RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held DECEMBER 5, 1991 19____

MEMBERS PRESENT: Harvey, Daniels, Cotesworth, Young

OTHER OFFICIALS: D. Markowitz, W. McCartney, T. Voldrich

GUESTS: S. Simon, R. Rosner

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, Sutliff absent.

Chairman Daniels called the Public Hearing to order for the review of the requests for Final Plat Deposit forfeitures from the Building Department.

Chairman Daniels stated the first request for American Homes, Inc., 35 Westover, has been rescinded, the Final As Builts were approved by the Village Engineer on 12-2-91. Chairman Daniels stated the second request is for Viking Construction, 97 Foxhall. Solicitor Markowitz stated his office sent out notice of this hearing on 11-11-91 and it was received on 11-14-91 by Viking Construction and they have had no response. Following a brief discussion, Mayor Harvey moved to ~~forfeit~~ the final plat deposit of Viking Construction, Cotesworth 2nd. Roll call, all ayes.

Chairman Daniels stated the third request is for the Walsh Company, 70 Waterford. Mr. Markowitz stated the Walsh Company is no longer in business, they have gone through bankruptcy and the notification of this meeting was returned, "unclaimed". Markowitz stated to his knowledge the corporation no longer exists. Following a brief discussion, Harvey moved to forfeit the final plat deposit, Young 2nd. Roll call, all ayes.

Chairman Daniels stated the fourth request is for Emerald lakes Development, Inc., 28 Kimberwick. Mayor Harvey stated this request has been rescinded due to the fact that the Village Engineer has approved Final As Builts as of 11-21-91.

Chairman Daniels stated the fifth request is for Georgetown Homes, Inc., 113 Waverly. Markowitz stated Georgetown received notification of this hearing on 11-15-91. Markowitz stated they have received a letter from Georgetown requesting a two week extension in order to get the final as built into the Building Dept. Following a brief discussion, Young moved to forfeit the final plat deposit if a set of final as builts are not submitted and approved before March 1, 1992, Cotesworth 2nd. Roll call, ayes, Daniels, Cotesworth, and Young. Nays, Harvey.

Mr. Richard Rosner, attorney for Sid Simon, Emerald Lakes Development, stated they are before the Commission to discuss the proposed zoning amendment for Emerald Lakes II subdivision. Markowitz stated he has made some changes to the first draft, dated 12-3-91, and those changes are shown on the revised copies, dated 12-5-91, presented tonight. Commission reviewed these changes.

Harvey questioned whether the spur roads would be deducted from the total acreage before determining the number of units allowed. Markowitz stated this ordinance is written so that they would be deducted however in Mr.

Simon's case this would not be required because the Commission had previously allowed Mr. Simon to develop without deducting the spur roads. Markowitz explained when the Village approved the settlement of the law suit years ago, they approved the plan for 68 units. Mr. Markowitz stated they are bound by the fact they approved this settlement, regardless of what our zoning requires now. Markowitz stated if any new development comes in, they will have to deduct the spur roads.

Harvey suggested on page one of the 12-5-91 draft, Section 1 (i) (5), following the word "dwelling", should be "including deck and/or other attachments". This would hopefully prevent the need for any variance requests in the future like were necessary in Phase I.

Harvey asked if there was any area that addressed the concept of common or cross water wells, in other words, what happens when a well on one property serves the home on another property. Markowitz stated this is not addressed in this amendment and it is a good idea that should be written in the deed restrictions and bylaws of the development.

Bill Dreimiller, Engineer for Mr. Simon, asked re: the requirement as stated in Section 1 (i) 9, that any spur road be subject to the landscaping requirements similar to dedicated roads, would the Commission consider the spur roads being looked at individually? Possibly not requiring trees on the spur roads with homes with set backs that are less than 50 feet. Mr. Dreimiller stated there should be a landscape plan requirement but not one that would be for a typical street plan. Commission discussed this idea and stated they felt each spur road should be looked at on a site by site basis.

Commission discussed Section 3, definition of a private cluster residential development. Commission stated they were concerned that a minimum of 25 acres was too small of a requirement. Markowitz stated when he was writing this section, he felt this was a reasonable minimum acreage, one that could be justified in Court. Commission agreed to further review this requirement.

Mr. Simon stated he asked Dr. Eckstein to come to the meeting to give a report of where they are in the testing of wells and to answer any questions the Commission had on the water issue. Dr. Eckstein stated before giving a final answer on the reserves and resources of ground water on this property, they will drill eight wells, four shallow wells in the Sharon Sandstone and four wells in the Berea. They currently have two of the shallow wells drilled and pump tested and one well drilled into the Berea but not pump tested. They are currently waiting for the ground to freeze so they can continue to drill the remaining wells.

Dr. Eckstein stated the two wells that have been drilled and tested have given results, as far as quantity, beyond his expectations. Each well has the capacity of 20 to 25 gallons per minute. Dr. Eckstein stated as soon as they can get the remaining wells drilled and tested, he will write his report on the water supply for the Emerald Lakes property.

Mayor Harvey stated he feels that the 40% maximum lot coverage stated in Section 8 (4) is too large and he feels the Commission should look at this closely and consider reducing it to a smaller number.

Commission discussed the requirement in Section 8 (4) of a minimum set back of 400 feet for any dwelling in the development from any existing street. Commission agreed this should be amended to read 400 feet setback from any main road.

The Commission discussed the requirements for the distances between the buildings and the spur roads. Markowitz stated as the formula is written, the minimum setback of the structure from the spur road has to be 50 feet and the minimum distance between structures has to be at least 30 feet. Mr. Simon stated as his plan is laid out they have a problem with both of these requirements. Mr. Simon stated the 50 foot setback requirement is their biggest problem. Mr. Markowitz stated the envelopes on the spur roads are set up so that the units will be closer than 50 feet to the spur road. Mr. Simon stated a few of the units will be as close as 20 feet to the spur road and the distances between structures are about 25 feet apart, not 30 feet.

Commission discussed the minimum setback requirement from the spur road and stated they felt 20 feet was just too close, with the potential of causing problems with snow plowing, parking, etc. Mr. Dreimiller stated some of the units in Whitetail are as close as 20 feet to the spur road.

Commission agreed to go look at the units in Whitetail and then they will further discuss this issue at the next meeting.

Mr. Simon stated all the units on the cul de sacs do not meet the 50 foot separation requirement, however the units on the dedicated street do meet this requirement.

Commission agreed they were not ready to make a decision on these two issues and will further discuss at the next meeting.

Markowitz stated he would make the changes as discussed and will send it out prior to the next meeting. Commission agreed to change the date of the January meeting from the 2nd to the 9th, due to the holiday.

Commission agreed to act on the November minutes at the next meeting.

Markowitz reported that the letter of credit is up in December and there is a punch list yet to be completed. Bramble Farms is in compliance however there needs to be an extension granted on the performance bond due to the fact there needs to be some grading completed on S/L #13, the streets will need cleaning as well as the storm sewers. Tom Voldrich reported that the letter of credit could be lowered to $1,000 and the performance bond extended to 6-1-92.

Following a brief discussion, Harvey moved to approve an extension of the performance bond to 6-1-92, Cotesworth

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2nd. Roll call, all ayes.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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DAYTON LEGAL BLANK CO., FORM NO. 10148

Held NOVEMBER 7, 1991 19____

MEMBERS PRESENT: HARVEY, DANIELS, SUTLIFF, DANIELS

GUESTS: W. MALEK

OTHER OFFICIALS: W. MC CARTNEY, T. VOLDRICH

Meeting was called to order by Chairman Daniels at 7:30 P.M. Roll call, Young absent.

Chairman Daniels asked for any corrections to the September 5, 1991 minutes. Mr. Markowitz stated on page 135, the top paragraph, the last line should read "will have to be changed". There being no more additions or corrections, Cotesworth moved to approve the minutes as corrected.

Chairman Daniels asked for any corrections to the October 3, 1991 minutes. There being no additions or corrections, Sutliff moved to approve the minutes as recorded, Harvey seconded. Roll call, all ayes.

Chairman Daniels asked for any additions or corrections to the October 17, 1991. Daniels stated on bottom of page 149, first sentence should read "has guaranteed". On page 150, second paragraph, last line, should read "moving any dirt"; in the third paragraph, second line should read "road in to grade". On page 151, next to the last paragraph should read "Markowitz stated there would be a requirement in the Zoning that when the envelopes are platted.." . Chairman Daniels stated he would also like to have the minutes of tonight's meeting reflect that the scheduled special meeting of October 30th was cancelled. There being no further additions or corrections, Harvey moved to approve the minutes as corrected, Cotesworth 2nd. Roll call, all ayes.

Chairman Daniels stated the Commission is holding a public hearing on the request from the Building Dept. for forfeitures of deposits from Heritage Residential on 74 Waterford and 63 Potomac. Mr. Markowitz stated he understood that Heritage would have a representative attending this meeting, however there is no one present.

Mayor Harvey stated there were nine notices sent to Heritage requesting the submittal of the final as built for the structure built at 63 Potomac, prior to the notice of forfeiture. Mayor Harvey asked the Solicitor if we were sure Heritage received the Public Hearing notice. Markowitz stated he is positive they received notice because Heritage contacted Dave Ondrey and asked questions regarding the notice.
Mayor Harvey asked if there was any reason these monies should not be forfeited? Solicitor and Building Inspector stated they knew of none.

Following brief discussion, Harvey moved to forfeit the final plat deposit for 63 Potomac, Cotesworth 2nd. Roll call, all ayes.

Mayor Harvey stated there were 10 notices sent to Heritage requesting the submittal of the final as builts for the structure built at 74 Waterford, prior to the notice of forfeiture. Markowitz state he is positive they received notice because they contacted Dave Ondrey

and asked questions regarding the notice. Markowitz stated Heritage has submitted a final as built on this property however the plan has been rejected by the Village Engineer and revised plans have not been submitted and approved.
Following a brief discussion, Cotesworth moved to forfeit the final as built deposit for 74 Waterford, Harvey 2nd. Roll call, all ayes.

Mayor Harvey stated there were six notices sent to Georgetown Homes requesting the submittal of final as builts for 111 Waverly, prior to the notice of forfeiture. Markowitz stated Georgetown Homes received the notice on October 10, 1991. Mrs. Kenyo stated the preliminary final as built was delivered to the Building Dept. on 10-20-91 and it was rejected on 10-21-91 by the Building Dept. Building Dept. notified Georgetown of the rejection and listed the necessary information missing on the plat. Mrs. Kenyo stated the Building Dept. has not received a corrected plat as of this date.

Following a brief discussion, Harvey moved to forfeit the final as built deposit for 111 Waverly, Cotesworth 2nd. Roll call, all ayes.

Mr. Bill Malek stated he is before the Commission to ask some questions regarding splitting a piece of property on Bell Road. Mr. Malek explained his father owns a 3 acre piece of property on Bell Road that he would like to split into two parcels, one acre and two acres, and then build his own home on the two acre parcel. Mr. Malek stated he understands as the zoning is currently written, this property is zoned for 2 1/2 acre lots. In order to split the land into two lots, one being one acre and one being 2 acres, he would have to get a variance. Mr. Malek stated, if possible, he would like the land to be grandfathered back to the one acre zoning. Commission stated it can not be grandfathered. Markowitz stated there are a number of variances that will be needed for this land to be split; i. e. frontage, minimum lot width, minimum lot size and possibly more. Commission reviewed the map and located the lot being discussed.

Commission suggested that due to the number of variances this lot split would require, would it be possible to purchase any adjoining property?
Mr. Malek stated he doubted whether or not he could purchase any additional land due to the property on either side being tied up in trusts.

Mr. Markowitz stated another item that will have to be addressed is the Health Dept. will have to approve not only the septic system of the new home but also the system of the existing home.

Commission discussed the lot split proposal of Mr. Malek at length.

Following this discussion, Markowitz stated both he and Mr. McCartney will help Mr. Malek determine what exactly is necessary for this lot split. From there Mr. Malek will decide if he wants to proceed or pursue trying to purchase more land.

Mr. McCartney stated the Building Dept. is requesting the

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Otstot forfeiture be rescinded due to the final plat being submitted and approved by the Village Engineer. Harvey moved that the Otstot forfeiture be rescinded for 819 Sun Ridge Lane, Cotesworth 2nd. Roll call, all ayes.

Mr. McCartney stated Expert Installations, 117 Mapleridge, has submitted final as builts for this property and the plan has been approved. Mr. McCartney stated he is requesting the request for forfeiture be terminated. Mayor Harvey moved to terminate the forfeiture proceedings on Expert Installations, 117 Mapleridge, Cotesworth 2nd. Roll call, all ayes.

Mr. Mc Cartney stated he has five more requests for forfeitures of final plat deposits. Following a brief discussion, Commission agreed to hold a public hearing at the next Planning Commission meeting, December 5, 1991, for the following: Walsh Company, 70 Waterford; Viking Construction Company, 97 Foxhall; American Homes, 35 Westover; Emerald Lake, 28 Emerald Lakes and Georgetown Homes, 113 Waverly. Mr. Markowitz stated he would send out the notices from his office.

Mr. Markowitz reported the performance bond for Bramble Farms third extension is up at the end of December and there are a few items that still need to be done. He has asked the Engineer to check on whether or not these items have been completed. If they have not and can not be done before the end of the year, they will have to request an extension at the December meeting.

Markowitz stated he is presenting a very rough first draft of the public space and building districts zoning amendment. Markowitz stated he has not even read it yet but he would like the Commission to review and they can discuss at the next meeting.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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Minutes of PLANNING COMMISSION Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held OCTOBER 3, 19 91

MEMBERS PRESENT: HARVEY, DANIELS, COTESWORTH, YOUNG

OTHER OFFICIALS: D. ONDREY, W. MC CARTNEY

GUESTS: S. SIMON, C. COWLAND

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, Sutliff was absent.

The minutes of the September meeting were not complete, no action was taken.

Mr. Dave Ondrey stated that Mr. Simon, Emerald Lakes II, is before the Commission to file an application for Zoning Amendment which will establish a "zero lot-line" or "fee simple" form of ownership under the R-2 zoning classification of the Village of South Russell. Ondrey stated this concept was presented at the last meeting and the Commission had a favorable response so Mr. Simon is formally requesting this zoning change. Mr. Ondrey stated they will be drafting this zoning amendment over the next several weeks for Commissions review, there is not a draft of the amendment written at this time.

Commission reviewed a letter written by Richard Rosner, attorney for Sid Simon, dated September 27, 1991, copy hereto attached, which set forth the proposal being made by Emerald Lakes for "fee simple" ownership.

Commission discussed this proposed application and the sequence of events as far as getting development approval for Phase II while concurrently writing the zoning amendment.

Mr Simon stated what he would also like to request of the Planning Commission is to get permission to be able to move 30,000 yards of dirt in order to put in their proposed dedicated road to grade. Mr. Simon explained that this time of year is the best time to move the soil, there is moisture in the air and you will get good compaction. Simon stated he would like to set his road on grade before the snow starts to fly and cold weather is here to stay. Simon stated there will be no improvements put in, just the road to grade.

