submit a substitute bond within 7 days after receiving notice that the surety bond has become void, it shall be a violation of the Zoning Code and in addition to all other penalties, the Commission, after notice and public hearing within 30 days after notifying the applicant, may order the applicant to cease drilling or production, and comply with State abandonment procedures to abandon the well. In the

event that the Planning Commission orders such to occur and the applicant fails to comply, the Village may use any and all cash deposits or bonds and enter onto the applicant's premises to cause the same to occur. By requesting a conditional use permit to drill a gas and oil well in the Village of South Russell, any applicant is deemed to have consented to the Village taking the necessary steps to obtain abandonment of any gas and oil well being operated, at any stage, in violation of the Zoning Code or any other applicable Federal, State or Village law or regulation.

20. The Commission shall establish a surety bond, in an amount to be determined by the Commission, and in a form to be approved by the Solicitor, necessary to guarantee the repair or replacement of possible damage to private property resulting from site preparation, drilling, production, abandonment or any other activity of any oil and gas well within the Village of South Russell. No conditional use permit shall be issued until such time as a surety bond naming the applicants as insureds and South Russell Village as additional insureds is posted. Such surety bond shall be in effect during the life of the well and until abandonment of the well has been approved by the State and the Village and all other deposits have been returned to the applicant and all laws and regulations have been complied with by the applicant. The amount of the bond shall be established after the public hearing otherwise required by the Zoning Code and upon recommendation from the Village Engineer and Solicitor. Said bond shall specifically provide that it shall protect private property without limitation as to ownership or location of the same and further said bond shall provide coverage, in the amount determined by the Commission, for any damage or injury to real or personal private property or to personal or bodily injury regardless of fault on the part of the applicant. In the event that the surety ceases to do business, or if for any other reason said surety bond becomes void, the applicant shall immediately substitute a similar surety bond in the same amount, and in a form to be approved by the Solicitor, and in the event that the applicant fails to submit a substitute bond within 7 days after receiving notice that the surety bond has become void, it shall be a violation of the Zoning Code and in addition to all other penalties, the Commission, after notice and public hearing within 30 days after notifying the applicant, may order the applicant to cease drilling or production, and comply with State abandonment procedures to abandon the well. In the event that the Planning Commission orders such to occur and the applicant fails to comply, the Village may use any and all cash deposits or bonds and enter onto the applicant's premises to cause the same to occur.

21. The applicant shall submit information to the Commission with satisfactory proof that applicant has the ability to remove all brine, drilling materials, sludge, and

other materials required to be removed and not reinjected anywhere in the Village of South Russell in a location outside of the Village of South Russell and further prove to the satisfaction of the Commission that the applicant has available a brine injection well with sufficient capacity to accept all materials to be removed from the Village of South Russell and that said injection well or wells have been inspected and approved by the State of Ohio. No permit for a gas and oil well shall be issued until such proof, to the satisfaction of the Commission, is presented by the applicant.

Existing Section 7.02(u), the full text of which follows, is hereby repealed:

(u) Such uses shall comply with the following conditions:

1. The applicant shall post a $5000 cash bond with the application. This cash bond shall cover the cost incurred by the Municipality in reviewing of the application by the Engineer or, if necessary, other engineering professionals which may be required. The bond shall be for the further purpose of meeting the expense to the Municipality of providing on-site inspectors during the drilling phase of the operation. Any time should this bond be reduced by disbursements to the sum of $2000, the applicant shall be notified to post an additional $3000 to bring the total cash bond back up to $5000. If at any time, upon the Municipality having sent notice of the posting of the additional $3000, the additional bond is not posted, the Municipality shall withdraw its permit.

Upon the completion of the drilling phase, should the applicant elect not to make it a producing well, the applicant shall continue the bond until such time as the Municipality is satisfied that the abandonment process has been satisfactorily completed.

Upon completion of the drilling process, should the applicant elect to make the well a producing well, it will be the responsibility of the applicant to complete the clean up process, and upon completion of the clean up process to the satisfaction of the Municipality, the applicant need only maintain a $2500 bond during the production phase until final abandonment.

In either event, upon the completion of the requirements for the continuation of the bond, the balance of any funds shall be refundable to the applicant.

2. The minimum acreage for a single gas and/or oil well shall be 80 acres. No more than two (2) separate contiguous parcels may be joined for the purpose of meeting the minimum acreage requirements.

3. After the drilling process is completed, but before production starts, the applicant shall construct and secure an eight (8) foot, cyclone type fence around the entire circumference of all the permanent improvements placed upon the premises.

4. There shall be no tanks or reservoirs erected for or maintained for the storage of hydro carbon type products located within 300 feet of any public right-of-way, nor within 500 feet of any residential lot line.

5. During the production phase, the premises shall be maintained at all times in neat and orderly condition.

6. At all times any equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Access roads shall be maintained in a dust free condition.

7. Truck routes in and out of the premises shall be approved by the Commission. In such approval, the board shall give consideration to those routes which would minimize the wear on public streets, and which would prevent hazards and damage to other properties in the Municipality.

8. The applicant shall be responsible for maintaining the public roads in a debris free condition. At the end of each working day it shall be the responsibility of the applicant to cause the public roads to be free of all debris, mud, or other accumulations resulting from their operations.

Any failure in this regard may result in immediate revocation of the permit.

9. The applicant shall provide one off-street parking space for each employee. All trucks, machinery and other equipment stored at the site shall be kept within the fenced in area when not in use. All extracted materials stored at the site shall be kept within the fenced in area.

10. All storage and processing tanks shall be enclosed by embankments sufficient to contain any or all leakage or spillage from such tanks. The areas within such embankments shall be lined in such a way as to be impermeable to infiltration or loss of fluid into the surrounding materials. This embankment shall contain an outlet valve for use in release of surface water accumulation as necessary and appropriate.

11. All movable valves and access points in the producing complex shall be made vandal-proof with all appropriate methods, such methods to be submitted to the Commission for final approval.

12. All disturbance of land associated with drilling, development, production or abandonment of a well must be corrected in such a manner as to approximate, as a minimum, the original shape and condition of the drilling site prior to initiation of drilling procedures, such corrections to be completed prior to either production or abandonment of well site.

13. Upon abandonment of well, such well must be plugged in the following manner:

a. Emplacement of a permanent bridge or packer at or near the base of the geologic unit known as the Chagrin Formation.

b. Filling of hole to a minimum thickness of 50 feet above the packer with cement, followed by clay fill to the surface.

14. Increasing porosity and permeability of any pay horizon or potential pay horizon by means of explosives is strictly prohibited.

15. Any sump or pit system used for storage of wastes during the drilling or development period must be lined and sealed in such a way as to be impermeable to liquid infiltration from the pit to the surrounding area. Such system must contain a reserve holding area in the form of a second sump with characteristics similar to above and connected by an overflow gate in the event of unusual or unforeseen water conditons creating danger of surface flow outside the sump area.

16. All pipes, distribution lines and power lines associated with the area of use shall be buried not less than two feet wherever feasible, such burial to be accomplished prior to full production from well.

17. All permanent pumps and/or compressors shall be chosen with due regard to minimization of potential acoustic level upon adjacent properties.

18. Notification of initiation of production from any well shall be made to the Council no later than seven days prior to such production. All improvements and safety requirements alluded to herein shall be in place no later than three days prior to such production.

19. No other improvement may be located on the minimum acreage and no other improvement can be located on the minimum acreage during the time interval from initiation of drilling to initiation of production from a completed well. Following initiation of production, such improvements as may conform to the Zoning Code may be initiated within the

restrictions of all applicable laws of the State and County.

20. There shall be no deliberate or purposeful spillage of salt water from the separator tanks. Any salt water contained in the separator tanks shall be captured and removed from the premises.

21. All transportation lines on the premises shall be built, laid and maintained in accordance with the standards established by the Department of Transportation.

22. It shall be understood that there shall be no production of any kind of sour gas.

23. If, in the opinion of the Commission, the location of any gas or oil well is sufficiently close to an existing pond or stream, the applicant shall cause diversionary ditches to be constructed in support of its impounding system.

24. Applicant shall, with his application, submit the following:

a. A plot plan of the subject property, evidencing the drilling site.

b. A full word description of the drilling procedures to include the intended depth, the method of extraction and the intended abandonment plan.

c. The names and addresses of all companies to be involved with the gas and oil wells, and the nature of their involvement.

d. The names and addresses of all abutting and adjacent property owners within 1000 feet of any boundary line of the subject property.

e. The application shall be signed by land owners and by the persons, firm or corporation responsible for the drilling operations.

25. The Commission, upon review of a gas and oil well application, shall establish an amount for a surety bond, which amount will be that sum necessary to guarantee the repair of possible damage to public property resulting from such well or drilling of the well. Damage to public property may include, but shall not be limited to, streets, pavements, curbs, gutters, sidewalks, water lines, sewer lines, bridges, culverts, tiles, fire plugs, street lights, traffic signs or signals, and drainage facilities. No conditional use permit shall be issued until such time as the above bond is posted in the required amount, and said bond shall be held by the Treasurer until the Commission is

satisfied that all damage has been repaired and no subsequent damage will be caused by the operation.

26. The Commission, upon review of gas and oil well application shall establish an amount for surety bond, which amount will be that sum necessary to guarantee the repair of possible damage to private property resulting from such well or drilling of the well. The amount of this bond shall be established after the public hearing and upon written advice from the Engineer.

27. In addition to the foregoing, the Commission may impose such other conditions and requirements which it may deem necessary for the protection of adjacent property in the public interest.

SECTION 6. Schedule 3 (Required Fees and Deposits) of the Zoning Code, is hereby amended to read as set forth in the attached Exhibit "1", made a part hereof by reference herein (as the format of Schedule 3 is of such a nature that it can best be illustrated by reference to a separate writing).

Existing Schedule 3 (Required Fees and Deposits) of the Zoning Code, is hereby repealed, the full text of the existing Schedule 3 is attached hereto, marked Exhibit "2", and made a part hereof by reference.

SECTION 7. Schedule 7 (Conditional Use Regulations) of the Zoning Code, is hereby amended to read as set forth in the attached Exhibit "3", made a part hereof by reference herein (as the format of Schedule 7 is of such a nature that it can best be illustrated by reference to a separate writing).

Existing Schedule 7 (Conditional Use Regulations) of the Zoning Code, is hereby repealed. The full text of the existing Schedule 7 is attached hereto, marked Exhibit "4", and made a part hereof by reference.

SECTION 8. The ground water recharge area map hereinafter referred to as "Recharge Map" is hereby deemed to be a part of the Zoning Code and attached hereto and the Village Engineer is hereby authorized and directed to cause the aforementioned Recharge Map to be incorporated into the Zoning Code for the Village of South Russell, and a copy of said Map is attached hereto as Exhibit "A" and made a part hereof by reference herein.

SECTION 9. Form Z-3-A is hereby deemed to be a part of the Zoning Code and a copy of said form is attached hereto as Exhibit "5" and made a part hereof by reference.

SECTION 10. The Zoning Code of the Village of South Russell is hereby amended by adding Section 7.02(v) to read as follows:

7.02(v) -- In addition to the regulations set forth in Section 7.02(u), gas and oil wells shall be subject to the following supplementary regulations and any conditional use permit issued by the Commission shall be subject to compliance with all regulations set forth in this Section. Any act or omission in violation of this Section shall be deemed to be a violation of the terms and conditions of the conditional use permit and a violation of the Zoning Code and shall subject the permit holder to revocation of the conditional use permit and/or any penalty or fine that may be imposed under the Zoning Code.

1. After a conditional use permit has been granted, the applicant shall meet with the geologist or petroleum engineer retained by the Village to coordinate inspection of the drilling and production of the gas and oil well and to permit said geologist or petroleum engineer to adequately advise and consult the Village as to compliance with this Zoning Code after issuance of the zoning permit. The geologist or petroleum engineer shall be responsible to inspect, and shall have the authority to approve or disapprove any act or omission of the applicant in furtherance of drilling, production or abandonment of any oil and gas well at any stage and shall be present during the following stages:

(A) He shall observe and along with the Village Engineer approve the actual site for construction and drilling of the well and the well site area.

(B) He shall observe completion of the surface hole and approve the method and amount of cementing of surface casing of the well.

(C) He shall provide inspections of the well site during drilling of the remainder of the hole.

(D) He shall be present prior to fracturing the well for water flowback room and spillage control and approve fracturing of the well and shall also be present to observe flowback of frac-water during the fracturing process.

(E) He shall provide inspections of the flowback pit during the swabbing phase after fracturing to insure spillage and contamination control and shall approve along with the Village Engineer, prior to drilling, steel pit placement and size, and the methods of containing flowback and liquids to be contained in the steel pit during drilling and removal of drilling materials from the steel pit.

(F) Inspect and approve tank battery construction, location and equipment and inspect completed and reclaimed location of well construction site area.

(G) Inspect and approve plugging or capping of well.

(H) Inspect and approve abandonment of well.

2. All costs incurred by the Village as a result of inspections to be made by the Village Engineer, Village Geologist or Petroleum Engineer, Village Hydrologist, Environmental Biologist, Solicitor and all other Village officials, shall be reimbursed to the Village by the applicant as provided in Section 7.02(u). In the event that any Village official determines that compliance with the Zoning Code or any conditions imposed by the Zoning Commission is being violated, or determines that any act or omission on the part of the applicant will have an immediate adverse impact on the health, safety, or welfare of the residents of the Village of South Russell, and upon the applicant receiving either oral or written notice of the same, the applicant shall immediately cease all activities in furtherance of the development of the well site until compliance with the Zoning Code, or Planning Commission conditions, or acts necessary to eliminate any adverse impact on the health, safety, and welfare as stated hereinabove, has been made unless the Village Engineer, Geologist or Petroleum Engineer or Hydrologist deems it hazardous to cease such activities in whole or in part. In the event that any other Village official determines that the applicant is in violation of the Zoning Code or any conditions imposed by the Planning Commission, such Village official shall have the authority to order the applicant to immediately cease all activities on the premises in furtherance of development of the well site until compliance with the Zoning Code or conditions of the Planning Commission has been made.

3. The applicant shall provide ingress and egress roads to all well sites and all storage tank sites. Roads to the well site shall be constructed, in accordance with plans approved by the Village Engineer, prior to drilling and roads to storage tank sites shall be installed, (and approved prior to construction by the Village Engineer) prior to installation of tanks. The applicant shall notify the Village Engineer to inspect the roads for suitability before moving any equipment into the site. All access roads shall be maintained so as to be dust free and passable in all seasons and weather conditions. Access roads shall be adequately fenced with a locked gate to prevent unauthorized entry from public roads. Not more than two access points shall be established from any public road to any well site. Access roads shall have a turnaround of sufficient size to accommodate fire and rescue and other emergency vehicles servicing the Village.

4. The applicant shall fill and level all areas excavated for steel pits within seven days after the applicant is ready to commence production and restore the land to its

original condition. The applicant shall remove all drilling fluids, materials and sludge from the steel pit prior to removing the steel pit from the site and haul the drilling fluids, materials or sludge outside of the Village of South Russell for disposal. Filling and restoration shall be subject to inspection and approval by the Village Engineer and Geologist or Petroleum Engineer. The applicant shall notify the Village Engineer at initiation and upon completion of restoration.

5. The name, address and telephone number of each person signed on the application, along with each operator and contractor responsible for ownership, operation, and all maintenance of each well site located within the Village shall be conspicuously placed on each tank battery and be furnished to the Building Inspector and Chief of Police for the Village of South Russell. The Building Inspector shall prepare a list of all such names and addresses and telephone numbers and shall keep the list posted in a conspicuous place in the Police Department and in the Building Department office for ready reference. The applicant, along with furnishing the name, address and telephone numbers indicated herein, shall also provide the location of each well site, separation and storage tanks, and the location and color identity of power and shutoff valves. Keys for emergency access to each well and tank site shall be made available to the Police Department. Well and tank sites under the same ownership or control shall have gates and fences with master keys capable of opening all locks on gates and fences and equipment. Such keys shall be provided to the Building Inspector and the Chief of Police for the Village. Before commencing drilling operations and during production of the well, a sign of two square feet, and orange in color, shall be posted at the access road entrance gate showing the street number, owner, operator, lessee, if any, well number, State and Village permit numbers, and all emergency telephone numbers. All storage tanks shall be above ground, painted forest green, and lined with epoxy to eliminate leakage. All shutoff valves shall be painted in florescent orange. All power, storage and transmission line shutoff valves shall be secured by locks or similar devices to prevent unauthorized access or usage. Prior to commencing production, all permanent producing and storage facilities shall be enclosed entirely by a cyclone fence to be a minimum of eight feet high with three strands of barbed wire on the top and adequate to prevent trespassing at all times. A temporary fence shall be constructed prior to commencement of drilling to prevent unauthorized access to drilling equipment and any excavations.

6. During drilling of wells, casings shall be cemented in quantities and qualities to be approved by the Geologist or Petroleum Engineer and Village Engineer to a minimum depth of 500 feet below the surface. The Village Geologist or Petroleum Engineer shall insure that the cement provided

shall be sufficiently adequate to case 500 feet of annular volume and shall file the annular space entirely for a minimum depth of 500 feet. A record of the depth of the cemented casings shall be filed with the Building Inspector for the Village.

7. The applicant shall provide the Building Inspector with a plat of all buried transmission lines. No person shall place any transmission lines within the Village of South Russell without first obtaining a written easement therefor. Prior to opening any public street to bury transmission lines, the applicant shall comply with Village ordinances and obtain a street opening permit pursuant to the requirements set forth in Chapter 1010 of the Codified Ordinances. All buried transmission lines crossing any public street shall be marked by a permanent marker on both sides of the street, in a location and format acceptable to the Village Engineer. At street crossings the line shall be installed to a minimum depth of six feet and to a minimum depth of thirty-six inches beneath ditches. All pipes being installed other than at street crossings shall be buried a minimum of twenty-four inches under the surface or twenty-four inches below a normal river or creek bed. No transmission lines intended for burial shall be covered until the installed line is inspected by the Village Engineer. When required by the Village Engineer, the applicant shall increase or decrease the depth of transmission lines. The applicant shall coordinate the laying of transmission lines with all public utilities servicing the Village of South Russell.

8. The following regulations shall apply during drilling and production of oil and gas wells:

(A) During the drilling phase, all flowback and waste shall be accumulated in containers and no hydrocarbons, waste, water or other such elements shall be permitted to enter the atmosphere at the well site. Upon fracturing of any well, the applicant shall contain flowback entirely within an adequately vented enclosed system to be approved by the Village Geologist or Petroleum Engineer.

(B) All storage tanks for storage of oil, water, salt brine and other such elements shall be lined with epoxy on the inside of the tank to avoid leakage and be equipped with a thief-hatch cover in a location satisfactory to the Village Geologist or Petroleum Engineer in order to sufficiently enable visual inspection of the tank and shall be kept closed at all times when not in use. Any brine storage tank manhole shall have a device securely attached across the opening of the manhole to eliminate access into the storage tank. The oil storage tank shall be equipped

with a vent pipe with a safety check valve installed in the vent pipe on top of the storage tank.

(C) In the event that the Village Geologist or Petroleum Engineer determines that any drilling or production of a gas and oil well causes any sour gas, or gas or oil odor deemed to be a nuisance by the Village Geologist or Petroleum Engineer, the applicant shall take all necessary steps to eliminate escape of any sour gas and where ordered by the Village Geologist or Petroleum Engineer, shall provide a filter retrofitted on all storage tanks and shall insure during production of any well that said filters are either cleaned or replaced in order to adequately suppress odor.

(D) The flow line from the well to the separator device shall have a pressure activated shutoff valve system to cut off the flow just prior to the opening of the safety valve on the separator.

(E) In the event that the well system utilizes a pump jack, the pump jack shall also have an automatic shut-down system, to stop fluid spill if rod packing leaks, approved by the Village Geologist or Petroleum Engineer. At least once each year, commencing at initial production of a well, the applicant shall test all safety valves used in the production of oil and gas to determine that they are properly functioning and shall report the same to the Building Inspector. If said report is not received within fifteen days after the anniversary date, the Building Inspector and Village Geologist or Petroleum Engineer shall inspect the premises, to determine the same, and obtain reimbursement of the cost of such inspection from the applicant or any bond or deposit of the applicant being held by the Village.

(F) All motor powered equipment intended for permanent use in production of wells or transmission of fluid or gas shall be operated only on electrical power. This regulation shall not apply to motors used in drilling operations or mobile service rigs at the site. Any diesel engines being utilized during the drilling stage shall have adequate mufflers to suppress sound and each drilling rig shall be provided with fire resistant soundproofing material and shall be subject to the approval of the Village Geologist or Petroleum Engineer. All storage tanks, separators, and distribution pipes shall be surrounded by a minimum of one-inch clay seal on the surface of the ground and shall be contained by a retainer wall capable of holding two times the capacity of all storage tanks. The applicant shall provide a loading area to the storage tanks with provisions for a ramp so that if any

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spillage occurs while removing any materials from storage tanks that any spill will go into a sump which can be pumped into a brine removal vehicle. The sump shall have a motorized sump pump in order to pump back into the tanks any spillage. Such areas shall be developed in accordance with Diagram "A" which is attached hereto and made a part hereof and the area of the pit shall be equal to or greater than two times the capacity of all storage tanks at the site.

(G) The maximum sound level of all operations during the drilling stage shall be 65 decibels at a distance of 30 feet not to be exceeded more than 10% of the time during drilling. In the event that any Village official determines that the decibel limit has been violated, such official shall order the applicant to cease production until adequate measures are taken to reduce the decibel level equal to or less than 65 decibels at a distance of 30 feet.

(H) Prior to drilling, the applicant shall transport steel pits to the site sufficient in size to contain all liquids produced as a result of anticipated drilling procedures. The steel pit shall have a capacity not to exceed 10,000 gallons. The steel pit shall not be buried into the ground more than one foot in depth during drilling. Each pit shall be constructed of steel on top of a minimum one-inch clay seal. The clay material to be used as a sealant shall be approved by the Village Engineer prior to placement of the steel pit. The location, volume and construction of said steel pits shall be subject to the approval of the Village Engineer and Geologist or Petroleum Engineer. No earthen pits shall be permitted for containment of drilling fluids or materials.

(I) Any liquid or waste, other than water used within the contained flowback process, extracted from a well during drilling or production shall not be re-injected into the ground within the Village of South Russell. All such wastes and brines shall be stored in tanks and removed from the Village by haulers who shall first obtain a permit from the Building Inspector. Such haulers shall prove their ability and experience to remove such waste and brine safely and provide evidence of liability insurance in an amount satisfactory to the Village Solicitor. When requested by Village officials, said hauler shall produce receipts for the location where such wastes or brine are injected.

(J) During drilling of a well, the applicant shall install a blowout preventer with a remote manual preventer control, to shut down the system. The applicant shall also install a gas detector meter to the drilling apparatus to determine if a gas pocket has been hit during drilling. The applicant or his agents shall be on site during all phases of drilling and the

spillage occurs while removing any materials from storage tanks that any spill will go into a sump which can be pumped into a brine removal vehicle. The sump shall have a motorized sump pump in order to pump back into the tanks any spillage. Such areas shall be developed in accordance with Diagram "A" which is attached hereto and made a part hereof and the area of the pit shall be equal to or greater than two times the capacity of all storage tanks at the site.

(G) The maximum sound level of all operations during the drilling stage shall be 65 decibels at a distance of 30 feet not to be exceeded more than 10% of the time during drilling. In the event that any Village official determines that the decibel limit has been violated, such official shall order the applicant to cease production until adequate measures are taken to reduce the decibel level equal to or less than 65 decibels at a distance of 30 feet.

(H) Prior to drilling, the applicant shall transport steel pits to the site sufficient in size to contain all liquids produced as a result of anticipated drilling procedures. The steel pit shall have a capacity not to exceed 10,000 gallons. Each pit shall be constructed of steel on top of a minimum one-inch clay seal. The clay material to be used as a sealant shall be approved by the Village Engineer prior to placement of the steel pit. The location, volume and construction of said steel pits shall be subject to the approval of the Village Engineer and Geologist or Petroleum Engineer. No earthen pits shall be permitted for containment of drilling fluids or materials.

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(J) During drilling of a well, the applicant shall install a blowout preventer with a remote manual preventer control, to shut down the system. The applicant shall also install a gas detector meter to the drilling apparatus to determine if a gas pocket has been hit during drilling. The applicant or his agents shall be on site during all phases of drilling and the

applicant shall insure that adequate and knowledgeable and experienced drillers shall be on site during all phases of drilling.

(K) The applicant, during production of a well, shall make daily fluid level checks of all oil, gas, brine, waste and other elements removed from any well and shall also check on a daily basis the condition of all equipment, and any joint or connection under pressure and above ground which carries fluids or gases under pressure shall be inspected weekly to ensure no leakage and shall provide a monthly report to the Building Inspector of fluid levels indicated herein, the condition of all equipment, the pressure level of all equipment, leaks, if any, and advise the Building Inspector of efforts taken to avoid build-up of paraffin on any equipment or apparatus contained at a well site. The Village Building Inspector shall prepare an inspection form to be filled out monthly by the applicant and filed by the 5th of each month.

(L) The person or persons who will perform the fracture of each well, shall be subject to approval of the Village Geologist or Petroleum Engineer who shall insure that such person or persons are adequately experienced and will take adequate precautions to avoid any danger to person or property.

(M) In the event that any well site, in the opinion of the Village Engineer or Hydrologist, is sufficiently close enough to potentially adversely affect any existing pond, stream, lake or other body of surface water, the applicant shall construct diversionary ditches and devise and construct an impounding system to contain any liquids that might otherwise escape from the well site and such ditches and impounding systems shall be constructed in a manner approved by the Village Engineer.

(N) After conclusion of the drilling stage, and upon the date when notice is required to be given to the Village of the commencement of production, the applicant shall remove all drilling equipment, temporary tanks and other materials not intended to be permanently placed at the well site.

(O) All landscaping shall be completed within 60 days and all grading shall be completed within 14 days after drilling is completed. The site where all permanent storage tanks and other apparatus will be located shall be screened with natural vegetation and such vegetation, when planted shall be at least five feet in height, with the ability to grow to at least fifteen feet in height. ☆

(P) All storage tanks, apparatus and other equipment located above ground at a well site shall be removed and abandonment completed within 180 days after a well stops producing and the ground shall be restored, to the extent possible, to its original condition prior to drilling of said well, within said 180-day period.

(Q) The Village Hydrologist shall, at the applicant's expense, on at least a semiannual basis, test the nearest water well, spring, and downstream surface water at locations selected by the Village Hydrologist and to be tested at a laboratory to be determined by the Village Hydrologist to insure that no groundwater or surface water is being contaminated as a result of any oil and gas well operation. The Hydrologist shall submit a copy of the results of said tests to the applicant and to the Building Inspector. In the event that said testing determines that any contamination has occurred, the applicant shall cease production until the source of contamination is located and the applicant is able to eliminate the source of contamination to the satisfaction of the Village Hydrologist.

(R) The applicant shall comply, in addition with all regulations and conditions set forth in this Chapter, with the regulations set forth in Chapter 10 and 11 of this Code providing for development and performance regulations. The applicant shall be aware of and comply with the Village Soil Erosion Ordinance and Chapter 1010 of Codified Ordinances regarding street opening and shall consult with the Village Engineer to insure compliance with said Ordinances.

(S) In the event an applicant at any time determines to cap a producing well, the applicant shall notify the Building Inspector. The applicant shall advise the Building Inspector of the length of time said well shall be capped and shall further notify the Building Inspector when the well will again be made productive. The Building Inspector upon receiving notice of the applicant's intention to cap the well shall notify the Village Geologist or Petroleum Engineer who shall then inspect any well after it is capped to insure that the applicant has safely capped the well. If the well is capped for more than one year, abandonment proceedings shall be commenced and completed within one month thereafter unless an extension is requested by applicant and approved by the Commission.

(T) The applicant shall not permit any hydrocarbons or brines to enter the Sharon or Berea Sandstone formations during drilling or production of any oil and gas well. In the event that such contamination of either sandstone shall occur, the applicant shall immediately notify the Building Inspector who shall

then notify the Village Hydrologist to determine if any temporary or permanent damage has occurred to the potable water supply.

(U) During the drilling stage, no other improvement or additional use shall be placed on the drilling unit. Following initiation of production, as approved by all Village officials, such additional improvements and uses as may conform to the Zoning Code may be initiated on the drilling unit subject to the restrictions of all other applicable laws and regulations of the Village and State of Ohio. In recharge districts, no new structure shall be located within 2,000 feet of any well site area within the drilling unit or any land outside of the drilling unit contiguous thereto and owned by applicant. Within a discharge district, no new structure shall be located within 300 feet of any well site area. The well site area shall include the oil and gas well, any storage or separation tanks, compressor station, or pit or containment areas for the storage of brine and other wastes.

(V) Applicant shall be prohibited from accumulating combustible materials in the well site area and upon order of any Village official, shall remove any combustible materials that in the opinion of such Village official may be hazardous. Permanent no smoking signs shall be posted at the entrance gate, on the oil storage tanks and temporary signs shall be posted at the drilling site until production commences. No person shall smoke any cigarette, cigar, pipe or other form of tobacco or have any matches, open flames, or burn any other combustible material at the well site during drilling or when handling or removing gas at the well site. The applicant shall insure that when any welding occurs on the premises that suitable welding screens are utilized to protect any person from injury.

(W) All artificial lighting used during drilling or production of any gas and oil well shall be designed, constructed and located in such a manner to prevent emission upon any property not within the drilling unit.

(X) The applicant and any contractor shall be prohibited from increasing the porosity and permeability of the subsurface by the use of explosives.

(Y) No person shall refine or otherwise process for extraction the products of a gas and oil well except when necessary to make gas acceptable to flow through gas transmission lines and in the event that the latter becomes necessary, the applicant shall notify the Building Inspector prior to commencement of such

processing or production. Any burner unit installed in an oil storage tank shall be properly vented and attended to ensure no excess heating within the tank while in use.

(Z) If, during drilling, the site will be unattended at any time, and during the completion phase of drilling, when the well site area is unattended, the applicant shall cap the assembled sections of the well to avoid any hazard or leakage of hydrocarbons or wastes or other elements.