Mayor Harvey stated if this request is granted, the road is put in to grade and the Planning Commission has not yet approved the plat, what happens if the road has to be moved? Mr. Simon stated he would take full responsibility to move the road if so necessary in order to get approval on the final plat.

Commission discussed this request at length and agreed they needed additional time to review this proposal as well as allow the Village Engineer and Solicitor to take a look at what will be involved.

Commission agreed to meet at a special meeting to act upon this request on Thursday, October 17, 1991 at 7:30 P.M. Commission asked the Solicitor and Engineer to attend this meeting.

Mr. Daniels stated the Commission has two requests from the Building Dept. for forfeitures, one for Expert

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Installations, 117 Mapleridge and a second for K. Otstot, 917 Sunridge Lane.

Mr. Tellarico was present to represent Expert Installations and explained that he has submitted a revised final plat to the Building Dept. and it is currently being reviewed by the Village Engineer. Mr. McCartney stated the amount up for forfeiture is $375.00. Following a brief discussion, Sutliff moved that if this final plat is not approved by the Village Engineer the deposit of $375.00 will be forfeited, if the plan is approved, the forfeiture will not take place.

There was no one present to represent Mr. K. Otstot. Mr. McCartney stated the amount up for forfeiture is $500.00 and there has not been a final plat approved for this property. Following a brief discussion, Cotesworth moved to forfeit the deposit of $500.00 from Mr. K. Otstot.

Mayor Harvey reported that the Village is planning on removing the old salt shed and replacing it with a new one and as the Code currently is written the Village is not required to go through any review process like is required of current residents. Mayor Harvey suggested that the Commission consider possibly amending the zoning, which would amend the zoning of the Village owned property to some use that would require them to go through a review process for renovations and construction, possibly a "Public Use" type of classification. Commission stated they thought this idea has some merit and would like to consider it at a future meeting.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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Minutes of PLANNING COMMISSION Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held OCTOBER 17, 19 91

MEMBERS PRESENT: YOUNG (LATE), SUTLIFF, COTESWORTH, DANIELS, HARVEY

OTHER OFFICIALS: D. MARKOWITZ, B. MC CARTNEY,

GUESTS: S. SIMON, D. ROSNER, C. COWLIN

Chairman Daniels called the special meeting to order at 7:30 P.M. Roll call, all members present.

Mr. Richard Rosner, attorney for Sid Simon, developer for Emerald Lakes II Subdivision, stated they were before the Commission for two reasons. First, to get permission to cut in the proposed dedicated road and put it in to grade. Second, is to show a proposed layout of the fee simple, or proposed lots. Mr. Rosner stated the lots will be referred to as envelopes, not lots. The plan shows the proposed homes within the "envelopes" and these homes would have to fit within the area of the envelope, including any decks, screened porches, etc. Anything outside the envelope would be considered common land. The land within the envelope would be maintained by the homeowner.

Village Engineer Tom Voldrich asked how much of the proposed road would be built on fill? Mr. Driemiller, engineer for Mr. Simon, stated the entire road is on fill, on the average it will be three to four feet of fill. Mr. Driemiller stated they are planning to use the two proposed retention basins as a source of fill as well as a third proposed future basin. Mr. Voldrich asked if they knew what type of material they were going to run into in those areas? Mr. Driemiller stated they feel they will find enough good material to use for the road base. They have the ability to borrow an endless supply from the eastern area of the development. Mr. Voldrich stated he has some concerns on whether or not they will be able to find sufficient good material on site and what he would not like to see is this project get under way and then in the middle, run out of material and have to stop the project.

Mr. Sutliff asked what was the time table for the drilling of the test wells. Mr. Simon stated the test wells should all be drilled within the next two weeks. Dr. Eckstein's report will follow sometime later.

Sutliff stated he sees a potential problem with building the grade of the road up two or three feet and the utilities are not put during the winter and then the spring rains come, there could be some potential problems.

Mr. Voldrich asked if the proposed retention basins were under one acre, would they have to be fenced. Markowitz stated the Code does require any pond under one acre has to be fenced and this would pertain to Emerald Lakes, however they could request a variance.

Mr. Simon it is guarantee that if they put the road in to grade and in the final plan approval, it is determined that the placement of the road needs to be changed, he will change it. There will be no improvements put in

until the Commission approves the plan.

Commission discussed at length the source of fill material and the process of putting the road into grade.

Mr. Sutliff stated he is very concerned with the idea of cutting in a road for a plan which has not shown proof of adequate water. Sutliff stated this is an issue that the Village is very concerned about and he feels it would be very wise to find out whether or not there is sufficient water prior to moving a dirt.

Mr. Markowitz stated his concern is what happens if the road is put in to grade, the retention basins are built and the project does not go any further? Who will maintain the erosion control barriers, etc.? Mayor Harvey stated this will be a very important issue to the residents of Southwyck Lake.

Mayor Harvey stated he is concerned with the amount of fill that will be needed to put this road in to grade. Mr. Voldrich stated he would like to see a plan which will show exactly how they are going to do this and a time table giving an exact schedule of what will be done when and a contingency plan should something go wrong or the project can not proceed.

Commission reviewed the plan for erosion control with Mr. Driemiller and Mr. Simon and discussed at great length. Mr. Simon stated if they are granted approval to cut the road in and bring it to grade, he will provide all the information on scheduling that the Village Engineer is requesting. He does not have that information at this time.

Mr. Young asked what was the Planning Commission being requested to approve? Mr. Markowitz stated they are being asked to approve the soil erosion control plan for the grading of the property of Emerald Lakes II.

Mr. Harvey stated he is not sure that there is enough information on the plans from which they can make a decision on this request. Mr. Simon stated all the necessary information is on the plans, the Village Engineer has not had enough time to review the plans and review all the information.

Following a lengthy discussion, Harvey moved to allow the developer of Emerald Lakes II, to move the necessary dirt to build the road to grade upon the following conditions being made beforehand; 1) satisfactory scheduling and contingency plans for erosion control, 2) detail plans being submitted for the erosion control plan, 3) provision written which will state if the road in cut, this in no way indicates an acceptance of the development plan, subdivision plan or zoning plan, 4) satisfactory bond in an amount and terms approved by the Village Engineer and Solicitor be posted, and 5) approval of the temporary culvert designs, all work be completed by May 1, 1992, Cotesworth 2nd. Roll call; nay, Harvey, Young, Sutliff; yea, Cotesworth and Daniels. Motion failed.

Mayor Harvey stated his major concern with voting yes on the previous motion is he does not feel he has sufficient information and the Commission is granting too much

responsibility to the Engineer and Solicitor. Mr. Markowitz stated what if all the items that are left to the Engineer and Solicitor to do, are completed prior to the next meeting, would the Commission like to review and take another look? Commission agreed if all the information can be presented, they will agree to meet for a special meeting.

Following lengthy discussion the Commission agreed to meet at a special meeting on October 30, 1991 at 7:30 p.m. to review all requested information presented for Mr. Simon's request to cut in the proposed dedicated road.

Markowitz stated the next issue that needs to be reviewed by the Commission is the proposal of Mr. Simon for private cluster residential development for Phase II of Emerald Lakes II. Mr. Markowitz stated he has met with Mr. Simon and his land planner and talked through some of the issues on zoning. He has some questions on how the Commission will want to handle the implementation of this proposed zoning. Markowitz stated assuming we adopt the zoning amendment, Mr. Simon will come in with a final plat which will show the layout of the spur roads, these roads will meet all the criteria of dedicated roads but they will be private and the homeowners assoc. will be required to maintain them. Markowitz stated the envelopes will have designated markings as to where the lines are so the area where the home can be placed will be perfectly clear. The homeowners will be responsible for maintaining their driveways, the exterior of their homes as well as all the area within the envelope, subject to the right of the association to maintain and assess the homeowner if they fail to properly maintain this area, this will be in the deed restrictions.

This is not a concept of having a very small area around each house, there will be at least a ten foot strip around each home where landscaping can be placed. Markowitz stated there can be no construction beyond the "envelope" area. Markowitz stated he has come questions for the Commission, first, assuming the Commission approves this concept, when the builders come for construction, will they have to come before the Commission for developmental review or do you want to give the authority to the Bldg. Dept. to determine the placement of the homes within the envelopes. This will have to be decided prior to writing the zoning amendment.

Mr. Markowitz stated once the Commission has approved the layout of the envelopes on the plat, they will have set in concrete the perimeters of the lots. Markowitz stated the "envelopes" will most likely be recorded as lots because the homeowner will take title of this area.

Mayor Harvey stated each unit's placement within the envelope should be approved by the Commission.

Markowitz stated there will a requirement in the zoning is when the envelopes are platted, there will be some type of easy method of determining the property lines.

Markowitz stated there will be performance bonds for the spur road concept as well as drainage and landscaping

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requirements.

Markowitz stated the water wells will necessitate the creation of exclusive easements due to the fact that the placements will not be known prior to the approval of the plat.

Following a lengthy discussion, Commission agreed that they wanted to proceed with this proposal and instructed the Solicitor to begin to draft the zoning amendment. Hopefully he will have something prepared within the next month.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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DAYTON LEGAL BLANK CO., FORM NO. 10148

Held SEPTEMBER 5, 19 91

MEMBERS PRESENT: DANIELS, SUTLIFF, COTESWORTH, YOUNG

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, W. MC CARTNEY

GUESTS: S. SIMON, R. ROSNER, C. COWLAND, ROBERT KNOWLES, K. O'DONNELL

Meeting was called to order at 7:30 P.M. Roll call, Harvey was absent.

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

Robert Knowles, Bramble Farms II, presented an application for a brick wall to be constructed at the entrance of Bramble Farms subdivision. Mr. Knowles explained that they would like to build this wall as a decorative feature with a sign for Bramble Farms. Commission reviewed the plan showing placement of the proposed sign. Commission determined the sign and wall would be within the right-of-way on Snyder road therefore the Village Council will have to review the plan and determine whether or not it should be allowed. Issues that need to be considered are first, who would maintain the sign, and second, would it be constructed to meet the "break-away" requirements. Commission agreed to forward this on to the Council and to the Village Engineer for his review.

Jake Hudson, Chagrin Falls Superintendent, stated he is before the Commission to answer any questions the Commission has regarding their proposed revised site renovations for Gurney School. Dr. Hudson explained the changes they are proposing deal with the parking lot next to the bus garage, they are proposing to put the fence back 75 feet further than what exists currently. They have 500 feet to their property line, so the set back is not a problem. Commission discussed the proposed plan. Following a lengthy discussion, Young moved to approve the revised site plan as presented, Sutliff 2nd. Roll call, all ayes.

Commission asked Dr. Hudson what was the status on the water well and tank removal at Gurney School. Hudson stated all the contaminated soil from the leaky gas tank has been removed from the property, however the hole has not been filled in. As far as the well, they have removed the pump and cleaned it up and will put it back in and do pumping tests tomorrow in order to try and figure out if it was the pump or if it was the well itself that has caused the lack of water. Commission suggested that the Secretary contact Dr. Eckstein and have him review the pumping of the Gurney well. Markowitz stated Eckstein is scheduled to come to Council on Monday, and he could also report on what he finds from the pumping at Gurney.

Dr. Hudson stated they would also like to build an accessory structure, approximately 30' X 40', on the property. Hudson asked what was needed to build such a structure, that would be used as a storage building. Commission stated the plans would have to be drawn by a

registered architect, reviewed by Ray Stewart and the ABR, in addition to getting development review approval by the Planning Commission. Hudson stated they would delay the application for the accessory structure.

Richard Rosner, attorney for Sidney Simon, Emerald Lakes II, stated he is before the Commission to discuss the proposed development of 70 detached condominium units that are proposed for Phase II of the Emerald Lakes Subdivision. Mr. Rosner explained the proposed plan shows the homes in a clustered layout due to the wetland area of approximately 20 acres. The current plan meets all the requirements of the Zoning Code and Subdivision Rules. Mr. Rosner stated what they are proposing is to ask the Village to expand the permitted uses under R-2 zoning to include what is known as "Zero lot line" or "Fee Simple" zoning. What this means is the homeowner would own the structure and the foot print of land, balance of the land would be held in the name of the homeowners association, of which, all the homeowners that reside in the community would be members. The homeowners association would be responsible for the maintenance, repair and upkeep of the common areas which would consist of the spur roads, landscaping and anything else used in common among all of the homeowners. Rosner stated in a single family detached situation, it just makes a great deal more sense for the homeowner to own the home that he lives in and be responsible for its maintenance and upkeep of that home rather than have the condominium association maintain the home. Rosner stated they are not asking for any changes in the land use or the Subdivision or Zoning regulations other than to expand the regulation to permit an additional type of ownership, that is a fee simple ownership. To look at the home, one would not be able to tell the difference between a condominium or fee simple ownership.

Commission discussed this concept at length. Mrs. O'Donnell stated her concern of units being built right on the 50 foot rear yard set back and then at a latter date coming to the ZBA for a variance for decks or screened porches, a situation that has occurred frequently in Emerald Lakes I and she would like to see the Village make sure this does not occur again. Markowitz stated what the Commission could do is put in the deed restrictions that for homes right on the 50 foot set back, the foot print would not be approved if it extended beyond the 50 foot setback

Mr. Chris Cowland asked the Solicitor if he had ruled on whether the Village had ever given approval to the developer to develop more than the 50 lots allowed by the Code. Mr. Markowitz stated yes, he has determined that the Planning Commission in 1981 and in 1985 approved a plan showing 70 units and this was made part of the Judgement Entry.

Markowitz stated what the Commission has to do now, is to decide if this is something that interests them and if so then they have to go through the rezoning process to provide for this type of ownership in the Code.

If the Commission wants to proceed, Solicitor stated he would ask the developer to give us a model of what they would like to see in the ordinance, based on what they

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Held SEPTEMBER 5, 19 91

anticipate they will be developing and what deed restrictions they will want. From there, the Solicitor will review the existing Codes and Rules and then come back with what will have to changed.

Commission stated they are interested and would like to proceed as discussed.

Markowitz suggested that Mr. Simon come to a Council meeting and present their proposal for their review, due to the fact that it will eventually go before them for adoption of the ordinance. Mr. Simon agreed to do so.

Mr. Sutliff stated there are provisions in the preliminary plan for a future interconnect road to the development to the north, who puts in the road? Markowitz stated Planning Commission granted a variance to Mr. Simon which allows two additional lots, which is conditioned upon the interconnect road being put in. Mr. Simon stated he has made provisions for the road, however he does not feel it is his responsibility to put the road in. Markowitz stated this is a matter which will have to be worked out prior to any approval being granted.

Mr. Simon stated they are currently drilling test wells and they have decided that they will now have individual wells for each unit instead of community wells as previously planned. As soon as the report of Dr. Eckstein is complete, Mr. Simon stated they will present it to the Commission.

Mr. William McCartney, Building Dept., stated his office is requesting the Planning Commission to forfeit the construction deposit monies of Expert Installations, for work done at 117 Mapleridge. Mr. McCartney stated there has not been an approved final plat plan submitted for this property. Commission agreed to hold a public hearing and take action at the October meeting.

Mr. McCartney stated he is also requesting forfeiture of construction deposit monies ofKen Otstot, 817 Sunridge Lane. Once again, there has not been an approved final plat presented.

Following a brief discussion, Cotesworth moved to put these items up for a public hearing at the October 3, 1991 meeting. Solicitor stated he would notify these individuals by letter.

Mr. Markowitz stated he has received the wetlands inventory map of the Village of South Russell. Markowitz stated the Commission has previously talked about possibly adopting some form of wetlands legislation. Markowitz stated after reviewing the map, he does not feel it is necessary to write any legislation to govern the wetland areas at this time.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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Held 19

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held AUGUST 1, 1991 19____

MEMBERS PRESENT: SUTLIFF, DANIELS, COTESWORTH, YOUNG

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, W. MC CARTNEY

GUESTS: W. WOLFSON, T. WYSZYNSKI, C. COWLAND, S. SIMON, W. DREIMILLER, S. WEISS, J. CADOU, P. CADOU,

Meeting was called to order at 7:30 P.M. Roll call, Harvey absent. Commission reviewed the minutes of the June 18, 1991 and July 1, 1991 minutes. The following corrections were made to the June 18 th minutes, page 140, tenth line down, add the word "they" before "had"; in the seventh paragraph, second last line, the word "an" should be "any"; on page 131, first full paragraph, sixth line from bottom, the fourth word should be "to" rather than "the. The following corrections were made to the July 1, 1991 minutes; the page numbers should be corrected to go from 133 thru 137; on page 129, second paragraph, the eighth line, third word should be "as"; on page 130, first full paragraph, third line, after the word "front yard", should be added "plat restrictions"; next paragraph, the second line, after "front yard" should be "plat restriction"; last paragraph of page 130, the third last line, after the word "around" the word "the" should be removed; on page 131, the fifth full paragraph, second line, before "sufficient" should be the word "probably"; and on page 132, second full paragraph, third line, the word "design" should be "designed". There being no further additions or corrections, Sutliff moved to approve the June 18, 1991 and July 1, 1991 minutes as amended, Young 2nd. Roll call, all ayes.

WARREN WOLFSON, CARE SERVICES, stated he is before the Commission to bring them up to date as far as where they stand on the Assisted Care Facility that they proposed for property located at 1550 Chillicothe Road in 1986. Mr. Wolfson stated they have been informed that the Planning Commission is entertaining the idea of possibly repealing the zoning amendment which allows an assisted care facility to be built on Rte. 306. Mr. Wolfson stated what they have been doing since the zoning amendment was adopted is maintaining the buildings on the farm and the property around it. Mr. Wolfson stated the main reason there has not been any action taken as far as proceeding with the project is because the banks have become increasingly concerned about security for their loans, especially those for free standing residential facilities for the aged. They have tried periodically to get some interest in this project, however for the time being, the banks are not interested in financing this type of development. Mr. Wolfson assured the Commission they still plan on doing the project, this is not something they have lost interest in, and they intend to continue to be a good neighbor.

Mrs. Cotesworth stated the concern of the Planning Commission was whether or not the project was ever going to take place and if there was possibility that it might not, would the land be sold and what would the land be used for then?

Mr. Wolfson stated he is not a developer and his only profession has been to provide housing and services to

the elderly and that is his only interest in this property. Wolfson stated he has no intention in selling this property and even if he did, the use that this property is zoned for is so specific, he does not know who would ever purchase it.

Mr. Wolfson stated he feels this type of development would be a real asset to this community however he can not give the Village a date as far as when he will get it under way.

Commission thanked Mr. Wolfson for his time and asked him to keep the Village informed as far to his future plans.

Mr. Sy Weiss, representing Simon Enterprises, developer of Emerald Lakes II, stated he is before the Commission with a revised informal preliminary plan, showing the relocation of seven homes, away from the eastern border of the Country Estates development. The major concern expressed at the last two meetings was the proximity of the dwellings to the rear yards of the homes in Country Estates. They have restudied these concerns and they have come up with a plan whereby they have moved the homes away by extending the spur roads. As the plan stands now, the closest home from Emerald Lakes to a home in Country Estates is 290 feet. Mr. Weiss stated this development will be a single family detached condominium type of development.

Mr. Driemiller, Emerald Lakes Engineer, stated as far as utilities, there will be a central sanitary sewer taping into a line on Bell Road. There will be water wells, drilled approximately one for every six units. The layout of these wells is unknown at this time, however one of the main reasons they are before the Commission is to get some initial feedback on the layout so they can then set the placement of the test wells such that they can later be used for production wells. The storm water will be handled as the storm water management requirements dictate, there will be two ponds at the entrance which will be storm water retention ponds. This project will be phased, the first phase will include the first two cul de sacs, totaling 13 homes. There are some areas of the wetlands that will be developed, however it will not be more than what is permitted under the nationwide permit of one acre. Of the 71 acres of land, there are 21 acres that are considered wetlands. The main road does not exceed the 2,500 foot maximum and there is no spur road that exceeds 500 feet.

Chris Cowland, Country Estates, asked if the developer planned on filing for a variance which would allow for 70 units on a cul de sac street, the Code only allows a maximum of 50. Mr. Simon stated he remembers having this issue resolved during the last plan submittal, years ago. Mr. Markowitz stated he could not remember if this was resolved, but he will research this and determine whether or not a variance will be necessary.

Pete Cadou stated he would like to commend Mr. Simon for the effort he has made and the work he has done in changing his plan and he would like to know if there is anyway they can be assured that the 50 foot rear yard set back can be maintained as wooded as possible. Mr. Simon stated they would absolutely not touch the tress in the

50 foot set back area, they are going to leave it as natural as it is right now.

Mr. Simon asked if he could have permission to clear the right-of-way of the main road going into the development, in order to get the rigs back there to drill the test wells.

Commission stated they felt this plan was a great improvement from the last plan and stated they had no objection to Mr. Simon clearing the right-of-way as long as it is done with the Village Engineer's review and approval of the plan.

Markowitz stated he will research the question of whether or not a variance was granted for more than 50 homes on a cul de sac street, in any of the other applications that have been presented in the past.

Markowitz stated what Mr. Simon needs to do next is file either a preliminary or final plat application with a plan for the Commission to review and take action. Next, the improvement plans must be submitted and approved. Following this, developmental review approval must be given for each individual pod. In addition, the bonding, condominium documents and deed restrictions will be submitted and reviewed by the Engineer and Solicitor for their approval.

Mr. Markowitz stated the Commission must take formal action on removing the plat restriction of drilling only in the Berea for lots 19-24 in Bramble Farms Subdivision II. Markowitz stated they have a letter dated 5-6-91 from Dr. Eckstein stating that he is not requiring that these lots drill to the Berea and the Commission did discuss this at their meeting three months ago and agreed that this was acceptable but no formal action was taken. Commission discussed at length the letter from Dr. Eckstein. Markowitz stated he spoke with Dr. Eckstein and asked exactly what he meant in his letter. Eckstein explained to Markowitz that his concern was not for the protection of the aquifer but whether the individual wells, for a particular home, would have enough gallonage for an adequate domestic supply. Following this lengthy discussion, Cotesworth moved that based on the letter, dated 5-6-91, from the Village Hydro-geologist, Planning Commission ratifies the action of granting a waiver for lots 19-24, leaving it up to the well driller to determine whether there is adequate water in the Sharon, Sutliff 2nd. Roll call, all ayes.

Tom Voldrich stated there were REVISED PLANS FOR SITE RENOVATIONS TO GURNEY SCHOOL have been submitted. The changes from the plans submitted a year ago include extending the driveway back to the bus garage and constructing a storage building. There was no representative from the Chagrin Falls Schools to answer questions. Commission reviewed the plans. Bill Young stated he is concerned with the pile of salt that has been exposed since they removed the salt shed a few weeks ago, he feels this should be removed as soon as possible. Commission had several questions regarding the plan presented and due the fact there was no representative present to answer questions, Commission tabled this request until the next meeting. Commission asked the

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Building Inspector to contact Jim Lewis, at the school, and inform him to have someone come to the September meeting to answer questions and explain the plan to the Commission. In addition, Commission asked Bldg. Inspector to request that the salt be removed as soon as possible.

Mr. Markowitz stated he has sent the Commission information which shows the regulatory process that is in place which needs to be followed when asking for a determination of whether a piece of land is considered wetlands or not. Markowitz stated he felt this information would be important when considering whether or not the Commission wants to adopt an amendment to the Subdivision Rules and Zoning Code to eliminate, to some extent, the use of wetlands in common areas or whether you want to adopt some legislation for the Village to deal with in protecting the wetland areas. Commission discussed how much wetland area there is in the Village. Commission agreed that the Bldg. Dept. should look at the maps of the Village and try to determine approximately how much and where the wetlands are located. Markowitz stated some communities limit a certain percentage of wetlands that can be use in common areas, i.e. 50 %. Commission stated that due to the fact that there appears to be only small amounts of potential wetlands, they feel that unless Council feels very strongly on this issue, there should not be anything more done at this time.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

MEMBERS PRESENT: HARVEY, SUTLIFF, COTESWORTH, DANIELS

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH

GUESTS: C. COWLIN, K. O'DONNELL, A. WILSON, J. SINGER, J. DORKO, R. BLISS

Chairman Daniels called the meeting to order at 7:30 P.M. Roll call, Bill Young was absent.

The June minutes were not complete, Commission took no action.

Cindy Knowles, Bramble Farms II, presented the revised plat for Phase II, Bramble Farms. Markowitz stated he has received the title commitment today, all the signatures for all the lot owners as well as the mortgage holders have signed the plat, the only thing they have to do is to file a petition with the Common Pleas Court. If the Commission does approve this plat, they should do it contingent upon the Court approving the petition. Markowitz stated he has also asked for a new letter of credit and performance bond based on a new punch list from the Engineer.

Mayor Harvey asked the Village Engineer if he was sure all the lots close on the revised plat? Voldrich stated yes they do, they all close. Mr. Voldrich stated he has recommended the performance bond be reduced from $30,000 to $7,000. The $7,000 will cover remedial drainage work which may be required at S/L #17 and S/L 18. In addition, the driveway modifications to S/L #13 and #16, as well a removing some top soil from the inlet basins. Commission discussed this briefly and following discussion, Harvey moved to approve the bond extension to 12-31-91 and the reduction of the performance bond from $30,000 to $7,000, Sutliff 2nd. Roll call, all ayes.
Following a review and discussion of the revised plat for Phase II of Bramble Farms, Harvey moved to approve the re-subdivision of Bramble Farms Subdivision II and resubdivision of Sublots #8 and #9 and additional grant of easement on sublot #15, conditional upon the Common Pleas Court granting a petition to record the plat, Sutliff 2nd. Roll call, all ayes.

Mr. Al Wilson stated he is representing the Kensington Green Homeowner's Association and he is before the Commission to request a change in Article 5, Section 2A, of their Deed restrictions. This change would prevent "For Sale" signs from being put up. Mr. Wilson presented a copy of the exact wording to the Commission.
Commission briefly discussed this proposal. Mr. Wilson stated before their Association can adopt this change, the Commission must first approve it and he is before them tonight to get this approval. Following a brief discussion, Sutliff moved to approve this amendment to the Kensington Green deed restrictions, Harvey 2nd. Roll call, ayes, Sutliff, Cotesworth, Daniels; nays, Harvey.

Chairman Daniels called the Public Hearing for Jack Dorko to order at 8:00 P.M. Solicitor Markowitz swore in Jack Dorko, 405 Deer Court, and Roger Bliss, Kay Homes. Mr. Dorko presented his request for a variance from the front yard building line minimum of 125 feet, as set by the

Subdivision plat, to a set back of 112 feet. Mr. Dorko explained that because of a pond in the rear of his property, he must move his home forward to avoid building in the water. Mr. Bliss stated the reason this set back was set at 125 feet is because you are required to have, at the building line, 100 feet. In order to get the building line of 100 feet, the set back had to be 125 feet. The lot next door has a 100 foot front set back and on the other side, the lot has a 50 foot set back, so their home will not be in front of the other homes. Following a brief discussion, Sutliff moved to accept the variance request for S/L #23, Whitetail Run Subdivision, to have a front yard set back of 112 feet, Cotesworth 2nd. Roll call, all ayes.

Chairman Daniels called to order the Public Hearing for Schlade Surveying Co. and Pridemark Homes who were requesting a variance from the front yard set back of 105 feet on 105 Champion, Bramble Farms II, to 95 feet. Mr. Totarella, Pridemark Homes, explained this home is already under construction and this variance is being requested to accommodate the front steps. Mr. McCartney explained the plot plan of the lot and home and stated the front steps are the only part of the home that encroaches on the front yard set back. Mr. McCartney stated he had no problem with this variance request.

Following a brief discussion, Harvey moved to approve the requested variance for a 95 foot front yard set back from the required 105 feet for a home built at 105 Champion Lane, Bramble Farms Subdivision II, Cotesworth 2nd. Roll call, all ayes.

Mr. Terry Klebes, 46 Ridgecrest, presenting an application and plat for a minor lot split. Mr. Klebes stated he presented his request at the last meeting and the Engineer and Solicitor were going to review this plan and make their recommendations at this meeting.

Commission reviewed the plan and discussed briefly. Markowitz stated he requested that the building set back lines be put on the plat and the Surveyor's language be changed. Mr. Klebes stated these changes will be made on the mylar. Engineer stated he had no problem with the plat.

Following a brief discussion, Harvey moved to approve the minor lot split application contingent upon receiving approval from the County Health Dept. for a septic system, upon the Court approving the vacation and resubdivision, upon the mylar showing the requested changes in the Surveyor language and the correct setback lines, Sutliff 2nd. Roll call, all ayes.

Mr. Bill Driemiller, Seymour Weiss and Associates, stated he is the project engineer for Emerald Lakes II. Driemiller stated they are before the Commission on an informal basis to present the proposed phase two of the Emerald Lakes Subdivision. Mr. Driemiller stated this phase will have 70 detached single condominium units. The main road coming in is a dedicated street, and off this dedicated road will be several spur roads which will be private and around the each spur road there will be 5 to 7 units. This development will be served with a sanitary sewer. Driemiller stated there is a

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series of waterways that enter the property, flow is basically coming into the property, very little discharges off the property.

Mr. Driemiller stated they will be disturbing only one acre of the wetlands, an amount that does not exceed the government regulations, this area is shown on the proposed plan. There is a fifty foot buffer maintained all around the property and they do not plan on violating that area.

Commission reviewed the plan. Sutliff asked the length of the main road. Driemiller stated to the end of the cul de sac, it will be 2,530 feet. Markowitz stated the regulations prohibit more than 50 homes on one cul de sac, and this plan shows 70 units coming off of this cul de sac. Markowitz stated this would require a variance if the plan is not changed.