(AA) All pipe and related fittings must be equal to or better than the American Petroleum Institute Code 5-L, Grade B, and consist of prime material with standard coating. Any deviation from these standards shall be approved by the Village Geologist or Petroleum Engineer prior to construction of the same at the well site. Upon completion of construction of all tanks and other apparatus to remain on the well site and laying of pipelines, the applicant shall return all disturbed public or private roads, driveways, walks, or approaches to their original condition before disturbance to the satisfaction of the Village Engineer. Applicant shall backfill to existing grade level in such a manner so as to prevent erosion or siltation and shall complete all of the same within 14 days after completion of installation of storage tanks and other apparatus and pipelines.

(BB) A hydrostatic test of all pipelines from the well to the separator and from the separator to transmission lines shall be performed by the applicant prior to placing said line or any section thereof into operation. A hydrostatic test, or such other test as may be approved by the Village Geologist or Petroleum Engineer shall consist of a pressure not less than two times the expected maximum operating pressure and shall be recorded over a minimum period of 48 hours. In the event that any drop of pressure is noted within said 48 hour period, the line shall not be made operational until the line is capable of performing as set forth in this paragraph.

(CC) All gas produced from wells shall be transported from the drill site by means of underground pipeline connected directly with the producing well to the separator or treating facilities by a completely closed system without venting high pressure gas or the products of gas to the atmosphere at the production site. All oil produced from the wells on the well site may be transported from storage tanks by means of underground pipelines or by tank trucks whose holding capacity shall not exceed 100 barrels. Oil storage tanks shall be no larger than that sufficient to

contain and store 210 barrels of oil (each barrel capable of holding 42 U. S. gallons).

(DD) The applicant shall not violate Ordinance No. 1983-51 which prohibits pollution of waters within the Village of South Russell and the applicant shall review and become familiar with said Ordinance and consult with the Village hydrologist in order to insure that all measures are taken to eliminate the risk of such contamination.

(EE) In the event that technological improvements are made in the gas and oil industry and additional safeguards are available to applicant, in order to protect person or property from any hazards and such technological improvements are available at a reasonable cost, and upon notice from the Village of South Russell or its officials, the applicant shall if technologically possible, incorporate such technological improvements into its gas and oil well drilling, production, transmission or abandonment operations. The Village shall provide such notice in writing to the applicant and the applicant shall have the right to request a public hearing to be held within 21 days after written notice is received by the applicant and any party may appeal to the Zoning Board of Appeals any adverse decision of the Planning Commission which decision shall be made within 14 days after said public hearing. The Planning Commission need not advertise said public hearing nor send notice to those persons otherwise entitled to notices of public hearing under the Zoning Code.

(FF) All waste substances such as drilling muds, brine or acids produced or used in connection with drilling operations or production shall be retained in water-tight receptors from which they shall be hauled from the premises for disposal outside of the Village of South Russell within ten days after the completion of drilling and no production shall commence until such removal has occurred.

(GG) Truck routes in and out of the well site shall be approved by the Commission. The Board shall require that truck routes through Village streets be limited to roads that can accept the load limits and shall consider routes that will minimize wear on public streets within the Village and which would prevent hazards and damage to other properties in the Village.

(HH) The applicant shall be responsible for maintaining the public roads in a debris-free condition at all times and it shall be the responsibility of the applicant to cause the public roads to be free of all debris, mud and other materials that accumulate as a

result of drilling, production, transmission, hauling or abandonment proceedings.

(II) The applicant shall provide one off-street parking space for each employee engaged in the drilling process and shall provide at least two permanent off-street parking spaces at the site where production equipment will be located. All trucks, machinery, drilling rigs and other equipment temporarily stored at the site shall be kept within a temporary fenced-in area around the well site when not in use. All extracted materials during drilling, and stored at the site, shall be kept within such fenced-in area.

(JJ) In addition to the regulations set forth in Section 7.02(u) and those regulations set forth in Section 7.02(v) herein, the Commission may, after public hearing, impose such other conditions, requirements, limitations, and delegation of authority to other Village officials, which the Commission may deem necessary for the protection of property and person and in furtherance of the health, safety and welfare of the residents of South Russell Village and surrounding communities.

Section 11. The Zoning Code of the Village of South Russell is hereby amended by adding Section 7.02(w) to read as follows:

1. Whoever violates any provision of Chapter 7 of the Zoning Code or any orders or terms or conditions of a permit issued pursuant to Chapter 7, shall be fined not less than $100.00 nor more than $1,000.00 for a first offense; for each subsequent offense, such person shall be fined not less than $200.00 nor more than $2,000.00. Whoever violates Section 7.02(v)(8)(I) or orders or terms or conditions of a permit issued thereunder shall be fined not more than $5,000.00 for each day of violation. Any penalties provided for herein shall be in addition to any other remedies, whether legal or equitable, that the municipality may deem necessary to prevent or remedy a violation of the Zoning Code.

2. In the event of any violation of the provisions of Chapter 7 of the Zoning Code or Schedule 7 of the Zoning Code, or any orders or terms or conditions of any conditional use permit issued under Chapter 7 of the Zoning Code, a conditional use permit issued by the Commission may be revoked. The Commission shall notify the applicant by certified mail of its intent to revoke the conditional use permit and of the applicant's right to hearing before the Commission, within 30 days of the mailing of the notice, if the applicant so requests. If the applicant requests a hearing, the Commission shall set a time and place for the hearing, and notify the applicant. The Commission shall cause a notice of the hearing to be published in a newspaper

of general circulation at least 10 days prior to the hearing. At the hearing the applicant may appear in person, or by his attorney, or the applicant may present his position in writing. The applicant may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Commission may revoke the conditional use permit without a hearing. The authority of the Commission to revoke a conditional use permit is in addition to any other means of zoning enforcement otherwise provided by the Zoning Code. At the hearing, the Building Inspector shall present the grounds upon which it is claimed that the Zoning Code or any order, term or condition of the conditional use permit has been violated by the applicant. The Commission shall conduct the hearing in the same manner and procedure as upon any other public hearing. Any adverse party may appeal from a decision of the Commission within 20 days after the Commission acts in revoking a conditional use permit or in determining not to revoke a conditional use permit to the Zoning Board of Appeals.

3. Applicant shall at all times maintain, repair, repaint and replace any storage tank on the drilling unit and shall adequately maintain, repair and replace all fences required under the Zoning Code. In the event that the applicant fails to maintain, repair or replace any fence, tank, dike, or any other structure or apparatus contained on the drilling unit for the purpose of oil and gas well drilling, production or transmission, the Commission may order the applicant to shut down and cap any producing well or commence revocation of the conditional use permit.

4. The applicant shall notify the South Russell Village Police Department prior to moving any equipment on or off the drilling unit. In the event an oversized or overweight vehicle is used as defined in Codified Ordinance Section 440.01 of the South Russell Village Codified Ordinances, a special permit for the overweight or oversized vehicle shall be obtained pursuant to Section 440.01.

5. In the event that the South Russell Village Geologist or Petroleum Engineer or Engineer determines that site preparation, drilling operations, or fracturing operations are hazardous, or may cause damage to surrounding properties due to either weather conditions, geologic conditions, or other conditions, and said drilling or fracturing will adversely affect the health, safety and general welfare of the residents of the Village of South Russell, the applicant shall cease drilling operations upon either oral or written notice from the Village Engineer or Village Geologist or Petroleum Engineer and shall not commence further operations until permission is received from said official. Any violation of this paragraph shall subject the applicant to any fine or penalty that may be imposed under the Zoning Code, including revocation of a conditional use permit. The applicant, any contractor, driller, hauler, operator, or any

other person, firm or entity engaged in the development, drilling, fracturing, production, transmission or abandonment of any oil and gas well shall comply with all lawful orders of any official or consultant of the Village of South Russell. Any violation of this section shall subject the offender to any fine or penalty imposed by the Zoning Code as well as revocation of any conditional use permit.

6. In the event that the applicant violates any provision of the Zoning Code, or any term or order authorized under the Zoning Code by any official of the Village of South Russell or any consultant of the Village of South Russell or any condition of any conditional use permit granted to the applicant, such violation shall be just cause for the Commission to forfeit any cash bond being held on deposit with the Village of South Russell pursuant to the Zoning Code. In the event that the Commission intends to institute forfeiture of any cash bond of applicant, the Commission shall give the applicant ten days notice of the same. If applicant, within seven days after receiving notice, requests a hearing the Commission shall hold such hearing within twenty-one days thereafter. If the Commission does cause forfeiture on any cash bond, the Village Treasurer shall cause the same to be deposited in the general fund of the Village. The applicant shall have a right of appeal, within twenty days after forfeiture of the bond, to the Zoning Board of Appeals in the event that the Commission does forfeit any cash bond of the applicant.

7. Any person applying for a conditional use permit for a gas and oil well and any person obtaining a conditional use permit for a gas and oil well is hereby deemed to consent to any South Russell Village official or consultant inspecting the drilling unit and any activity engaged in at any drilling unit at all reasonable times. Due to the nature of gas and oil well operations and the inspections required under Chapter 7 of the Zoning Code, the applicant shall permit entry onto the drilling unit by any official or consultant at any time during site preparation, drilling, fracturing, production, transmission, and abandonment, and at such other reasonable times as requested by any official or consultant of the Village of South Russell. For purposes of this section and for Chapter 7 of the Zoning Code, reference to any official or consultant shall include any elected or appointed official or employee of the Village of South Russell or any person retained by the Village to consult with Village officials or any Fire Marshall or Safety Inspector having jurisdiction within the Village.

8. The production of oil and gas on any well within the Village of South Russell which is to be removed from a drilling unit by either transmission lines, motor vehicle, or other method shall be deemed to be a sale made in the Village of South Russell pursuant to Codified Ordinance

Section 880.06 and the applicant shall be liable for income taxes on all sales of oil and gas originating from oil and gas wells within the Village of South Russell. The applicant shall provide the Village Treasurer with an annual report of the total volume of production of gas and oil and the total revenues obtained from the sale of such gas and oil. Said report shall be delivered to the Village Treasurer no later than the 30th day of January of each year after production commences.

SECTION 12. All portions of the Zoning Code of the Village of South Russell inconsisent with the provisions of this Ordinance are hereby repealed; all other portions of the said Zoning Code not affected herein shall remain in full force and effect.

SECTION 13. This Ordinance shall take effect and be in full force the earliest date allowed by law.

SECTION 14. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees on or after December 2, 1975, that resulted in formal action, were in meetings open to the public in comliance with all legal requirements including Section 121.22 Ohio Revised Code.

PASSED this _____ day of _____, 1984.

_____
Mayor

_____
President of Council

Attest:

_____
Clerk

I certify that Ordinance No. _____ was duly enacted on the _____ day of _____, 1984, by the Council of the Village of South Russell and posted in accordance with ordinances of the Village.

_____
Clerk

SCHEDULE 3 - REQUIRED FEES & DEPOSITS

FEES:

Zoning Permits:

Base fee for all permits	$25.00
Occupancy Permits:	NO FEE

DEPOSITS:

Conditional Use Permits:

Deposit for all applications except gas and oil wells, which are governed by Section 7.02	$500.00

Development Approval:

Deposit for all applications	$250.00
Minor Subdivision	$100.00
Major Subdivision - See Subdivision Regulations	
Amendments:	$500.00
Appeals:	$500.00

All required deposits include a $50.00 non-returnable fee. No deposit shall be required for applications initiated by the municipality.

EXHIBIT 1

SCHEDULE 3 - REQUIRED FEES & DEPOSITS

FEES:

Zoning Permits:	
Base fee for all permits	$ 25.00
Occupancy Permits:	NO FEE

DEPOSITS:

Conditional Use Permits:	
Deposit for all applications	$ 250.00
Development Approval:	
Deposit for all applications	$ 250.00
Minor Subdivision	$ 100.00
Major Subdivision - See Subdivision Regulations	
Amendments:	$ 500.00
Appeals:	$ 500.00

All required deposits include a $50.00 non-returnable fee. No deposit shall be required for applications initiated by the municipality.

EXHIBIT 2

SCHEDULE 7 -- CONDITIONAL USE REGULATIONS

District	Conditional Use (4)	Minimum Lot Area (Acres)	Minimum Lot Width (Ft.)	Supplementary Regulations (See Sec. 7.02)	Minimum Front Yd. (2)	Min. Yard Dimensi Side Yd.	Rear
R-1-A	Schools	10	200	a,b,e,f,g,h	100	100	100
R-1-B	Parks	2	200	a,g	100	20	75
R-1-C	Public Buildings	1	100	f,g,h	100	50	50
R-1-D	Churches & Nurseries	5	200	a,e,g,h,q	100	50	50
&	Golf Courses	40	200	a,f,g,q	200	200	200
R-2	Cemeteries	40	200	a,f,g,m,	200	200	200
	Gas & Oil Wells (Discharge Districts)	80 (7)	1000	j,u,v	300	500	500
	Gas & Oil Wells (Recharge Districts)	80 (7)	1000	j,u,v	500 (6)	1000 (6)	500
	Lakes	-	-	t,q	-	-	-
	Club Pools	2	200	d,e,f,g,j,o, p,q,r	100	50	50
RN-1	Lakes	-	-	t,q	-	-	-
	Club Pools	2	200	d,e,f,g,j,o, p,q,r	100	50	50
	Residential	(1)	(1)	(1)	(1)	(1)	(1)
	Gas Stations	1	100	c,e,g,j,s	100	50	50
	Drive-In Restrs.	1	100	e,g,j,k,p	"	(3)	(3)
	Commercial Amusmts.	1	100	e,g,j,k,p	"	50	50
B-1	Automotive Sales	2	200	a,c,e,g,j, k,l	"	"	"
	Food Lockers	1	100	c,e,g,j,k,l	"	"	"
	Motels	5	200	a,e,g,j	"	"	"
	Mortuaries	1	100	c,d,g,j	"	"	"
I-1	Production-Distribution	3	200	a,e,g,i,j, l,n,t	100	50 (3)	50

(1) Same as nearest adjacent R. District
(2) Except as otherwise shown on Zoning Map
(3) Dimension shall be doubled when yard abuts R District
(4) See definitions given in Chapter 2 of this Code
(5) Spires may be permitted by the Commission to a height exceeding 30 feet

EXH

(6) Gas & Oil Wells in Recharge Districts shall be 2,000 feet from any water well or any existing structure and 2,000 feet from any platted undeveloped land or land undergoing the process of subdivision or other residential development or other development where structures or uses will depend on groundwater for its potable water supply. (See Section 7.02(u)(12).

(7) Lot area, width, and yard regulations may be measured by boundary lines of the drilling unit.

District	Conditional Use (4)	Minimum Lot Area (Acres)	Minimum Lot Width (Ft.)	Supplementary Regulations (See Sec. 7.02)	Minimum Front Yd. (2)	Min. Yard Dimen Side Yd.	Re
R-1-A	Schools	10	200	a,b,e,f,g,h	100	100	10
R-1-B	Parks	2	200	a,g	100	20	7
-1-C	Public Buildings	1	100	f,g,h	100	50	5
-1-D	Churches & Nurseries	5	200	a,e,g,h,q	100	50	50
&	Golf Courses	40	200	a,f,g,q	200	200	20
-2	Cemeteries	40	200	a,f,g,m	200	200	20
	Gas & Oil Wells	80	1000	u	300	500	50
	Lakes	-	-	t,q	-	-	-
	Club Pools	2	200	d,e,f,g,j,o, p,q,r	100	50	5
	Residential	(1)	(1)	(1)	(1)	(1)	(1
	Gas Stations	1	100	c,e,g,j,s	100	50	50
	Drive-In Restrs.	1	100	e,g,j,k,p	"	(3)	(3
	Commercial Amusmts.	1	100	e,g,j,k,p	"	50	50
-1	Automotive Sales	2	200	a,c,e,g,j, k,l	"	"	"
	Food Lockers	1	100	c,e,g,j,k,l	"	"	"
	Motels	5	200	a,e,g,j	"	"	"
	Mortuaries	1	100	c,d,g,j	"	"	"
-1	Production-Distribution	5	200	a,e,g,i,j, !,n	100	50 (3)	50

(1) Same as nearest adjacent R. District
(2) Except as otherwise shown on Zoning Map
(3) Dimension shall be doubled when yard abuts R District
(4) See definitions given in Chapter 2 of this Code
(5) Spires may be permitted by the Commission to a height exceeding 50 feet

EXHIBIT 4

Application for:

GAS AND OIL DRILLING
CONDITIONAL USE PERMIT

VILLAGE OF
SOUTH RUSSELL, OHIO

Form Z-3-A
Page 1 of 2 pages

Application No.

APPLICANT having filed Zoning Permit Application No._____, on _____, 19___, hereby applies for a Gas and Oil Drilling Conditional Use Permit for the proposed development described therein.

Signature (Record Owner):

Signature (Owner if different than Record Owner):

Signature (Producer):

Date Received:

Applicants hereby certify that this Application and all data submitted herewith is true and correct.

Location of Drilling Unit_____

Drilling Unit Frontage_____ Depth_____ Area_____

Existing Use_____ Existing Zoning_____

Record Owner's Name and Address:_____

_____

Owner's Name and Address if different than Record Owner:_____

_____

Producer's Name and Address:_____

_____

All Contractors to work on Well:	Qualifications:	Experience:

EXHIBIT 5

The following materials shall be submitted with the application:

1. Site Development Plan (5 copies)
2. State Application and supporting documentation
3. Spill Prevention Plan
4. Schematic of Loading Area

Applicant proposes to handle drilling fluids in the following manner: _____

_____

_____

_____

_____

_____

Applicant submits that the timetable for development of the well is as follows: _____

_____

_____

_____

_____

_____

Applicant submits that the drilling procedures to be employed are as follows: _____

_____

_____

_____

_____

_____

The location of the proposed injection well for injection of fluids and materials not permitted to be reinjected in South Russell Village is located at _____ and the State Permit Number is _____ and a copy of said State Permit is attached hereto.

All property owners within 1,000 feet and their addresses are attached hereto.

The applicants agree that they shall hold harmless and indemnify the Village of South Russell and its agents, employees, officials, consultants and similar persons from any and all loss, claims, demands or causes of action, including reasonable attorneys fees and costs of suit, in the event the same is brought against the Village of South Russell or its agents, employees, officials, consultants and similar persons as a result of any activity engaged in by applicants or their contractors in furtherance of the drilling and production or abandonment of any oil and gas well within the Village of South Russell.

_____

Record Owner

_____

Owner if different than
Record Owner

_____

Producer

GROUNDWATER RECHARGE AREA MAP

VILLAGE OF SOUTH RUSSELL

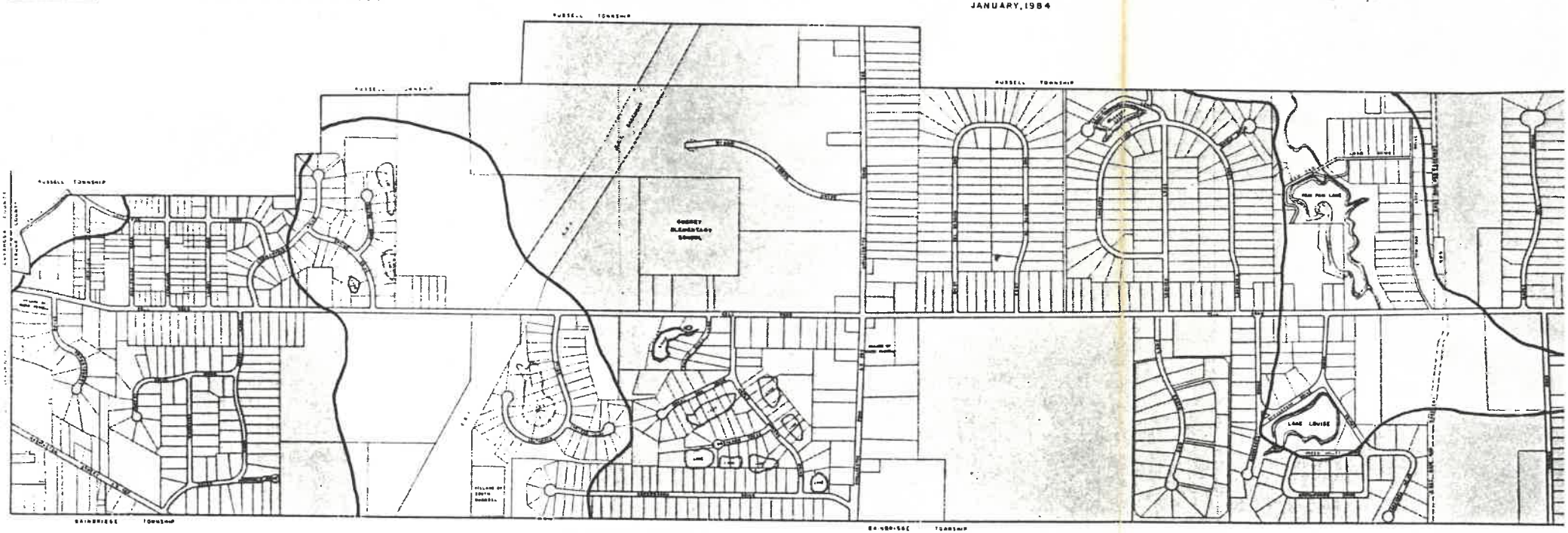
GEAUGA COUNTY, OHIO

GROUNDWATER RECHARGE PROTECTION DISTRICT

GROUNDWATER DISCHARGE DISTRICT

THOMAS F. HARVEY - MAYOR
SEYMOUR D. WEISS - VILLAGE ENGINEER

JANUARY, 1984



EXHIBIT

RECORD OF PROCEEDINGS

Minutes of SPECIAL PLANNING COMMISSION MEETING *Meeting*

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

Held February 9, 1984 *19*

Members present: Cotesworth, Daniels, Harvey, O'Donnell, Sutliff
Other officials: W. King, D. Markowitz
Guests: Mary Wohlaschlager, Sally Syme, Keith Corbett, John Neely, Sidney Simon, Jack DiEgidio, Gene Spohn, Ellen Freemen Ann Malmquist

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, all members present.

Chairman Daniels stated he received a call from Carl Gaertner and because he was unable to get a surveyor out to set the pins, showing how his lot would be split, he will not be at tonights meeting. Daniels stated he told him it was not necessary to come to the meeting but would he grant the Planning Commission another extention, in order for all the proper information to be given to the Village Engineer. Mr. Gaertner granted the extention. Daniels asked the Commission if they would not agree to give him the power to sign off on this minor lot split when the land is surveyed, pins set and the Village Engineer approves the plot plan. Following a brief discussion, Wally Sutliff moved to give Chairman Daniels authorization to sign off on Mr. Gaertner's plat, contigent upon the Village Engineer's approval, O'Donnell seconded. Roll call, all ayes.

Sidney Simon, Emerald Lakes, presented the old plot plan of their proposed condominium development which was approved through the law suit in 1982. Mr. Simon gave a brief history of their previous plans. Mr. Simon presented a new plan, proposed for the west end of the Emerald Lakes property. There will be 101 condominium units with 5 single family homes. Mr. Simon showed floor plans & elevations of the condominium units. The exterior will be rough sawn ceder with some stone fronts. There will be a gate house with 24 hour security and each residence will have an alarm system wired to the main gate. Commission reviewed the plans, agreed it was a very attractive, intriguing plan. Following a lengthy review, Mayor Harvey asked the Solicitor where does Mr. Simon go from this informal discussion. Mr. Markowitz stated he will have to follow the procedures as written in the Code. Mr. Simon asked why can they not just amend the judgement entry, replace the old plan with this new plan. Markowitz stated that can be done under the auspices of the court having continuing jurisdiction over the old entry, and asking the judge to amend the entry. Markwitz stated he doesn't have any problem with this but he would still want, before it was filed and approved, to have input from the Village Engineer. Mr. Simon agreed, this plan must have the approval of both the Village Engineer and the Building Inspector. Mr. Markowitz stated he will go back to the judgement entry, review it and let Mr. Simon know on Monday if there is any stipulation which would prevent them from revising the previous agreement.

Commission agreed it was a vary attractive , interesting plan, a great improvement over previous plans.

Mary Wohlschlager stated she is concerned, as a resident of Country Estates, with first, the amount of screening to be left or put in, and second, the grading, they want to be sure there is no damage done to their existing lakes. Mayor Harvey stated these are legitimate concerns and will be dealt with at the engineering stage.

John Neely, Con Dev, stated he is before the Commission tonight with a revised zoning amendment and a revised plan which helps to illustrate what they are requesting. Neely stated they have made all the lots in the proposed Kensington Green development 3/4 acres and still maintained the same basic

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held ..... *19*...

Markowitz reviewed the changes made to the proposed zoning amendment for Residential Neighborhood and handed out the corrected pages showing the following changes; amending the percentage of required open space from 30% to 25%; increasing the minimum lot size to 3/4 acres; and amending these specifics on Schedule 4.

Following a brief discussion, Harvey moved that the Planning Commission recommend to Council this proposed amendment be adopted, Cotesworth seconded. Roll call, all ayes.

Mr. Markowitz presented the third draft of the Gas and Oil Ordinance. Markowitz stated he has incorporated the changes suggested in past meetings, what he has not done yet is sit down and review it, refine it, and remove any duplicative language. There are still a few issues which must still be resolved; first, minimum acreage allowed for the development of a well, 40 acres versus 80 acres; second, steel pits versus earthen pits; and third, they must determine a maximum allowable decibel level during drilling. Markowitz stated the question of the 40 versus 80 acre minimum is one he has thought alot about. Markowitz stated he is not sure the 80 acre requirement would stand up in court in all cases, but he is not afraid of that because if our judgement is wrong and the court rules 80 acres is unreasonable, the remedy is going back and rezoning. Markowitz stated is it his opinion the Commission should require a minimum of 80 acres.

Following a lengthy discussion, the Commission agreed to require a minimum of 80 acres for the development of a gas or oil well.

Ann Malmquist stated she has several items she would like to discuss with the Planning Commission. Mrs Malmquist stated she spent the day in Columbus at the E.P.A. office and one area they are very concerned with is Silver Creek and other bodies of water and could the Commission require a minimum distance from a body of waters which a driller could drill a well. Commission discussed this request at length. Markowitz suggested amending page 5, #13, second sentence, by adding something to the effect that "including distance of drilling, production, and storage, from any such body of water." Commission agreed.

Mrs. Malmquist suggested that not only should the regulations require the driller to check once a week the well site but also the storage site. Mrs. Malmquist stated that according to Mr. Dalton of the EPA, it is just as possible to have leakage at the well site as it is at the storage site. Following a brief discussion, Commission agreed to amend the ordinance to state, "every above ground joint and connection carring fluids or gases under pressure shall be inspected weekly for any leakages".

Mrs. Malmquist stated another suggestion of Mr. Dalton is requiring epoxy lined steel storage tanks. This will help prevent rust and future leaks. In addition, the tanks sould be required to be above greund so that they can be inspected Mrs. Malmquist stated Mr. Dalton is an expert and he feels this would be a necessity.

Markowitz stated with regard to requiring steel pits over earthen pits, there are two main concerns. First the weight of the steel tanks and second, the possible damage done to the Village roads during transport. Commission, Mr. Markowitz and Mrs. Malmquist discussed this topic at length and Mr. Markowitz agreed to contact Mr. Dalton and get more detailed information regarding size, construction and availability of the steel tanks before making a decision.

Markowitz and the Commission reviewed the changes made in the third draft,

RECORD OF PROCEEDINGS

Minutes of SPECIAL PLANNING COMMISSION MEETING Meeting

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

Held February 9, 1984 19

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

3rd Draft
2/8/84

C-Matt

ORDINANCE NO._____

First Reading_____
Second Reading_____
Third Reading_____

INTRODUCED BY:_____

ORDINANCE AMENDING SECTION 2.10(b)(1)(g), (DEFINING GAS AND OIL WELLS), AMENDING SECTION 3.05(b), (REVIEW AND HEARING OF CONDITIONAL USE PERMITS), AMENDING SECTION 3.09, (PENALTIES), AMENDING SECTION 7.00, AMENDING SECTION 7.02(u), (CONDITIONAL USE REGULATIONS GOVERNING GAS AND OIL WELLS), AMENDING SCHEDULE 3 AND SCHEDULE 7 OF THE ZONING CODE FOR THE VILLAGE OF SOUTH RUSSELL AND ADDING SECTION 7.02(v), (PROVIDING FOR CONDITIONAL USE REGULATIONS, AND PROCEDURES AND PENALTIES FOR GAS AND OIL WELLS DRILLED WITHIN THE VILLAGE OF SOUTH RUSSELL), ADDING SECTION 7.02(w), (REVOKING CONDITIONAL USE PERMITS), AND CREATING GROUNDWATER RECHARGE AND DISCHARGE DISTRICTS

WHEREAS, it is in the best interest of the health, safety and welfare of the Village of South Russell and its residents to update and revise regulations governing oil and gas wells within the Village which use is a conditional use under South Russell Village Zoning Regulations; and

WHEREAS, it is the intent of the Village of South Russell to protect its surface water and groundwater located within the Village of South Russell and to preserve aquatic life and endangered species located within the Village and to protect public and private property within the Village of South Russell;

NOW, THEREFORE, BE IT ORDAINED by the Council for the Village of South Russell, Geauga County, Ohio, that:

SECTION 1. Existing Section 2.10(b)(1)(g) of the Zoning Code is hereby amended to read as follows:

(g) Gas and Oil Wells: Well means any bore hole, whether drilled or bored, for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil filled waters. Oil means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir. Gas means all natural gas and other fluid hydrocarbons not defined herein as oil, including condensate. Condensate means liquid hydrocarbons that were

originally in the gaseous phase in the reservoir. Oil and gas wells shall mean all wells as defined herein for the production or extraction of oil and/or gas.

Existing Section 2.10(b)(1)(g), the full text of which follows, is hereby repealed:

(g) Gas and Oil Wells: All land and structures associated with the exploration and removal of natural gas or oil from the land.

SECTION 2. The third sentence of existing Section 3.05(b) of the Zoning Code is hereby amended to read as follows:

At such meeting the Commission shall schedule a public hearing within 60 days thereafter.

The existing third sentence of Section 3.05(b), the full text of which follows, is hereby repealed:

At such meeting the Commission shall schedule a public hearing within 30 days thereafter.