Mr. Chris Cowlin, Country Estates resident and member of the Board of Directors, stated since the last meeting, several of the residents met and expressed many concerns regarding this proposed development. Cowlin stated the residents basically felt that this development as proposed would be a detriment to their property values. They are not opposed to all development, but the concentration and placement of homes shown on this proposed plan is not acceptable to them. They are here to ask alot of questions and gather information about this development and what the procedures are that have to be followed to get approval for a development.

Mr. Cowlin stated water is an issue that concerns them greatly and has the Village requested test wells? Markowitz stated the developer knows he must prove sufficient water, however until he knows the configuration of his development he cannot drill the test wells due to the fact that these test wells will be future production wells.

Mr. Markowitz stated the Village Hydrologist, Dr. Eckstein, has stated there is sufficient water and recommended that they drill a minimum of 4 test wells to verify that they will not be depleting the aquifers by incorrectly placing the wells which will serve the development.

Mr. Cowlin asked if the Village could require the developer to post a bond to cover any damages done to their water supply due to the proposed development, during construction and a period of time after it's completion. Markowitz stated this is a very interesting question and he cannot answer it tonight. He will have to research the statute that would cover this type situation. His initial reaction is he does not think it would be broad enough, but because this has never been looked at in the state of Ohio, he will not foreclose the possibility.

Markowitz stated is was Dr. Eckstein's recommendation that a cluster type of development would be a better use of the water aquifers. On this property there are three different areas that can be drawn from, the Sharon, glacial tills and the Berea and with the community wells being properly spaced there should be sufficient water to

serve this development and not negatively affecting the surrounding areas. However, the test wells must be drilled to verify this for sure.

Commission discussed the concern of the Country Estates residents on the 50 foot rear yard set back and how important it is to them that nothing is built within that 50 foot buffer. Commission stated they will address this item during the preliminary plat stage.

Mr. Simon stated this development is designed for empty nesters, not for young families. The units are planned to be three bedroom, ones that are not necessarily design for families with young children.

Mrs. O'Donnell asked if the Commission could regulate how much limited common area is provided around each unit, because they are very concerned with the possibility of the residents with units built right at the 50 foot set back, will receive variances and build decks within this area. Mr. Markowitz stated if there is a desire on the part of the Planning Commission to prohibit decks or other extensions of the rear of those units, there is only one way that can be controlled. This would be by requiring a deed restriction that not only does not allow limited common area but prohibits any type of improvement of that kind in the common area.

Mr. John Roberts, Country Estates resident, stated after looking at the plan presented, he thinks that if the road is moved further west, then you could build on the east side of the road, the backyards would abut the wetland and then you could move the units off the eastern property line of Country Estates. Commission discussed this possibility and agreed it had interesting possibilities however this was something that the engineer's would have to look at see if it is at all feasible. Mr. Simon agreed it was an interesting concept.

Mr. Markowitz stated he has several items he would like address for future discussion. First, developer must show probable compliance with the wetland laws. Second, the regulations require dry hydrants be provided in any new developments that have lake area. Third, we need to know whether or not the common areas of phase I and phase II will be connected. Fourth, the Village needs to preserve the ability to move the dedicated road within the common areas so if at a future time there is a connection at a better location than what is decided at the present time, they can change the location, this issue can be addressed at the improvement plan stage. Fifth, the issue of only 50 homes allowed on a cul de sac street must be addressed, the current plan shows 70. In addition, the length of the dedicated road could be in excess of the 2,500 allowed by Code. Sixth, the distance between the units must be verified to be sure they follow the Code requirements. Seventh, sufficient water must be proven. Eighth, Condominium declarations as well as the Master Association declarations have to be reviewed and approved. Ninth, Village will be requiring that the developer must maintain and repair the ponds for two years beyond the acceptance and dedication. Tenth, areas of wetlands must have deed restrictions which state that the state regulation must be followed if any work is to

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be done on them. Eleventh, the physical development cannot cover more than 40% of the ground area. Twelfth, back in April 25th, 1989, at the Zoning Board of Appeals meeting, the Board granted a variance for two additional lots contingent upon the Commission approving the development of property, upon the final plat having the offer of dedication of a through road to a location acceptable to the Village and upon modification to the Judgement Entry. None of these three things have occurred, but they could, and they will be addressed at the Improvement Plan stage.

Mr. Simon stated he will go back and review what was discussed and suggested and try and change the layout of the homes. Simon stated he will be back at anytime that the Commission is willing to meet. Commission stated if Mr. Simon has something that he would like to present prior to the August meeting, let the Secretary know and she will try and schedule a special meeting.

Joe Franzese, Chairman of the Architectural Board of Appeals, stated the Council disapproved the proposed ordinance amending the maximum height regulations for residential homes. What he has done is talk to Bill McCartney and Jim Holt, reviewed the items of the ordinance that they had had some disagreement and revised the ordinance to include those items discussed. Mr. Franzese presented revised ordinances, showing the changes that were agreed upon with both McCartney and Holt. Commission reviewed the changes that were presented.

Mayor Harvey stated he felt that Council had a problem with the size of the home that would be allowed on less than one acre lot and in addition to that, the maximum height allowed of 36 feet was too high.

Following a brief discussion, Mayor Harvey stated he would take this issue back to Council and try to clarify what their major objections are to this ordinance and what changes would they accept in order to get an ordinance written that will increase the maximum heights of residential structures.

Mr. Markowitz stated he spoke with Greg Costa, who represents Care Services, regarding the Commission's consideration of rezoning the Assisted Care Facility property back to residential and they are very anxious to come to the Commission to answer any questions and give their input as far as why this should not happen. Markowitz stated Mr. Costa will be at the August meeting.

Markowitz stated he has copies of wetland information that will be distributed to the Commission for their review and due to the late hour of this meeting, they will discuss at the August meeting.

There being no further business, meeting adjourned at 11:00 P.M.

Charles M. Daniels Jr

Charles M. Daniels, Jr., Chairman

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 PLANNING COMMISSION Meeting

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

Held JUNE 18, 1991 19

MEMBERS PRESENT: HARVEY, DANIELS, SUTLIFF, COTESWORTH

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH

GUESTS: T. KLEBES, S. SIMON, W. DRIEMILLER, S. WEISS, C. COWLIN

Meeting was called to order at 7:30 P.M. Roll call, Young was absent.

There being no additions or corrections to the May 2, 1991 meeting minutes, Harvey moved to approve the minutes as recorded, Sutliff 2nd. Roll call, all ayes.

Mr. Terry Klebes presented an application and plan for a minor lot split, for his property located at 56 Ridgecrest. Mr. Klebes stated what he wants to do is change the interior lines of his two lots to make two buildable lots. Mr. Kleebes explained he is currently requesting a variance from the Geauga County Health Dept. for a septic system replacement field, the septic system has already been approved.

Commission reviewed the density zoned for that area. It was confirmed by the Building Inspector the zoning is one acre zoning for that area.

Commission reviewed the plan and application. The Village Engineer and Solicitor stated they have not reviewed this plan. Following a lengthy discussion, Commission agreed that they would like the review of the Engineer and Solicitor to be complete, in order to be sure this complies with the Zoning Code, as well as knowing whether or not the variance from the Health Dept. will be granted, prior to taking and action on this application. Mr. Kleebes stated the Health Dept. will take action on the variance request in July.

Commission asked Mr. Kleebes to return at the July meeting and at that time they will have all the necessary information to make a decision.

Ms. Cindy Knowles, Bramble Farms II, stated they are before the Commission to update them on their development. They have completed most all the items on the punch list. They have received an approval from the Village Engineer and Village Solicitor on the replatted plat and are in the process of getting the many needed signatures. When that is completed they will present it at the next Planning Commission meeting. Ms. Knowles stated another item that they need to discuss is the tree planting requirement. They had requested a variance to have this requirement waived back in October, 1990 and the Commission agreed to not take any action until the trees had leafed out, and then take a look at the need for additional trees. Commission discussed this item briefly. Following this discussion, Cotesworth moved to delete the requirement to require additional trees along the right of way of Champion Lane, Bramble Farms II, Sutliff 2nd. Roll call, all ayes.

Mr. Seymour Weiss, representing Sid Simon, Simon Properties, Inc., for an informal discussion on the proposed Phase II, of the Emerald Lakes Subdivision. Mr.

Weiss presented a preliminary plat showing 73.5 acres with 70 single family detached dwellings, which will be built and operated as a condominium development. Mr. Weiss stated the street enters the development off of the north side of Bell and serpentines through the westerly third of the property. The placement of the units has been affected by the advent of the wetlands issues that have to be addressed. Mr. Weiss stated they have had a wetlands delineation made on the site, so they feel that have a good idea of where the areas are that cannot be developed. Mr. Weiss explained where the wetlands are on the plat and stated it encompasses 20.81 acres and the area that will be disturbed will be under one acre. Mr. Weiss stated this development will have sanitary sewers and storm sewers, there will be two ponds for storm run-off at the entrance. The road will be a dedicated road. The water supply for this development will be from wells, the Village Hydrologist has already done a study that has found there is sufficient ground water to serve this development, however test wells do have to be drilled to verify his report. Mr. Sid Simon presented elevations of four of the proposed homes that will be built. Mr. Simon stated they are targeting the empty-nesters for this development. The units will go from 2,000 square feet to 2,800 square feet and the most expensive will go for about $250,000.

Markowitz asked Mr. Simon if any of the test wells had been drilled. Mr. Simon stated no they had not, they are waiting for an ok on a preliminary plan.

Mr. Driemiller stated the connecting road to the property to the north has been drawn and they are willing to put in the road if the Village requires it.

Mr. Weiss stated this project will be phased, the first phase will include the first two cul de sacs.

Commission reviewed and discussed the plan presented.

Mr. Driemiller asked what exact applications have to be filed? Markowitz stated they have to file a Major Subdivision application and then as the clusters are developed, each cluster must file for a development review application.

Mr. Weiss stated their dedication plat will be a consolidation plat as well as a dedication plat. The original subdivision provided for the creation of two sublots facing on Bell Road, these lots will be vacated and made a part of the overall development.

Markowitz asked what they planned to do with the wetland area, will it be conveyed to the homeowner's association? Mr. Weiss stated there will be an indentification of the delineated area as a part of the exhibit to the condominium documents and they could impose deed restrictions which would not allow and construction on these areas.

Tom Voldrich stated he has had time to review the plan and written a brief report with items that need to be answered or clarified. Mr. Simon and Mr. Weiss reviewed the report.

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Commission reviewed the Engineer's report. Mr. Weiss stated after reviewing the Engineer's report, he did not see anything that would be a major obstacle.

Mr. Chris Cowlin, resident of Country Estates development, stated he and many of the residents in his development are very concerned with the minimum 50 foot rear yard setback for the proposed homes. During the summer, the existing trees provide some screening. What they are concerned about is what will happen in the winter, without the leaves. Will the developer be willing to plant additional vegetation to provide for sufficient screening. Mr. Weiss stated the developer will be willing the work with the Village and provide additional screening in those areas that will need it. Mr. Weiss explained that due to the wetland areas, the road geometry is such that some of the home placements are as close as 50 feet from the Country Estates property line.

Mayor Harvey asked Mr. Simon if he plans to be the developer of the property and build the homes? Mr. Simon stated he will be the developer and the builder of some if not all the homes.

Mr. William Kampf, resident of Country Estates, asked how much of the 50 foot rear yard setback will be knocked down during construction of the homes. Mr. Weiss stated as little as possible, they will work very hard to keep it to a minimum.

Mr. Weiss stated that they have presented an informal discussion of a proposed plan and what they would like to leave with tonight is some sort of indication from the Commission as to whether or not they approve of this preliminary plan. Mr. Weiss stated they would like to get going on final drawings as soon as possible and they don't want to start until they have a better idea on the Commissions reaction to this plan.

Following a brief discussion, Commission stated they wanted to review the plan presented and think about it prior to giving any positive or negative reaction. Mayor Harvey stated their next meeting is in two weeks and he felt they would at that time be better prepared to give some reaction.

Markowitz stated there are a couple of areas that he sees now that need the developers attention. First, the spur roads "J" and "K" do not comply with the Subdivision Rules and second, if the dedicated road is lengthened, it will most likely require a variance from the subdivision Rules because it will exceed the maximum length of 2,500 feet. In addition, the Village will not approve any plan until they are assured that there is sufficient water to supply the development.

Mr. Simon agreed to return in two weeks and in the meantime he will address the areas of concern that have been discussed tonight.

Commission discussed the property located Rte. 306, rezoned several years ago for an assisted care facility. Commission questioned, due to the property never being developed, should they consider rezoning the

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property back to residential? Markowitz stated the Commission should take this matter up at the August meeting and he will give Warren Wolfson a call and ask him to come and discuss this with the Commission, prior to taking any formal action.

Chairman Daniels stated Council has requested the Commission discuss the possibility of amending the Zoning Code, which would change how the wetlands would be considered when determining the density of a development.

Mayor Harvey stated when the Village created the concept of open space or common area they did so with the idea the community could use this area however they wanted, i.e. ball fields, tennis courts. To the extent this area is a wetland, they cannot use it for such uses. Therefore, should the Village limit the amount of wetland that can be used when determining density.? Some communities do limit the percentage of wetlands that can be used in determining density.

Markowitz stated he has quite a bit of written material on wetlands which he will copy and get to the Planning Commission for their review. Markowitz stated he feels this issue should be considered not as a density control measure but proper utilization of common area.

Commission agreed to discuss this issue after receiving the information from Markowitz.

Bill McCartney presented a proposed plan for interior renovation of space located at 529 East Washington. Mr. McCartney explained there is storage area in the basement that needs another access door, allowing the office next to it easier access. Mr. McCartney stated he wanted Planning Commission input, due to this being a commercial structure. Commission stated they say no problem with this and go ahead and allow it.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

RECORD OF PROCEEDINGS

MEMBERS PRESENT: SUTLIFF, YOUNG, COTESWORTH, DANIELS

MEMBERS ABSENT: HARVEY
OTHER OFFICIALS: D. ONDREY, T. VOLDRICH

GUESTS: D. BARR

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, Harvey absent.

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

Don Barr, Snavely Building Co., stated he is before the Commission for an informal discussion for Phase II of the Whitetail Run Subdivision. Mr. Barr stated he went before Council on an informal basis last week and he would like to share with the Commission the plan as it was presented to Council.

Mr. Barr presented a plan which showed their existing development as well as the Milstein property, which is located to north and west of the BP station at the corner of Rte. 306 and Bell Road. Mr. Barr explained they have an opportunity to purchase the Milstein property and what they are contemplating would be to ask for this property to be rezoned from R-1-A to R-2. Mr. Barr stated they feel this would make good planning and zoning sense from a number of factors. First, it would secure that corner as residential and eliminate any future commercial requests. Second, this plan would create fewer curb cuts, having a multi-family development, it would have one main access off of Bell Road. Third, there is a 90 gallon per minute well on this property and this would supplement their existing water company. Fourth, their development plan would show 70 units on this corner property and then they would use the majority of the property west of the CEI lines for open space and preserves for this phase two development. As far as the density, the look of Phase II will be very similar to the look of the existing 44 condo units already completed in Phase I. Mr. Barr stated these units will be single units with some duplexes. Mr. Barr stated there will be no street tie-in to the existing Whitetail Run development however the development will be under the Whitetail Run Community Association umbrella.