SECTION 3. Section 3.09 of the Zoning Code is hereby amended by adding the following sentence at the end of said Section as follows:

Any person who violates the provisions of Chapter 7 or Schedule 7 or fails to comply with any of its requirements shall upon conviction thereof be subject to the fines and penalties set forth in Section 7.02 of the Zoning Code.

SECTION 4. Section 7.00 of the Zoning Code is hereby amended by adding the following:

No conditional use permit shall be assignable or transferable. Any change in ownership or operation of any conditional use shall require the new owner or operator to file an application for a new conditional use permit in accordance with the regulations set forth in the Zoning Code. It shall be the duty of the existing permit holder to advise the Commission of any change in ownership or operation and it shall be a violation of the Zoning Code if the permit holder does not advise the Commission of such change.

SECTION 5. Existing Section 7.02(u) is hereby amended to read as follows:

(u) Oil and gas wells shall be subject to and comply with the following definitions, minimum requirements procedures and regulations in order to obtain a conditional use permit for the drilling and production of an oil and gas well.

1. Oil and gas means oil or gas or both.

2. Producer means the owner of a well capable of or producing oil or gas or both or a person intending to produce an oil and gas well.

3. Owner means the person who has the right to drill on a tract or drilling unit and to drill into and produce from a pool and to appropriate the oil or gas that is produced therefrom either for themselves or for others.

4. Contractor means any third party engaged by an owner or producer to conduct drilling, producing and other operations.

5. Division means Division of Oil and Gas, Department of Natural Resources for the State of Ohio.

6. Applicant means owner or producer or both, it being the intent that both the owner and producer shall comply with all laws and regulations and shall be treated as jointly and severally responsible for all acts performed in drilling, production and abandonment of oil and gas wells.

7. Compliance with Laws and Regulations. All well drilling, production and transmission operations and facilities for oil and gas shall comply and conform with all requirements of the Zoning Code, Ohio Revised Code Chapter 1509, the rules of the Division, and all other Ohio Revised Code and administrative regulations, or requirements of the Ohio and Federal Environmental Protection Agencies and National Pollution Discharge Elimination System Regulations and permit provisions, if applicable, and statutes and regulations promulgated thereunder, all anti-degradation statutes and regulations for the State of Ohio and all other applicable Federal laws and regulations. In case of any conflict between any Local, State or Federal laws, regulations, or standards, the greater restriction or a more stringent provision shall apply and control. No person, firm, corporation or any other entity shall violate any provision of any law, regulation, or standard applicable to gas and oil well drilling, production and/or transmission.

8. No gas and oil well shall be drilled unless the owner, producer, or contractor complies with all minimum requirements set forth in Schedule 7 or more stringent restrictions as may be set forth by the Commission due to existing or proposed development of surrounding properties reasonably affected by the drilling, production or transmission of oil and gas wells or due to the characteristics of the land upon which the well is to be drilled. In the event the Planning Commission shall impose more stringent restrictions than as set forth in Schedule 7, the Planning Commission shall give notice to the applicant who shall have the right to request, within three days after receiving actual notice from the Commission, a public hearing on the decision to increase minimum requirements under Schedule 7 which public hearing

shall be held within twenty-one days after the applicant notifies the Commission of its request for a public hearing. The Commission may, but need not advertise the public hearing or send notice to those persons otherwise entitled to notice of a public hearing on an application for a gas and oil well permit. Any person adversely affected by a decision of the Planning Commission to impose more stringent restrictions shall have a right of appeal to the Zoning Board of Appeals within 20 days after such adverse decision of the Commission.

9. The minimum lot area for each gas and oil well in a discharge district as hereinafter set forth, shall be forty acres which shall be deemed to be a drilling unit. The minimum lot area for each gas and oil well in a recharge district as hereinafter set forth, shall be eighty acres which shall be deemed to be a drilling unit. No more than one oil and gas well shall be permitted to be drilled in any drilling unit. To comprise a drilling unit, no more than two separate contiguous lots of records may be joined for the purpose of creating a drilling unit and meeting minimum lot area requirements. The applicant shall submit a legal description of the drilling unit and note the boundary lines of the drilling unit on information to be submitted under Section 14(G)(3).

10. There shall be no tanks, separators, sumps, pit areas, wells, or other apparatus or equipment erected for or maintained for the drilling, production, transmission, or storage of gas, oil, waste, natural or artificial brines, oil field waters, sewage or any liquid used in or resulting from any drilling or production of an oil or gas well within three hundred feet of any public right-of-way, nor within five hundred feet of any lot line. Such equipment may be within five hundred feet of a side yard line which is the common side yard line of two contiguous parcels which form a drilling unit.

11. For each gas and oil well to be drilled, a conditional use permit shall be obtained and the applicant shall comply with each and every regulation of the Zoning Code prior to issuance of the permit, regardless of the number of permits previously issued within a drilling unit. If the Planning Commission finds that any applicant for a permit for a gas and oil well is in violation of any provision of this Zoning Ordinance or any condition imposed upon any previously issued conditional use permit for a gas and oil well, the Planning Commission shall be prohibited from issuing any new permits for a gas and oil well until the applicant provides satisfactory evidence to the Planning Commission that all violations have been remedied and that all fines, deposits and/or costs have been submitted to the Village or to a Court of competent jurisdiction. No permit shall issue unless the applicant complies with the regulations set forth in Schedule 7, all supplementary regulations, and all other

regulations set forth in the Zoning Code and all other State, Federal and Village laws, regulations and standards.

12. There is hereby created groundwater recharge and discharge districts within the Village of South Russell. Attached hereto, incorporated herein, and marked Exhibit "A" is the groundwater recharge area map for the Village of South Russell. Any well to be located within an area designated on said map in the groundwater recharge protection zone shall be located at a minimum distance of 2,000 feet from any water well or any existing structures either within or without the limits of the Village of South Russell and 2,000 feet from any platted undeveloped land or land undergoing the process of subdivision or other residential development or other development where structures or uses will depend on groundwater for its potable water supply either within or without the limits of the Village of South Russell at the time an application is made for a conditional use permit for a gas and oil well. Any applicant seeking to obtain a conditional use permit for a gas and oil well within a discharge district that may develop in accordance with gas and oil well discharge district regulations set forth in Schedule 7. Any gas and oil well located in the groundwater recharge district as indicated on said map shall develop in accordance with the regulations set forth in Schedule 7 for gas and oil wells in recharge districts.

13. Any applicant for a gas and oil well permit whose proposed well shall be within 2,000 feet of any lake, whether natural or man-made, stream, creek, or other body of surface water within the Village of South Russell, shall indicate the same on their application for a conditional use permit. It shall be the duty of the Planning Commission to impose and the responsibility of the applicant to comply with additional conditions in order to assure that any said body of water shall not be exposed to any danger of erosion, siltation, pollution, contamination, or alteration. In addition, the Village of South Russell hereby deems Silver Creek, within the limits of the Village of South Russell, to be in an environmentally protected zone as the habitat of aquatic life listed on Recognized Endangered Species Lists. Any oil and gas well proposed to be drilled within 2,000 feet of Silver Creek shall present with their application for a conditional use permit measures to be taken to avoid any danger of injury to such species or their habitat and the Planning Commission and Village Engineer are hereby delegated the duty to establish and enforce conditions to insure that during drilling, production, and abandonment of any such gas and oil well, that no such injury occurs. Adequate contingency plans shall be taken to avoid contamination of Silver Creek in the event that any of oil, gas, brine, waste, toxic materials or other such contamination spills during drilling, production or abandonment of any oil and gas well.

14. An applicant for a gas and oil well permit shall file an application on Form Z-3-A and submit all information set forth in Section 7.02 in order to be deemed to have submitted a complete application for a conditional use permit. Upon receipt of said application, the application shall be deemed to have been filed on the first Planning Commission Meeting after receipt of the application. The Planning Commission shall decide whether to grant, deny, or conditionally grant said permit within seventy-five days after the application is deemed filed with the Planning Commission. In order to meet the requirements to obtain a conditional use permit, the applicant, shall file Form Z-3-A executed by the record owner of the real property, owner if different than record owner, and producer if different than owner or land owner, and provide the following information, deposits, bonds and other information or documents as is requested by the Planning Commission, Solicitor, Village Engineer, Village Hydrologist, Geologist or Petroleum Engineer, and such other officials or consultants acting on behalf of the Village of South Russell in reviewing an application for a gas and oil well permit:

A. Post a $10,000.00 cash deposit with the application. This deposit shall cover the cost incurred by the Village in reviewing the application by the Planning Commission, Village Engineer, Village Hydrologist, Village Geologist or Petroleum Engineer, Village Solicitor, Environmental Biologist, or such other professionals which the Planning Commission deems necessary to review in order to determine the effect on the health, safety and welfare of the residents of the Village of South Russell if a permit were to be granted. If at any time should the deposit be reduced by disbursements in an amount less than $2,500.00, the applicant shall be notified to post an additional $2,500.00 to bring the cash bond back to $5,000.00. No permit shall be issued if an applicant fails to comply with the provisions of this section. Upon a final order granting or denying a permit, the applicant may request the return of the unused portion of the deposit.

B. Applicant shall post a $10,000.00 cash deposit or surety bond to guarantee proper maintenance and/or restoration of the drilling site after completion of drilling and proper abandonment of the well. If during review of an application for a conditional use permit, the Planning Commission determines that a higher cash deposit is necessary to guarantee property maintenance and/or restoration of the drilling site and proper abandonment of the same, the Planning Commission may order a higher cash deposit as a condition to the issuance of a conditional use permit. Further said cash deposit or bond will be used to properly landscape the premises in the event the applicant fails to do so

and if the balance falls below $10,000.00, the applicant shall submit a new bond or cash to insure adequate abandonment. Upon completion of abandonment procedures in compliance with State laws and to the satisfaction of the Commission and upon total restoration of the property in a condition satisfactory to the Commission, the applicant may make a request to the Commission to return any unused portion of the cash deposit or surety bond. Said cash deposit or surety bond shall be posted with the Village after approval of a permit by the Planning Commission and prior to the issuance of the conditional permit. By requesting a conditional use permit to drill a gas and oil well in the Village of South Russell, any applicant is deemed to have consented to the Village taking the necessary steps to obtain abandonment of any gas and oil well being operated, at any stage, in violation of the Zoning Code or any other applicable Federal, State or Village law or regulation.

C. Applicant shall post a $5,000.00 cash deposit to defray the Village's cost of inspecting the oil and gas well and the site where said well will be drilled. All costs incurred by the Village in inspecting said wells and sites shall be reimbursed by said deposit of $5,000.00. If at any time should this deposit be reduced by disbursements to the sum of $1,000.00, the applicant shall be notified to post an additional $2,000.00 to bring the total cash deposit back up to $3,000.00. Upon satisfactory completion of drilling of said well, and upon commencement of production, the applicant may request a return of the unused portion of the cash deposit. In the event that the applicant has complied with all Village laws and regulations, the Village shall return all but $2,000.00 of said deposit to the applicant. The remaining $2,000.00 of said deposit may be used by the Village of South Russell for hearings, inspections, testing of water wells, springs and surface waters by the Hydrologist, or such other inspections deemed to be necessary by the Village of South Russell of said well site during the production and/or abandonment stages. If at any time should this deposit be reduced by disbursements to the sum of $1,000.00, the applicant shall be notified to post an additional $1,000.00 to bring the total cash deposit back up to $2,000.00. Upon completion of abandonment procedures in compliance with all laws and regulations, said $2,000.00 deposit or any unused portion remaining shall be returned to the applicant upon request. If the applicant, after drilling of a well, determines not to make a well a productive well, the $5,000.00 cash deposit shall be held by the Village to insure that the applicant complies with all applicable laws and regulations regarding abandonment of said well and said deposit shall be returned upon the request of the

applicant upon satisfactory evidence to the Planning Commission that all abandonment procedures have been complied with by applicant. Said $5,000.00 cash deposit shall be posted to the Village after approval of a permit by the Planning Commission and prior to the issuance of the conditional use permit.

D. Applicant shall file a copy of the State permit application as submitted to the Division, including all salt water and waste disposal plans and surveyor's map. Applicant shall provide the Planning Commission with a plan for the handling, storage, removal and disposal of salt water, frac-water, sludge and any other gas and oil field waste. Applicant shall also submit a copy of the spill prevention control and countermeasure plan when required by Federal laws or regulations. In addition, the applicant shall submit a timetable listing when site preparation is to begin, when drilling is to begin and end, and when drilling equipment is to be removed, when access roads are to be installed and completed, when permanent storage tanks are to be erected, when transmission lines are to be installed, and when production is to commence.

E. Applicant shall submit a statement naming the land owner, owner if different than land owner, producer, all contractors, and the qualifications and experience of producers and contractors.

F. Applicant shall submit a schematic drawing of the loading area and measures to be taken for removal of brine and oil from storage tanks in order to confine any spillage of the same. Said schematic drawing shall show an aerial view, and side view, indicating location of separator, tank, sump and loading area.

G. Applicant shall submit a site development plan to be reviewed by the Planning Commission and Village Engineer. Applicant shall submit five copies of the site development plan along with form Z-3-A. Said plan shall include the following, and develop the property in accordance with the following requirements:

(1) North arrows.

(2) Name, address and telephone number of record owner of property, applicant and driller.

(3) A vicinity map to a convenient scale showing the following:

(a) Property lines, boundary lines of drilling unit, streets, rights-of-ways, corporation lines and easements adjacent to the site.

(b) Well site.

(c) Tank battery site.

(d) Proposed permanent and construction drive locations.

(e) Piping from well to tanks and from tanks to point of connection to existing supply line.

(f) Nearest dwelling or occupied building and nearest water well in every quadrant indicating the same by showing an arrow and the distance in each quadrant to the nearest dwelling, building and water well.

(g) Show water courses, tree lines, marshes, water impondments or other significant natural or man-made features within 2000 feet of the site.

(4) Enlarged details shall be provided at the well site and the tank battery site showing the following:

(a) Well appurtenances: tanks, separators, piping valves, steel pits or pits and dikes.

(b) Fences - to be provided around both the well site and tank battery site. Fence to be a cyclone fence with a minimum of 8 feet height with 3 strands of barbed wire on top. Gates to have provision for padlocking.
An additional gate is to be provided at the driveway entrance, outside of right-of-way, to prevent unauthorized vehicles from entering the site. Provide for padlocking. Show detail of gate on plan.

(c) Existing contours, with a minimum interval of 2 feet, shall be shown within 100 feet of the outer boundaries delineating the area of the proposed well site, mud pits, storage tanks, and all other temporary or permanent fixtures associated with either drilling or production. Maintain positive drainage. Show spoil pile locations.

(d) Drainage structures, sized in accordance with criteria available through the Village Engineer.

(5) Provide details as to width and composition of proposed permanent driveway. Minimum driveway

width to be 10 feet. Minimum requirement for driveway material to be a graded, crushed aggregate of a size, and placed to a thickness, sufficient to prevent displacement under anticipated loading. The permanent driveway shall serve both the well and tank sites.
Provide details of the temporary construction drive which shall be installed to provide access and a staging area for equipment and materials. This drive shall be not less than 40 feet in width at the street tapering to not less than 30 feet at the right-of-way and extending from the right-of-way a minimum distance of 100 feet onto private property. It shall be constructed of a graded, crushed aggregate of a size, and placed to a thickness, to prevent displacement under the anticipated loading. If required by the Village Engineer, a properly sized culvert shall be installed at the street (minimum requirement is 12" diameter, 16 gage with annular ends). Unless the temporary drive is incorporated into the permanent drive, it shall be removed along with the culvert and the area restored to its original condition when the well site is restored. Positive drainage shall be maintained around this area at all times.

(6) Show typical cross-sections through diked areas around tanks. Specify liners and method of securing same. State volume of each diked area (minimum volume to be twice tank capacity). No direct discharge will be permitted from the containment areas. Contents must be pumped out and removed from the site along with the brine.

(7) Include restoration details. All disturbed areas to be fine graded, seeded and mulched on completion of grading operations. Between November 1, and March 1, apply mulch only. Temporary mulch to be removed and areas dressed, seeded and mulched after March 1. If, in the opinion of the Village Engineer, due to unique conditions of the site, a potential for erosion or sedimentation exists, a review by the Geauga Soil and Water Conservation District may be required. Recommendations prompted by their review or by the Village Engineer shall be incorporated in the Site Development Plan. Weather permitting, restoration shall be completed within 60 days after drilling is complete. Show all landscaping, location and plant type, proposed for screening purposes.

(8) Provide an equipment list of those items to be installed at the site by manufacturer with model number or specifications, as applicable. Provide a

list of all subcontractors to be employed and the work they will perform.
Provide a list of temporary equipment to be utilized during the drilling operation including complete information on the blow-out preventer.

(9) Provide typical trench sections for pipe lines showing depth of line, trench width, backfill, including bedding and encasement details (where applicable).

(10) Give details of containment (pit) area or steel pit to be provided during the drilling operation, including dimensions of pit or steel pit, capacity, cross-section and lining materials for steel pit or earthen pit. Minimum requirement for lining if no steel pit shall be one inch of clay material to be approved by the Geologist prior to placement.

(11) Add note indicating pressure testing procedures will be performed on all lines transporting gas (minimum requirement is two times anticipated operating pressure).

(12) Within 30 days after commencement of production, submit to the Village an "as-built" mylar reproducible of the Site Development Plan for record.

(13) Applicant shall file form Z-3-A and attach to said form all information requested in Section (u) herein and shall also attach a description of the drilling procedures to be followed to include the intended depth of drilling, the method of extraction of oil and gas, and the method for abandonment of said well. Also attached to form Z-3-A shall be a list of all names and addresses of all persons, firms or other entities engaged in the process of site preparation, drilling, production, removal of brine or oil, transmission of gas, or any other activity necessary for the drilling and production of gas and oil on the well under consideration for a conditional use permit. The applicant shall also submit a list showing the names and addresses of all property owners within 1,000 feet of any boundary line of the drilling unit, based upon the most recent tax duplicate for Geauga County.

15. Whenever any well is proposed and the well site is located in a recharge district and is within 2,000 feet of Silver Creek, or said well site is located in a discharge district and is within 1,000 feet of Silver Creek, the applicant shall submit with form Z-3-A an impact study

prepared by an expert in environmental biology along with a recommended course of procedure to control spills and reduce the risk of contamination or injury to Silver Creek and its inhabitants. The impact study shall contain, at a minimum, a recent survey of the species of aquatic life in Silver Creek that is within 2,000 feet from any point from the well site in recharge districts and 1,000 feet from any point from the well site in discharge districts along with conclusions as to the potential adverse consequences to Silver Creek and its inhabitants in the event of contamination of Silver Creek by oil, gas, waste by-products of drilling and production, including salt water, brine, and other waste normally and reasonably associated with drilling and production of gas and oil wells in the State of Ohio. The Planning Commission may consult with and hire an environmental biologist to advise the Commission of any adverse impacts of any gas and oil well proposed to be located within the Village and recommend conditions to be imposed upon the applicant to reduce or eliminate the risk of contamination or injury to Silver Creek or any other body of surface water within the Village of South Russell.

16. The Village Engineer shall review the site development plan, anti-siltation plan to be submitted by applicant, and all other information submitted to the Planning Commission as required by the Zoning Code and shall recommend to the Planning Commission whether or not the applicant's proposal complies with the Zoning Code and what additional conditions, if any, should be imposed by the Planning Commission in the event that the Planning Commission grants a conditional use permit to the applicant.

17. The Village Hydrologist shall review each application to determine if the proposed well site will be in a recharge or discharge district and further review all information submitted to the Planning Commission to determine the effect of said well on surface and ground waters within the Village of South Russell and submit his recommendations to the Planning Commission as to the effect of said well upon the Village and further his recommendations for any conditions that should be imposed upon the applicant in the event that the Planning Commission grants a conditional use permit to the applicant.

18. The Village Geologist or Petroleum Engineer shall review all information submitted by the applicant to determine if the proposed drilling and production methods comply with all laws and regulations and shall recommend to the Village whether or not any additional conditions should be imposed in the event that the Planning Commission grants a conditional use permit to the applicant.

19. The Commission, in the event that it grants or conditionally grants a conditional use permit for an oil and gas well shall establish a surety bond, in an amount to be

determined by the Commission, and in a form to be approved by the Solicitor, which amount shall be that sum the Commission deems necessary to guarantee the repair or replacement of possible damage of public property resulting from site preparation, drilling, production, or abandonment of any oil and gas well within the Village of South Russell. No conditional use permit shall be issued until such time as a surety bond naming the applicants as insureds is posted. Such surety bond shall be in effect during the life of the well and until abandonment of the well has been approved by the State and the Village and all other deposits have been returned to the applicant and all laws and regulations have been complied with by the applicant. The amount of the bond shall be established after the public hearing otherwise required by the Zoning Code and upon recommendation from the Village Engineer and Solicitor. Said bond shall specifically provide that it shall protect public property owned or controlled by the Village of South Russell or the County of Geauga or the State of Ohio, and further said bond shall provide coverage, in the amount determined by the Commission, for any damage or injury to public property regardless of fault on the part of the applicant. The Village of South Russell hereby deems the drilling, production and abandonment and all other facets of development of oil and gas wells to be an inherently dangerous activity and the applicant shall be held strictly liable for any damage or injury to public or private property or to personal or bodily injury, regardless of fault of the part of the applicant, and it shall be unnecessary for any injured party to prove negligence or fault on the part of the applicant. Further, the applicant, by submitting an application for a permit for a gas and oil well, agrees that they shall hold harmless and indemnify the Village of South Russell from any and all loss, claims, demands, or causes of action, including reasonable attorneys fees and costs of suit, in the event the same is brought against the Village of South Russell as a result of any activity engaged in by the applicant or their contractors in furtherance of the drilling and production or abandonment of any oil and gas well within the Village of South Russell. In the event that the surety ceases to do business, or if for any other reason said surety bond becomes void, the applicant shall immediately substitute a similar surety bond in the same amount, and in a form to be approved by the Solicitor, and in the event that the applicant fails to submit a substitute bond within 7 days after receiving notice that the surety bond has become void, it shall be a violation of the Zoning Code and in addition to all other penalties, the Commission, after notice and public hearing within 30 days after notifying the applicant, may order the applicant to cease drilling or production, and comply with State abandonment procedures to abandon the well. In the event that the Planning Commission orders such to occur and the applicant fails to comply, the Village may use any and all cash deposits or bonds and enter onto the applicant's premises to

cause the same to occur. By requesting a conditional use permit to drill a gas and oil well in the Village of South Russell, any applicant is deemed to have consented to the Village taking the necessary steps to obtain abandonment of any gas and oil well being operated, at any stage, in violation of the Zoning Code or any other applicable Federal, State or Village law or regulation.

20. The Commission shall establish a surety bond, in an amount to be determined by the Commission, and in a form to be approved by the Solicitor, necessary to guarantee the repair or replacement of possible damage to private property resulting from site preparation, drilling, production and abandonment of any oil and gas well within the Village of South Russell. No conditional use permit shall be issued until such time as a surety bond naming the applicants as insureds is posted. Such surety bond shall be in effect during the life of the well and until abandonment of the well has been approved by the State and the Village and all other deposits have been returned to the applicant and all laws and regulations have been complied with by the applicant. The amount of the bond shall be established after the public hearing otherwise required by the Zoning Code and upon recommendation from the Village Engineer and Solicitor. Said bond shall specifically provide that it shall protect private property without limitation as to ownership or location of the same and further said bond shall provide coverage, in the amount determined by the Commission, for any damage or injury to real or personal private property or to personal or bodily injury regardless of fault on the part of the applicant. In the event that the surety ceases to do business, or if for any other reason said surety bond becomes void, the applicant shall immediately substitute a similar surety bond in the same amount, and in a form to be approved by the Solicitor, and in the event that the applicant fails to submit a substitute bond within 7 days after receiving notice that the surety bond has become void, it shall be a violation of the Zoning Code and in addition to all other penalties, the Commission, after notice and public hearing within 30 days after notifying the applicant, may order the applicant to cease drilling or production, and comply with State abandonment procedures to abandon the well. In the event that the Planning Commission orders such to occur and the applicant fails to comply, the Village may use any and all cash deposits or bonds and enter onto the applicant's premises to cause the same to occur.

21. The applicant shall submit information to the Commission with satisfactory proof that applicant has the ability to remove all brine, drilling materials, sludge, and other materials required to be removed and not reinjected anywhere in the Village of South Russell in a location outside of the Village of South Russell and further prove to the satisfaction of the Commission that the applicant has

available a brine injection well with sufficient capacity to accept all materials to be removed from the Village of South Russell and that said injection well or wells have been inspected and approved by the State of Ohio. No permit for a gas and oil well shall be issued until such proof, to the satisfaction of the Commission, is presented by the applicant.

Existing Section 7.02(u), the full text of which follows, is hereby repealed:

(u) Such uses shall comply with the following conditions:

1. The applicant shall post a $5000 cash bond with the application. This cash bond shall cover the cost incurred by the Municipality in reviewing of the application by the Engineer or, if necessary, other engineering professionals which may be required. The bond shall be for the further purpose of meeting the expense to the Municipality of providing on-site inspectors during the drilling phase of the operation. Any time should this bond be reduced by disbursements to the sum of $2000, the applicant shall be notified to post an additional $3000 to bring the total cash bond back up to $5000. If at any time, upon the Municipality having sent notice of the posting of the additional $3000, the additional bond is not posted, the Municipality shall withdraw its permit.

Upon the completion of the drilling phase, should the applicant elect not to make it a producing well, the applicant shall continue the bond until such time as the Municipality is satisfied that the abandonment process has been satisfactorily completed.

Upon completion of the drilling process, should the applicant elect to make the well a producing well, it will be the responsibility of the applicant to complete the clean up process, and upon completion of the clean up process to the satisfaction of the Municipality, the applicant need only maintain a $2500 bond during the production phase until final abandonment.

In either event, upon the completion of the requirements for the continuation of the bond, the balance of any funds shall be refundable to the applicant.

2. The minimum acreage for a single gas and/or oil well shall be 80 acres. No more than two (2) separate contiguous parcels may be joined for the purpose of meeting the minimum acreage requirements.

3. After the drilling process is completed, but before production starts, the applicant shall construct and secure an eight (8) foot, cyclone type fence around the entire

circumference of all the permanent improvements placed upon the premises.

4. There shall be no tanks or reservoirs erected for or maintained for the storage of hydro carbon type products located within 300 feet of any public right-of-way, nor within 500 feet of any residential lot line.

5. During the production phase, the premises shall be maintained at all times in neat and orderly condition.

6. At all times any equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Access roads shall be maintained in a dust free condition.

7. Truck routes in and out of the premises shall be approved by the Commission. In such approval, the board shall give consideration to those routes which would minimize the wear on public streets, and which would prevent hazards and damage to other properties in the Municipality.

8. The applicant shall be responsible for maintaining the public roads in a debris free condition. At the end of each working day it shall be the responsibility of the applicant to cause the public roads to be free of all debris, mud, or other accumulations resulting from their operations.

Any failure in this regard may result in immediate revocation of the permit.

9. The applicant shall provide one off-street parking space for each employee. All trucks, machinery and other equipment stored at the site shall be kept within the fenced in area when not in use. All extracted materials stored at the site shall be kept within the fenced in area.

10. All storage and processing tanks shall be enclosed by embankments sufficient to contain any or all leakage or spillage from such tanks. The areas within such embankments shall be lined in such a way as to be impermeable to infiltration or loss of fluid into the surrounding materials. This embankment shall contain an outlet valve for use in release of surface water accumulation as necessary and appropriate.

11. All movable valves and access points in the producing complex shall be made vandal-proof with all appropriate methods, such methods to be submitted to the Commission for final approval.

12. All disturbance of land associated with drilling, development, production or abandonment of a well must be corrected in such a manner as to approximate, as a minimum, the original shape and condition of the drilling site prior

to initiation of drilling procedures, such corrections to be completed prior to either production or abandonment of well site.

13. Upon abandonment of well, such well must be plugged in the following manner:

a. Emplacement of a permanent bridge or packer at or near the base of the geologic unit known as the Chagrin Formation.

b. Filling of hole to a minimum thickness of 50 feet above the packer with cement, followed by clay fill to the surface.

14. Increasing porosity and permeability of any pay horizon or potential pay horizon by means of explosives is strictly prohibited.

15. Any sump or pit system used for storage of wastes during the drilling or development period must be lined and sealed in such a way as to be impermeable to liquid infiltration from the pit to the surrounding area. Such system must contain a reserve holding area in the form of a second sump with characteristics similar to above and connected by an overflow gate in the event of unusual or unforeseen water conditons creating danger of surface flow outside the sump area.

16. All pipes, distribution lines and power lines associated with the area of use shall be buried not less than two feet wherever feasible, such burial to be accomplished prior to full production from well.

17. All permanent pumps and/or compressors shall be chosen with due regard to minimization of potential acoustic level upon adjacent properties.

18. Notification of initiation of production from any well shall be made to the Council no later than seven days prior to such production. All improvements and safety requirements alluded to herein shall be in place no later than three days prior to such production.

19. No other improvement may be located on the minimum acreage and no other improvement can be located on the minimum acreage during the time interval from initiation of drilling to initiation of production from a completed well. Following initiation of production, such improvements as may conform to the Zoning Code may be initiated within the restrictions of all applicable laws of the State and County.

20. There shall be no deliberate or purposeful spillage of salt water from the separator tanks. Any salt water

contained in the separator tanks shall be captured and removed from the premises.

21. All transportation lines on the premises shall be built, laid and maintained in accordance with the standards established by the Department of Transportation.

22. It shall be understood that there shall be no production of any kind of sour gas.

23. If, in the opinion of the Commission, the location of any gas or oil well is sufficiently close to an existing pond or stream, the applicant shall cause diversionary ditches to be constructed in support of its impounding system.

24. Applicant shall, with his application, submit the following:

a. A plot plan of the subject property, evidencing the drilling site.

b. A full word description of the drilling procedures to include the intended depth, the method of extraction and the intended abandonment plan.

c. The names and addresses of all companies to be involved with the gas and oil wells, and the nature of their involvement.

d. The names and addresses of all abutting and adjacent property owners within 1000 feet of any boundary line of the subject property.

e. The application shall be signed by land owners and by the persons, firm or corporation responsible for the drilling operations.

25. The Commission, upon review of a gas and oil well application, shall establish an amount for a surety bond, which amount will be that sum necessary to guarantee the repair of possible damage to public property resulting from such well or drilling of the well. Damage to public property may include, but shall not be limited to, streets, pavements, curbs, gutters, sidewalks, water lines, sewer lines, bridges, culverts, tiles, fire plugs, street lights, traffic signs or signals, and drainage facilities. No conditional use permit shall be issued until such time as the above bond is posted in the required amount, and said bond shall be held by the Treasurer until the Commission is satisfied that all damage has been repaired and no subsequent damage will be caused by the operation.

26. The Commission, upon review of gas and oil well application shall establish an amount for surety bond, which

amount will be that sum necessary to guarantee the repair of possible damage to private property resulting from such well or drilling of the well. The amount of this bond shall be established after the public hearing and upon written advice from the Engineer.

27. In addition to the foregoing, the Commission may impose such other conditions and requirements which it may deem necessary for the protection of adjacent property in the public interest.

SECTION 6. Schedule 3 (Required Fees and Deposits) of the Zoning Code, is hereby amended to read as set forth in the attached Exhibit "1", made a part hereof by reference herein (as the format of Schedule 3 is of such a nature that it can best be illustrated by reference to a separate writing).

Existing Schedule 3 (Required Fees and Deposits) of the Zoning Code, is hereby repealed, the full text of the existing Schedule 3 is attached hereto, marked Exhibit "2", and made a part hereof by reference.

SECTION 7. Schedule 7 (Conditional Use Regulations) of the Zoning Code, is hereby amended to read as set forth in the attached Exhibit "3", made a part hereof by reference herein (as the format of Schedule 7 is of such a nature that it can best be illustrated by reference to a separate writing).

Existing Schedule 7 (Conditional Use Regulations) of the Zoning Code, is hereby repealed. The full text of the existing Schedule 7 is attached hereto, marked Exhibit "4", and made a part hereof by reference.

SECTION 8. The ground water recharge area map hereinafter referred to as "Recharge Map" is hereby deemed to be a part of the Zoning Code and attached hereto and the Village Engineer is hereby authorized and directed to cause the aforementioned Recharge Map to be incorporated into the Zoning Code for the Village of South Russell, and a copy of said Map is attached hereto as Exhibit "A" and made a part hereof by reference herein.

SECTION 9. The Zoning Code of the Village of South Russell is hereby amended by adding Section 7.02(v) to read as follows:

7.02(v) -- In addition to the regulations set forth in Section 7.02(u), gas and oil wells shall be subject to the following supplementary regulations and any conditional use permit issued by the Commission shall be subject to compliance with all regulations set forth in this Section. Any act or omission in violation of this Section shall be deemed to be a violation of the terms and conditions of the conditional use permit and a violation of the Zoning Code and shall subject the permit holder to revocation of the

conditional use permit and/or any penalty or fine that may be imposed under the Zoning Code.

1. After a conditional use permit has been granted, the applicant shall meet with the geologist or petroleum engineer retained by the Village to coordinate inspection of the drilling and production of the gas and oil well and to permit said geologist or petroleum engineer to adequately advise and consult the Village as to compliance with this Zoning Code after issuance of the zoning permit. The geologist or petroleum engineer shall be responsible to inspect, and shall have the authority to approve or disapprove any act or omission of the applicant in furtherance of drilling, production or abandonment of any oil and gas well at any stage and shall be present during the following stages:

(A) He shall observe and along with the Village Engineer approve the actual site for construction and drilling of the well and the well site area.

(B) He shall observe completion of the surface hole and approve the method and amount of cementing of surface casing of the well.

(C) He shall provide inspections of the well site during drilling of the remainder of the hole.

(D) He shall be present prior to fracturing the well for water flowback room and spillage control and approve fracturing of the well and shall also be present to observe flowback of frac-water during the fracturing process.

(E) He shall provide inspections of the flowback pit during the swabbing phase after fracturing to insure spillage and contamination control and shall approve along with the Village Engineer, prior to drilling, pit construction and the methods of containing flowback and liquids to be contained in the pit during drilling.

(F) Inspect and approve tank battery construction, location and equipment and inspect completed and reclaimed location of well construction site area.

(G) Inspect and approve plugging or capping of well.

(H) Inspect and approve abandonment of well.

2. All costs incurred by the Village as a result of inspections to be made by the Village Engineer, Village Geologist or Petroleum Engineer, Village Hydrologist, and all other Village officials, shall be reimbursed to the Village by the applicant as provided in Section 7.02(u). In the event that any Village official determines that

compliance with the Zoning Code or any conditions imposed by the Zoning Commission is being violated, or determines that any act or omission on the part of the applicant will have an immediate adverse impact on the health, safety, or welfare of the residents of the Village of South Russell, and upon the applicant receiving either oral or written notice of the same, the applicant shall immediately cease all activities in furtherance of the development of the well site until compliance with the Zoning Code, or Planning Commission conditions, or acts necessary to eliminate any adverse impact on the health, safety, and welfare as stated hereinabove, has been made unless the Village Engineer, Geologist or Petroleum Engineer or Hydrologist deems it hazardous to cease such activities in whole or in part. In the event that any other Village official determines that the applicant is in violation of the Zoning Code or any conditions imposed by the Planning Commission, such Village official shall have the authority to order the applicant to immediately cease all activities on the premises in furtherance of development of the well site until compliance with the Zoning Code or conditions of the Planning Commission has been made.

3. The applicant shall provide ingress and egress roads to all well sites and all storage tank sites. Roads to the well site shall be constructed, in accordance with plans approved by the Village Engineer, prior to drilling and roads to storage tank sites shall be installed, (and approved prior to construction by the Village Engineer) prior to installation of tanks. The applicant shall notify the Village Engineer to inspect the roads for suitability before moving any equipment into the site. All access roads shall be maintained so as to be dust free and passable in all seasons and weather conditions. Access roads shall be adequately fenced with a locked gate to prevent unauthorized entry from public roads. Not more than two access points shall be established from any public road to any well site. Access roads shall have a turnaround of sufficient size to accommodate fire and rescue and other emergency vehicles servicing the Village.

4. During drilling and prior to filling of all pits or dikes, the Village Engineer or the Village Geologist or Petroleum Engineer shall order the applicant to remove and haul outside of the limits of the Village of South Russell all drilling fluids and other materials in the pit if in the Village official's opinion there exists a possibility that the materials in the pit or dike will overflow. The applicant shall fill and level all pits or dikes within seven days after the applicant is ready to commence production and restore the land to its original condition. The applicant shall remove all drilling fluids and sludge from the pit or dike prior to filling the pit or dike and haul the drilling fluids or sludge outside of the Village of South Russell for disposal. Filling and restoration shall

be subject to inspection and approval by the Village Engineer and Geologist or Petroleum Engineer. The applicant shall notify the Village Engineer at initiation and upon completion of restoration.

5. The name, address and telephone number of each person signed on the application, along with each operator and contractor responsible for ownership, operation, and all maintenance of each well site located within the Village shall be conspicuously placed on each tank battery and be furnished to the Building Inspector and Chief of Police for the Village of South Russell. The Building Inspector shall prepare a list of all such names and addresses and telephone numbers and shall keep the list posted in a conspicuous place in the Police Department and in the Building Department office for ready reference. The applicant, along with furnishing the name, address and telephone numbers indicated herein, shall also provide the location of each well site, separation and storage tanks, and the location and color identity of power and shutoff valves. Keys for emergency access to each well and tank site shall be made available to the Police Department. Well and tank sites under the same ownership or control shall have gates and fences with master keys capable of opening all locks on gates and fences and equipment. Such keys shall be provided to the Building Inspector and the Chief of Police for the Village. Before commencing drilling operations and during production of the well, a sign of two square feet, and orange in color, shall be posted at the access road entrance gate showing the street number, owner, operator, lessee, if any, well number, State and Village permit numbers, and all emergency telephone numbers. All shutoff valves shall be painted in florescent orange. All power, storage and transmission line shutoff valves shall be secured by locks or similar devices to prevent unauthorized access or usage. Prior to commencing production, all permanent producing and storage facilities shall be enclosed entirely by a cyclone fence to be a minimum of eight feet high with three strands of barbed wire on the top and adequate to prevent trespassing at all times. A temporary fence shall be constructed prior to commencement of drilling to prevent unauthorized access to drilling equipment and dikes and any other excavations.

6. During drilling of wells, casings shall be cemented in quantities and qualities to be approved by the Geologist or Petroleum Engineer and Village Engineer to a minimum depth of 500 feet below the surface. The Village Geologist or Petroleum Engineer shall insure that the cement provided shall be sufficiently adequate to case 500 feet of annular volume and shall file the annular space entirely for a minimum depth of 500 feet. A record of the depth of the cemented casings shall be filed with the Building Inspector for the Village.

7. The applicant shall provide the Building Inspector with a plat of all buried transmission lines. No person shall place any transmission lines within the Village of South Russell without first obtaining a written easement therefor. Prior to opening any public street to bury transmission lines, the applicant shall comply with Village ordinances and obtain a street opening permit pursuant to the requirements set forth in Chapter 1010 of the Codified Ordinances. All buried transmission lines crossing any public street shall be marked by a permanent marker on both sides of the street, in a location and format acceptable to the Village Engineer. At street crossings the line shall be installed to a minimum depth of six feet and to a minimum depth of thirty-six inches beneath ditches. All pipes being installed other than at street crossings shall be buried a minimum of twenty-four inches under the surface or twenty-four inches below a normal river or creek bed. No transmission lines intended for burial shall be covered until the installed line is inspected by the Village Engineer. When required by the Village Engineer, the applicant shall increase or decrease the depth of transmission lines. The applicant shall coordinate the laying of transmission lines with all public utilities servicing the Village of South Russell.

8. The following regulations shall apply during drilling and production of oil and gas wells:

(A) During the drilling phase, all flowback and waste shall be accumulated in containers and no hydrocarbons, waste, water or other such elements shall be permitted to enter the atmosphere at the well site. Upon fracturing of any well, the applicant shall contain flowback entirely within an adequately vented enclosed system to be approved by the Village Geologist or Petroleum Engineer.

(B) All storage tanks for storage of oil, water, salt brine and other such elements shall be equipped with a thief-hatch cover in a location satisfactory to the Village Geologist or Petroleum Engineer in order to sufficiently enable visual inspection of the tank and shall be kept closed at all times when not in use. Any brine storage tank manhole shall have a device securely attached across the opening of the manhole to eliminate access into the storage tank. The oil storage tank shall be equipped with a vent pipe with a safety check valve installed in the vent pipe on top of the storage tank.

(C) In the event that the Village Geologist or Petroleum Engineer determines that any drilling or production of a gas and oil well causes any sour gas, or gas or oil odor deemed to be a nuisance by the Village Geologist or Petroleum Engineer, the applicant

shall take all necessary steps to eliminate escape of any sour gas and where ordered by the Village Geologist or Petroleum Engineer, shall provide a filter retrofitted on all storage tanks and shall insure during production of any well that said filters are either cleaned or replaced in order to adequately suppress odor.

(D) The flow line from the well to the separator device shall have a pressure activated shutoff valve system to cut off the flow just prior to the opening of the safety valve on the separator.

(E) In the event that the well system utilizes a pump jack, the pump jack shall also have an automatic shut-down system to stop fluid spill if rod packing leaks approved by the Village Geologist or Petroleum Engineer. At least once each year, commencing at initial production of a well, the applicant shall test all safety valves used in the production of oil and gas to determine that they are properly functioning and shall report the same to the Building Inspector. If said report is not received within fifteen days after the anniversary date, the Building Inspector and Village Geologist or Petroleum Engineer shall inspect the premises, to determine the same, and obtain reimbursement of the cost of such inspection from the applicant or any bond or deposit of the applicant being held by the Village.

(F) All motor powered equipment intended for permanent use in production of wells or transmission of fluid or gas shall be operated only on electrical power. This regulation shall not apply to motors used in drilling operations or mobil service rigs at the site. Any diesel engines being utilized during the drilling stage shall have adequate mufflers to suppress sound and each dike shall be provided with fire resistant soundproofing material and shall be subject to the approval of the Village Geologist or Petroleum Engineer. All storage tanks, separators, and distribution pipes shall be surrounded by a minimum of one-inch clay seal on the surface of the ground and shall be contained by a retainer wall capable of holding two times the capacity of all storage tanks. The applicant shall provide a loading area to the storage tanks with provisions for a ramp so that if any spillage occurs while removing any materials from storage tanks that any spill will go into a sump which can be pumped into a brine removal vehicle. The sump shall have a motorized sump pump in order to pump back into the tanks any spillage. Such areas shall be developed in accordance with Diagram "A" which is attached hereto and made a part hereof and the area of

the pit shall be equal to or greater than two times the capacity of all storage tanks at the site.

(G) The maximum sound level of all operations during the drilling stage shall be _____ decibels at a distance of 30 feet. In the event that any Village official determines that the decibel limit has been violated, such official shall order the applicant to cease production until adequate measures are taken to reduce the decibel level equal to or less than _____ decibels at a distance of 30 feet.

(H) Prior to drilling, the applicant shall construct pits sufficient in size to contain all liquids produced as a result of anticipated drilling procedures. Each pit shall be constructed of steel or be entirely lined at all times with an impermeable plastic layer on top of a minimum one-inch clay seal. The clay material to be used as a sealant shall be approved by the Village Engineer prior to placement in the pit. The Village Engineer and Geologist or Petroleum Engineer shall insure that at all times said pits are lined with an impermeable plastic layer and shall order, unless deemed to be hazardous, the immediate suspension of all drilling activities until said pits are properly lined and/or constructed. The location, volume and construction of said pits shall be subject to the approval of the Village Engineer and Geologist or Petroleum Engineer.

(I) Any liquid or waste, other than water used within the contained flowback process, extracted from a well during drilling or production shall not be re-injected into the ground within the Village of South Russell. All such wastes and brines shall be stored in tanks and removed from the Village by haulers who shall first obtain a permit from the Building Inspector. Such haulers shall prove their ability and experience to remove such waste and brine safely and provide evidence of liability insurance in an amount satisfactory to the Village Solicitor. When requested by Village officials, said hauler shall produce receipts for the location where such wastes or brine are injected.

(J) During drilling of a well, the applicant shall install a blowout preventer with a remote manual preventer control, to shut down the system. The applicant shall also install a gas detector meter to the drilling apparatus to determine if a gas pocket has been hit during drilling. The applicant or his agents shall be on site during all phases of drilling and the applicant shall insure that adequate and knowledgeable and experienced drillers shall be on site during all phases of drilling.

(K) The applicant, during production of a well, shall make daily fluid level checks of all oil, gas, brine, waste and other elements removed from any well and shall also check on a daily basis the condition of all equipment, and shall provide a monthly report to the Building Inspector of fluid levels indicated herein, the condition of all equipment, the pressure level of all equipment, and advise the Building Inspector of efforts taken to avoid build-up of paraffin on any equipment or apparatus contained at a well site. The Village Building Inspector shall prepare an inspection form to be filled out weekly by the applicant.

(L) The person or persons who will perform the fracture of each well, shall be subject to approval of the Village Geologist or Petroleum Engineer who shall insure that such person or persons are adequately experienced and will take adequate precautions to avoid any danger to person or property.

(M) In the event that any well site, in the opinion of the Village Engineer or Hydrologist, is sufficiently close enough to potentially adversely affect any existing pond, stream, lake or other body of surface water, the applicant shall construct diversionary ditches and devise and construct an impounding system to contain any liquids that might otherwise escape from the well site and such ditches and impounding systems shall be constructed in a manner approved by the Village Engineer.

(N) After conclusion of the drilling stage, and upon the date when notice is required to be given to the Village of the commencement of production, the applicant shall remove all drilling equipment, temporary tanks and other materials not intended to be permanently placed at the well site.

(O) All landscaping shall be completed within 60 days and all grading shall be completed within 14 days after drilling is completed. The site where all permanent storage tanks and other apparatus will be located shall be screened with natural vegetation and such vegetation, when planted shall be at least five feet in height, with the ability to grow to at least fifteen feet in height, where said tanks and apparatus are visible from any public road or existing residential structure.

(P) All storage tanks, apparatus and other equipment located above ground at a well site shall be removed and abandonment completed within 180 days after a well stops producing and the ground shall be restored, to the extent possible, to its original condition prior to drilling of said well, within said 180-day period.

(Q) The Village Hydrologist shall, at the applicant's expense, on at least a semiannual basis, test the nearest water well, spring, and downstream surface water at locations selected by the Village Hydrologist and to be tested at a laboratory to be determined by the Village Hydrologist to insure that no groundwater or surface water is being contaminated as a result of any oil and gas well operation. The Hydrologist shall submit a copy of the results of said tests to the applicant and to the Building Inspector. In the event that said testing determines that any contamination has occurred, the applicant shall cease production until the source of contamination is located and the applicant is able to eliminate the source of contamination to the satisfaction of the Village Hydrologist.

(R) The applicant shall comply, in addition with all regulations and conditions set forth in this Chapter, with the regulations set forth in Chapter 10 and 11 of this Code providing for development and performance regulations. The applicant shall be aware of and comply with the Village Soil Erosion Ordinance and Chapter 1010 of Codified Ordinances regarding street opening and shall consult with the Village Engineer to insure compliance with said Ordinances.

(S) In the event an applicant at any time determines to cap a producing well, the applicant shall notify the Building Inspector. The applicant shall advise the Building Inspector of the length of time said well shall be capped and shall further notify the Building Inspector when the well will again be made productive. The Building Inspector upon receiving notice of the applicant's intention to cap the well shall notify the Village Geologist or Petroleum Engineer who shall then inspect any well after it is capped to insure that the applicant has safely capped the well. If the well is capped for more than one year, abandonment proceedings shall be commenced and completed within one month thereafter unless an extension is requested by applicant and approved by the Commission.

(T) The applicant shall not permit any hydrocarbons or brines to enter the Sharon or Berea Sandstone formations during drilling or production of any oil and gas well. In the event that such contamination of either sandstone shall occur, the applicant shall immediately notify the Building Inspector who shall then notify the Village Hydrologist to determine if any temporary or permanent damage has occurred to the potable water supply.

(U) During the drilling stage, no other improvement or additional use shall be placed on the drilling unit. Following initiation of production, as approved by all

Village officials, such additional improvements and uses as may conform to the Zoning Code may be initiated on the drilling unit subject to the restrictions of all other applicable laws and regulations of the Village and State of Ohio. In recharge districts, no new structure shall be located within 2,000 feet of any well site area within the drilling unit or any land outside of the drilling unit contiguous thereto and owned by applicant. Within a discharge district, no new structure shall be located within 300 feet of any well site area. The well site area shall include the oil and gas well, any storage or separation tanks, compressor station, or pit or containment areas for the storage of brine and other wastes.

(V) Applicant shall be prohibited from accumulating combustible materials in the well site area and upon order of any Village official, shall remove any combustible materials that in the opinion of such Village official may be hazardous. Permanent no smoking signs shall be posted at the entrance gate, on the oil storage tanks and temporary signs shall be posted at the drilling site until production commences. No person shall smoke any cigarette, cigar, pipe or other form of tobacco or have any matches, open flames, or burn any other combustible material at the well site during drilling or when handling or removing gas at the well site. The applicant shall insure that when any welding occurs on the premises that suitable welding screens are utilized to protect any person from injury.

(W) All artificial lighting used during drilling or production of any gas and oil well shall be designed, constructed and located in such a manner to prevent emission upon any property not within the drilling unit.

(X) The applicant and any contractor shall be prohibited from increasing the porosity and permeability of the subsurface by the use of explosives.

(Y) No person shall refine or otherwise process for extraction the products of a gas and oil well except when necessary to make gas acceptable to flow through gas transmission lines and in the event that the latter becomes necessary, the applicant shall notify the Building Inspector prior to commencement of such processing or production. Any burner unit installed in an oil storage tank shall be properly vented and attended to ensure no excess heating within the tank while in use.

(Z) If, during drilling, the site will be unattended at any time, and during the completion phase of

drilling, when the well site area is unattended, the applicant shall cap the assembled sections of the well to avoid any hazard or leakage of hydrocarbons or wastes or other elements.

(AA) All pipe and related fittings must be equal to or better than the American Petroleum Institute Code 5-L, Grade B, and consist of prime material with standard coating. Any deviation from these standards shall be approved by the Village Geologist or Petroleum Engineer prior to construction of the same at the well site. Upon completion of construction of all tanks and other apparatus to remain on the well site and laying of pipelines, the applicant shall return all disturbed public or private roads, driveways, walks, or approaches to their original condition before disturbance to the satisfaction of the Village Engineer. Applicant shall backfill to existing grade level in such a manner so as to prevent erosion or siltation and shall complete all of the same within 45 days after completion of installation of storage tanks and other apparatus and pipelines.

(BB) A hydrostatic test of all pipelines from the well to the separator and from the separator to transmission lines shall be performed by the applicant prior to placing said line or any section thereof into operation. A hydrostatic test, or such other test as may be approved by the Village Geologist or Petroleum Engineer shall consist of a pressure not less than two times the expected maximum operating pressure and shall be recorded over a minimum period of 48 hours. In the event that any drop of pressure is noted within said 48 hour period, the line shall not be made operational until the line is capable of performing as set forth in this paragraph.

(CC) All gas produced from wells shall be transported from the drill site by means of underground pipeline connected directly with the producing well to the separator or treating facilities by a completely closed system without venting high pressure gas or the products of gas to the atmosphere at the production site. All oil produced from the wells on the well site may be transported from storage tanks by means of underground pipelines or by tank trucks whose holding capacity shall not exceed 100 barrels. Oil storage tanks shall be no larger than that sufficient to contain and store 210 barrels of oil (each barrel capable of holding 42 U. S. gallons).

(DD) The applicant shall not violate Ordinance No. 1983-51 which prohibits pollution of waters within the Village of South Russell and the applicant shall review and become familiar with said Ordinance and consult

with the Village hydrologist in order to insure that all measures are taken to eliminate the risk of such contamination.

(EE) In the event that technological improvements are made in the gas and oil industry and additional safeguards are available to applicant, in order to protect person or property from any hazards and such technological improvements are available at a reasonable cost, and upon notice from the Village of South Russell or its officials, the applicant shall if technologically possible, incorporate such technological improvements into its gas and oil well drilling, production, transmission or abandonment operations. The Village shall provide such notice in writing to the applicant and the applicant shall have the right to request a public hearing to be held within 21 days after written notice is received by the applicant and any party may appeal any adverse decision of the Planning Commission which decision shall be made within 14 days after said public hearing. The Planning Commission need not advertise said public hearing or send notice to those persons otherwise entitled to notices of public hearing under the Zoning Code.

(FF) All waste substances such as drilling muds, brine or acids produced or used in connection with drilling operations or production shall be retained in water-tight receptors from which they shall be hauled from the premises for disposal outside of the Village of South Russell within ten days after the completion of drilling and no production shall commence until such removal has occurred.

(GG) Truck routes in and out of the well site shall be approved by the Commission. The Board shall require that truck routes through Village streets be limited to roads that can accept the load limits and shall consider routes that will minimize wear on public streets within the Village and which would prevent hazards and damage to other properties in the Village.

(HH) The applicant shall be responsible for maintaining the public roads in a debris-free condition at all times and it shall be the responsibility of the applicant to cause the public roads to be free of all debris, mud and other materials that accumulate as a result of drilling, production, transmission, hauling or abandonment proceedings.

(II) The applicant shall provide one off-street parking space for each employee engaged in the drilling process and shall provide at least two permanent off-street parking spaces at the site where production equipment will be located. All trucks, machinery,

drilling rigs and other equipment temporarily stored at the site shall be kept within a temporary fenced-in area around the well site when not in use. All extracted materials during drilling, and stored at the site, shall be kept within such fenced-in area.

(JJ) In addition to the regulations set forth in Section 7.02(u) and those regulations set forth in Section 7.02(v) herein, the Commission may, after public hearing, impose such other conditions, requirements, limitations, and delegation of authority to other Village officials, which the Commission may deem necessary for the protection of property and person and in furtherance of the health, safety and welfare of the residents of South Russell Village and surrounding communities.

Section 10. The Zoning Code of the Village of South Russell is hereby amended by adding Section 7.02(w) to read as follows:

1. Whoever violates any provision of Chapter 7 of the Zoning Code or any orders or terms or conditions of a permit issued pursuant to Chapter 7, shall be fined not less than $100.00 nor more than $1,000.00 for a first offense; for each subsequent offense, such person shall be fined not less than $200.00 nor more than $2,000.00. Whoever violates Section 7.02(v)(8)(I) or orders or terms or conditions of a permit issued thereunder shall be fined not more than $5,000.00 for each day of violation. Any penalties provided for herein shall be in addition to any other remedies, whether legal or equitable, that the municipality may deem necessary to prevent or remedy a violation of the Zoning Code.

2. In the event of any violation of the provisions of Chapter 7 of the Zoning Code or Schedule 7 of the Zoning Code, or any orders or terms or conditions of any conditional use permit issued under Chapter 7 of the Zoning Code, a conditional use permit issued by the Commission may be revoked. The Commission shall notify the applicant by certified mail of its intent to revoke the conditional use permit and of the applicant's right to hearing before the Commission, within 30 days of the mailing of the notice, if the applicant so requests. If the applicant requests a hearing, the Commission shall set a time and place for the hearing, and notify the applicant. The Commission shall cause a notice of the hearing to be published in a newspaper of general circulation at least 10 days prior to the hearing. At the hearing the applicant may appear in person, or by his attorney, or the applicant may present his position in writing. The applicant may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Commission may revoke the conditional use permit without a hearing. The authority of the Commission to revoke a conditional use permit is in

addition to any other means of zoning enforcement otherwise provided by the Zoning Code. At the hearing, the Building Inspector shall present the grounds upon which it is claimed that the Zoning Code or any order, term or condition of the conditional use permit has been violated by the applicant. The Commission shall conduct the hearing in the same manner and procedure as upon any other public hearing. Any adverse party may appeal from a decision of the Commission within 20 days after the Commission acts in revoking a conditional use permit or in determining not to revoke a conditional use permit to the Zoning Board of Appeals.

3. Applicant shall at all times maintain, repair and replace any storage tank on the drilling unit and shall adequately maintain, repair and replace all fences required under the Zoning Code. In the event that the applicant fails to maintain, repair or replace any fence, tank, dike, or any other structure or apparatus contained on the drilling unit for the purpose of oil and gas well drilling, production or transmission, the Commission may order the applicant to shut down and cap any producing well or commence revocation of the conditional use permit.

4. The applicant shall notify the South Russell Village Police Department prior to moving any equipment on or off the drilling unit. In the event an oversized or overweight vehicle is used as defined in Codified Ordinance Section 440.01 of the South Russell Village Codified Ordinances, a special permit for the overweight or oversized vehicle shall be obtained pursuant to Section 440.01.

5. In the event that the South Russell Village Geologist or Petroleum Engineer or Engineer determines that site preparation, drilling operations, or fracturing operations are hazardous, or may cause damage to surrounding properties due to either weather conditions, geologic conditions, or other conditions, and said drilling or fracturing will adversely affect the health, safety and general welfare of the residents of the Village of South Russell, the applicant shall cease drilling operations upon either oral or written notice from the Village Engineer or Village Geologist or Petroleum Engineer and shall not commence further operations until permission is received from said official. Any violation of this paragraph shall subject the applicant to any fine or penalty that may be imposed under the Zoning Code, including revocation of a conditional use permit. The applicant, any contractor, driller, hauler, operator, or any other person, firm or entity engaged in the development, drilling, fracturing, production, transmission or abandonment of any oil and gas well shall comply with all lawful orders of any official or consultant of the Village of South Russell. Any violation of this section shall subject the offender to any fine or penalty imposed by the Zoning Code as well as revocation of any conditional use permit.

6. In the event that the applicant violates any provision of the Zoning Code, or any term or order authorized under the Zoning Code by any official of the Village of South Russell or any consultant of the Village of South Russell or any condition of any conditional use permit granted to the applicant, such violation shall be just cause for the Commission to forfeit any cash bond being held on deposit with the Village of South Russell pursuant to the Zoning Code. In the event that the Commission intends to institute forfeiture of any cash bond of applicant, the Commission shall give the applicant ten days notice of the same. If applicant, within seven days after receiving notice, requests a hearing the Commission shall hold such hearing within twenty-one days thereafter. If the Commission does cause forfeiture on any cash bond, the Village Treasurer shall cause the same to be deposited in the general fund of the Village. The applicant shall have a right of appeal, within twenty days after forfeiture of the bond, to the Zoning Board of Appeals in the event that the Commission does forfeit any cash bond of the applicant.

7. Any person applying for a conditional use permit for a gas and oil well and any person obtaining a conditional use permit for a gas and oil well is hereby deemed to consent to any South Russell Village official or consultant inspecting the drilling unit and any activity engaged in at any drilling unit at all reasonable times. Due to the nature of gas and oil well operations and the inspections required under Chapter 7 of the Zoning Code, the applicant shall permit entry onto the drilling unit by any official or consultant at any time during site preparation, drilling, fracturing, production, transmission, and abandonment, and at such other reasonable times as requested by any official or consultant of the Village of South Russell. For purposes of this section and for Chapter 7 of the Zoning Code, reference to any official or consultant shall include any elected or appointed official or employee of the Village of South Russell or any person retained by the Village to consult with Village officials.

8. The production of oil and gas on any well within the Village of South Russell which is to be removed from a drilling unit by either transmission lines, motor vehicle, or other method shall be deemed to be a sale made in the Village of South Russell pursuant to Codified Ordinance Section 880.06 and the applicant shall be liable for income taxes on all sales of oil and gas originating from oil and gas wells within the Village of South Russell. The applicant shall provide the Village Treasurer with an annual report of the total volume of production of gas and oil and the total revenues obtained from the sale of such gas and oil. Said report shall be delivered to the Village Treasurer no later than the 30th day of January of each year after production commences.

SECTION 11. All portions of the Zoning Code of the Village of South Russell inconsisent with the provisions of this Ordinance are hereby repealed; all other portions of the said Zoning Code not affected herein shall remain in full force and effect.

SECTION 12. This Ordinance shall take effect and be in full force the earliest date allowed by law.

SECTION 13. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees on or after December 2, 1975, that resulted in formal action, were in meetings open to the public in comliance with all legal requirements including Section 121.22 Ohio Revised Code.