Mr. Barr stated they would not purchase the commercial property that abutts the BP property, Mr. Milstein would still own this property.

Mr. Barr stated he is before the Commission to try and get a reading as far as how they feel about rezoning this property from R-1-A to R-2. If there was no great objections, they would probably proceed to formally request to rezone this property.

Mr. Barr stated if they use the property at the corner of Rte. 306 and Bell and combine it with the property west of the CEI lines, there will be some excess acreage and what they are contemplating doing is possibly putting in some "estates" in on large lots on the property west of the CEI lines.

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Following a lengthy discussion, Commission agreed this concept is an interesting one and they would be willing to look at it further.

Mr. Bill McCartney stated he would like to get Planning Commission's input on a proposed plan to renovate the interior space of Althan's Insurance Agency. Mr. McCartney stated they want to put in more office area in the basement, currently this space is being used for offices however they want to subdivide it differently. Mr. McCartney stated there will not be any additional employees, they are just redistributing the existing employees. Mr. McCartney stated the parking is sufficient. Planning Commission stated they had no objections to this plan.

Mr. Bill McCartney stated he has a question regarding the well drilling in Bramble Farms. Mr. McCartney stated Dr. Eckstein stated after his research, the wells on S/L #19, 20, 21, and 23 had to be drilled in the Berea aquifer. The owner of S/L# 23 wants to drill into the Sharon. Commission stated that if Eckstein states these wells should be drilled into the Berea, they must be drilled into the Berea.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

RECORD OF PROCEEDINGS

MEMBERS PRESENT: DANIELS, SUTLIFF, YOUNG, COTESWORTH

OTHER OFFICIALS: D. ONDREY, W. MC CARTNEY

GUESTS: A. SCHNEIDER, J. FRANZESE

Meeting was called to order at 7:30 P.M. Roll call, Harvey was absent.

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

Mr. Al Schneider, BP Oil, Co., stated he is before the Commission requesting action on the development review application which he filed for a sign and canopy for the gas station at the corner of Bell and Rte. 306. Mr. Schneider stated he has gone before the ZBA and received the necessary variances needed for the height and set back for the canopy and the set back for the sign. Mr. Schneider presented a plan showing the proposed sign and canopy. Commission reviewed the plan and discussed. Dave Ondrey stated the ZBA put conditions on their approval of the variances. One being, if the sign or the canopy must be moved due to the widening of Rte. 306, the owner must bear the cost of relocating the sign or the canopy. Second, the issuance of the canopy permit is contingent upon the design being approved by the ABR. Third, the landscape plan be approved by the Planning Commission. Fourth, the two existing signs will be removed when the new sign is installed. Following a lengthy discussion, Sutliff moved to approve the development review application for the canopy and sign for BP Oil, Co., Cotesworth 2nd. Roll call, all ayes.

Dave Ondrey reported Bramble Farms has discovered there are several mistakes with the interior dimensions of their Phase II. They are currently trying to make these corrections, but it is turning out to be a complicated procedure. When they are finished, they will be coming before the Commission requesting approval of these corrections.
Mr. Joe Franzese, ABR Chairman, presented the final draft of the proposed amendment to the Zoning Code re: maximum height regulations for residential homes. Commission reviewed the proposed ordinance, copy hereto attached.

Commission discussed the proposed ordinance. Ondrey stated they have added a definition for average grade, which they hope will clear up the concern of the ZBA regarding mounding to change the grade.

Mr. Bill McCartney stated the Building Dept. agrees the height regulation should be higher than 30 feet however they have concern over being able to interpret and implement the new regulations. Mr. McCartney stated if the regulation was changed to 34 maximum average height, this would cover 90 % of the needed variance requests that have come in to their department. Mr. McCartney stated they feel this new regulation is very complicated and they have enough complications with materials they have to work with when issuing building and zoning permits. Planning Commission stated they were in favor of the new proposed regulation because it not only

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increases the maximum height but as the height of the home increases it requires the home to be moved farther from the set backs, minimizing the height of the larger home.

Commission discussion further the proposed ordinance. Following a lengthy discussion, Cotesworth moved to recommend to Council the proposed ordinance amending the maximum height regulations for residential homes, Young 2nd. Roll call, all ayes.

Commission asked Dave Ondrey to check and look into the situation of the Care Services property. This property was rezoned several years ago for an assisted care facility and since that time, there has not been any action toward actually building this facility. Commission stated they would like to know what their options are as far as possibly rezoning this property back to residential. Ondrey stated he would discuss this with Dale Markowitz and report back at the next meeting.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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Held MARCH 7, 1991 19

MEMBERS PRESENT: SUTLIFF, HARVEY, YOUNG, DANIELS

OTHER OFFICIALS: D. ONDREY,

GUESTS: R. KNOWLES, JR., J. FRANZESE

Meeting was called to order by Chairman Daniels at 7:30 P.M. Roll call, Cotesworth was absent.

There being no additions or corrections to the February minutes, Young moved to approve them as recorded, Harvey 2nd.

Robert Knowles, Jr., Bramble Farms II, came before the Commission to request a ninety day extension on the final grading and seeding of the right of ways for Phase II. Mr. Knowles stated the area is currently very wet and they are unable to get any equipment in to do the final grade.

Commission stated they felt an extension to July is too long but felt they could extend the date until June 1, 1991. Commission emphasized the importance of getting the grading and seeding done as soon as possible, due to the sensitivity of the area and Silver Creek. Mr. Knowles assured the Commission that they would get this work done at the earliest possible date, hopefully sooner than June.

Following a brief discussion, Sutliff moved to grant an extension on the final grading and seeding of Bramble Farms II until June 1, 1991, Harvey 2nd. Roll call, all ayes.

Dave Ondrey reported BP Oil, Co. went before the ZBA last night and the ZBA felt they needed further verification as to what exactly what variances were needed for the proposed canopy. The question came up of whether or not there was a variance needed for the set back of the canopy. Ondrey stated he has determined that this set-back variance would be necessary. In addition, ZBA questioned whether the Planning Commission should act on the Development Review application prior to the ZBA acting on the variance application. Ondrey stated he has since determined that the ZBA issues have to be resolved prior to the Development Review application. Ondrey stated he will inform BP that their variance application must be amended, and another hearing held. Following this meeting, they will come back to the Commission for Development Review.

Joe Franzese, Chairman of the Architectural Board of Review, came before the Commission to further discuss the proposed amendment to the height regulation of residential structures. Dave Ondrey stated one concern he has with the proposed set back formulas, is the case where the existing neighboring home is set back further than the minimum, what happens if the proposed home is taller than 30 feet, how far back must it be set? Mr. Franzese stated the side yards will still be set further apart, however the front set back might not be further that the neighboring home.

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

Held *19*

Commission, Mr. Franzese, and Mr. Ondrey discussed a variety of different situations that the new regulations might create. Following this lengthy discussion, Commission agreed that Mr. Franzese and Mr. Ondrey should prepare a proposed ordinance, complete with any necessary diagrams and present it at the next Planning Commission meeting.

Commission agreed to change the April meeting date from the 4th to the 11th due to three members not being able to attend the meeting on the 4th.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

RECORD OF PROCEEDINGS

MEMBERS PRESENT: COTESWORTH, DANIELS, HARVEY,

OTHER OFFICIALS: D. ONDREY, T. VOLDRICH, W. MC CARTNEY

GUESTS: J. FRANZESE, A. SCHNEIDER (BP OIL)

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

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

Harvey stated Council has initiated an amendment to the fee schedule for certain zoning permits. Mayor Harvey reviewed the ordinance which would change the fee schedule as follows: fences 200 lineal feet or less would have no fee; decks 200 sq. feet or less would have no fee; detached accessory structures of 200 sq. feet or less would have no fee; new residence, condominium, business use or other industrial use will be $75.00; all other permits will be $25.00. Commission discussed these amendments briefly. Harvey moved to recommend to Council the approval of these proposed changes to the Zoning Code fee schedule, Cotesworth 2nd. Roll call, all ayes.

Joe Franzese, Architectural Board of Review Chairman, stated he is before the Commission to discuss the proposed amendment to the residential height regulations. Mr. Franzese demonstrated different home heights with increased set backs by using models made from cardboard. Mr. Franzese explained what they are proposing is, the set back distances will change as the height of the home increases above 30 feet. The increased set backs will also depend upon how the roof is oriented relative to the adjacent property line. They have put a maximum height restriction of 38 feet for residential homes. In addition, they have also stated that a percentage of the roof mass must be under 30 feet.

Franzese stated it is their intention, by making these changes, that it will give the homeowners greater flexibility to build larger homes, that have architectural integrity.

Commission reviewed the models as presented by Mr. Franzese. Mr. Franzese stated the models will illustrate that as you move a taller home away from one that is not as tall, it will minimize the difference.

Commission discussed a variety of different situations with taller homes next to shorter ones, taking into consideration the different grades, set backs and roof pitches.

Mr. Franzese stated they will also be requiring additional information on the drawings, which will include grade, height of every elevation, etc. which will facilitate the Building Inspector in determining the height allowed.

Commission asked Mr. Franzese to present this to Council at their next meeting. Mr. Franzese stated he would be happy to meet with Council and answer their questions.

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Minutes of *Meeting*

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

Held *19*

Mr. Al Schneider, BP Oil Co., presented a plan showing a proposed canopy and new sign for the station located at the corner of Rte. 306 and Bell Road. Mr. McCartney stated BP Oil needs to get development review approval from the Commission however, with the plan as presented, they will need to go before the ZBA to request a variance for the canopy height and sign height and square footage.

Commission reviewed the plan and discussed the needed variances with Mr. Schneider. Following a lengthy discussion, Commission stated they will not take any action on this application until they have gone before the ZBA. Secretary stated she will try and schedule the ZBA meeting prior to the March Commission meeting.

Mr. Ondrey stated their office received a call from Mr. Milstein who stated he would like to talk with the Village to find out what their concepts are as far as the best use of the property behind the Sohio gas station. Commission reviewed the zoning for that parcel and discussed briefly. Mayor Harvey stated it is currently zoned residential/multi-family and he doesn't feel there should be any change made.

Mr. Ondrey asked the Commission if they would like to meet at a private meeting or at the regular scheduled meeting. Commission stated they would agree to meet Mr. Milstein at the regular public meeting.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

RECORD OF PROCEEDINGS

MEMBERS PRESENT: COTESWORTH, DANIELS, SUTLIFF, YOUNG, HARVEY

OTHER OFFICIALS: T. VOLDRICH, D. ONDREY

GUESTS: C. KNOWLES, R. KNOWLES, C. FORBES

Chairman Daniels called the Public Hearing to order at 7:30 P.M. Secretary read the public notice which was published in the Geauga Times Leader on December 20, 1990. This Public Hearing was being held to hear the variance request of Bel Meadows, Inc., developer of Bramble Farms, II, asking for a variance which would eliminate or modify the tree planting requirement, for a variance which would allow the issuance of building permits prior to the installation of the surface coat of the asphalt and the installation of the trees, and for a variance which would allow the deferment of the final seeding and grading until 1991.

Ms. Cindy Knowles, Bel Meadows, Inc., stated they have installed the final coat of asphalt, so they do not need a variance for that item. Mr. Robert Knowles stated all the underground utilities have been installed, the final grading however has not been completed due the wet conditions of the land.

Ms. Knowles stated that their development is located in an area which is a forest of deciduous trees, mature trees. What they are requesting is a variance which would eliminate the requirement to plant trees along the road, first because there already is an abundance of trees and second, even if the trees are planted, they are concerned that the new small trees will not survive due to the large trees over-shadowing the young ones.

Mr. Robert Knowles stated he feels that putting in some conifers at the entrance would be something that would enhance the development, but would rather not have to have an elaborate plan drawn and approved. They would be willing to do this voluntarily.

There being no further discussion, the Public Hearing was adjourned at 7:45 P.M.

REGULAR MEETING was called to order at 7:46 P.M.

Commission discussed the variance regarding the seeding and mulching. Commission was concerned with the idea of delaying the seeding and mulching. Mr. Knowles assured the Commission that this seeding and mulching would be done at the very earliest date possible. In addition, if for some reason, they do not do as they say, they are required to post a bond with the Village which will pay for the seeding and grading in the case it does not get completed as the Village deems necessary.

Ms. Knowles stated if these variances are granted by the Commission, they will go on to the Council and request dedication of the road, in order for them to sell and transfer title of the lots.

Following a lengthy discussion, Harvey moved to approve the variances requested by Bel Meadows, Inc. conditioned

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upon; Council's acceptance for dedication the road within 45 days; upon the rights-of-ways being mulched and seeding by the April, 1991 meeting unless extended by Planning Commission; upon no permanent waiver being granted on the tree planting requirement, this will be reviewed again by Planning Commission after June 15, 1991; upon the Village Engineer setting a bond amount to cover tree planting, seeding and mulching, and other punch list items deemed necessary by the Village Engineer; upon the necessary erosion control barriers being installed and maintained, Sutliff 2nd. Roll call, all ayes.

There being no additions or corrections to the October 4, 1990 minutes, Harvey moved to approve as recorded, Sutliff 2nd. Roll call, all ayes.

There being no addition or corrections to the November 1, 1990 minutes, Harvey moved to approve as recorded, Cotesworth 2nd. Roll call, all ayes.

Dave Ondrey stated the Commission recommended to Council three Subdivision Rules amendments, Council has passed them and now Planning Commission must adopt these amendments. Commission reviewed the Ordinance 1990-45 and following a brief discussion, Harvey moved to approve and adopt as presented, Young 2nd. Roll call, all ayes.

Commission reviewed the Ordinance 1990-46 and following a brief discussion, Harvey moved to approve and adopt Ordinance 1990-46 as presented, Sutliff 2nd. Roll call, all ayes.

Commission reviewed the Ordinance 1990-47 and following a brief discussion, Young moved to approve and adopt Ordinance 1990-47 as presented, Sutliff 2nd. Roll call; ayes, Young, Cotesworth, Daniels, Sutliff; nays, Harvey.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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Minutes of PLANNING COMMISSION MEETING *Meeting*

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

Held NOVEMBER 1, 1990 *19* ..

MEMBERS PRESENT: HARVEY, DANIELS, COTESWORTH, SUTLIFF, YOUNG

OTHER OFFICIALS: W. MC CARTNEY, D. MARKOWITZ, T. VOLDRICH

GUESTS: DAN SUTHERIN, M. EVANS

Chairman Daniels called the meeting to order at 7:30 P.M. Roll call, all members were present.