PASSED this _____ day of _____, 1984.

_____
Mayor

_____
President of Council

Attest:

_____
Clerk

I certify that Ordinance No. _____ was duly enacted on the _____ day of _____, 1984, by the Council of the Village of South Russell and posted in accordance with ordinances of the Village.

_____
Clerk

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

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Held February 2, 1984 *19*

Member present: Cotesworth, ~~Maxxxxx~~ Sutliff, O'Donnell, Daniels
Other Officials: W. Driemiller, D. Markowitz, Y. Eckstein, A. Andersen W. King
Guests: Jack DiEgidio, Jim Ownes, Dolores Kobolic, Marguerite Hrabak, Carl Gaertner, Ray Haase, Len Kapcala, Richard Aiker, A. Gene Spohn, Warren Weiant, Ann Malmquist

Chairman Daniels called the meeting to order at 8:00 P.M. Roll call, Harvey absent,

Chairman Daniels read the minutes of the January meeting. There being no additions or corrections, O'Donnell moved to approve the minutes, Cotesworth seconded. Roll call, all ayes.

Carl Gaertner presented his plan to subdivide his parcel of 4.3 acres located west of Gurney Community Center, on Bell Road, into three lots. Mr. Gaertner explained he came before the Planning Commission in October requesting to split this land into four lots, however due to only having 100 foot frontage for each lot, he had to request a variance from the Zoning Board of Appeals. The Zoning Board of Appeals denied his request on 11-30-83. Commission noted his plan showed that all the pins had not been set. Mr Gaertner stated he did not want to spend the money to have the surveyor set all the pins until he knew if this plan would be approved. Engineer Bill Driemiller stated in order for this plan to receive his approval, the four quadrant pins must be set. Gaertner stated the two missing pins along the Gurney property line were taken out during the installation of the gas line and never replaced. Following lengthy discussion on the requirements of major subdivisions and minor subdivisions, Commission stated if Mr. Gaertner could get the four quadrant pins set, they would act on this application at the next meeting, February 9th. Mr Gaertner asked to be placed on the agenda of the February 9th meeting.

John Neely, Construction Development, Inc., stated he is before the Commission to discuss the proposed zoning amendment which would create a residential neighborhood zoning classification. Mr. Neeley presented a color rendering of a proposed plan for the old airport property which illustrated the re-sidential neighborhood concept. The rendering illustrated the design of the houses on the cul de sacs, the trees, landscaping and common area in the center.

Mr. Sutliff asked if they had omitted the idea of a guardhouse. Mr. Neely stated yes they had and they will probably also go with dedicated roads.

Mr. Neely also presented a street scape showing what the houses will look like on the smaller size lots, what the set backs are and posibilities for landscaping. Mr. Neely stated what this plan illustrates is with the proper covenents and restrictions, a development with smaller lot sizes can be done very attractively.

Mr. Neely stated with this plan, there will be approximately 10 to 15 lots, out of 105lots, that will be between .5 and .6 acres in size. All other lots will be larger.

Clint Taylor stated he objects to the lot sizes being proposed. Mr. Taylor stated he feels smaller lot sizes presents problems with drainage, roads, as illustrated with the problems found at the northwest end of the Village. Why can't this plan be accomplished with out the smaller size lots? Mr. Neely stated it is very difficult due to the layout of the cul de sacs around the central green belt. Mr. Taylor stated his second concern is with the location

RECORD OF PROCEEDINGS

again be addressed at the preliminary plat atage. Mr. Taylor stated he felt these issues of engineering and safety which will be addressed at the preliminary plat stage really should be discussed up front when considering reducing the minimum lot size. Mr. Neely stated he understands Mr. Taylor concerns, however he feels these will be addressed completely with the review of both the Village Engineer and Building Inspector prior to any development approval. Mr. Markowitz stated it will be the job of the Village Engineer to determine if proper drainage can be acheived with ½ acre lots on the airport property.

Ray Haas, resident in Bellwood, asked what type of recreational facilities will be provided, will there be any lake facilities? Mr. Neely stated they have provided only for a jogging trail however there is nothing that will prohibit them from adding some type of swimming facilities. This matter will probably be decided by the home-owners.

Richard Acker, 1241 Bell Road, stated his home is directly across the street from one of the proposed retention basins and because his property is lower than any airport property he is very concerned with the possibility of this basin flooding.
Mr. Neely stated he understands this is a retention basin which will be engineered such that the storm sewer will only be fed by the loop road. The run off from the homes will be drained into a grass swail. Also the basins are engineered for 100 year floods. Mr. Neely stated all these engineering specifics will again be addressed in detail at the preliminary plat stage.

Len Kapcala, resident on Sun Ridge, asked what effect would this development have on the surrounding areas water supply. Dr. Eckstein stated the radius of influence of the proposed 105 homes would not cross the boundaries of the developments property lines. Dr. Eckstein explained that a single family development, with individuals wells, spreads out the pumping points over a large area. By spreading the drought over a large area, you are limiting the drought to a very small vertical displacement.
Mr. Markowtiz explained the Village requirement for water studies prior to developnent approval.

Mr. Neely stated this development will be phased with the final completion estimated within three to four years. The first phase will be the first two cul de sacs after you turn right onto the loop road.

Mr. Haas asked if placing the entrance directly across the street of E. Bel Meadow is safe traffic wise? Mr. Neely stated this will be investigated and the police department will be consulted for their opinion.

Bob Syme, resident, asked when the earliest construction would begin? Mr. Neely stated if everything goes right and approvals are given, they are hoping for late summer of 1984.

There being no further discussion, Commission agreed they would like some more time before making their recommendation and agreed to discuss this application at the February 9th meeting.

Dale Markowitz presented the second draft of the proposed gas and oil ordinance, copy attached. Markowitz explained amendments and additions are underlined and deletions are asterisked. Markowitz stated due to some mechanical problems with their word processor, the reminder of 7.02 (w) is not included in this draft. Markowitz stated he hopes to have tonights revisions along with the remaining 7.02 (w) in the third draft for the meeting on February 9th.

Markowitz stated he has amended Schedule 7, minimum lot acres for discharge districts

RECORD OF PROCEEDINGS

Commission discussed the importance of putting a plastic liner covered with clay in the dike area, under the storage tanks. Mr. Weiant, resident, stated it is very important to provide an impermiable surface under the separator, storage tanks etc., in case of any type of spill.

Mr. Warren Weiant, resident, stated after his review of this second draft, he had a list of recommendations which he feels are important to this ordinance. The following recommendations were made by Mr. Weiant and discussed with the Commission.

Page 15, last sentence amended to read, "This embankment shall contain a drain which flows into the sump in the truck loading area."

Page 21, #5, last sentence should read, "prior to commencement of production".

Page 22, #8B, "locked thief-hatch cover" should be changed to "properly closed thief-hatch cover". Mr. Weiant explained the thief-hatch is important in releasing pressure inside the tank, if it is locked, pressure can not get out and it will be blown off. Weiant stated the gases developed in the tank must be release and this is what the thief-hatch is for.

Mr. Weiant stated another problem which must be dealt with is the manhole cover on the brine tanks which are 18 inches in diameter. A child can fall into a hole this size and it his recommendation that a "kiddy guard" be installed. In addition, it should state any manhole must have a devise which would prevent a child from falling into a tank.

Mrs. Cotesworth asked if it is dangerous to have a thief hatch open. Mr. Weiant stated it is in the summer during thunderstorms. Weiant explained open or closed, you stillhave gas fumes coming out and if it gets struck by lighting, you will have an explosion and fire. Mr. Weiant stated he recommends the installation of a vent pipe with a check valve on the storage tank wich will prevent an explosion or major fire if lighting strikes. Mr. Weiant explained the mechanics of a vent pipe with check valves.

#8 C, Mr. Weiant recommends this should state something to the effect that during production, if noxious fumes develop, the village can require filters on the vents to suppress odor.

The third line from the bottom, delete "drilling and".

#8 E, In the first sentence, after "shutdown system", add "to stop fluid spill if rod packing leaks". Delete the last sentence.

Page 23, E, amend first sentence to read, "Commencing at initial production of a well and thereafter at least once each year, the applicant shall test all safety valves..."

F, Amend first sentence to read, "All motor powered equipment, including pumpjacks, intended for permenent use in production of wells or transmission of fluid or gas, shall be operated only on electrical power

Second sentence should read, "This regulation shall not apply to motors used in drilling operations, service rigs, or mobile service equipment..."

Third sentence, delete "and each dike shall be provided with fire resistant soundproofing material"

Fourth sentence should read "if any spillage occurs while removing any materials from storage tanks, that any spill will go into a sump which can be pumped into a brine truck.

Page 24, K, fourth line, delete "provide a weekly report" and add "shall make available to the Building Inspector reports of fluid levels indicated herein.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

Page 28, 8B, first sentence should be amended to read, "A hydrostatic test of all pipelines from the well to the separator and from the separator to transmission lines..."

CC, third line should read "connecting directly with the producing well to the separator or treating facilities by a completely closed system without venting high pressure gas ..."

The last sentence should be deleted.

Page 29, II, fourth line should read "at the site where production equipment will be located"

Page 10, 8, last sentence should be deleted.

Dr. Eckstein stated his only change would be on page 8, G 3 (f), it should read, "Showing an arrow and the distance to the nearest building, dwelling or well in each quadrant."

There being no further business, meeting adjourned at 11:45 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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

2nd Draft

1

ORDINANCE NO._____

First Reading_____
Second Reading_____
Third Reading_____

INTRODUCED BY:_____

ORDINANCE AMENDING SECTION 2.10(b)(1)(g), (DEFINING GAS AND OIL WELLS), AMENDING SECTION 3.05(b), (REVIEW AND HEARING OF CONDITIONAL USE PERMITS), AMENDING SECTION 3.09, (PENALTIES), AMENDING SECTION 7.00, AMENDING SECTION 7.02(u), (CONDITIONAL USE REGULATIONS GOVERNING GAS AND OIL WELLS), AMENDING SCHEDULE 3 AND SCHEDULE 7 OF THE ZONING CODE FOR THE VILLAGE OF SOUTH RUSSELL AND ADDING SECTION 7.02(v), (PROVIDING FOR CONDITIONAL USE REGULATIONS, AND PROCEDURES AND PENALTIES FOR GAS AND OIL WELLS DRILLED WITHIN THE VILLAGE OF SOUTH RUSSELL), ADDING SECTION 7.02(w), (REVOKING CONDITIONAL USE PERMITS), AND CREATING GROUNDWATER RECHARGE AND DISCHARGE DISTRICTS

WHEREAS, it is in the best interest of the health, safety and welfare of the Village of South Russell and its residents to update and revise regulations governing oil and gas wells within the Village which use is a conditional use under South Russell Village Zoning Regulations; and

WHEREAS, it is the intent of the Village of South Russell to protect its surface water and groundwater located within the Village of South Russell and to preserve aquatic life and endangered species located within the Village and to protect public and private property within the Village of South Russell;

NOW, THEREFORE, BE IT ORDAINED by the Council for the Village of South Russell, Geauga County, Ohio, that:

SECTION 1. Existing Section 2.10(b)(1)(g) of the Zoning Code is hereby amended to read as follows:

(g) Gas and Oil Wells: Well means any bore hole, whether drilled or bored, for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil filled waters. Oil means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir. Gas means all natural gas and other fluid hydrocarbons not defined herein as oil, including condensate. Condensate means liquid hydrocarbons that were originally in the gaseous phase in the reservoir. Oil and

gas wells shall mean all wells as defined herein for the production or extraction of oil and/or gas.

Existing Section 2.10(b)(1)(g), the full text of which follows, is hereby repealed:

(g) Gas and Oil Wells: All land and structures associated with the exploration and removal of natural gas or oil from the land.

SECTION 2. The third sentence of existing Section 3.05(b) of the Zoning Code is hereby amended to read as follows:

At such meeting the Commission shall schedule a public hearing within 60 days thereafter.

The existing third sentence of Section 3.05(b), the full text of which follows, is hereby repealed:

At such meeting the Commission shall schedule a public hearing within 30 days thereafter.

SECTION 3. Section 7.00 of the Zoning Code is hereby amended by adding the following:

No conditional use permit shall be assignable or transferable. Any change in ownership or operation of any conditional use shall require the new owner or operator to file an application for a new conditional use permit in accordance with the regulations set forth in the Zoning Code. It shall be the duty of the existing permit holder to advise the Commission of any change in ownership or operation and it shall be a violation of the Zoning Code if the permit holder does not advise the Commission of such change.

SECTION 4. Existing Section 7.02(u) is hereby amended to read as follows:

(u) Oil and gas wells shall be subject to and comply with the following definitions, minimum requirements procedures and regulations in order to obtain a conditional use permit for the drilling and production of an oil and gas well.

1. Oil and gas means oil or gas or both.

2. Producer means the owner of a well capable of or producing oil or gas or both or a person intending to produce an oil and gas well.

3. Owner means the person who has the right to drill on a tract or drilling unit and to drill into and produce from a pool and to appropriate the oil or gas that is produced therefrom either for themselves or for others.

4. Contractor means any third party engaged by an owner or producer to conduct drilling, producing and other operations.

5. Division means Division of Oil and Gas, Department of Natural Resources for the State of Ohio.

6. Applicant means owner or producer or both, it being the intent that both the owner and producer shall comply with all laws and regulations and shall be treated as jointly and severally responsible for all acts performed in drilling, production and abandonment of oil and gas wells.

7. Compliance with Laws and Regulations. All well drilling, production and transmission operations and facilities for oil and gas shall comply and conform with all requirements of the Zoning Code, Ohio Revised Code Chapter 1509, the rules of the Division, and all other Ohio Revised Code and administrative regulations, or requirements of the Ohio and Federal Environmental Protection Agencies and National Pollution Discharge Elimination System Regulations and permit provisions, if applicable, and statutes and regulations promulgated thereunder, all anti-degradation statutes and regulations for the State of Ohio and all other applicable Federal laws and regulations. In case of any conflict between any Local, State or Federal laws, regulations, or standards, the greater restriction or a more stringent provision shall apply and control. No person, firm, corporation or any other entity shall violate any provision of any law, regulation, or standard applicable to gas and oil well drilling, production and/or transmission.

8. No gas and oil well shall be drilled unless the owner, producer, or contractor complies with all minimum requirements set forth in Schedule 7 or more stringent restrictions as may be set forth by the Commission due to existing or proposed development of surrounding properties reasonably affected by the drilling, production or transmission of oil and gas wells or due to the characteristics of the land upon which the well is to be drilled. In the event the Planning Commission shall impose more stringent restrictions than as set forth in Schedule 7, the Planning Commission shall give notice to the applicant who shall have the right to request, within three days after receiving actual notice from the Commission, a public hearing on the decision to increase minimum requirements under Schedule 7 which public hearing shall be held within twenty-one days after the applicant notifies the Commission of its request for a public hearing. The Commission may, but need not advertise the public hearing or send notice to those persons otherwise entitled to notice of a public hearing on an application for a gas and oil well permit. Any person adversely affected by a decision of the Planning Commission to impose more stringent restrictions shall have a right of appeal to the Zoning Board of Appeals within 20 days after such adverse decision of the Commission.

9. The minimum lot area for each gas and oil well in a discharge district as hereinafter set forth, shall be forty acres which shall be deemed to be a drilling unit. The minimum lot area for each gas and oil well in a recharge district as hereinafter set forth, shall be eighty acres which shall be deemed to be a drilling unit. No more than one oil and gas well shall be permitted to be drilled in any

drilling unit. To comprise a drilling unit, no more than two separate contiguous lots of records may be joined for the purpose of creating a drilling unit and meeting minimum lot area requirements. The applicant shall submit a legal description of the drilling unit and note the boundary lines of the drilling unit on information to be submitted under Section 14(G)(3).

10. There shall be no tanks, separators, sumps, pit areas, wells, or other apparatus or equipment erected for or maintained for the drilling, production, transmission, or storage of gas, oil, waste, natural or artificial brines, oil field waters, sewage or any liquid used in or resulting from any drilling or production of an oil or gas well within three hundred feet of any public right-of-way, nor within five hundred feet of any lot line. Such equipment may be within five hundred feet of a side yard line which is the common side yard line of two contiguous parcels which form a drilling unit.

11. For each gas and oil well to be drilled, a conditional use permit shall be obtained and the applicant shall comply with each and every regulation of the Zoning Code prior to issuance of the permit, regardless of the number of permits previously issued within a drilling unit. If the Planning Commission finds that any applicant for a permit for a gas and oil well is in violation of any provision of this Zoning Ordinance or any condition imposed upon any previously issued conditional use permit for a gas and oil well, the Planning Commission shall be prohibited from issuing any new permits for a gas and oil well until the applicant provides satisfactory evidence to the Planning Commission that all violations have been remedied and that all fines, deposits and/or costs have been submitted to the Village or to a Court of competent jurisdiction. No permit shall issue unless the applicant complies with the regulations set forth in Schedule 7, all supplementary regulations, and all other regulations set forth in the Zoning Code and all other State, Federal and Village laws, regulations and standards.

12. There is hereby created groundwater recharge and discharge districts within the Village of South Russell. Attached hereto, incorporated herein, and marked Exhibit "A" is the groundwater recharge area map for the Village of South Russell. Any well to be located within an area designated on said map in the groundwater recharge protection zone shall be located at a minimum distance of 2,000 feet from any water well or any existing structures either within or without the limits of the Village of South Russell and 2,000 feet from any platted undeveloped land or land undergoing the process of subdivision or other residential development or other development where structures or uses will depend on groundwater for its potable water supply either within or without the limits of the Village of South Russell at the time an application is made for a conditional use permit for a gas and oil well. Any applicant seeking to obtain a conditional use permit for a gas and oil well within a discharge district that may develop in accordance with gas and oil well discharge

district regulations set forth in Schedule 7. Any gas and oil well located in the groundwater recharge district as indicated on said map shall develop in accordance with the regulations set forth in Schedule 7 for gas and oil wells in recharge districts.

13. Any applicant for a gas and oil well permit whose proposed well shall be within 2,000 feet of any lake, whether natural or man-made, stream, creek, or other body of surface water within the Village of South Russell, shall indicate the same on their application for a conditional use permit. It shall be the duty of the Planning Commission to impose and the responsibility of the applicant to comply with additional conditions in order to assure that any said body of water shall not be exposed to any danger of erosion, siltation, pollution, contamination, or alteration. In addition, the Village of South Russell hereby deems Silver Creek, within the limits of the Village of South Russell, to be in an environmentally protected zone as the habitat of aquatic life listed on Recognized Endangered Species Lists. Any oil and gas well proposed to be drilled within 2,000 feet of Silver Creek shall present with their application for a conditional use permit measures to be taken to avoid any danger of injury to such species or their habitat and the Planning Commission and Village Engineer are hereby delegated the duty to establish and enforce conditions to insure that during drilling, production, and abandonment of any such gas and oil well, that no such injury occurs. Adequate contingency plans shall be taken to avoid contamination of Silver Creek in the event that any of oil, gas, brine, waste, toxic materials or other such contamination spills during drilling, production or abandonment of any oil and gas well.

14. An applicant for a gas and oil well permit shall file an application on Form Z-3-A and submit all information set forth in Section 7.02 in order to be deemed to have submitted a complete application for a conditional use permit. Upon receipt of said application, the application shall be deemed to have been filed on the first Planning Commission Meeting after receipt of the application. The Planning Commission shall decide whether to grant, deny, or conditionally grant said permit within seventy-five days after the application is deemed filed with the Planning Commission. In order to meet the requirements to obtain a conditional use permit, the applicant, shall file Form Z-3-A executed by the record owner of the real property, owner if different than record owner, and producer if different than owner or land owner, and provide the following information, deposits, bonds and other information or documents as is requested by the Planning Commission, Solicitor, Village Engineer, Village Hydrologist, Geologist or Petroleum Engineer, and such other officials or consultants acting on behalf of the Village of South Russell in reviewing an application for a gas and oil well permit:

A. Post a $10,000.00 cash deposit with the application. This deposit shall cover the cost incurred by the Village in reviewing the application by the Planning Commission, Village Engineer, Village Hydrologist, Village Geologist or Petroleum Engineer, Village Solicitor, Environmental Biologist, or such other professionals which the Planning Commission deems necessary to review in order to determine the effect on the health, safety and welfare of the residents of the Village of South Russell if a permit were to be granted. If at any time should the deposit be reduced by disbursements in an amount less than $2,500.00, the applicant shall be notified to post an additional $2,500.00 to bring the cash bond back to $5,000.00. No permit shall be issued if an applicant fails to comply with the provisions of this section. Upon a final order granting or denying a permit, the applicant may request the return of the unused portion of the deposit.

B. Applicant shall post a $10,000.00 cash deposit or surety bond to guarantee proper maintenance and/or restoration of the drilling site after completion of drilling and proper abandonment of the well. If during review of an application for a conditional use permit, the Planning Commission determines that a higher cash deposit is necessary to guarantee property maintenance and/or restoration of the drilling site and proper abandonment of the same, the Planning Commission may order a higher cash deposit as a condition to the issuance of a conditional use permit. Further said cash deposit or bond will be used to properly landscape the premises in the event the applicant fails to do so and if the balance falls below $10,000.00, the applicant shall submit a new bond or cash to insure adequate abandonment. Upon completion of abandonment procedures in compliance with State laws and to the satisfaction of the Commission and upon total restoration of the property in a condition satisfactory to the Commission, the applicant may make a request to the Commission to return any unused portion of the cash deposit or surety bond. Said cash deposit or surety bond shall be posted with the Village after approval of a permit by the Planning Commission and prior to the issuance of the conditional permit. By requesting a conditional use permit to drill a gas and oil well in the Village of South Russell, any applicant is deemed to have consented to the Village taking the necessary steps to obtain abandonment of any gas and oil well being operated, at any stage, in violation of the Zoning Code or any other applicable Federal, State or Village law or regulation.

C. Applicant shall post a $5,000.00 cash deposit to defray the Village's cost of inspecting the oil and gas well and the site where said well will be

drilled. All costs incurred by the Village in inspecting said wells and sites shall be reimbursed by said deposit of $5,000.00. If at any time should this deposit be reduced by disbursements to the sum of $1,000.00, the applicant shall be notified to post an additional $2,000.00 to bring the total cash deposit back up to $3,000.00. Upon satisfactory completion of drilling of said well, and upon commencement of production, the applicant may request a return of the unused portion of the cash deposit. In the event that the applicant has complied with all Village laws and regulations, the Village shall return all but $2,000.00 of said deposit to the applicant. The remaining $2,000.00 of said deposit may be used by the Village of South Russell for annual inspections, testing of water wells, springs and surface waters by the Hydrologist, or such other inspections deemed to be necessary by the Village of South Russell of said well site during the production and/or abandonment stages. If at any time should this deposit be reduced by disbursements to the sum of $1,000.00, the applicant shall be notified to post an additional $1,000.00 to bring the total cash deposit back up to $2,000.00. Upon completion of abandonment procedures in compliance with all laws and regulations, said $2,000.00 deposit or any unused portion remaining shall be returned to the applicant upon request. If the applicant, after drilling of a well, determines not to make a well a productive well, the $5,000.00 cash deposit shall be held by the Village to insure that the applicant complies with all applicable laws and regulations regarding abandonment of said well and said deposit shall be returned upon the request of the applicant upon satisfactory evidence to the Planning Commission that all abandonment procedures have been complied with by applicant. Said $5,000.00 cash deposit shall be posted to the Village after approval of a permit by the Planning Commission and prior to the issuance of the conditional use permit.

D. Applicant shall file a copy of the State permit application as submitted to the Division, including all salt water and waste disposal plans and surveyor's map. Applicant shall provide the Planning Commission with a plan for the handling, storage, removal and disposal of salt water, frac-water, sludge and any other gas and oil field waste. Applicant shall also submit a copy of the spill prevention control and countermeasure plan when required by Federal laws or regulations. In addition, the applicant shall submit a timetable listing when site preparation is to begin, when drilling is to begin and end, and when drilling equipment is to be removed, when access roads are to be installed and completed, when permanent storage tanks are to be erected, when transmission lines are to be installed, and when production is to commence.

E. Applicant shall submit a statement naming the land owner, owner if different than land owner, producer, all contractors, and the qualifications and experience of producers and contractors.

F. Applicant shall submit a schematic drawing of the loading area and measures to be taken for removal of brine and oil from storage tanks in order to confine any spillage of the same. Said schematic drawing shall show an aerial view, and side view, indicating location of separator, tank, sump and loading area.

G. Applicant shall submit a site development plan to be reviewed by the Planning Commission and Village Engineer. Applicant shall submit five copies of the site development plan along with form Z-3-A. Said plan shall include the following, and develop the property in accordance with the following requirements:

(1) North arrows.

(2) Name, address and telephone number of record owner of property, applicant and driller.

(3) A vicinity map to a convenient scale showing the following:

(a) Property lines, boundary lines of drilling unit, streets, rights-of-ways, corporation lines and easements adjacent to the site.

(b) Well site.

(c) Tank battery site.

(d) Proposed permanent and construction drive locations.

(e) Piping from well to tanks and from tanks to point of connection to existing supply line.

(f) Nearest dwelling or occupied building and nearest water well in every quadrant indicating the same by an arrow and the number of feet to the nearest dwelling, building and water well.

(g) Show water courses, tree lines, marshes, water impondments or other significant natural or man-made features within 2000 feet of the site.

(4) Enlarged details shall be provided at the well site and the tank battery site showing the following:

(a) Well appurtenances: tanks, separators, piping valves, steel pits or pits and dikes.

(b) Fences - to be provided around both the well site and tank battery site. Fence to be a cyclone fence with a minimum of 8 feet height with 3 strands of barbed wire on top. Gates to have provision for padlocking.
An additional gate is to be provided at the driveway entrance, outside of right-of-way, to prevent unauthorized vehicles from entering the site. Provide for padlocking. Show detail of gate on plan.

(c) Existing contours, with a minimum interval of 2 feet, shall be shown within 100 feet of the outer boundaries delineating the area of the proposed well site, mud pits, storage tanks, and all other temporary or permanent fixtures associated with either drilling or production. Maintain positive drainage. Show spoil pile locations.

(d) Drainage structures, sized in accordance with criteria available through the Village Engineer.

(5) Provide details as to width and composition of proposed permanent driveway. Minimum driveway width to be 10 feet. Minimum requirement for driveway material to be a graded, crushed aggregate of a size, and placed to a thickness, sufficient to prevent displacement under anticipated loading. The permanent driveway shall serve both the well and tank sites.
Provide details of the temporary construction drive which shall be installed to provide access and a staging area for equipment and materials. This drive shall be not less than 40 feet in width at the street tapering to not less than 30 feet at the right-of-way and extending from the right-of-way a minimum distance of 100 feet onto private property. It shall be constructed of a graded, crushed aggregate of a size, and placed to a thickness, to prevent displacement under the anticipated loading. If required by the Village Engineer, a properly sized culvert shall be installed at the street (minimum requirement is 12" diameter, 16 gage with annular ends). Unless the temporary drive is incorporated into the permanent drive, it shall be removed along with the culvert and the area restored to its original condition when the well site is restored. Positive drainage shall be maintained around this area at all times.

(6) Show typical cross-sections through diked areas around tanks. Specify liners and method of securing same. State volume of each diked area (minimum volume to be twice tank capacity). No direct discharge will be permitted from the containment areas. Contents must be pumped out and removed from the site along with the brine.

(7) Include restoration details. All disturbed areas to be fine graded, seeded and mulched on completion of grading operations. Between November 1, and March 1, apply mulch only. Temporary mulch to be removed and areas dressed, seeded and mulched after March 1. If, in the opinion of the Village Engineer, due to unique conditions of the site, a potential for erosion or sedimentation exists, a review by the Geauga Soil and Water Conservation District may be required. Recommendations prompted by their review or by the Village Engineer shall be incorporated in the Site Development Plan. Weather permitting, restoration shall be completed within 60 days after drilling is complete. Show all landscaping, location and plant type, proposed for screening purposes.

(8) Provide an equipment list of those items to be installed at the site by manufacturer with model number or specifications, as applicable. Provide a list of all subcontractors to be employed and the work they will perform.
Provide a list of temporary equipment to be utilized during the drilling operation including complete information on the blow-out preventer. Include a list of all ~~vehicles that~~ will enter the site both during and after the drilling operation.

(9) Provide typical trench sections for pipe lines showing depth of line, trench width, backfill, including bedding and encasement details (where applicable).

(10) Give details of containment (pit) area or steel pit to be provided during the drilling operation, including dimensions of pit or steel pit, capacity, cross-section and lining materials for steel pit or earthen pit. Minimum requirement for lining if no steel pit shall be one inch of clay material to be approved by the Geologist prior to placement.

(11) Add note indicating pressure testing procedures will be performed on all lines transporting gas (minimum requirement is two times anticipated operating pressure).

(12) Within 30 days after commencement of production, submit to the Village an "as-built" mylar reproducible of the Site Development Plan for record.

(13) Applicant shall file form Z-3-A and attach to said form all information requested in Section (u) herein and shall also attach a description of the drilling procedures to be followed to include the intended depth of drilling, the method of extraction of oil and gas, and the method for

abandonment of said well. Also attached to form Z-3-A shall be a list of all names and addresses of all persons, firms or other entities engaged in the process of site preparation, drilling, production, removal of brine or oil, transmission of gas, or any other activity necessary for the drilling and production of gas and oil on the well under consideration for a conditional use permit. The applicant shall also submit a list showing the names and addresses of all property owners within 1,000 feet of any boundary line of the drilling unit, based upon the most recent tax duplicate for Geauga County.

15. Whenever any well is proposed and the well site is located in a recharge district and is within 2,000 feet of Silver Creek, or said well site is located in a discharge district and is within 1,000 feet of Silver Creek, the applicant shall submit with form Z-3-A an impact study prepared by an expert in environmental biology along with a recommended course of procedure to control spills and reduce the risk of contamination or injury to Silver Creek and its inhabitants. The impact study shall contain, at a minimum, a recent survey of the species of aquatic life in Silver Creek that is within 2,000 feet from any point from the well site in recharge districts and 1,000 feet from any point from the well site in discharge districts along with conclusions as to the potential adverse consequences to Silver Creek and its inhabitants in the event of contamination of Silver Creek by oil, gas, waste by-products of drilling and production, including salt water, brine, and other waste normally and reasonably associated with drilling and production of gas and oil wells in the State of Ohio. The Planning Commission may consult with and hire an environmental biologist to advise the Commission of any adverse impacts of any gas and oil well proposed to be located within the Village and recommend conditions to be imposed upon the applicant to reduce or eliminate the risk of contamination or injury to Silver Creek or any other body of surface water within the Village of South Russell.

16. The Village Engineer shall review the site development plan, anti-siltation plan to be submitted by applicant, and all other information submitted to the Planning Commission as required by the Zoning Code and shall recommend to the Planning Commission whether or not the applicant's proposal complies with the Zoning Code and what additional conditions, if any, should be imposed by the Planning Commission in the event that the Planning Commission grants a conditional use permit to the applicant.

17. The Village Hydrologist shall review each application to determine if the proposed well site will be in a recharge or discharge district and further review all information submitted to the Planning Commission to determine the effect

of said well on surface and ground waters within the Village of South Russell and submit his recommendations to the Planning Commission as to the effect of said well upon the Village and further his recommendations for any conditions that should be imposed upon the applicant in the event that the Planning Commission grants a conditional use permit to the applicant.

18. The Village Geologist or Petroleum Engineer shall review all information submitted by the applicant to determine if the proposed drilling and production methods comply with all laws and regulations and shall recommend to the Village whether or not any additional conditions should be imposed in the event that the Planning Commission grants a conditional use permit to the applicant.

19. The Commission, in the event that it grants or conditionally grants a conditional use permit for an oil and gas well shall establish a surety bond, in an amount to be determined by the Commission, and in a form to be approved by the Solicitor, which amount shall be that sum the Commission deems necessary to guarantee the repair or replacement of possible damage of public property resulting from site preparation, drilling, production, or abandonment of any oil and gas well within the Village of South Russell. No conditional use permit shall be issued until such time as a surety bond naming the applicants as insureds is posted. Such surety bond shall be in effect during the life of the well and until abandonment of the well has been approved by the State and the Village and all other deposits have been returned to the applicant and all laws and regulations have been complied with by the applicant. The amount of the bond shall be established after the public hearing otherwise required by the Zoning Code and upon recommendation from the Village Engineer and Solicitor. Said bond shall specifically provide that it shall protect public property owned or controlled by the Village of South Russell or the County of Geauga or the State of Ohio, and further said bond shall provide coverage, in the amount determined by the Commission, for any damage or injury to public property regardless of fault on the part of the applicant. The Village of South Russell hereby deems the drilling, production and abandonment and all other facets of development of oil and gas wells to be an inherently dangerous activity and the applicant shall be held strictly liable for any damage or injury to public or private property or to personal or bodily injury, regardless of fault of the part of the applicant, and it shall be unnecessary for any injured party to prove negligence or fault on the part of the applicant. Further, the applicant, by submitting an application for a permit for a gas and oil well, agrees that they shall hold harmless and indemnify the Village of South Russell from any and all loss, claims, demands, or causes of action, including reasonable attorneys fees and costs of suit, in the event the same is brought against the Village of South Russell as a result of any activity engaged in by the applicant or their contractors in furtherance of the drilling and production or abandonment of any oil and gas well within the Village of South Russell. In the event that the surety ceases to do business, or if for any other reason

said surety bond becomes void, the applicant shall immediately substitute a similar surety bond in the same amount, and in a form to be approved by the Solicitor, and in the event that the applicant fails to submit a substitute bond within 7 days after receiving notice that the surety bond has become void, it shall be a violation of the Zoning Code and in addition to all other penalties, the Commission, after notice and public hearing within 30 days after notifying the applicant, may order the applicant to cease drilling or production, and comply with State abandonment procedures to abandon the well. In the event that the Planning Commission orders such to occur and the applicant fails to comply, the Village may use any and all cash deposits or bonds and enter onto the applicant's premises to cause the same to occur. By requesting a conditional use permit to drill a gas and oil well in the Village of South Russell, any applicant is deemed to have consented to the Village taking the necessary steps to obtain abandonment of any gas and oil well being operated, at any stage, in violation of the Zoning Code or any other applicable Federal, State or Village law or regulation.

20. The Commission shall establish a surety bond, in an amount to be determined by the Commission, and in a form to be approved by the Solicitor, necessary to guarantee the repair or replacement of possible damage to private property resulting from site preparation, drilling, production and abandonment of any oil and gas well within the Village of South Russell. No conditional use permit shall be issued until such time as a surety bond naming the applicants as insureds is posted. Such surety bond shall be in effect during the life of the well and until abandonment of the well has been approved by the State and the Village and all other deposits have been returned to the applicant and all laws and regulations have been complied with by the applicant. The amount of the bond shall be established after the public hearing otherwise required by the Zoning Code and upon recommendation from the Village Engineer and Solicitor. Said bond shall specifically provide that it shall protect private property without limitation as to ownership or location of the same and further said bond shall provide coverage, in the amount determined by the Commission, for any damage or injury to real or personal private property or to personal or bodily injury regardless of fault on the part of the applicant. In the event that the surety ceases to do business, or if for any other reason said surety bond becomes void, the applicant shall immediately substitute a similar surety bond in the same amount, and in a form to be approved by the Solicitor, and in the event that the applicant fails to submit a substitute bond within 7 days after receiving notice that the surety bond has become void, it shall be a violation of the Zoning Code and in addition to all other penalties, the Commission, after notice and public hearing within 30 days after notifying the applicant, may order the applicant to cease drilling or production, and comply with State abandonment procedures to abandon the well. In the event that the Planning Commission orders such to occur and the applicant fails to comply, the Village may use any and all cash

deposits or bonds and enter onto the applicant's premises to cause the same to occur.

21. The applicant shall submit information to the Commission with satisfactory proof that applicant has the ability to remove all brine, drilling materials, sludge, and other materials required to be removed and not reinjected anywhere in the Village of South Russell in a location outside of the Village of South Russell and further prove to the satisfaction of the Commission that the applicant has available a brine injection well with sufficient capacity to accept all materials to be removed from the Village of South Russell and that said injection well or wells have been inspected and approved by the State of Ohio. No permit for a gas and oil well shall be issued until such proof, to the satisfaction of the Commission, is presented by the applicant.

Existing Section 7.02(u), the full text of which follows, is hereby repealed:

(u) Such uses shall comply with the following conditions:

1. The applicant shall post a $5000 cash bond with the application. This cash bond shall cover the cost incurred by the Municipality in reviewing of the application by the Engineer or, if necessary, other engineering professionals which may be required. The bond shall be for the further purpose of meeting the expense to the Municipality of providing on-site inspectors during the drilling phase of the operation. Any time should this bond be reduced by disbursements to the sum of $2000, the applicant shall be notified to post an additional $3000 to bring the total cash bond back up to $5000. If at any time, upon the Municipality having sent notice of the posting of the additional $3000, the additional bond is not posted, the Municipality shall withdraw its permit.

Upon the completion of the drilling phase, should the applicant elect not to make it a producing well, the applicant shall continue the bond until such time as the Municipality is satisfied that the abandonment process has been satisfactorily completed.

Upon completion of the drilling process, should the applicant elect to make the well a producing well, it will be the responsibility of the applicant to complete the clean up process, and upon completion of the clean up process to the satisfaction of the Municipality, the applicant need only maintain a $2500 bond during the production phase until final abandonment.

In either event, upon the completion of the requirements for the continuation of the bond, the balance of any funds shall be refundable to the applicant.

2. The minimum acreage for a single gas and/or oil well shall be 80 acres. No more than two (2) separate contiguous parcels may be joined for the purpose of meeting the minimum acreage requirements.

3. After the drilling process is completed, but before production starts, the applicant shall construct and secure an eight (8) foot, cyclone type fence around the entire circumference of all the permanent improvements placed upon the premises.

4. There shall be no tanks or reservoirs erected for or maintained for the storage of hydro carbon type products located within 300 feet of any public right-of-way, nor within 500 feet of any residential lot line.

5. During the production phase, the premises shall be maintained at all times in neat and orderly condition.

6. At all times any equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Access roads shall be maintained in a dust free condition.

7. Truck routes in and out of the premises shall be approved by the Commission. In such approval, the board shall give consideration to those routes which would minimize the wear on public streets, and which would prevent hazards and damage to other properties in the Municipality.

8. The applicant shall be responsible for maintaining the public roads in a debris free condition. At the end of each working day it shall be the responsibility of the applicant to cause the public roads to be free of all debris, mud, or other accumulations resulting from their operations.

Any failure in this regard may result in immediate revocation of the permit.

9. The applicant shall provide one off-street parking space for each employee. All trucks, machinery and other equipment stored at the site shall be kept within the fenced in area when not in use. All extracted materials stored at the site shall be kept within the fenced in area.

10. All storage and processing tanks shall be enclosed by embankments sufficient to contain any or all leakage or spillage from such tanks. The areas within such embankments shall be lined in such a way as to be impermeable to infiltration or loss of fluid into the surrounding materials. This embankment shall contain an outlet valve for use in release of surface water accumulation as necessary and appropriate.

11. All movable valves and access points in the producing complex shall be made vandal-proof with all appropriate methods, such methods to be submitted to the Commission for final approval.

12. All disturbance of land associated with drilling, development, production or abandonment of a well must be corrected in such a manner as to approximate, as a minimum, the original shape and condition of the drilling site prior to initiation of drilling procedures, such corrections to be completed prior to either production or abandonment of well site.

13. Upon abandonment of well, such well must be plugged in the following manner:

a. Emplacement of a permanent bridge or packer at or near the base of the geologic unit known as the Chagrin Formation.

b. Filling of hole to a minimum thickness of 50 feet above the packer with cement, followed by clay fill to the surface.

14. Increasing porosity and permeability of any pay horizon or potential pay horizon by means of explosives is strictly prohibited.

15. Any sump or pit system used for storage of wastes during the drilling or development period must be lined and sealed in such a way as to be impermeable to liquid infiltration from the pit to the surrounding area. Such system must contain a reserve holding area in the form of a second sump with characteristics similar to above and connected by an overflow gate in the event of unusual or unforeseen water conditons creating danger of surface flow outside the sump area.

16. All pipes, distribution lines and power lines associated with the area of use shall be buried not less than two feet wherever feasible, such burial to be accomplished prior to full production from well.

17. All permanent pumps and/or compressors shall be chosen with due regard to minimization of potential acoustic level upon adjacent properties.

18. Notification of initiation of production from any well shall be made to the Council no later than seven days prior to such production. All improvements and safety requirements alluded to herein shall be in place no later than three days prior to such production.

19. No other improvement may be located on the minimum acreage and no other improvement can be located on the minimum acreage during the time interval from initiation of drilling to initiation of production from a completed well. Following initiation of production, such improvements as may conform to the Zoning Code may be initiated within the restrictions of all applicable laws of the State and County.

20. There shall be no deliberate or purposeful spillage of salt water from the separator tanks. Any salt water contained in the separator tanks shall be captured and removed from the premises.

21. All transportation lines on the premises shall be built, laid and maintained in accordance with the standards established by the Department of Transportation.

22. It shall be understood that there shall be no production of any kind of sour gas.

23. If, in the opinion of the Commission, the location of any gas or oil well is sufficiently close to an existing pond or stream, the applicant shall cause diversionary ditches to be constructed in support of its impounding system.

24. Applicant shall, with his application, submit the following:

a. A plot plan of the subject property, evidencing the drilling site.

b. A full word description of the drilling procedures to include the intended depth, the method of extraction and the intended abandonment plan.

c. The names and addresses of all companies to be involved with the gas and oil wells, and the nature of their involvement.

d. The names and addresses of all abutting and adjacent property owners within 1000 feet of any boundary line of the subject property.

e. The application shall be signed by land owners and by the persons, firm or corporation responsible for the drilling operations.

25. The Commission, upon review of a gas and oil well application, shall establish an amount for a surety bond, which amount will be that sum necessary to guarantee the repair of possible damage to public property resulting from such well or drilling of the well. Damage to public property may include, but shall not be limited to, streets, pavements, curbs, gutters, sidewalks, water lines, sewer lines, bridges, culverts, tiles, fire plugs, street lights, traffic signs or signals, and drainage facilities. No conditional use permit shall be issued until such time as the above bond is posted in the required amount, and said bond shall be held by the Treasurer until the Commission is satisfied that all damage has been repaired and no subsequent damage will be caused by the operation.

26. The Commission, upon review of gas and oil well application shall establish an amount for surety bond, which amount will be that sum necessary to guarantee the repair of possible damage to private property resulting from such well or drilling of the well. The amount of this bond shall be established after the public hearing and upon written advice from the Engineer.

27. In addition to the foregoing, the Commission may impose such other conditions and requirements which it may deem necessary for the protection of adjacent property in the public interest.

SECTION 5. Schedule 7 (Conditional Use Regulations) of the Zoning Code, is hereby amended to read as set forth in the attached Exhibit "1", made a part hereof by reference herein (as the format of Schedule 7 is of such a nature that it can best be illustrated by reference to a separate writing).

Existing Schedule 7 (Conditional Use Regulations) of the Zoning Code, is hereby repealed. The full text of the existing Schedule 7 is attached hereto, marked Exhibit "2", and made a part hereof by reference.

SECTION 6. The ground water recharge area map hereinafter referred to as "Recharge Map" is hereby deemed to be a part of the Zoning Code and attached hereto and the Village Engineer is hereby authorized and directed to cause the aforementioned Recharge Map to be incorporated into the Zoning Code for the Village of South Russell, and a copy of said Map is attached hereto as Exhibit "A" and made a part hereof by reference herein.

SECTION 7. The Zoning Code of the Village of South Russell is hereby amended by adding Section 7.02(v) to read as follows:

7.02(v) -- In addition to the regulations set forth in Section 7.02(u), gas and oil wells shall be subject to the following supplementary regulations and any conditional use permit issued by the Commission shall be subject to compliance with all regulations set forth in this Section. Any act or omission in violation of this Section shall be deemed to be a violation of the terms and conditions of the conditional use permit and a violation of the Zoning Code and shall subject the permit holder to revocation of the conditional use permit and/or any penalty or fine that may be imposed under the Zoning Code.

1. After a conditional use permit has been granted, the applicant shall meet with the geologist or petroleum engineer retained by the Village to coordinate inspection of the drilling and production of the gas and oil well and to permit said geologist or petroleum engineer to adequately advise and consult the Village as to compliance with this Zoning Code after issuance of the zoning permit. The

geologist or petroleum engineer shall be responsible to inspect, and shall have the authority to approve or disapprove any act or omission of the applicant in furtherance of drilling, production or abandonment of any oil and gas well at any stage and shall be present during the following stages:

(A) He shall observe and along with the Village Engineer approve the actual site for construction and drilling of the well and the well site area.

(B) He shall observe completion of the surface hole and approve the method and amount of cementing of surface casing of the well.

(C) He shall provide inspections of the well site during drilling of the remainder of the hole.

(D) He shall be present prior to fracturing the well for water flowback room and spillage control and approve fracturing of the well and shall also be present to observe flowback of frac-water during the fracturing process.

(E) He shall provide inspections of the flowback pit during the swabbing phase after fracturing to insure spillage and contamination control and shall approve along with the Village Engineer, prior to drilling, pit construction and the methods of containing flowback and liquids to be contained in the pit during drilling.

(F) Inspect and approve tank battery construction, location and equipment and inspect completed and reclaimed location of well construction site area.

(G) Inspect and approve plugging or capping of well.

(H) Inspect and approve abandonment of well.

2. All costs incurred by the Village as a result of inspections to be made by the Village Engineer, Village Geologist or Petroleum Engineer, Village Hydrologist, and all other Village officials, shall be reimbursed to the Village by the applicant as provided in Section 7.02(u). In the event that any Village official determines that compliance with the Zoning Code or any conditions imposed by the Zoning Commission is being violated, or determines that any act or omission on the part of the applicant will have an immediate adverse impact on the health, safety, or welfare of the residents of the Village of South Russell, and upon the applicant receiving either oral or written notice of the same, the applicant shall immediately cease all activities in furtherance of the development of the well site until compliance with the Zoning Code, or Planning Commission conditions, or acts necessary to eliminate any adverse impact on the health, safety, and welfare as stated hereinabove, has been made unless the Village Engineer, Geologist or Petroleum Engineer or Hydrologist deems it hazardous to cease such activities in whole or in part. In

the event that any other Village official determines that the applicant is in violation of the Zoning Code or any conditions imposed by the Planning Commission, such Village official shall have the authority to order the applicant to immediately cease all activities on the premises in furtherance of development of the well site until compliance with the Zoning Code or conditions of the Planning Commission has been made.

3. The applicant shall provide ingress and egress roads to all well sites and all storage tank sites. Roads to the well site shall be constructed, in accordance with plans approved by the Village Engineer, prior to drilling and roads to storage tank sites shall be installed, (and approved prior to construction by the Village Engineer) prior to installation of tanks. The applicant shall notify the Village Engineer to inspect the roads for suitability before moving any equipment into the site. All access roads shall be maintained so as to be dust free and passable in all seasons and weather conditions. Access roads shall be adequately fenced with a locked gate to prevent unauthorized entry from public roads. Not more than two access points shall be established from any public road to any well site. Access roads shall have a turnaround of sufficient size to accommodate fire and rescue and other emergency vehicles servicing the Village.

4. During drilling and prior to filling of all pits or dikes, the Village Engineer or the Village Geologist or Petroleum Engineer shall order the applicant to remove and haul outside of the limits of the Village of South Russell all drilling fluids and other materials in the pit if in the Village official's opinion there exists a possibility that the materials in the pit or dike will overflow. The applicant shall fill and level all pits or dikes within seven days after the applicant is ready to commence production and restore the land to its original condition. The applicant shall remove all drilling fluids and sludge from the pit or dike prior to filling the pit or dike and haul the drilling fluids or sludge outside of the Village of South Russell for disposal. Filling and restoration shall be subject to inspection and approval by the Village Engineer and Geologist or Petroleum Engineer. The applicant shall notify the Village Engineer at initiation and upon completion of restoration.

5. The name, address and telephone number of each person signed on the application, along with each operator and contractor responsible for ownership, operation, and all maintenance of each well site located within the Village shall be conspicuously placed on each tank battery and be furnished to the Building Inspector and Chief of Police for the Village of South Russell. The Building Inspector shall prepare a list of all such names and addresses and telephone

numbers and shall keep the list posted in a conspicuous place in the Police Department and in the Building Department office for ready reference. The applicant, along with furnishing the name, address and telephone numbers indicated herein, shall also provide the location of each well site, separation and storage tanks, and the location and color identity of power and shutoff valves. Keys for emergency access to each well and tank site shall be made available to the Police Department. Well and tank sites under the same ownership or control shall have gates and fences with master keys capable of opening all locks on gates and fences and equipment. Such keys shall be provided to the Building Inspector and the Chief of Police for the Village. Before commencing drilling operations and during production of the well, a sign of two square feet, and orange in color, shall be posted at the access road entrance gate showing the street number, owner, operator, lessee, if any, well number, State and Village permit numbers, and all emergency telephone numbers. All shutoff valves shall be painted in florescent orange. All power, storage and transmission line shutoff valves shall be secured by locks or similar devices to prevent unauthorized access or usage. Prior to commencing production, all permanent producing and storage facilities shall be enclosed entirely by a cyclone fence to be a minimum of eight feet high with three strands of barbed wire on the top and adequate to prevent trespassing at all times. Said fence shall be constructed prior to commencement of ~~drilling.~~

6. During drilling of wells, casings shall be cemented in quantities and qualities to be approved by the Geologist or Petroleum Engineer and Village Engineer to a minimum depth of 500 feet below the surface. The Village Geologist or Petroleum Engineer shall insure that the cement provided shall be sufficiently adequate to case 500 feet of annular volume and shall file the annular space entirely for a minimum depth of 500 feet. A record of the depth of the cemented casings shall be filed with the Building Inspector for the Village.

7. The applicant shall provide the Building Inspector with a plat of all buried transmission lines. No person shall place any transmission lines within the Village of South Russell without first obtaining a written easement therefor. Prior to opening any public street to bury transmission lines, the applicant shall comply with Village ordinances and obtain a street opening permit pursuant to the requirements set forth in Chapter 1010 of the Codified Ordinances. All buried transmission lines crossing any public street shall be marked by a permanent marker on both sides of the street, in a location and format acceptable to the Village Engineer. At street crossings the line shall be laid to a minimum depth of six feet and to a minimum depth of thirty-six inches beneath ditches. All pipes being

buried other than at street crossings shall be buried a minimum of twenty-four inches under the surface or twenty-four inches below a normal river or creek bed. No transmission lines intended for burial shall be covered until the installed line is inspected by the Village Engineer. When required by the Village Engineer, the applicant shall increase or decrease the depth of transmission lines. The applicant shall coordinate the laying of transmission lines with all public utilities servicing the Village of South Russell.

8. The following regulations shall apply during drilling and production of oil and gas wells:

(A) During the drilling phase, all flowback and waste shall be accumulated in containers and no hydrocarbons, waste, water or other such elements shall be permitted to enter the atmosphere at the well site. Upon fracturing of any well, the applicant shall contain flowback entirely within an adequately vented enclosed system to be approved by the Village Geologist or Petroleum Engineer. ✱

(B) All storage tanks for storage of oil, water, salt brine and other such elements shall be equipped with a locked thief-hatch cover in a location satisfactory to the Village Geologist or Petroleum Engineer in order to sufficiently enable visual inspection of the tank and in order to provide security from any vandalism or damage to the tank.

(C) In the event that the Village Geologist or Petroleum Engineer determines that any drilling or production of a gas and oil well causes any sour gas, or gas or oil odor deemed to be a nuisance by the Village Geologist or Petroleum Engineer, the applicant shall take all necessary steps to eliminate escape of any sour gas and where ordered by the Village Geologist or Petroleum Engineer, shall provide a filter retrofitted on all storage tanks and shall insure during ~~drilling and~~ production of any well that said filters are either cleaned or replaced in order to adequately suppress odor.

(D) The flow line from the well to the separator device shall have a pressure activated shutoff valve system to cut off the flow just prior to the opening of the safety valve on the separator.

(E) In the event that the well system utilizes a pump jack, the pump jack shall also have an automatic shut-down system approved by the Village Geologist or Petroleum Engineer. ~~Installed on each pump jack shall~~ be a leak detector to detect for packing failure ~~and further to provide a mechanical device to automatically~~ cause the pump to shutoff in the event of such failure.

At least once each year, commencing one year after initial production of a well, the applicant shall test all safety valves used in the production of oil and gas to determine that they are properly functioning and shall report the same to the Building Inspector. If said report is not received within fifteen days after the anniversary date, the Building Inspector and Village Geologist or Petroleum Engineer shall inspect the premises, to determine the same, and obtain reimbursement of the cost of such inspection from the applicant or any bond or deposit of the applicant being held by the Village.

(F) All motor powered equipment intended for permanent use in production of wells shall be operated only on electrical power. This regulation shall not apply to motors used in drilling operations or service rigs at the site. Any diesel engines being utilized during the drilling stage shall have adequate mufflers to suppress sound and ~~each dike shall be provided with fire-resistant soundproofing material~~ and shall be subject to the approval of the Village Geologist or Petroleum Engineer. All storage tanks, separators, and distribution pipes shall be surrounded by a minimum of one-inch clay seal on the surface of the ground and shall be contained by a retainer wall capable of holding two times the capacity of all storage tanks. The applicant shall provide a loading area to the storage tanks with provisions for a ramp so that if any spillage occurs while removing any materials from storage tanks that any spill will go into a pit which shall be installed with a motorized sump pump in order to pump back into the tanks any spillage. Such areas shall be developed in accordance with Diagram "A" which is attached hereto and made a part hereof and the area of the pit shall be equal to or greater than two times the capacity of all storage tanks at the site.

(G) The maximum sound level of all operations during the drilling stage shall be _____ decibels at a distance of 30 feet. In the event that any Village official determines that the decibel limit has been violated, such official shall order the applicant to cease production until adequate measures are taken to reduce the decibel level equal to or less than _____ decibels at a distance of 30 feet.

(H) Prior to drilling, the applicant shall construct pits sufficient in size to contain all liquids produced as a result of anticipated drilling procedures. Each pit shall be constructed of steel or be lined with an impermeable plastic layer on top of a minimum one-inch clay seal. The Village Engineer and Geologist or

Petroleum Engineer shall insure that at all times said pits are lined with an impermeable plastic layer and shall order, unless deemed to be hazardous, the immediate suspension of all drilling activities until said pits are properly lined and/or constructed. The location, volume and construction of said pits shall be subject to the approval of the Village Engineer and Geologist or Petroleum Engineer.

(I) Any liquid or waste, other than water used within the contained flowback process, extracted from a well during drilling or production shall not be re-injected into the ground within the Village of South Russell. All such wastes and brines shall be stored in tanks and removed from the Village by haulers who shall first obtain a permit from the Building Inspector. Such haulers shall prove their ability and experience to remove such waste and brine safely and provide evidence of liability insurance in an amount satisfactory to the Village Solicitor. When requested by Village officials, said hauler shall produce receipts for the location where such wastes or brine are injected.

(J) During drilling of a well, the applicant shall install a blowout preventer with a remote manual preventer control, to shut down the system. The applicant shall also install a gas detector meter to the drilling apparatus to determine if a gas pocket has been hit during drilling. The applicant or his agents shall be on site during all phases of drilling and the applicant shall insure that adequate and knowledgeable and experienced drillers shall be on site during all phases of drilling.

(K) The applicant, during production of a well, shall make daily fluid level checks of all oil, gas, brine, waste and other elements removed from any well and shall also check on a daily basis the condition of all equipment and shall ~~provide a weekly report~~ to the Building Inspector of fluid levels indicated herein, the condition of all equipment, the pressure level of all equipment, and shall inspect and advise the Building Inspector of efforts taken to avoid build-up of paraffin on any equipment or apparatus contained at a well site. The Village Building Inspector shall prepare an inspection form to be filled out weekly by the applicant.

(L) The person or persons who will perform the fracture of each well, shall be subject to approval of the Village Geologist or Petroleum Engineer who shall insure that such person or persons are adequately experienced and will take adequate precautions to avoid any danger to person or property.

(M) In the event that any well site, in the opinion of the Village Engineer or Hydrologist, is sufficiently close enough to potentially adversely affect any existing pond, stream, lake or other body of surface water, the applicant shall construct diversionary ditches and devise and construct an impounding system to contain any liquids that might otherwise escape from the well site and such ditches and impounding systems shall be constructed in a manner approved by the Village Engineer.

(N) After conclusion of the drilling stage, and upon the date when notice is required to be given to the Village of the commencement of production, the applicant shall remove all drilling equipment, temporary tanks and other materials not intended to be permanently placed at the well site.

(O) All landscaping shall be completed within 60 days and all grading shall be completed within 14 days after drilling is completed. The site where all permanent storage tanks and other apparatus will be located shall be screened with natural vegetation and such vegetation, when planted shall be at least five feet in height, with the ability to grow to at least fifteen feet in height, where said tanks and apparatus are visible from any public road or existing residential structure.

(P) All storage tanks, apparatus and other equipment located above ground at a well site shall be removed within 180 days after a well stops producing and the ground shall be restored, to the extent possible, to its original condition prior to drilling of said well, within said 180-day period.

(Q) The Village Hydrologist shall, at the applicant's expense, on at least a semiannual basis, test the nearest water well, spring, and downstream surface water at locations selected by the Village Hydrologist and to be tested at a laboratory to be determined by the Village Hydrologist to insure that no groundwater or surface water is being contaminated as a result of any oil and gas well operation. The Hydrologist shall submit a copy of the results of said tests to the applicant and to the Building Inspector. In the event that said testing determines that any contamination has occurred, the applicant shall cease production until the source of contamination is located and the applicant is able to eliminate the source of contamination to the satisfaction of the Village Hydrologist.

(R) The applicant shall comply, in addition with all regulations and conditions set forth in this Chapter, with the regulations set forth in Chapter 10 and 11 of this Code providing for development and performance

regulations. The applicant shall be aware of and comply with the Village Soil Erosion Ordinance and Chapter 1010 of Codified Ordinances regarding street opening and shall consult with the Village Engineer to insure compliance with said Ordinances.

(S) In the event an applicant at any time determines to cap a producing well, the applicant shall notify the Building Inspector. The applicant shall advise the Building Inspector of the length of time said well shall be capped and shall further notify the Building Inspector when the well will again be made productive. The Building Inspector upon receiving notice of the applicant's intention to cap the well shall notify the Village Geologist or Petroleum Engineer who shall then inspect any well after it is capped to insure that the applicant has safely capped the well. If the well is capped for more than one year, abandonment proceedings shall be commenced and completed within one month thereafter unless an extension is requested by applicant and approved by the Commission.

(T) The applicant shall not permit any hydrocarbons or brines to enter the Sharon or Berea Sandstone formations during drilling or production of any oil and gas well. In the event that such contamination of either sandstone shall occur, the applicant shall immediately notify the Building Inspector who shall then notify the Village Hydrologist to determine if any temporary or permanent damage has occurred to the potable water supply.

(U) During the drilling stage, no other improvement or additional use shall be placed on the drilling unit. Following initiation of production, as approved by all Village officials, such additional improvements and uses as may conform to the Zoning Code may be initiated on the drilling unit subject to the restrictions of all other applicable laws and regulations of the Village and State of Ohio. In recharge districts, no new structure shall be located within 2,000 feet of any well site area within the drilling unit or any land outside of the drilling unit contiguous thereto and owned by applicant. Within a discharge district, no new structure shall be located within 300 feet of any well site area. The well site area shall include the oil and gas well, any storage or separation tanks, compressor station, or pit or containment areas for the storage of brine and other wastes.

(V) Applicant shall be prohibited from accumulating combustible materials in the well site area and upon order of any Village official, shall remove any combustible materials that in the opinion of such Village official may be hazardous. No person shall smoke any cigarette, cigar, pipe or other form of tobacco or have any matches, open flames, or burn any other combustible material at the well site during drilling or when handling or removing gas at the well site. The applicant shall insure that when any welding occurs on the premises that suitable welding screens are utilized to protect any person from injury.

(W) All artificial lighting used during drilling or production of any gas and oil well shall be designed, constructed and located in such a manner to prevent emission upon any property not within the drilling unit.