Chairman Daniels asked for any additions or corrections to the October minutes. Mr. Markowitz stated the minutes reflect that the ABR had given the Planning Commission the height amendment information and his office would draft the ordinances. Markowitz stated what actually happened was the Commission asked the ABR to give this issue further review, come back with some changes and then after this review the ordinances would be drafted. Commission agreed with this change and asked the Secretary to make the correction and they will approve the minutes at the next meeting.

Mr. Markowitz stated Cindy Knowles, Bramble Farms Subdivision, will not be before the Commission tonight however he knows they have put in curbs and are hoping to pave the road within the next week, if the weather holds. Markowitz stated he spoke with Cindy Knowles and she asked that the Commission drive down Lake in the Woods entrance, off of Stafford Road, and look at the trees and right of way. This area is similar to the area in Bramble Farms and the number of trees.

Mr. Markowitz stated at the last meeting, the Commission asked him to send a letter to Mr. Evans, 106 Dorsett, stating there would be a forfeiture of the temporary seeding deposit unless he could show cause before Planning Commission why it should not be forfeited. Mr. Markowitz stated he knows Mr. Evans received this notice on October 9th and he is present at tonight's meeting. Mr. McCartney stated he inspected the Evans' property today and Mr. Evans has seeded the rear lawn and the sides have been mulched. The seeding has just begun to germinate but not enough to state it is a "lawn". Mr. Evans stated he put the lawn in by hand after he received the letter from Mr. Markowitz, he did have some trouble due to the amount of rain. Commission asked why Mr. Evans waited so long to do the seeding. Mr. Evans stated he had planned on putting the landscaping in himself, and then found out that the final grade had never been submitted by his builder and consequently never approved. Mr. Evans stated he did not want to put in the landscaping without a final grade approval.

Commission discussed the situation of the builder refusing to submit the final grading plan and possibly the Planning Commission should request the forfeiture of the grading plan deposit.

Following a brief discussion, Young moved to defer any forfeiture, of the temporary seeding deposit for 106 Dorsett Dr., until the first meeting in May, at which time the Commission can determine whether or not the seeding done is sufficient, Harvey 2nd. Roll call, all

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ayes.

Mr. Young stated the builder of the home at 106 Dorsett, Chris Walsh, Viking Construction, has not submitted the final as-builts and final grading. Commission stated the building department needs to send a letter requesting that the final as-builts and final grade plan needs to be submitted prior to the next meeting and if this is not done, the Commission will set a date to show cause to forfeit the deposit of $500.00.

Mr. Markowitz stated they are still talking to Heritage Homes regarding the replacement of the dead and missing trees in Silver Springs. Markowitz stated if it is not resolved by the next meeting, they will ask for a forfeiture of the bond.

Mr. Dan Sutherin, resident of Emerald Lakes, stated he is in the process of putting in a tree house at the rear of his yard. He was under the impression that any structure smaller than 8'X10' would not need zoning or any review. He has since found out that this structure does need to go through the building department for review and it will further need a variance because it is in the rear yard setback. He is before the Commission hoping they can rule that this is not defined as a structure, due to it is only 8' x 8' and is being built on stilts, and save him the hassle of going before the ZBA and ABR. Commission reviewed the plan as presented by Mr. Sutherin.

Mr. Markowitz stated this "tree house" falls under the definition of an accessory structure and requires zoning and building permits. Commission explained that the Planning Commission did not have the authority to rule that this tree house is not a structure.

There being no further business, meeting adjourned at 8:20 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

RECORD OF PROCEEDINGS

MEMBERS PRESENT: HARVEY, DANIELS, SUTLIFF

OTHER OFFICIALS: W. MC CARTNEY, D. MARKOWITZ, T. VOLDRICH

GUESTS: C. KNOWLES, J. FRANZESE

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, Cotesworth and Young were absent.

Ms. Cindy Knowles, Bramble Farms Subdivision, submitted the amended final plat for the resubdivision of sublots #8, #9, and #13. Ms. Knowles stated this plat has been reviewed by Mr. Markowitz and Mr. Voldrich and they have approved it. Dale Markowitz stated the developers made a number of revisions at his request and he has a title guarantee that shows they are still the owners of sublots 8, 9, and 13. Markowitz explained one of the revisions that was made was a correction of the line between sublot #8 and #9. They also provided an additional drainage easement on sublot #14. Commission reviewed the plat as presented. Village Engineer stated he had reviewed the plat and he has given his approval.

Following a brief discussion, Sutliff moved to approve the resubdivision plat of the Bramble Farms Subdivision, Phase II, for sublots #7, #8, and #13, Harvey 2nd. Roll call, all ayes.

Cindy Knowles stated they have not gotten the road paved for Phase II due having the wettest September in 89 years. Ms. Knowles asked that the tree planting issue be tabled until the November meeting. Commission stated they would put Bramble Farms on the agenda for the November meeting.

Markowitz stated in the Silver Springs subdivision there are many dead and/or missing trees. A letter was sent to Heritage Homes informing them that the trees need to be replaced. The Village received a letter from Heritage Homes stating they did not have to replace the trees because of a one year warranty that was expires and they were not responsible for replacing the trees. Markowitz stated they have sent Heritage a letter in response stating that they are responsible for replacing these trees, and if they are not replaced their surety bond will be pulled and the Village will replace the trees.

Joe Franzese, Chairman of the ABR, and Barbara Platt presented proposed amendments to the residential maximum height regulations. Franzese stated not only are they proposing an increase in the maximum height regulation, they are also requesting that additional information be required on the architectural plan as well as on the plat showing the location of the home. They will be requiring not only the set back lines, but in addition, they will be requesting that the grades of the entire perimeter of the proposed home be shown as well as those of the adjacent homes. Mr. Franzese stated they are proposing that the maximum height of residential structures be increased in order to afford those individuals who want to build larger homes to do so without compromising the

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architectural design. Mr. Franzese stated they are proposing to increase the maximum height allowed, however if the home will be over 30 feet, the structure will be required to have larger set back requirements. In other words, as the home gets taller, depending on the orientation of the major ridge or gable to the adjacent property lines, the house will be moved away from the property lines, both side and front, in order to provide for more visual space between homes.

Mr. Franzese stated they have made the maximum height 40 feet, however 2/3 of the roof mass must be below 35 feet. As far as the requirements for homes over 30 feet, Franzese stated they are suggesting that for each foot over 30 feet, all set backs would have to be increased by 6 inches. Commission reviewed the drawings presented by Mr. Franzese, illustrating the proposed changes.

Commission discussed the importance of the Zoning Board of Appeals being able to understand and interpret these new amendments, especially ten years from now. Following a lengthy discussion, Commission asked the ABR to further review the changes being proposed, come back with additional information and drawings and they will discuss at the next meeting. Following this review, the Solicitor's office will draft an ordinance.

Markowitz stated the Commission might consider amending the business district maximum height while amending the residential height. Commission agreed to consider this at the next meeting.

Chairman Daniels asked for any additions or corrections to the September 6, 1990 minutes. Markowitz stated on page 85, second paragraph, the words "after the voting control while owning a majority of developed lots", should be added. Markowitz stated on page 83, third paragraph, the work "minutes" should follow "1990" and in the third last paragraph the date "March, 1991" should be "April 30, 1991". Markowitz stated on page 84, in the 6 paragraph, the "October 6th meeting" should be the "October 4th meeting". There being no further additions or corrections, Harvey moved to approve the September 6th minutes as corrected, Sutliff 2nd. Roll call, all ayes.

Secretary reported she received a letter from the Building Department requesting the forfeiture of the $500.00 deposit for Evans, 106 Dorset, due to the lack of seeding done. Mr. Mc Cartney stated the seeding has not been done on the left side and the rear. Commission instructed the Solicitor to send the Evans notification of the the hearing on this request, which will be held at the November meeting.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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Minutes of PLANNING COMMISSION MEETING Meeting

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Held September 6, 1990 19

MEMBERS PRESENT: HARVEY, SUTLIFF, YOUNG, DANIELS, COTESWORTH
OTHER OFFICIALS: D. MARKOWITZ, W. MC CARTNEY,
GUESTS:

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, all member were present.

There being no additions or corrections to the July 12, 1990 minutes, Harvey moved to approve them as recorded, Sutliff 2nd. Roll call, all ayes.

Commission stated they had not received the August 2, 1990 minutes, therefore they had not reviewed them. Commission read the August minutes silently. Daniels stated he thought in the second paragraph, the word "afforded" should be changed to "authority"

There being no further corrections or additions, Harvey moved to approve the minutes as recorded, Young 2nd. Roll call, all ayes.

Mr. Markowitz stated Mr. Don Barr, Snavely Building Co., is before the Commission because the letter of credit and bond expired on September 1, 1990 for Cluster I in Whitetail Run and he is here to request an extension on the bond and approval of the new amount on the letter of credit.

Mayor Harvey asked why did this letter of credit and bond lapse. Markowitz stated the developer says the reason is they have not sold enough units to justify doing all the improvements.

Markowitz stated the new amount for the letter of credit has been set at $13,716.00 and will expire June 1, 1991. Markowitz stated this amount covers the final top coat of the road, landscaping and some storm drainage work.

Following brief discussion, Harvey moved to approve the new Letter of Credit as approved by the Village Solicitor and Village Engineer in the amount of $$13,716.00 and the extension of the performance bond until June 1, 1991, Young 2nd. Roll call, all ayes.

Cindy Knowles, Bramble Farms, stated there are a couple of items they must address with the Commission. First, they are requesting extension of their performance bond for phase II of Bramble Farms. Ms. Knowles stated they are requesting an extension until December 1, 1990. Ms. Knowles stated due to the excessive amount of rain, they have not been able to complete the improvements and road for phase two.

Mr. Markowitz stated the performance bond expires September 1, 1990 and the Letter of Credit expires April 30, 1991.

Mayor Harvey stated he had no objection to extending the performance bond as long as the Letter of Credit is valid.

Following a brief discussion, Harvey moved to extend the performance bond to December 1, 1990, Sutliff 2nd. Roll call, all ayes.

Ms. Knowles stated the 2nd item she would like discuss is the tree planting requirement for their subdivision. Ms. Knowles stated she is requesting that the Planning Commission eliminate the requirement in the improvement plans that requires the planting of trees in the right of way. Ms. Knowles explained that the area for Phase II is very heavily wooded and they do not feel that it is necessary to plant any additional trees.

Mayor Harvey stated he does not have any problem with this concept, however, his concern is when the improvements are finished being installed, will all the trees survive that are there now?

Commission discussed this request at length and agreed that they would like to hold off on making a decision tonight, take time and drive back to see the property. Markowitz stated they should come back to the October meeting and further discuss this item.

Kathy Jankowski, Knight & Stollar, stated she has viewed the property of Bramble Farms II, and the problem she feel the Village will run into if they eliminate the tree planting requirement is, when you clear and regrade an area like this you will lose many trees, especially at the edge of the road. Ms. Jankowski stated she is not comfortable with this request being granted.

Mr. Markowitz stated one thing the Commission might consider doing, if this requirement is eliminated, is including in the maintenance bond a provision that if any of the established trees in the right of way die, the developer would have to replace them.

Commission agreed after further discussion to address this item at the October 4, 1990 meeting.

Commission reviewed the proposed Subdivision Regulation amendments that the Commission has been considering the past two months. First proposed ordinance deals with amending certain sections of the Subdivision Regulations, copy hereto attached. Commission reviewed and discussed this proposed ordinance. Commission agreed they did not have any problem with any of the sections in this ordinance. Following a brief discussion, Harvey moved to recommend to Council to approve the ordinance amending the Subdivision Rules for Sections2.01(i), 2.05, 3.01(a), 3.04(a), 3.12(a), 4.05(a), 4.02(b) and (d), and 4.06, and approving new sections 4.08 and 4.02(g); changing the work "Regulations" to "Rules", and deleting references to a "Comprehensive Plan", Sutliff 2nd. Roll call, all ayes.

Commission reviewed the proposed ordinance amending Chapter 4 of the Subdivision Rules adding a new section which will require the creation of a Homeowners Association in any new subdivision. Mayor Harvey stated he disagrees with this ordinance, he does not want to make it mandatory for anyone to have to join a homeowner's association if they don't want to.

Markowitz explained his reasoning for recommending this amendment to the Subdivision Rules is because the Village requires common area in all developments and it is

important that these areas are properly maintained and that there is a responsible group which will oversee getting insurance, etc. Markowitz stated if the Village did not require common area in the developments, he would not recommend this ordinance.

Commission discussed the pros and cons of having a mandatory homeowners association.

Following review of the ordinance, Sutliff suggest that the words "and contains common land" follow "lots" in the second paragraph of Section 1. Markowitz he would also add at the end of this paragraph the following, "except that the developer shall be entitled to one vote for each lot still unsold, and if such developer owns more than 50% of the developed lots, may exercise voting control while owning a majority of developed lots.

There being no further discussion, Cotesworth moved to recommend to Council to approve the ordinance amending Chapter 4 of the Subdivison Rules of the Village of South Russell by adding new Section 4.09 requiring the creation of a homeowners association, the Commission approval of such association's's by-laws, and for transfer of control of said association, Young 2nd. Roll call; ayes, Sutliff, Young, Daniels, Cotesworth; nays, Harvey.

Commission reviewed the proposed ordinance amending Section 4.03 of the Subdivision Rules which will require all proposed streets in subdivison to be offered for dedication to the Village.

Following a brief discussion, Harvey moved to recommend to Council approval of the ordinance amending Section 4.03 of the Subdivison Rules by requiring all proposed streets in the subdivisions to be offered for dedication to the Village for public highway use, and must be waived by the Commission, Sutliff 2nd. Roll call, all ayes.

Commission reviewed the ordinance amending the Subdivision Rules by requiring subdivision connection to a governmental or central sanitary sewer system where reasonably accessible. Sutliff asked who determines what is reasonably accessible. Markowitz stated the Planning Commission will determine what is reasonably accessible.

Following a brief discussion, Harvey moved to recommend to Council to approve the ordinance amending the Subdivision Rules by requiring subdivison connection to a governmental or central sanitary sewer system where reasonably accessible, Cotesworth 2nd. Roll call, all ayes.

Bill McCartney presented a letter from Milbar Corporation requesting information on whether the Village will allow a 110 ton press to be used in the industrial area. Commission discussed and stated their major concern would be the volume of noise it would create and asked the Building Inspector to contact CT Consultants and get their input. Markowitz stated there are issues that need to be looked at under zoning. One, is the sound level, which according to the Code, shall not exceed the average intensity of street traffic noise in the adjacent residential district. Following a brief discussion, Commission stated they did not want to take any action

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tonight and they will contact CT Consultants and get an opinion from them.

Mr. McCartney stated he received a final as built on a home in Whitetail Run. The final as built shows a deck smaller than what the original plan showed when the building permit was issued. Mr. McCartney questioned whether all the paper work needs to be changed or can he just put the approved as built in the file marked approved. Commission stated they did not feel the building permits needed to be changed in this case, just make sure the correct final as built is in the file.