(X) The applicant and any contractor shall be prohibited from increasing the porosity and permeability of the subsurface by the use of explosives.

(Y) No person shall refine or otherwise process for extraction the products of a gas and oil well except when necessary to make gas acceptable to flow through gas transmission lines and in the event that the latter becomes necessary, the applicant shall notify the Building Inspector prior to commencement of such processing or production.

(Z) If, during drilling, the site will be unattended at any time, and during the completion phase of drilling, when the well site area is unattended, the applicant shall cap the assembled sections of the well to avoid any hazard or leakage of hydrocarbons or wastes or other elements.

(AA) All pipe and related fittings must be equal to or better than the American Petroleum Institute Code 5-L, Grade B, and consist of prime material with standard coating. Any deviation from these standards shall be approved by the Village Geologist or Petroleum Engineer prior to construction of the same at the well site. Prior to backfilling of pipelines, the Village Engineer shall inspect and approve all laying of pipes. Upon completion of construction of all tanks and other apparatus to remain on the well site and laying of pipelines, the applicant shall return all disturbed public or private roads, driveways, walks, or approaches to their original condition as noted before disturbance. Applicant shall backfill to existing

grade level in such a manner so as to prevent erosion or siltation and shall complete all of the same within 45 days after completion of installation of storage tanks and other apparatus and pipelines.

(BB) A hydrostatic test of all pipelines from the well to ~~storage tanks~~ and from ~~storage tanks~~ to transmission lines shall be performed by the applicant prior to placing said line or any section thereof into operation. A hydrostatic test, or such other test as may be approved by the Village Geologist or Petroleum Engineer shall consist of a pressure not less than two times the expected maximum operating pressure and shall be recorded over a minimum period of 48 hours. In the event that any drop of pressure is noted within said 48 hour period, the line shall not be made operational until the line is capable of performing as set forth in this paragraph.

(CC) All gas produced from wells shall be transported from the drill site by means of underground pipeline connected directly with the producing ~~pump or with tanks or treating facilities~~ by a completely closed system without venting gas or the products of gas to the atmosphere at the production site. All oil produced from the wells on the well site may be transported from storage tanks by means of underground pipelines or by tank trucks whose holding capacity shall not exceed 100 barrels. Oil storage tanks shall be no larger than that sufficient to contain and store 210 barrels of oil (each barrel capable of holding 42 U. S. gallons).. ~~No more than one such oil storage tank shall be contained on any drilling unit.~~

(DD) The applicant shall not violate Ordinance No. 1983-51 which prohibits pollution of waters within the Village of South Russell and the applicant shall review and become familiar with said Ordinance and consult with the Village hydrologist in order to insure that all measures are taken to eliminate the risk of such contamination.

(EE) In the event that technological improvements are made in the gas and oil industry and additional safeguards are available to applicant, in order to protect person or property from any hazards and such technological improvements are available at a reasonable cost, and upon notice from the Village of South Russell or its officials, the applicant shall if technologically possible, incorporate such technological improvements into its gas and oil well drilling, production, transmission or abandonment operations. The Village shall provide such notice in writing to the applicant and the applicant shall have the right to

request a public hearing to be held within 21 days after written notice is received by the applicant and any party may appeal any adverse decision of the Planning Commission which decision shall be made within 14 days after said public hearing. The Planning Commission need not advertise said public hearing or send notice to those persons otherwise entitled to notices of public hearing under the Zoning Code.

(FF) All waste substances such as drilling muds, brine or acids produced or used in connection with drilling operations or production shall be retained in water-tight receptors from which they shall be hauled from the premises for disposal outside of the Village of South Russell within ten days after the completion of drilling and no production shall commence until such removal has occurred.

(GG) Truck routes in and out of the well site shall be approved by the Commission. The Board shall require that truck routes through Village streets be limited to roads that can accept the load limits and shall consider routes that will minimize wear on public streets within the Village and which would prevent hazards and damage to other properties in the Village.

(HH) The applicant shall be responsible for maintaining the public roads in a debris-free condition at all times and it shall be the responsibility of the applicant to cause the public roads to be free of all debris, mud and other materials that accumulate as a result of drilling, production, transmission, hauling or abandonment proceedings.

(II) The applicant shall provide one off-street parking space for each employee engaged in the drilling process and shall provide at least two permanent off-street parking spaces at the site where ~~storage tanks~~ will be located. All trucks, machinery, drilling rigs and other equipment temporarily stored at the site shall be kept within a temporary fenced-in area around the well site when not in use. All extracted materials during drilling, and stored at the site, shall be kept within such fenced-in area.

(JJ) In addition to the regulations set forth in Section 7.02(u) and those regulations set forth in Section 7.02(v) herein, the Commission may, after public hearing, impose such other conditions, requirements, limitations, and delegation of authority to other Village officials, which the Commission may deem necessary for the protection of property and person and in furtherance of the health, safety and welfare of the residents of South Russell Village and surrounding communities.

Section 8. The Zoning Code of the Village of South Russell is hereby amended by adding Section 7.02(w) to read as follows:

1. Whoever violates any provision of Chapter 7 of the Zoning Code or any orders or terms or conditions of a permit issued pursuant to Chapter 7, shall be fined not less than $100.00 nor more than $1,000.00 for a first offense; for each subsequent offense, such person shall be fined not less than $200.00 nor more than $2,000.00. Whoever violates Section 7.02(v)(8)(I) or orders or terms or conditions of a permit issued thereunder shall be fined not more than $5,000.00 for each day of violation. Any penalties provided for herein shall be in addition to any other remedies, whether legal or equitable, that the municipality may deem necessary to prevent or remedy a violation of the Zoning Code.

2. In the event of any violation of the provisions of Chapter 7 of the Zoning Code or Schedule 7 of the Zoning Code, or any orders or terms or conditions of any conditional use permit issued under Chapter 7 of the Zoning Code, a conditional use permit issued by the Commission may be revoked. The Commission shall notify the applicant by certified mail of its intent to revoke the conditional use permit and of the applicant's right to hearing before the Commission, within 30 days of the mailing of the notice, if the applicant so requests. If the applicant requests a hearing, the Commission shall set a time and place for the hearing, and notify the applicant. The Commission shall cause a notice of the hearing to be published in a newspaper of general circulation at least 10 days prior to the hearing. At the hearing the applicant may appear in person, or by his attorney, or the applicant may present his position in writing. The applicant may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Commission may revoke the conditional use permit without a hearing. The authority of the Commission to revoke a conditional use permit is in addition to any other means of zoning enforcement otherwise provided by the Zoning Code. At the hearing, the Building Inspector shall present the grounds upon which it is claimed that the Zoning Code or any order, term or condition of the conditional use permit has been violated by the applicant. The Commission shall conduct the hearing in the same manner and procedure as upon any other public hearing. Any adverse party may appeal from a decision of the Commission within 20 days after the Commission acts in revoking a conditional use permit or in determining not to revoke a conditional use permit.

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

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

Held January 5, 1984 *19*

Members present: Cotesworth, Daniels, Harvey, O'Donnell, Sutliff
Other officials: D. Markowitz, W. King
Guests: Johan Neely, Paul McPauland

Meeting was called to order at 8:00 P.M. Roll call, all members present.

There being no additions or corrections to the December, 1983, minutes, Harvey moved to approve minutes as recorded, O'Donnell 2nd. Roll call, all ayes.

John Neely, Construction Develpment, Inc., came before the Planning Commission with a Zoning Amendmendment Application, which if adopted would be applied to the old airport property. Mr. Neely presented the original subdivision plan filed in 1980, showing a grid design with 105 lots. Neely stated this plan was accepted but due to the economic situation at that time they decided not to start to build. Neely then presented a new subdividion plan which, if the zoning amendment application is approved, would allow for 105 lots on 133 acres, density of one acre per family when taking into consideration area for roads, open space, etc., however they have reduced the lot size 10 to 20 % . By decreasing the lot size, there will be an increase in the green belt area. Lot size varies from ½ acre to 1 acre. The development has a double road entrance, with a green median, leading to a central landscaped area, approximately 43 acres, with ten roads off the central area with approximately ten homes on each cul de sac. Mr. Neely stated this use is different from anything in the area and they have had to draft a zoning ordinance that encompases the specifics of this type of development. Mr. Neely presented the proposed ordinance which titles this type of development as "residential neighborhood", as opposed to residential. Mr. Neely stated basically the only difference between the proposed zoning and the current zoning of the airport property is the lot sizes. There will be more open space, but no more units allowed. What this allows is clustering which cuts back on the roads and road maintenance and yet provides a park like setting with increased green space.

Mr. Neely stated he is here tonight to discuss the zoning amendment, however the subdivision plan is really a sketch just to help illustrate the "residential neighborhood" concept. Commission discussed the proposed plan for Kensington Square. Mr. Neely presented a plan showing a foot print of a home placed on a cul de sac lot to illustrate how the side yard set back, front yard set back would appear. As far as what type of homes to be constructed, Mr. Neely stated what he wants to do is maintain strict covenants on the building style. Neely stated he wants to avoid a hodge-podge of every different type of style on one street. What he wants to do , is keep a consistancy with the elevations.

Mr. Neely stated what they have done is taken their proposed subdivision plan for the airport property and written a zoning amendment around it. The average lot size is .71 acres. Common area in current zoning is 25% however in the proposed amendment it is 30%. There are parameters built into this amendment which keep developers from having less than 30% of the development in open space.

Mrs. O'Donnell and Mrs. Cotesworth stated they felt the plan was an attractive one, however had some concern with respect to rezoning and allowing for smaller lots, ½ acre and larger. Mr. Neely stated there were smaller lots however there was a great deal of open space, more than planned in the original 1980 plan.

Mr. Markowitz stated there are three additionas to this amendment which he would recommend. First, there be no less than a minimum of .7 acre average lot size. Second, create the classification, R-N-1 District, for this amendment. Third, to be eligible to be in the R-N-1 district, area must be serviced by a central sewer system.

Wallay King asked if there should be separate regulations for accessory structures in this proposed district? King stated his concern is the possibility of causing an unnecessary number of Zoning Board of Appeal requests

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held 19

for future accessory structures if they are not dealt with specifically for the R-N-1 district. Commission agreed this must be addressed as a separate area, with it's own specific regulation.

Commission discussed whether the Planning Commission should have a public hearing in addition to the Council's required public hearing. Mrs. O'Donnell stated if the Planning Commission had a public hearing first, possibly the public hearing of Counicil's would be shorter, thereby not making Council's meeting longer than they are normally. Markowitz stated he did not think it was necessary for the Village to spend the money for two public hearing when we can accomplish the same thing with just one. Following brief discussion, Commission asked the Secretary to notify the papers of our next meeting and the proposed zoning amendment, in addition, to sending letters to the surrounding property owners.

Harvey asked Mr. Makowitz if this proposed zoning amendment will be structured as a nebulous floating district or will it be tied to one specific area. Markowitz stated it really will be neither, the R-N-1 district will be a district just like R-1 or R-2 and this piece of property (old airport property) will be in that district. It is the same concept as the medical district with the Chagrin Valley Medical Center.

Following brief discussion, Commission agreed to change, due to scheduling conflicts of Commission members, the special Commission meeting discussing the proposed gas and oil well ordinance from January 14th to January 21st. Commission asked Secretary to notify interested citizens, Dr. Eckstein, Al Anderson, Bill Driemiller and the newspapers of this change.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

xc: Council
Plannig Commission
Clerk of Council
Engineer
Solicitor
Building Inspector
Wm. Jackson

request a public hearing to be held within 21 days after written notice is received by the applicant and any party may appeal any adverse decision of the Planning Commission which decision shall be made within 14 days after said public hearing. The Planning Commission need not advertise said public hearing or send notice to those persons otherwise entitled to notices of public hearing under the Zoning Code.

(FF) All waste substances such as drilling muds, brine or acids produced or used in connection with drilling operations or production shall be retained in water-tight receptors from which they shall be hauled from the premises for disposal outside of the Village of South Russell within ten days after the completion of drilling and no production shall commence until such removal has occurred.

(GG) Truck routes in and out of the well site shall be approved by the Commission. The Board shall require, where possible, that truck routes through Village streets be limited to roads that can accept the load limits and shall consider routes that will minimize wear on public streets within the Village and which would prevent hazards and damage to other properties in the Village.

(HH) The applicant shall be responsible for maintaining the public roads in a debris-free condition. At the end of each working day, and prior to 6:00 P.M., it shall be the responsibility of the applicant to cause the public roads to be free of all debris, mud and other materials that accumulate as a result of drilling, production, transmission, hauling or abandonment proceedings.

(II) The applicant shall provide one off-street parking space for each employee engaged in the drilling process and shall provide at least two permanent off-street parking spaces at the site where storage tanks will be located. All trucks, machinery, drilling rigs and other equipment stored at the site shall be kept within the fenced-in area around the well site when not in use. All extracted materials stored at the site shall be kept within the fenced-in area.

(JJ) In addition to the regulations set forth in Section 7.02(u) and those regulations set forth in Section 7.02(v) herein, the Commission may, after public hearing, impose such other conditions, requirements, limitations, and delegation of authority to other Village officials, which the Commission may deem necessary for the protection of property and person and in furtherance of the health, safety and welfare of the residents of South Russell Village and surrounding communities.

grade level in such a manner so as to prevent erosion or siltation and shall complete all of the same within 45 days after completion of installation of storage tanks and other apparatus and pipelines.

(BB) A hydrostatic test of all pipelines from the well to storage tanks and from storage tanks to transmission lines shall be performed by the applicant prior to placing said line or any section thereof into operation. A hydrostatic test, or such other test as may be approved by the Village Geologist or Petroleum Engineer shall consist of a pressure not less than 1.5 times the expected maximum operating pressure and shall be recorded over a minimum period of 48 hours. In the event that any drop of pressure is noted within said 48 hour period, the line shall not be made operational until the line is capable of performing as set forth in this paragraph.

(CC) All gas produced from wells shall be transported from the drill site by means of underground pipeline connected directly with the producing pump or with tanks or treating facilities by a completely closed system without venting gas or the products of gas to the atmosphere at the production site. All oil produced from the wells on the well site may be transported from storage tanks by means of underground pipelines or by tank trucks whose holding capacity shall not exceed 100 barrels. Oil storage tanks shall be no larger than that sufficient to contain and store _____ barrels of oil (each barrel capable of holding _____ U. S. gallons). No more than one such oil storage tank shall be contained on any drilling unit.

(DD) The applicant shall not violate Ordinance No. 1983-51 which prohibits pollution of waters within the Village of South Russell and the applicant shall review and become familiar with said Ordinance and consult with the Village hydrologist in order to insure that all measures are taken to eliminate the risk of such contamination.

(EE) In the event that technological improvements are made in the gas and oil industry and additional safeguards are available to applicant, in order to protect person or property from any hazards and such technological improvements are available at a reasonable cost, and upon notice from the Village of South Russell or its officials, the applicant shall if technologically possible, incorporate such technological improvements into its gas and oil well drilling, production, transmission or abandonment operations. The Village shall provide such notice in writing to the applicant and the applicant shall have the right to

Remainder of this draft dictated but not reviewed by Dale Markowitz

compressor station, or pit or containment areas for the storage of brine and other wastes.

(V) Applicant shall be prohibited from accumulating combustible materials in the well site area and upon order of any Village official, shall remove any combustible materials that in the opinion of such Village official may be hazardous. No person shall smoke any cigarette, cigar, pipe or other form of tobacco or have any matches, open flames, or burn any other combustible material at the well site during drilling or when handling or removing gas at the well site. The applicant shall insure that when any welding occurs on the premises that suitable welding screens are utilized to protect any person from injury.

(W) All artificial lighting used during drilling or production of any gas and oil well shall be designed, constructed and located in such a manner to prevent emission upon any property not within the drilling unit.

(X) The applicant and any contractor shall be prohibited from increasing the porosity and permeability of the subsurface by the use of explosives.

(Y) No person shall refine or otherwise process for extraction the products of a gas and oil well except when necessary to make gas acceptable to flow through gas transmission lines and in the event that the latter becomes necessary, the applicant shall notify the Building Inspector prior to commencement of such processing or production.

(Z) If, during drilling, the site will be unattended at any time, and during the completion phase of drilling, when the well site area is unattended, the applicant shall cap the assembled sections of the well to avoid any hazard or leakage of hydrocarbons or wastes or other elements.

(AA) All pipe and related fittings must be equal to or better than the American Petroleum Institute Code 5-L, Grade B, and consist of prime material with standard coating. Any deviation from these standards shall be approved by the Village Geologist or Petroleum Engineer prior to construction of the same at the well site. Prior to backfilling of pipelines, the Village Engineer shall inspect and approve all laying of pipes. Upon completion of construction of all tanks and other apparatus to remain on the well site and laying of pipelines, the applicant shall return all disturbed public or private roads, driveways, walks, or approaches to their original condition as noted before disturbance. Applicant shall backfill to existing

(Q) The applicant shall, at his expense, on a semi-annual basis, provide for the testing of the nearest groundwater supply and downstream surface water and submit said testing results to the Building Inspector to insure that no groundwater or surface water is being contaminated as a result of any oil and gas well operation.

(R) The applicant shall comply, in addition with all regulations and conditions set forth in this Chapter, with the regulations set forth in Chapter 10 and 11 of this Code providing for development and performance regulations. The applicant shall be aware of and comply with the Village Soil Erosion Ordinance and shall consult with the Village Engineer to insure compliance with said Ordinance.

(S) In the event an applicant at any time determines to cap a producing well, the applicant shall notify the Building Inspector. The applicant shall advise the Building Inspector of the length of time said well shall be capped and shall further notify the Building Inspector when the well will again be made productive. The Building Inspector upon receiving notice of the applicant's intention to cap the well shall notify the Village Geologist or Petroleum Engineer who shall then inspect any well after it is capped to insure that the applicant has safely capped the well. If the well is capped for more than one year, abandonment proceedings shall be commenced and completed within one month thereafter.

(T) The applicant shall not permit any hydrocarbons or brines to enter the Sharon or Berea Sandstone formations during drilling or production of any oil and gas well. In the event that such contamination of either sandstone shall occur, the applicant shall immediately notify the Building Inspector who shall then notify the Village Hydrologist to determine if any temporary or permanent damage has occurred to the potable water supply.

(U) During the drilling stage, no other improvement or additional use shall be placed on the drilling unit. Following initiation of production, as approved by all Village officials, such additional improvements and uses as may conform to the Zoning Code may be initiated on the drilling unit subject to the restrictions of all other applicable laws and regulations of the Village and State of Ohio. In recharge districts, no new structure shall be located within 2,000 feet of any well site area. Within a discharge district, no new structure shall be located within 300 feet of any well site area. The well site area shall include the oil and gas well, any storage or separation tanks,

shall also check on a daily basis the condition of all equipment, and shall provide a weekly report to the Building Inspector of fluid levels indicated herein, the condition of all equipment, the pressure level of all equipment, and shall inspect and advise the Building Inspector of efforts taken to avoid build-up of paraffin on any equipment or apparatus contained at a well site. The Village Building Inspector shall prepare an inspection form to be filled out weekly by the applicant.

(L) The person or persons who will perform the fracture of each well, shall be subject to approval of the Village Geologist or Petroleum Engineer who shall insure that such person or persons are adequately experienced and will take adequate precautions to avoid any danger to person or property.

(M) In the event that any well site, in the opinion of the Village Engineer or Hydrologist, is sufficiently close enough to potentially adversely affect any existing pond, stream, lake or other body of surface water, the applicant shall construct diversionary ditches and devise and construct an impounding system to contain any liquids that might otherwise escape from the well site and such ditches and impounding systems shall be constructed in a manner approved by the Village Engineer.

(N) After conclusion of the drilling stage, and upon the date when notice is required to be given to the Village of the commencement of production, the applicant shall remove all drilling equipment, temporary tanks and other materials not intended to be permanently placed at the well site.

(O) All landscaping shall be completed within 180 days and all grading shall be completed within 14 days after drilling is completed. The site where all permanent storage tanks and other apparatus will be located shall be screened with natural vegetation and such vegetation, when planted shall be at least five feet in height, with the ability to grow to at least ten feet in height, where said tanks and apparatus are visible from any public road or existing residential structure.

(P) All storage tanks, apparatus and other equipment located above ground at a well site shall be removed within 180 days after a well stops producing and the ground shall be restored, to the extent possible, to its original condition prior to drilling of said well, within said 180-day period.

(G) The maximum sound level of all operations during the drilling stage shall be _____ decibels. In the event that any Village official determines that the decibel limit has been violated, such official shall order the applicant to cease production until adequate measures are taken to reduce the decibel level equal to or less than _____ decibels.

(H) Prior to drilling, the applicant shall construct pits sufficient in size to contain all liquids produced as a result of anticipated drilling procedures. Each pit shall be lined with an impermeable plastic layer on top of a minimum one-inch clay seal. The Village Engineer and Geologist or Petroleum Engineer shall insure that at all times said pits are lined with an impermeable plastic layer and shall order, unless deemed to be hazardous, the immediate suspension of all drilling activities until said pits are properly lined and/or constructed. The location, volume and construction of said pits shall be subject to the approval of the Village Engineer and Geologist or Petroleum Engineer.

(I) Any liquid or waste, other than water used within the contained flowback process, extracted from a well during drilling or production shall not be re-injected into the ground within the Village of South Russell. All such wastes and brines shall be stored in tanks and removed from the Village by haulers who shall first obtain a permit from the Building Inspector. Such haulers shall prove their ability and experience to remove such waste and brine safely and provide evidence of liability insurance in an amount satisfactory to the Village Solicitor. When requested by Village officials, said hauler shall produce receipts for the location where such wastes or brine are injected.

(J) During drilling of a well, the applicant shall install a blowout preventer with a remote manual control to shut down the system or to provide for a manual override if the applicant or his contractors, or the Village Geologist or Petroleum Engineer if on the premises, determines that it is more dangerous to shut down during the drilling operation. The applicant shall also install a gas detector meter to the drilling apparatus to determine if a gas pocket has been hit during drilling. The applicant or his agents shall be on site during all phases of drilling and the applicant shall insure that adequate and knowledgeable and experienced drillers shall be on site during all phases of drilling.

(K) The applicant, during production of a well, shall make daily fluid level checks of all oil, gas, brine, waste and other elements removed from any well and

(C) In the event that the Village Geologist or Petroleum Engineer determines that any drilling or production of a gas and oil well causes any sour gas, or gas or oil odor deemed to be a nuisance by the Village Geologist or Petroleum Engineer, the applicant shall take all necessary steps to eliminate any sour gas and where ordered by the Village Geologist or Petroleum Engineer, shall provide a filter retrofitted on all storage tanks and shall insure during drilling and production of any well that said filters are either cleaned or replaced in order to adequately suppress odor.

(D) The flow line from the well to the separator device shall have a pressure activated shutoff valve system to cut off the flow just prior to the opening of the safety valve on the separator.

(E) In the event that the well system utilizes a pump jack, the pump jack shall also have an automatic shut-down system approved by the Village Geologist or Petroleum Engineer. Installed on each pump jack shall be a leak detector to detect for packing failure and further to provide a mechanical device to automatically cause the pump to shutoff in the event of such failure. At least once each year, commencing one year after initial production of a well, the applicant shall test all safety valves used in the production of oil and gas to determine that they are properly functioning and shall report the same to the Building Inspector. If said report is not received within fifteen days after the anniversary date, the Zoning Inspector and Village Geologist or Petroleum Engineer shall inspect the premises, to determine the same, and obtain reimburse-ment of the cost of such inspection from the applicant or any bond or deposit of the applicant being held by the Village.

(F) All motor powered equipment intended for permanent use in production of wells shall be operated only on electrical power. This regulation shall not apply to motors used in drilling operations or service rigs at the site. Any diesel engines being utilized during the drilling stage shall have adequate mufflers to suppress sound and each dike shall be provided with fire resistant soundproofing material and shall be subject to the approval of the Village Geologist or Petroleum Engineer. All storage tanks, separators, and distribution pipes shall be surrounded by a minimum of one-inch clay seal on the surface of the ground and shall be contained by a retainer wall capable of holding two times the capacity of all storage tanks. The retention wall shall be coated with an epoxy and sealed in a manner satisfactory to the Village Engineer and Geologist or Petroleum Engineer.

6. During drilling of wells, all casings shall be of cement in quantities and qualities to be approved by the Geologist or Petroleum Engineer and Village Engineer to a minimum depth of 500 feet below the surface. The Village Geologist or Petroleum Engineer shall insure that the cement provided shall be sufficiently adequate to case 500 feet of annular volume and shall file the annular space entirely for a minimum depth of 500 feet. A record of the depth of the cemented casings shall be filed with the Building Inspector for the Village.

7. The applicant shall provide the Building Inspector with a plat of all buried transmission lines. No person shall place any transmission lines within the Village of South Russell without first obtaining a written easement therefor. All buried transmission lines crossing any public street shall be marked by a permanent marker on both sides of the street, in a location and format acceptable to the Village Engineer. At street crossings the line shall be laid to a minimum depth of six feet and to a minimum depth of thirty-six inches beneath ditches. All pipes being buried other than at street crossings shall be buried a minimum of twenty-four inches under the surface or twenty-four inches below a normal river or creek bed. No transmission lines intended for burial shall be covered until the installed line is inspected by the Village Engineer. When required by the Village Engineer, the applicant shall increase or decrease the depth of transmission lines. The applicant shall coordinate the laying of transmission lines with all public utilities servicing the Village of South Russell.

8. The following regulations shall apply during drilling and production of oil and gas wells:

(A) During the drilling phase, all flowback and waste shall be accumulated in closed ~~containers~~ systems and no hydrocarbons, waste, water or other such elements shall be permitted to enter the atmosphere at the well site. Upon fracturing of any well, the applicant shall contain flowback entirely within a closed system to be approved by the Village Geologist or Petroleum Engineer. The applicant shall install a check valve approved by the Village Geologist or Petroleum Engineer on the valve pipe to prevent backflash into the tank mounted at the end of the vent pipe in a manner and location to be approved by the Village Geologist or Petroleum Engineer.

(B) All storage tanks for storage of oil, water, salt brine and other such elements shall be equipped with a thief-hatch cover in a location satisfactory to the Village Geologist or Petroleum Engineer in order to sufficiently enable visual inspection of the tank and in order to provide security from any vandalism or damage to the tank.

the Village Engineer to inspect the roads for suitability before moving any equipment into the site. All access roads shall be maintained so as to be dust free and passable in all seasons and weather conditions. Access roads shall be adequately fenced with a locked gate to prevent unauthorized entry from public roads. Not more than two access points shall be established from any public road to any well site. Access roads shall have a turnaround of sufficient size to accommodate fire and rescue and other emergency vehicles servicing the Village.

4. The applicant shall fill and level all pits or dikes within seven days after the completion of drilling of the well and restore the land to its original condition. Filling and restoration shall be subject to inspection and approval by the Village Engineer and Geologist or Petroleum Engineer. The applicant shall notify the Village Engineer at initiation and upon completion of restoration.

5. The name, address and telephone number of each person signed on the application, along with each operator and contractor responsible for ownership, operation, and all maintenance of each well site located within the Village shall be conspicuously placed on each tank battery and be furnished to the Building Inspector and Chief of Police for the Village of South Russell. The Building Inspector shall prepare a list of all such names and addresses and telephone numbers and shall keep the list posted in a conspicuous place in the Police Department and in the Building Department office for ready reference. The applicant, along with furnishing the name, address and telephone numbers indicated herein, shall also provide the location of each well site, separation and storage tanks, and the location and color identity of power and shutoff valves. Keys for emergency access to each well and tank site shall be made available to the Police Department. Well and tank sites under the same ownership or control shall have gates and fences with master keys capable of opening all locks on gates and fences and equipment. Such keys shall be provided to the Building Inspector and the Chief of Police for the Village. Before commencing drilling operations and during production of the well, a sign of two square feet, and orange in color, shall be posted at the access road entrance gate showing the street number, owner, operator, lessee, if any, well number, State and Village permit numbers, and all emergency telephone numbers. All shutoff valves shall be painted in florescent orange. All power, storage and transmission line shutoff valves shall be secured by locks or similar devices to prevent unauthorized access or usage. Prior to commencing production, all permanent producing and storage facilities shall be enclosed entirely by a fence to be a minimum of eight feet high with three strands of barbed wire and adequate to prevent trespassing at all times. Said fence shall be constructed prior to commencement of drilling.

oil and gas well at any stage and shall be present during the following stages:

(A) He shall observe and along with the Village Engineer approve the actual site for construction and drilling of the well and the well site area.

(B) He shall observe completion of the surface hole and approve the method and amount of cementing of surface casing of the well.

(C) He shall provide inspections of the well site during drilling of the remainder of the hole.

(D) He shall be present prior to fracturing the well for water flowback room and spillage control and approve fracturing of the well and shall also be present to observe flowback of frac-water during the fracturing process.

(E) He shall provide inspections of the flowback pit during the swabbing phase after fracturing to insure spillage and contamination control and shall approve along with the Village Engineer, prior to drilling, pit construction and the methods of containing flowback and liquids to be contained in the pit during drilling.

(F) Inspect and approve tank battery construction, location and equipment and inspect completed and reclaimed location of well construction site area.

(G) Inspect and approve plugging or capping of well.

(H) Inspect and approve abandonment of well.

2. All costs incurred by the Village as a result of inspections to be made by the Village Engineer, Village Geologist or Petroleum Engineer, Village Hydrologist, and all other Village officials, shall be reimbursed to the Village by the applicant as provided in Section 7.02(u). In the event that any Village official disapproves of any act or omission on the part of applicant, upon receiving notice of the same, the applicant shall immediately cease all activities on the premises of the well site until compliance with the Zoning Code and requirements of the aforesaid Village officials has been made unless the aforesaid Village officials deem it hazardous to cease such activities.

3. The applicant shall provide ingress and egress roads to all well sites and all storage tank sites. Roads to the well site shall be constructed, in accordance with plans approved by the Village Engineer, prior to drilling and roads to storage tank sites shall be installed, (and approved prior to construction by the Village Engineer) prior to installation of tanks. The applicant shall notify

consented to the Village taking the necessary steps to obtain abandonment of any gas and oil well being operated, at any stage, in violation of the Zoning Code or any other applicable Federal, State or Village law or regulation.

Existing Section 7.02(u), the full text of which follows, is hereby repealed:

(EXISTING SECTION 7.02(u) TO BE INSERTED AT A LATER TIME.)

SECTION 5. Schedule 7 (Conditional Use Regulations) of the Zoning Code, is hereby amended to read as set forth in the attached Exhibit "1", made a part hereof by reference herein (as the format of Schedule 7 is of such a nature that it can best be illustrated by reference to a separate writing).

Existing Sechedule 7 (Conditional Use Regulations) of the Zoning Code, is hereby repealed. The full text of the existing Schedule 7 is attached hereto, marked Exhibit "2", and made a part hereof by reference.

SECTION 6. The ground water recharge area map hereinafter referred to as "Recharge Map" is hereby deemed to be a part of the Zoning Code and attached hereto and the Village Engineer is hereby authorized and directed to cause the aforementioned Recharge Map to be incorporated into the Zoning Code for the Village of South Russell, and a copy of said Map is attached hereto as Exhibit "A" and made a part hereof by reference herein.

SECTION 7. The Zoning Code of the Village of South Russell is hereby amended by adding Section 7.02(v) to read as follows:

7.02(v) -- In addition to the regulations set forth in Section 7.02(u), gas and oil wells shall be subject to the following supplementary regulations and any conditional use permit issued by the Commission shall be subject to compliance with all regulations set forth in this Section. Any act or omission in violation of this Section shall be deemed to be a violation of the terms and conditions of the conditional use permit and a violation of the Zoning Code and shall subject the permit holder to revocation of the conditional use permit and/or any penalty or fine that may be imposed under the Zoning Code.

1. After a conditional use permit has been granted, the applicant shall meet with the geologist or petroleum engineer retained by the Village to coordinate inspection of the drilling and production of the gas and oil well and to permit said geologist or petroleum engineer to adequately advise and consult the Village as to compliance with this Zoning Code after issuance of the zoning permit. The geologist or petroleum engineer shall be responsible to inspect, and shall have the authority to approve or disapprove any act or omission of the applicant in furtherance of drilling, production or abandonment of any

become void, it shall be a violation of the Zoning Code and in addition to all other penalties, the Commission, after notice and public hearing within 30 days after notifying the applicant, may order the applicant to cease drilling or production, and comply with State abandonment procedures to abandon the well. In the event that the Planning Commission orders such to occur and the applicant fails to comply, the Village may use any and all cash deposits or bonds and enter onto the applicant's premises to cause the same to occur. By requesting a conditional use permit to drill a gas and oil well in the Village of South Russell, any applicant is deemed to have consented to the Village taking the necessary steps to obtain abandonment of any gas and oil well being operated, at any stage, in violation of the Zoning Code or any other applicable Federal, State or Village law or regulation.

20. The Commission shall establish a surety bond, in an amount to be determined by the Commission, and in a form to be approved by the Solicitor, necessary to guarantee the repair or replacement of possible damage to private property resulting from site preparation, drilling, production and abandonment of any oil and gas well within the Village of South Russell. No conditional use permit shall be issued until such time as a surety bond naming the applicants as insureds is posted. Such surety bond shall be in effect during the life of the well and until abandonment of the well has been approved by the State and the Village and all other deposits have been returned to the applicant and all laws and regulations have been complied with by the applicant. The amount of the bond shall be established after the public hearing otherwise required by the Zoning Code and upon recommendation from the Village Engineer and Solicitor. Said bond shall specifically provide that it shall protect private property without limitation as to ownership or location of the same and further said bond shall provide coverage, in the amount determined by the Commission, for any damage or injury to real or personal private property or to personal or bodily injury. In the event that the surety ceases to do business, or if for any other reason said surety bond becomes void, the applicant shall immediately substitute a similar surety bond in the same amount, and in a form to be approved by the Solicitor, and in the event that the applicant fails to submit a substitute bond within 7 days after receiving notice that the surety bond has become void, it shall be a violation of the Zoning Code and in addition to all other penalties, the Commission, after notice and public hearing within 30 days after notifying the applicant, may order the applicant to cease drilling or production, and comply with State abandonment procedures to abandon the well. In the event that the Planning Commission orders such to occur and the applicant fails to comply, the Village may use any and all cash deposits or bonds and enter onto the applicant's premises to cause the same to occur. By requesting a conditional use permit to drill a gas and oil well in the Village of South Russell, any applicant is deemed to have

will be moved to Sect. 41

of said well on surface and ground waters within the Village of South Russell and submit his recommendations to the Planning Commission as to the effect of said well upon the Village and further his recommendations for any conditions that should be imposed upon the applicant in the event that the Planning Commission grants a conditional use permit to the applicant.

18. The Village Geologist or Petroleum Engineer shall review all information submitted by the applicant to determine if the proposed drilling and production methods comply with all laws and regulations and shall recommend to the Village whether or not any additional conditions should be imposed in the event that the Planning Commission grants a conditional use permit to the applicant.

19. The Commission, in the event that it grants or conditionally grants a conditional use permit for an oil and gas well shall establish a surety bond, in an amount to be determined by the Commission, and in a form to be approved by the Solicitor, which amount shall be that sum the Commission deems necessary to guarantee the repair or replacement of possible damage of public property resulting from site preparation, drilling, production, or abandonment of any oil and gas well within the Village of South Russell. No conditional use permit shall be issued until such time as a surety bond naming the applicants as insureds is posted. Such surety bond shall be in effect during the life of the well and until abandonment of the well has been approved by the State and the Village and all other deposits have been returned to the applicant and all laws and regulations have been complied with by the applicant. The amount of the bond shall be established after the public hearing otherwise required by the Zoning Code and upon recommendation from the Village Engineer and Solicitor. Said bond shall specifically provide that it shall protect public property owned or controlled by the Village of South Russell or the County of Geauga or the State of Ohio, and further said bond shall provide coverage, in the amount determined by the Commission, for any damage or injury to public property regardless of fault on the part of the applicant. Further, the applicant, by submitting an application for a permit for a gas and oil well, agrees that they shall hold harmless and indemnify the Village of South Russell from any and all loss, claims, demands, or causes of action, including reasonable attorneys fees and costs of suit, in the event the same is brought against the Village of South Russell as a result of any activity engaged in by the applicant or their contractors in furtherance of the drilling and production or abandonment of any oil and gas well within the Village of South Russell. In the event that the surety ceases to do business, or if for any other reason said surety bond becomes void, the applicant shall immediately substitute a similar surety bond in the same amount, and in a form to be approved by the Solicitor, and in the event that the applicant fails to submit a substitute bond within 7 days after receiving notice that the surety bond has

abandonment of said well. Also attached to form Z-3-A shall be a list of all names and addresses of all persons, firms or other entities engaged in the process of site preparation, drilling, production, removal of brine or oil, transmission of gas, or any other activity necessary for the drilling and production of gas and oil on the well under consideration for a conditional use permit. The applicant shall also submit a list showing the names and addresses of all property owners within 1,000 feet of any boundary line of the drilling unit, based upon the most recent tax duplicate for Geauga County.

15. Whenever any well is proposed and the well site is located in a recharge district and is within 2,000 feet of Silver Creek, or said well site is located in a discharge district and is within 1,000 feet of Silver Creek, the applicant shall submit with form Z-3-A an impact study prepared by an expert in environmental biology along with a recommended course of procedure to control spills and reduce the risk of contamination or injury to Silver Creek and its inhabitants. The impact study shall contain, at a minimum, a recent survey of the species of aquatic life in Silver Creek that is within 2,000 feet from any point from the well site in recharge districts and 1,000 feet from any point from the well site in discharge districts along with conclusions as to the potential adverse consequences to Silver Creek and its inhabitants in the event of contamination of Silver Creek by oil, gas, waste by-products of drilling and production, including salt water, brine, and other waste normally and reasonably associated with drilling and production of gas and oil wells in the State of Ohio. The Planning Commission may consult with and hire an environmental biologist to advise the Commission of any adverse impacts of any gas and oil well proposed to be located within the Village and recommend conditions to be imposed upon the applicant to reduce or eliminate the risk of contamination or injury to Silver Creek or any other body of surface water within the Village of South Russell.

16. The Village Engineer shall review the site development plan, anti-siltation plan to be submitted by applicant, and all other information submitted to the Planning Commission as required by the Zoning Code and shall recommend to the Planning Commission whether or not the applicant's proposal complies with the Zoning Code and what additional conditions, if any, should be imposed by the Planning Commission in the event that the Planning Commission grants a conditional use permit to the applicant.

17. The Village Hydrologist shall review each application to determine if the proposed well site will be in a recharge or discharge district and further review all information submitted to the Planning Commission to determine the effect

completion of grading operations. Between November 1, and March 1, apply mulch only. Temporary mulch to be removed and areas dressed, seeded and mulched after March 1. If, in the opinion of the Village Engineer, due to unique conditions of the site, a potential for erosion or sedimentation exists, a review by the Geauga Soil and Water Conservation District may be required. Recommendations prompted by their review or by the Village Engineer shall be incorporated in the Site Development Plan. Weather permitting, restoration shall be completed within _____ days after drilling is complete. Show all landscaping, location and plant type, proposed for screening purposes.

(8) Provide an equipment list of those items to be installed at the site by manufacturer with model number or specifications, as applicable. Provide a list of all subcontractors to be employed and the work they will perform.
Provide a list of temporary equipment to be utilized during the drilling operation including complete information on the blow-out preventer. Include a list of all vehicles that will enter the site both during and after the drilling operation.

(9) Provide typical trench sections for pipe lines showing depth of line, trench width, backfill, including bedding and encasement details (where applicable).

(10) Give details of containment (pit) area to be provided during the drilling operation, including dimensions, capacity, cross-section and lining material. Minimum requirement for lining shall be _____ inches of clay material to be approved by the Geologist prior to placement.

(11) Add note indicating pressure testing procedures will be performed on all lines transporting gas (minimum requirement is _____ x anticipated operating pressure).

(12) Within 30 days after commencement of production, submit to the Village an "as-built" mylar reproducible of the Site Development Plan for record.

(13) Applicant shall file form Z-3-A and attach to said form all information requested in Section (u) herein and shall also attach a description of the drilling procedures to be followed to include the intended depth of drilling, the method of extraction of oil and gas, and the method for

to prevent unauthorized vehicles from entering the site. Provide for padlocking. Show detail of gate on plan.

(c) Existing contours, with a minimum interval of 2 feet, shall be shown with 100 feet of the outer boundaries delineating the area of the proposed well site, mud pits, storage tanks, and all other temporary or permanent fixtures associated with either drilling or production. Maintain positive drainage. Show spoil pile locations.

(d) Drainage structures, sized in accordance with criteria available through the Village Engineer.

(5) Provide details as to width and composition of proposed permanent driveway. Minimum driveway width to be 10 feet. Minimum requirement for driveway material to be a graded, crushed aggregate of a size, and placed to a thickness, sufficient to prevent displacement under anticipated loading. The permanent driveway shall serve both the well and tank sites.
Provide details of the temporary construction drive which shall be installed to provide access and a staging area for equipment and materials. This drive shall be not less than 40 feet in width at the street tapering to not less than 30 feet at the right-of-way and extending from the right-of-way a minimum distance of 100 feet onto private property. It shall be constructed of a graded, crushed aggregate of a size, and placed to a thickness, to prevent displacement under the anticipated loading. If required by the Village Engineer, a properly sized culvert shall be installed at the street (minimum requirement is 12" diameter, 16 gage with annular ends). Unless the temporary drive is incorporated into the permanent drive, it shall be removed along with the culvert and the area restored to its original condition when the well site is restored. Positive drainage shall be maintained around this area at all times.

(6) Show typical cross-sections through diked areas around tanks. Specify liners and method of securing same. State volume of each diked area (minimum volume to the _____ x tank capacity). No direct discharge will be permitted from the containment areas. Contents must be pumped out and removed from the site along with the brine.

(7) Include restoration details. All disturbed areas to be fine graded, seeded and mulched on

indicating location of separator, tank, sump and loading area.

G. Applicant shall submit a site development plan to be reviewed by the Planning Commission and Village Engineer. Applicant shall submit five copies of the site development plan along with form Z-3-A. Said plan shall include the following, and develop the property in accordance with the following requirements:

(1) North arrows.

(2) Name, address and telephone number of record owner of property, applicant and driller.

(3) A vicinity map to a convenient scale showing the following:

(a) Property lines, streets, rights-of-ways, corporation lines and easements adjacent to the site.

(b) Well site.

(c) Tank battery site.

(d) Proposed permanent and construction drive locations.

(e) Piping from well to tanks and from tanks to point of connection to existing supply line.

(f) Nearest dwelling or occupied building and nearest water well. in each quadrant or direction

(g) Show water courses, tree lines, marshes, water impondments or other significant natural or man-made features within ~~1000~~ 2000 feet of the site.

(4) Enlarged details shall be provided at the well site and the tank battery site showing the following:

(a) Well appurtenances: tanks, separators, piping valves, pits and dikes.

(b) Fences - to be provided around both the well site and tank battery site. Fence to be a minimum of 8 feet high with 3 strands of barbed wire. Gates to have provision for padlocking. An additional gate is to be provided at the driveway entrance, outside of right-of-way,

complied with all Village laws and regulations, the Village shall return all but $1,000.00 of said deposit to the applicant. The remaining $1,000.00 of said deposit may be used by the Village of South Russell for annual inspections or such other inspections deemed to be necessary by the Village of South Russell of said well site during the production and/or abandonment stages. Upon completion of abandonment procedures in compliance with all laws and regulations, said $1,000.00 deposit or any unused portion remaining shall be returned to the applicant upon request. If the applicant, after drilling of a well, determines not to make a well a productive well, the $5,000.00 cash deposit shall be held by the Village to insure that the applicant complies with all applicable laws and regulations regarding abandonment of said well and said deposit shall be returned upon the request of the applicant upon satisfactory evidence to the Planning Commission that all abandonment procedures have been complied with by applicant. Said $5,000.00 cash deposit shall be posted to the Village after approval of a permit by the Planning Commission and prior to the issuance of the conditional use permit.

D. Applicant shall file a copy of the State permit application as submitted to the Division, including all salt water and waste disposal plans and surveyor's map. Applicant shall provide the Planning Commission with a plan for the handling, storage, removal and disposal of salt water, frac-water, sludge and any other gas and oil field waste. Applicant shall also submit a copy of the spill prevention control and countermeasure plan when required by Federal laws or regulations. In addition, the applicant shall submit a timetable listing when site preparation is to begin, when drilling is to begin and end, and when drilling equipment is to be removed, when access roads are to be installed and completed, when permanent storage tanks are to be erected, when transmission lines are to be installed, and when production is to commence.

E. Applicant shall submit a statement naming the land owner, owner if different than land owner, producer, all contractors, and the qualifications and experience of producers and contractors.

F. Applicant shall submit a schematic drawing of the loading area and measures to be taken for removal of brine and oil from storage tanks in order to confine any spillage of the same. Said schematic drawing shall show an aerial view, and side view,

A. Post a $10,000.00 cash deposit with the application. This deposit shall cover the cost incurred by the Village in reviewing the application by the Planning Commission, Village Engineer, Village Hydrologist, Village Geologist or Petroleum Engineer, Village Solicitor, Environmental Biologist, or such other professionals which the Planning Commission deems necessary to review in order to determine the effect on the health safety and welfare of the residents of the Village of South Russell if a permit were to be granted. If at any time should the deposit be reduced by disbursements in an amount less than $2,500.00 the applicant shall be notified to post an additional $2,500.00 to bring the cash bond back to $10,000.00. No permit shall be issued if an applicant fails to comply with the provisions of this section. Upon a final order granting or denying a permit, the applicant may request the return of the unused portion of the deposit.

B. Applicant shall post a ~~$5,000.00~~ 10,000.00 cash deposit or surety bond to guarantee proper maintenance and or restoration of the drilling site after completion of drilling and proper abandonment of the well. Further said cash deposit or bond will be used to properly landscape the premises in the event the applicant fails to do so and if the balance falls below ~~$5,000.00~~ 10,000.00, the applicant shall submit a new bond or cash to insure adequate abandonment. Upon completion of abandonment procedures in compliance with State laws and to the satisfaction of the Commission and upon total restoration of the property in a condition satisfactory to the Commission, the applicant may make a request to the Commission to return any unused portion of the cash deposit or surety bond. Said cash deposit or surety bond shall be posted with the Village after approval of a permit by the Planning Commission and prior to the issuance of the conditional permit.

C. Applicant shall post a $5,000.00 cash deposit to defray the Village's cost of inspecting the oil and gas well and the site where said well will be drilled. All costs incurred by the Village in inspecting said wells and sites shall be reimbursed by said deposit of $5,000.00. If at any time should this deposit be reduced by disbursements to the sum of $1,000.00, the applicant shall be notified to post an additional $2,000.00 to bring the total cash deposit back up to $3,000.00. Upon satisfactory completion of drilling of said well, and upon commencement of production, the applicant may request a return of the unused portion of the cash deposit. In the event that the applicant has

P/C needs more, they can ask

and oil well discharge district regulations set forth in Schedule 7. Any gas and oil well located in the groundwater recharge district as indicated on said map shall develop in accordance with the regulations set forth in Schedule 7 for gas and oil wells in recharge districts.

13. Any applicant for a gas and oil well permit whose proposed well shall be within 2,000 feet of any lake, whether natural or man-made, stream, creek, or other body of surface water within the Village of South Russell, shall indicate the same on their application for a conditional use permit. It shall be the duty of the Planning Commission to impose and the responsibility of the applicant to comply with additional conditions in order to assure that any said body of water shall not be exposed to any danger of erosion, siltation, pollution, contamination, or alteration. In addition, the Village of South Russell hereby deems Silver Creek, within the limits of the Village of South Russell, to be in an environmentally protected zone as the habitat of aquatic life listed on Recognized Endangered Species Lists. Any oil and gas well proposed to be drilled within 2,000 feet of Silver Creek shall present with their application for a conditional use permit measures to be taken to avoid any danger of injury to such species or their habitat and the Planning Commission and Village Engineer are hereby delegated the duty to establish and enforce conditions to insure that during drilling, production, and abandonment of any such gas and oil well, that no such injury occurs. Adequate contingency plans shall be taken to avoid contamination of Silver Creek in the event that any of oil, gas, brine, waste, toxic materials or other such contamination spills during drilling, production or abandonment of any oil and gas well.

14. An applicant for a gas and oil well permit shall file an application on Form Z-3-A and submit all information set forth in Section 7.02 in order to be deemed to have submitted a complete application for a conditional use permit. Upon receipt of said application, the application shall be deemed to have been filed on the first Planning Commission Meeting after receipt of the application. The Planning Commission shall decide whether to grant, deny, or conditionally grant said permit within seventy-five days after the application is deemed filed with the Planning Commission. In order to meet the requirements to obtain a conditional use permit, the applicant, shall file Form Z-3-A executed by the record owner of the real property, owner if different than record owner, and producer if different than owner or land owner, and provide the following information, deposits, bonds and other information or documents as is requested by the Planning Commission, Solicitor, Village Engineer, Village Hydrologist, Geologist or Petroleum Engineer, and such other officials or consultants acting on behalf of the Village of South Russell in reviewing an application for a gas and oil well permit:

drilled in any drilling unit. To comprise a drilling unit, no more than two separate contiguous lots of records may be joined for the purpose of creating a drilling unit and meeting minimum lot area requirements.

10. There shall be no tanks, separators, sumps, pit areas, wells, or other apparatus or equipment erected for or maintained for the drilling, production, transmission, or storage of gas, oil, waste, natural or artificial brines, oil field waters, sewage or any liquid used in or resulting from any drilling or production of an oil or gas well within three hundred feet of any public right-of-way, nor within five hundred feet of any lot line. Such equipment may be within five hundred feet of a side yard line which is the common side yard line of two contiguous parcels which form a drilling unit.

11. For each gas and oil well to be drilled, a conditional use permit shall be obtained and the applicant shall comply with each and every regulation of the Zoning Code prior to issuance of the permit, regardless of the number of permits previously issued within a drilling unit. If the Planning Commission finds that any applicant for a permit for a gas and oil well is in violation of any provision of this Zoning Ordinance or any condition imposed upon any previously issued conditional use permit for a gas and oil well, the Planning Commission shall be prohibited from issuing any new permits for a gas and oil well until the applicant provides satisfactory evidence to the Planning Commission that all violations have been remedied and that all fines, deposits and/or costs have been submitted to the Village or to a Court of competent jurisdiction. No permit shall issue unless the applicant complies with the regulations set forth in Schedule 7, all supplementary regulations, and all other regulations set forth in the Zoning Code and all other State, Federal and Village laws, regulations and standards.

12. There is hereby created groundwater recharge and discharge districts within the Village of South Russell. Attached hereto, incorporated herein, and marked Exhibit "A" is the groundwater recharge area map for the Village of South Russell. Any well to be located within an area designated on said map in the groundwater recharge protection zone shall be located at a minimum distance of 2,000 feet from any existing structures either within or without the limits of the Village of South Russell and 2,000 feet from any platted undeveloped land or land undergoing the process of subdivision or other residential development or other development where structures or uses will depend on groundwater for its potable water supply either within or without the limits of the Village of South Russell at the time an application is made for a conditional use permit for a gas and oil well. Any applicant seeking to obtain a conditional use permit for a gas and oil well within a discharge district that may develop in accordance with gas

5. Division means Division of Oil and Gas, Department of Natural Resources for the State of Ohio.

6. Applicant means owner or producer or both, it being the intent that both the owner and producer shall comply with all laws and regulations and shall be treated as jointly and severally responsible for all acts performed in drilling, production and abandonment of oil and gas wells.

7. Compliance with Laws and Regulations. All well drilling, production and transmission operations and facilities for oil and gas shall comply and conform with all requirements of the Zoning Code, Ohio Revised Code Chapter 1509, the rules of the Division, and all other Ohio Revised Code and administrative regulations, or requirements of the Ohio and Federal Environmental Protection Agencies and National Pollution Discharge Elimination System Regulations and permit provisions, if applicable, and statutes and regulations promulgated thereunder, all anti-degradation statutes and regulations for the State of Ohio and all other applicable Federal laws and regulations. In case of any conflict between any Local, State or Federal laws, regulations, or standards, the greater restriction or a more stringent provision shall apply and control. No person, firm, corporation or any other entity shall violate any provision of any law, regulation, or standard applicable to gas and oil well drilling, production and/or transmission.

8. No gas and oil well shall be drilled unless the owner, producer, or contractor complies with all minimum requirements set forth in Schedule 7 or more stringent restrictions as may be set forth by the Commission due to existing or proposed development of surrounding properties reasonably affected by the drilling, production or transmission of oil and gas wells or due to the characteristics of the land upon which the well is to be drilled. In the event the Planning Commission shall impose more stringent restrictions than as set forth in Schedule 7, the Planning Commission shall give notice to the applicant who shall have the right to request, within three days after receiving actual notice from the Commission, a public hearing on the decision to increase minimum requirements under Schedule 7 which public hearing shall be held within twenty-one days after the applicant notifies the Commission of its request for a public hearing. The Commission may, but need not advertise the public hearing or send notice to those persons otherwise entitled to notice of a public hearing on an application for a gas and oil well permit. Any person adversely affected by a decision of the Planning Commission to impose more stringent restrictions shall have a right of appeal to the Zoning Board of Appeals.

9. The minimum lot area for each gas and oil well shall be eighty acres which shall be deemed to be a drilling unit. No more than one oil and gas well shall be permitted to be

gas wells shall mean all wells as defined herein for the production or extraction of oil and/or gas.

Existing Section 2.10(b)(1)(g), the full text of which follows, is hereby repealed:

(g) Gas and Oil Wells: All land and structures associated with the exploration and removal of natural gas or oil from the land.

SECTION 2. The third sentence of existing Section 3.05(b) of the Zoning Code is hereby amended to read as follows:

At such meeting the Commission shall schedule a public hearing within 60 days thereafter.

The existing third sentence of Section 3.05(b), the full text of which follows, is hereby repealed:

At such meeting the Commission shall schedule a public hearing within 30 days thereafter.

SECTION 3. Section 7.00 of the Zoning Code is hereby amended by adding the following:

No conditional use permit shall be assignable or transferable. Any change in ownership or operation of any conditional use shall require the new owner or operator to file an application for a new conditional use permit in accordance with the regulations set forth in the Zoning Code.

SECTION 4. Existing Section 7.02(u) is hereby amended to read as follows:

(u) Oil and gas wells shall be subject to and comply with the following definitions, minimum requirements procedures and regulations in order to obtain a conditional use permit for the drilling and production of an oil and gas well.

1. Oil and gas means oil or gas or both.

2. Producer means the owner of a well capable of or producing oil or gas or both or a person intending to produce an oil and gas well.

3. Owner means the person who has the right to drill on a tract or drilling unit and to drill into and produce from a pool and to appropriate the oil or gas that is produced therefrom either for themselves or for others.

4. Contractor means any third party engaged by an owner or producer to conduct drilling, producing and other operations.

C. Mole
1/28/84

ORDINANCE NO._____

First Reading_____
Second Reading_____
Third Reading_____

INTRODUCED BY:_____

ORDINANCE AMENDING SECTION 2.10(b)(1)(g), (DEFINING GAS AND OIL WELLS), AMENDING SECTION 3.05(b), (REVIEW AND HEARING OF CONDITIONAL USE PERMITS), AMENDING SECTION 7.00, AMENDING SECTION 7.02(u), (CONDITIONAL USE REGULATIONS GOVERNING GAS AND OIL WELLS), AMENDING SCHEDULE 3 AND SCHEDULE 7 OF THE ZONING CODE FOR THE VILLAGE OF SOUTH RUSSELL AND ADDING SECTION 7.02(v), (PROVIDING FOR CONDITIONAL USE REGULATIONS, AND PROCEDURES AND PENALTIES FOR GAS AND OIL WELLS DRILLED WITHIN THE VILLAGE OF SOUTH RUSSELL), ADDING SECTION 7.02(w), (REVOKING CONDITIONAL USE PERMITS), AND CREATING GROUNDWATER RECHARGE AND DISCHARGE DISTRICTS

WHEREAS, it is in the best interest of the health, safety and welfare of the Village of South Russell and its residents to update and revise regulations governing oil and gas wells within the Village which use is a conditional use under South Russell Village Zoning Regulations; and

WHEREAS, it is the intent of the Village of South Russell to protect its surface water and groundwater located within the Village of South Russell and to preserve aquatic life and endangered species located within the Village and to protect public and private property within the Village of South Russell;

NOW, THEREFORE, BE IT ORDAINED by the Council for the Village of South Russell, Geauga County, Ohio, that:

SECTION 1. Existing Section 2.10(b)(1)(g) of the Zoning Code is hereby amended to read as follows:

(g) Gas and Oil Wells: Well means any bore hole, whether drilled or bored, for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil filled waters. Oil means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir. Gas means all natural gas and other fluid hydrocarbons not defined herein as oil, including condensate. Condensate means liquid hydrocarbons that were originally in the gaseous phase in the reservoir. Oil and

RECORD OF PROCEEDINGS

Minutes of SPECIAL PLANNING COMMISSION MEETING Meeting

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Held January 28, 1984 19

Members present: Cotesworth, O'Donnell, Harvey, Daniels, Sutliff
Other Officials: W. King, D. Markowitz, Y. Eckstein, W. Driemiller, A. Andersen
Guests: Clint Taylor, Ellen Freeman, Douglas Schultz, Stephen Forrest, Christine Forrest, Jack DiEgidio, Rosalee Renouck, David Carpenter, Ann Malmquist, A. Gene Spohn

Chairman Daniels called the meeting to order at 9:00 A.M.. Roll call, all members present.

Dale Markowitz presented copies of the proposed ordinance amending the current regulations for gas and oil wells in the Village of South Russell. Markowitz explained this proposal does not yet include sections for revoking conditional use permits, enforcement of the ordinance and penalties. The last section, not yet written, will cover violations, procedures for shut down orders, notice to police, semi-annual water testing, jail terms and income tax on royalties. Markowitz also suggested that the fee schedule for conditinal use permits for gas and oil wells be increased from $250 to $500. Markowitz stated this ordinance calls for two forms, a Z-3A, the gas and oil well application and a reporting form which will be required of the driller during the production years of the well. Markowitz stated he will ask Wallay King to go through this ordinance and look for the pertinent provisions which are necessary for these forms and then develop the application, Z-3A, and the reporting form.

The Commission reviewed and discussed in detail the proposed ordinance, section by section, copy attached. Following a lengthy discussion, the Commission and Solicitor agreed the following changes and or additions will be made to this proposed ordinance.

SECTION 3. This will be amended to say there is a duty upon the applicant to advise the Village of any change in operator or owner, and if they don't, the permit will be revoked or subject to a fine.

Schedule 7. Markowitz asked the Commission to review and decide what should be the minimum lot area, in terms of acres, and determine the proper minimum side yards.

SECTION 4, #14 B, Commission agreed cash deposit or surety bond be increased from $5000 to $10,000, and make it as a minimum and if the Planning Commission determines it should be higher, they have the right to increase the required amount.

#14 G 3 (f), this should read: "Nearest dwelling or occupied building and nearest water well in each quadrant by an arrow with the number of feet.

#14 G 3 (g), amend to read " within 2,000 feet of the site"

#20, the last sentence will be taken out and put in another area of Section 4.

SECTION 7. #8A, should read "During the drilling phase, all flow-back and waste shall be accumulated in a closed system. Commission asked Al Andersen to review this paragraph and get back to the Solicitor if any further changes should be made.

#8 G, Solicitor asked whoever is the most knowledgeable on sound level, give him the number of decibels which should be allowed and from what distance.

#8 H, Construction of pits with plastic liners versus steel pits was discussed at lenth. Dr. Eckstein and Al Andersen stated both plastic lined pits and steel pits were good, however it is important that no matter which one is used specific details of their construction and size must be provided. Commission also agreed there must be language provided which reqires hauling away the contents of the pits and proper verification of how it was disposed.

Solicitor stated he will make the above revisions as discussed and will have them ready for the February second meeting.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

Mayor Harveystated Mr. Sidney Simon wants to come before the Commission for preliminary discussion of a new plan for the Emerald Lakes property. Because of a heavy agenda for February 2nd., would the Commission agree to m meet on February 9th for a special meeting. Commission agreed to meet on February 9th at 7:30 P.M.

There being no further business, meeting adjourned at 12:10 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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