Mr. McCartney stated he has a request from Ginny McSherry who owns two lots on Hazelwood, for a letter from the Village stating that these lots are buildable. Mr. McCartney stated he does not want to write a letter stating this fact because they have not seen any plan and they don't know what will be proposed. Commission agreed that the Building Department should write a letter and state that the Zoning does allow the building of a home on these lots as long she complies with the Zoning Code regulations.

Mr. McCartney presented a letter from Barbara Platt, 34 Westover, requesting the release of funds deposited by their builder, Mr. Walsh, in order to help pay for repairs needed to their roof because of the shoddy workmanship. Ms. Platt stated Mr. Walsh has filed for bankruptcy and will no longer return her calls and has refused to come back and make the needed repairs. Mr. Mc Cartney stated there is $750.00 remaining in construction deposits on the Platt home.

Commission discussed this request and as long as the Platt's submit final as builts, they felt this should be sent on to Council for their action.

Mrs. Muchio, 303 Whitetail Run, has an ivy front yard and has been calling requesting her $500.00 seeding deposit return. Mr. Mc Cartney asked the Commission to drive by and please let him know what they think of this ground cover. Do they think it is sufficient?

Markowitz stated he has received a call from Jim Holt and he was informed by a title company that part of Daisey Lane has not been dedicated. Markowitz stated he will be asking the Council to OK them to do a title search to try a determine exactly what happened when this area was originally developed.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

ORDINANCE NO. _____ FIRST READING _____

SECOND READING _____

INTRODUCED BY: _____ THIRD READING _____

ORDINANCE AMENDING CHAPTER 4 OF THE SUBDIVISION RULES OF THE VILLAGE OF SOUTH RUSSELL BY ADDING NEW SECTION 4.09 REQUIRING THE CREATION OF A HOMEOWNERS ASSOCIATION, THE COMMISSION APPROVAL OF SUCH ASSOCIATION'S BY-LAWS, AND FOR TRANSFER OF CONTROL OF SAID ASSOCIATION.

WHEREAS, the Planning Commission of the Village of South Russell, Ohio, has prepared and adopted amendments to the Subdivision Rules in accordance with Chapter 711 of the Ohio Revised Code for the purpose of protecting the public health, safety and general welfare and for the purpose of complying with recent amendments to Chapter 711;

WHEREAS, the Council of the Village of South Russell has held a public hearing on _____, 1990, regarding approval of the Subdivision Rules adopted by the Planning Commission on _____, 1990;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of South Russell, Geauga County, Ohio that:

SECTION 1. Chapter 4 of the Subdivision Rules of the Village of South Russell is hereby amended by adding new Section 4.09 which shall read as follows:

Where a proposed subdivision contains more than four lots, and contains common land the Developer shall create, as a non-profit corporation, a homeowner's association whose membership shall consist of the owners of all lots in such subdivision. The by-laws of such association shall be subject to Commission approval and shall contain a provision arranging for the ultimate transfer of control of said homeowner's association from the Developer to the lot owners. Such transfer shall occur no later than the date at which seventy-five percent of the lots have been sold by the Developer or no later than a date determined in paragraph (a), below, whichever is earlier.

(a) One year after the sale of the first lot in the subdivision plus one year for each 20 lots in such subdivision.

SECTION 2. 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 compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 3. This Ordinance shall take effect at the earliest time allowed by law.

PASSED this _____ day of _____, 1990.

_____
Mayor - President of Council

Attest:

_____
Clerk

I certify that Ordinance No. _____ was duly enacted on the _____ day of _____, 19___ by the Council of the Village of South Russell and posted in accordance with the ordinances of the Village.

_____
Clerk

ORDINANCE NO. _____ FIRST READING _____

SECOND READING _____

INTRODUCED BY: _____ THIRD READING _____

ORDINANCE APPROVING AMENDMENTS TO THE SUBDIVISION RULES FOR THE VILLAGE OF SOUTH RUSSELL FOR SECTIONS 2.01(i), 2.05, 3.01(a), 3.04(a), 3.12(a), 4.05(a), 4.02(b) AND (d), AND 4.06, AND APPROVING NEW SECTIONS 4.08 AND 4.02(g); CHANGING THE WORD "REGULATIONS" TO "RULES", AND DELETING REFERENCES TO A "COMPREHENSIVE PLAN".

WHEREAS, the Planning Commission of the Village of South Russell, Ohio, has prepared and adopted amendments to the Subdivision Rules in accordance with Chapter 711 of the Ohio Revised Code for the purpose of protecting the public health, safety and general welfare and for the purpose of complying with recent amendments to Chapter 711;

WHEREAS, the Council of the Village of South Russell has held a public hearing on _____, 1990, regarding approval of the Subdivision Rules adopted by the Planning Commission on _____, 1990;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of South Russell, Geauga County, Ohio that:

SECTION 1. Section 2.01(i) of the Subdivision Rules of the Village of South Russell is hereby amended to read as follows:

Health Department: The County Health Department.

Current Section 2.01 (i), the full text of which follows, is hereby repealed:

Health Department: The County or State Health Department, or any health department having jurisdiction of health matters in South Russell Village.

SECTION 2. Section 3.01(a) of the Subdivision Rules of the Village of South Russell shall be amended by amending paragraph 1 as follows:

1. Two copies of Form S-1 completed by the Developer, and either the Health Department or County Sanitary Engineer. The Commission may require the Health Department to review and comment on a plat before the Planning Commission acts upon it.

Current Section 3.01(a), paragraph 1, the full text of which follows is hereby repealed:

1. Two copies of Form S-1 completed by the Developer, and either the Health Department or County Sanitary Engineer.

SECTION 3. Section 3.04(a), paragraph 1, shall be amended to read as follows:

1. Six copies of Form S-2 completed by the Developer, Health Department or Sanitary Engineer. The Commission may require the Health Department to review and comment on a plat before the Planning Commission acts upon it.

Current Section 3.04(a), paragraph 1, the full text of which follows, is hereby repealed:

1. Six copies of Form S-2 completed by the Developer, Health Department or Sanitary Engineer, and

SECTION 4. Chapter 4 of the Subdivision Rules of the Village of South Russell shall be amended by adding new Section 4.08 which shall read as follows:

ANNEXATION -- Where any portion of a proposed subdivision is to be located in an adjoining township or municipality, the Developer shall be required to pursue and successfully obtain the annexation of such portion of the subdivision to the Village prior to approval by the Commission of the final plat of such Subdivision, unless waived by the Commission.

SECTION 5. Section 3.12(a) of the Subdivision Rules of the Village of South Russell shall be amended by changing the first sentence of said paragraph (a) to read as follows:

Whenever the Commission finds that because of unusual typographical or other exceptional conditions, unnecessary hardship may result from strict compliance with these rules, it may vary the applicable provisions so as to relieve such hardship provided such a variance shall in no way impair the objectives of the rules or zoning code.

Current Section 3.12(a), the first sentence of which reads as follows, is hereby repealed:

Whenever the Commission finds that because of unusual typography or other natural features, extraordinary or unnecessary hardship may result from strict compliance with these regulations, it may vary the applicable provisions so as to relieve such hardshp provided such a variance shall in no way impair the objectives of the regulations, comprehensive plan or zoning code.

SECTION 6. Section 4.05(a) of the Subdivision Rules of the Village of South Russell shall be amended to read as follows:

(a) Lot area and width: The area and width of lot shall conform to the provisions of the Zoning Code. Such provisions however, shall be construed as minimum standards and not as optimum dimensions. In any case where a lot which is non-conforming as to Zoning Code provisions is nevertheless required to be approved by the Commission, such approval by the Commission shall not vest any right in the Developer for obtaining a zoning permit. No acceptance of dedication of improvements may occur unless all lots in a subdivision conform to zoning. Each lot shall have adequate and safe access to a public street.

Current Section 4.05(a), the full text of which follows, is hereby repealed:

(a) Lot area and width: The area and width of lot shall conform to provisions of the zoning code. Such provisions, however, shall be construed as minimum standards and not as optimum dimensions. Each lot shall have adequate and safe access to a public street.

SECTION 7. Section 4.02(d) of the Subdivision Rules of the Village of South Russell shall be amended by adding the following sentence:

Whenever possible, natural conditions such as ponds, creeks, lakes, marshes, or wetlands shall be preserved.

SECTION 8. Chapter 4 of the Subdivision Rules of the Village of South Russell shall be amended by adding new paragraph (g) to Section 4.02 which shall read as follows:

(g) Wetlands: Where property proposed to be subdivided is indicated to be wetland on an official wetland map prepared or approved by the Environmental Protection Agency of the State or Federal Government, the U.S. Army Corp. of Engineers, or is located in an apparent wetland area according to federal or state standards or regulations, then the Commission may require adequate proof of probable compliance by the Developer with federal or state wetland laws, rules, and regulations, including as such proof the opinion of an expert certified by such U.S. Army Corp. of Engineers to render expert advise and reports in wetland matters.

SECTION 9. Section 4.02(b) of the Subdivision Rules of the Village of South Russell shall be amended by adding the following additional paragraph:

> Where a proposed subdivision includes a natural lake or pond, or a lake or pond will be created in such subdivision, The Commission may require the installation of hydrant connections to such body of water where, in the opinion of the Commission, such connection shall substantially benefit the health or safety of the inhabitants of such subdivision.

SECTION 10. Section 4.06 of the Subdivision Rules of the Village of South Russell shall be amended by changing the third full paragraph to read as follows:

> Gross area shall mean all land including right-of-ways and land subject to easements, within a development area. Where common land is proposed as open space, restrictions and covenants providing for its development and continued maintenance shall be subject to Commission approval. All such open space shall ultimately be conveyed by the Developer to either a homeowner's association or to the Village as the Commission may direct (subject to acceptance, however, by Village Council). In addition, the Developer shall include deed restrictions obligating each lot owner to pay their proportionate share of costs to operate the homeowner's association and to maintain the common areas. Such open space shall be located at least 25 feet from any dwelling and include at least 20,000 square feet of usable area, and shall be developed according to plans approved by the Commission. The deed restrictions shall be approved by the Commission prior to final plat approval.

The current third full paragraph of Section 4.06, the full text of which follows, is hereby repealed.

> Gross area shall mean all land, including right-of-ways and land subject to easements, within a development area. Where common land is proposed as open space, restrictions and covenants providing for its development and continued maintenance shall be subject to Commission approval. Such open space shall be located at least 25 feet from any dwelling and include at least 20,000 square feet of usable area, and shall be developed according to plans approved by the Commission.

SECTION 11. Wherever the word "regulation" or "regulations" appear in the title or body of the Village's Subdivision Rules, such words shall be replaced by the word "rule" or "rules", as appropriate.

SECTION 12. Wherever the words "comprehensive plan" appear in the Subdivision Rules, such words shall be deleted.

SECTION 13. Section 2.05 of the Subdivision Rules shall be amended by deleting paragraph (a), the full text of which follows and redesignating all the subsequent paragraphs in such section alphabetically.

(a) Comprehensive Plan: The duly adopted Plan showing the location of future land development, park and recreation facilities, community facilities, major thoroughfares and public utilities within the municipality, or the zoning code of the Village incorporating such considerations.

SECTION 14. A table of contents for the Subdivision Rules shall be prepared and included as a part of such Subdivision Rules.

SECTION 15. 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 compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 16. This Ordinance shall take effect at the earliest time allowed by law.

PASSED this _____ day of _____, 1990.

_____
Mayor - President of Council

Attest:

_____
Clerk

I certify that Ordinance No. _____ was duly enacted on the _____ day of _____, 19___ by the Council of the Village of South Russell and posted in accordance with the ordinances of the Village.

_____
Clerk

ORDINANCE NO. _____ FIRST READING _____

SECOND READING _____

INTRODUCED BY: _____ THIRD READING _____

ORDINANCE AMENDING SECTION 4.03 OF THE SUBDIVISION RULES OF THE VILLAGE OF SOUTH RUSSELL BY REQUIRING ALL PROPOSED STREETS IN SUBDIVISIONS TO BE OFFERED FOR DEDICATION TO THE VILLAGE FOR PUBLIC HIGHWAY USE, AND MUST BE WAIVED BY THE COMMISSION.

WHEREAS, the Planning Commission of the Village of South Russell, Ohio, has prepared and adopted amendments to the Subdivision Rules in accordance with Chapter 711 of the Ohio Revised Code for the purpose of protecting the public health, safety and general welfare and for the purpose of complying with recent amendments to Chapter 711;

WHEREAS, the Council of the Village of South Russell has held a public hearing on _____, 1990, regarding approval of the Subdivision Rules adopted by the Planning Commission on _____, 1990;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of South Russell, Geauga County, Ohio that:

SECTION 1. Section 4.03 of the Subdivision Rules of the Village of South Russell shall be amended by deleting the first sentence of said Section and substituting therefore the following:

Unless waived by the Commission, all streets proposed to be constructed in a subdivision shall be offered by the developer to the Village for dedication for public highway use. Streets shall be designed to comply with the following standards:

SECTION 2. The current first sentence of Section 4.03, the full text of which follows, is hereby repealed:

Streets shall be designed to implement the comprehensive plan and comply with the following standards:

SECTION 3. 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 compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 4. This Ordinance shall take effect at the earliest time allowed by law.

PASSED this _____ day of _____, 1990.

_____
Mayor - President of Council

Attest:

_____
Clerk

I certify that Ordinance No. _____ was duly enacted on the _____ day of _____, 19___ by the Council of the Village of South Russell and posted in accordance with the ordinances of the Village.

_____
Clerk

ORDINANCE NO. _____

INTRODUCED BY: _____

FIRST READING _____
SECOND READING _____
THIRD READING _____

ORDINANCE AMENDING PARAGRAPH F.01 OF APPENDIX F OF CHAPTER 5 OF THE SUBDIVISION RULES OF THE VILLAGE OF SOUTH RUSSELL REQUIRING SUBDIVISION CONNECTION TO A GOVERNMENTAL OR CENTRAL SANITARY SEWER SYSTEM WHERE REASONABLY ACCESSIBLE.

WHEREAS, the Planning Commission of the Village of South Russell, Ohio, has prepared and adopted amendments to the Subdivision Rules in accordance with Chapter 711 of the Ohio Revised Code for the purpose of protecting the public health, safety and general welfare and for the purpose of complying with recent amendments to Chapter 711;

WHEREAS, the Council of the Village of South Russell has held a public hearing on _____, 1990, regarding approval of the Subdivision Rules adopted by the Planning Commission on _____, 1990;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of South Russell, Geauga County, Ohio that:

SECTION 1. Paragraph F.01 of Appendix F of Chapter 5 of the Subdivision Rules of the Village of South Russell shall be amended by adding the following new paragraph:

> Where a governmental or central sanitary sewer system is reasonably accessible, the subdivision shall be connected with such system.

SECTION 2. 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 compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 3. This Ordinance shall take effect at the earliest time allowed by law.

PASSED this _____ day of _____, 1990.

_____
Mayor - President of Council

Attest:

_____
Clerk

I certify that Ordinance No. _____ was duly enacted on the _____ day of _____, 19___ by the Council of the Village of South Russell and posted in accordance with the ordinances of the Village.

_____
Clerk

MEMBERS PRESENT: Daniels, Sutliff, Young, T. Harvey

OTHER OFFICIALS: Wm. McCartney, D. Ondrey, T. Voldrich

GUESTS: C. Taylor

Chairman Daniels called the meeting to order at 7:30 P.M. Roll call, Cotesworth was absent.

There were no minutes from the July meeting completed, therefore no action was taken.

Dave Ondrey stated the Commission has before them proposed amendments to the Subdivision Regulations that Dale Markowitz and he have drafted and explained that the State Legislature has amended the Ohio Revised Code, in particular with regard to the rule making authority of Planning Commission which now establishes that the Commission has to approve a plat that is presented so long as it meets all of the conditions in the Subdivision Rules. It was their thinking that the Commission needs to think of whatever additional rules that are needed because the Commission will not have the ability to attach conditions to a plat approval in the future. In addition to this major item, there is some general "house cleaning" to the Regulations.

The State also changed the the word "regulations" to "rules" and this will be changed throughout the Code.

Commission and Solicitor reviewed proposed amendments and discussed at great length. (Copy hereto attached) Major issues that will be changed or added are as follows. A rule will be added to cover the situation where a proposed subdivision is part in South Russell and part in another community, the area in the other community must be annexed to South Russell unless this is waived by the Commission. A rule will be added that covers property that is indicated as being a wetland, the Village will require the developer show proper compliance with federal wetland regulations. Language has been added that provides a specific timetable for conveying the open space to the Homeowner's Association. Ondrey stated this has been done informally on previous developments but they feel it is necessary to put it in the regulations. In addition they have included the requirement that the developer will include deed restrictions that will obligate each lot owners a proportionate share of the cost to operate and maintain the common areas. Ondrey asked the Commission to review this timetable.

Mayor Harvey asked if there had been any changes made with respect to private streets? Ondrey stated no there had not. Mayor Harvey stated he would like the rules to prohibit private streets.

Ondrey asked the Commission to review these regulations and be ready to discuss at the next meeting.

Mayor Harvey stated he has a concern over obligating mandatory homeowners associations for a development of just four lots. Possibly this section should be separated from the other amendments, so as not to hold up the other less controversial amendments.

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Commission agreed to separate the section dealing with the mandatory homeowner's association and leave the other amendments together. Ondrey stated he will make the changes discussed and send copies out prior to the next meeting for the Commission's review.

Commission reviewed the proposed ordinance dealing with shade tree regulations. Ondrey stated this ordinance is being considered because there have been problems with dying trees that were required by the Subdivision Regulations and planted within the right-of-way. Commission reviewed and discussed this proposed ordinance. Commission agreed to discuss further at the next meeting.

Councilman Clint Taylor stated he is before the Commission to discuss his concern with three lots on Rte. #306 that have some rather severe flooding problems. Is there anything in the Village Regulations that would prevent this from developing again? Ondrey stated we have regulations in our Code that provide for review and approval of the grading plans. Commission discussed this situation and took no action.

Bill McCartney presented a proposed driveway plan for the Bramble Farms subdivison, phase #1 showing one 16ft. wide drive off of Bell Road which will serve four sublots. McCartney stated safety wise, he feels this would be a better plan than four individual drives.

Mayor Harvey asked if this drive serves four lots, would we consider it a street and not a drive? Ondrey stated he would review and report at the next meeting.

Mr. McCartney stated the location of this drive is directly across the street from the East Ohio Gas easement.

McCartney stated he knows Dale Markowitz has spoken with the developers of Bramble Farms and he did not give him the impression that this plan needed the approval of Planning Commission. McCartney stated he is presenting this to the Commission to keep them informed as to what is going on.

Commission discussed and agreed that McCartney should contact Dale Markowitz and determine the exact action needed and what approvals are necessary for this driveway plan.

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

Charles M. Daniels, Jr.

Charles M. Daniels, Jr., Chairman

Cathy Male

Cathy Male, Secretary

Presented to PIC 8/2/96

ORDINANCE NO. _____

INTRODUCED BY: _____

FIRST READING _____
SECOND READING _____
THIRD READING _____

ORDINANCE APPROVING AMENDMENTS TO THE SUBDIVISION RULES FOR THE VILLAGE OF SOUTH RUSSELL FOR SECTIONS 2.01(i), 2.05, 3.01(a), 3.04(a), 3.12(a), 4.05(a), 4.02(b) AND (d), 4.06, AND APPENDIX F OF CHAPTER 5; AND APPROVING NEW SECTIONS 4.08, 4.02(g), 4.09, CHANGING THE WORD "REGULATIONS" TO "RULES", AND DELETING REFERENCES TO A "COMPREHENSIVE PLAN".

WHEREAS, the Planning Commission of the Village of South Russell, Ohio, has prepared and adopted amendments to the Subdivision Rules in accordance with Chapter 711 of the Ohio Revised Code for the purpose of protecting the public health, safety and general welfare and for the purpose of complying with recent amendments to Chapter 711;

WHEREAS, the Council of the Village of South Russell has held a public hearing on _____, 1990, regarding approval of the Subdivision Rules adopted by the Planning Commission on _____, 1990;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of South Russell, Geauga County, Ohio that:

SECTION 1. Section 2.01(i) of the Subdivision Rules of the Village of South Russell is hereby amended to read as follows:

Health Department: The County Health Department.

Current Section 2.01 (i), the full text of which follows, is hereby repealed:

Health Department: The County or State Health Department, or any health department having jurisdiction of health matters in South Russell Village.

SECTION 2. Section 3.01(a) of the Subdivision Rules of the Village of South Russell shall be amended by amending paragraph 1 as follows:

1. Two copies of Form S-1 completed by the Developer, and either the Health Department or County Sanitary Engineer. The Commission may require the Health Department to review and comment on a plat before the Planning Commission acts upon it.

Current Section 3.01(a), paragraph 1, the full text of which follows is hereby repealed:

1. Two copies of Form S-1 completed by the Developer, and either the Health Department or County Sanitary Engineer.

SECTION 3. Section 3.04(a), paragraph 1, shall be amended to read as follows:

1. Six copies of Form S-2 completed by the Developer, Health Department or Sanitary Engineer. The Commission may require the Health Department to review and comment on a plat before the Planning Commission acts upon it.

Current Section 3.04(a), paragraph 1, the full text of which follows, is hereby repealed:

1. Six copies of Form S-2 completed by the Developer, Health Department or Sanitary Engineer, and

SECTION 4. Chapter 4 of the Subdivision Rules of the Village of South Russell shall be amended by adding new Section 4.08 which shall read as follows:

ANNEXATION -- Where any portion of a proposed subdivision is to be located in an adjoining township or municipality, the Developer shall be required to pursue and successfully obtain the annexation of such portion of the subdivision to the Village prior to approval by the Commission of the final plat of such Subdivision, unless waived by the Commission.

SECTION 5. Section 3.12(a) of the Subdivision Rules of the Village of South Russell shall be amended by changing the first sentence of said paragraph (a) to read as follows:

Whenever the Commission finds that because of unusual typographical or other exceptional conditions, unnecessary hardship may result from strict compliance with these rules, it may vary the applicable provisions so as to relieve such hardship provided such a variance shall in no way impair the objectives of the rules or zoning code.

Current Section 3.12(a), the first sentence of which reads as follows, is hereby repealed:

Whenever the Commission finds that because of unusual typography or other nature features, extraordinary or unnecessary hardship may result from strict compliance with these regulations, it may vary the applicable provisions so as to relieve such hardshp provided such a variance shall in no way impair the objectives of the regulations, comprehensive plan or zoning code.

SECTION 6. Section 4.05(a) of the Subdivision Rules of the Village of South Russell shall be amended to read as follows:

(a) Lot area and width: The area and width of lot shall conform to the provisions of the Zoning Code. Such provisions however, shall be construed as minimum standards and not as optimum dimensions. In any case where a lot which is non-conforming as to Zoning Code provisions is nevertheless required to be approved by the Commission, such approval by the Commission shall not vest any right in the Developer for obtaining a zoning permit. No acceptance of dedication of improvements may occur unless all lots in a subdivision conform to zoning. Each lot shall have adequate and safe access to a public street.

Current Section 4.05(a), the full text of which follows, is hereby repealed:

(a) Lot area and width: The area and width of lot shall conform to provisions of the zoning code. Such provisions, however, shall be construed as minimum standards and not as optimum dimensions. Each lot shall have adequate and safe access to a public street.

SECTION 7. Section 4.02(d) of the Subdivision Rules of the Village of South Russell shall be amended by adding the following sentence:

Whenever possible, natural conditions such as ponds, creeks, lakes, marshes, or wetlands shall be preserved.

SECTION 8. Chapter 4 of the Subdivision Rules of the Village of South Russell shall be amended by adding new paragraph (g) to Section 4.02 which shall read as follows:

(g) Wetlands: Where property proposed to be subdivided is indicated to be wetland on an official wetland map prepared or approved by the Environmental Protection Agency of the State or Federal Government, the U.S. Army Corp. of Engineers, or is located in an apparent wetland area according to federal or state standards or regulations, then the Commission may require adequate proof of probable compliance by the Developer with federal or state wetland laws, rules, and regulations, including as such proof the opinion of an expert certified by such U.S. Army Corp. of Engineers to render expert advise and reports in wetland matters.

SECTION 9. Section 4.02(b) of the Subdivision Rules of the Village of South Russell shall be amended by adding the following additional paragraph:

Where a proposed subdivision includes a natural lake or pond, or a lake or pond will be created in such subdivision, The Commission may require the installation of hydrant connections to such body of water where, in the opinion of the Commission, such connection shall substantially benefit the health or safety of the inhabitants of such subdivision.

Separate

SECTION 10. Section 4.06 of the Subdivision Rules of the Village of South Russell shall be amended by changing the third full paragraph to read as follows:

Gross area shall mean all land including right-of-ways and land subject to easements, within a development area. Where common land is proposed as open space, restrictions and covenants providing for its development and continued maintenance shall be subject to Commission approval. All such open space shall ultimately be conveyed by the Developer to either a homeowner's association or to the Village as the Commission may direct (subject to acceptance, however, by Village Council). In addition, the Developer shall include deed restrictions obligating each lot owner to pay their proportionate share of costs to operate the homeowner's association and to maintain the common areas. Such open space shall be located at least 25 feet from any dwelling and include at least 20,000 square feet of usable area, and shall be developed according to plans approved by the Commission. The deed restrictions shall be approved by the Commission prior to final plat approval.

The current third full paragraph of Section 4.06, the full text of which follows, is hereby repealed.

Gross area shall mean all land, including right-of-ways and land subject to easements, within a development area. Where common land is proposed as open space, restrictions and covenants providing for its development and continued maintenance shall be subject to Commission approval. Such open space shall be located at least 20-5 feet from any dwelling and include at least 20,000 square feet of usable area, and shall be developed according to plans approved by the Commission.

Separate

SECTION 11. Chapter 4 of the Subdivision Rules of the Village of South Russell is hereby amended by adding new Section 4.09 which shall read as follows:

Where a proposed subdivision contains more than four lots, the Developer shall create, as a non-profit corporation, a

homeowner's association whose membership shall consist of the owners of all lots in such subdivision. The by-laws of such association shall be subject to Commission approval and shall contain a provision arranging for the ultimate transfer of control of said homeowner's association from the Developer to the lot owners. Such transfer shall occur no later than the date at which seventy-five percent of the lots have been sold by the Developer or no later than a date determined in paragraph (a), below, whichever is earlier.

(a) One year after the sale of the first lot in the subdivision plus one year for each 20 lots in such subdivision.

SECTION 12. Paragraph F.01 of Appendix F of Chapter 5 of the Subdivision Rules of the Village of South Russell shall be amended by adding the following new paragraph:

Where a governmental or central sanitary sewer system is reasonably accessible, the subdivision shall be connected with such system.

SECTION 13. Wherever the word "regulation" or "regulations" appear in the title or body of the Village's Subdivision Rules, such words shall be replaced by the word "rule" or "rules", as appropriate.

SECTION 14. Wherever the words "comprehensive plan" appear in the Subdivision Rules, such words shall be deleted.

SECTION 15. Section 2.05 of the Subdivision Rules shall be amended by deleting paragraph (a), the full text of which follows, and redesignating all the subsequent paragraphs in such section alphabetically.

(a) Comprehensive Plan: The duly adopted Plan showing the location of future land development, park and recreation facilities, community facilities, major thoroughfares and public utilities within the municipality, or the zoning code of the Village incorporating such considerations.

SECTION 16. A table of contents for the Subdivision Rules shall be prepared and included as a part of such Subdivision Rules.

SECTION 17. 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 compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 18. This Ordinance shall take effect at the earliest time allowed by law.

PASSED this _____ day of _____, 1990.

_____
Mayor - President of Council

Attest:

_____
Clerk

I certify that Ordinance No. _____ was duly enacted on the _____ day of _____, 19___ by the Council of the Village of South Russell and posted in accordance with the ordinances of the Village.

_____
Clerk

Presented to PIC 8/2/90

ORDINANCE NO. _____ FIRST READING _____

SECOND READING _____

INTRODUCED BY: _____ THIRD READING _____

ORDINANCE ENACTING CHAPTER 1012 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SOUTH RUSSELL BY PROVIDING FOR REGULATIONS PERTAINING TO THE PLANTING, TRIMMING, AND PRESERVATION OF SHADE TREES IN STREETS, ALLEYS, AND PUBLIC GROUNDS AND PLACES, AND PROVIDING FOR THE PLANTING, REMOVAL, TRIMMING, AND PRESERVATION OF SUCH TREES.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of South Russell, Geauga County, Ohio that:

SECTION 1. Chapter 1012 of the Codified Ordinances of the Village of South Russell is hereby enacted to read as follows:

Section 1012.01 DEFINITIONS.
(a) "Street trees" means trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the Village.

(b) "Park trees" means trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and in all areas owned by the Village or to which the public has free access as a park.

(c) "Public place" means any public street, public highway, public park, or any property owned or held by the Village.

Section 1012.02 VILLAGE ARBORIST.
(a) There is hereby established the office of Village Arborist, who shall be appointed by the Mayor for an indefinite term, subject to confirmation of Council.

(b) It shall be the responsibility of the Village Arborist to investigate, study, develop and plan for the care, preservation, pruning, planting, replanting, removal and disposition of street trees and park trees annually, to present same to the Mayor, which the Mayor shall transmit to Council with his recommendation. The Village Arborist under the direction of the Mayor shall be responsible for the implementation and administration of all such plans approved or authorized by Council.

(c) The Village Arborist is hereby given full jurisdiction of all trees which now or which may hereafter exist upon any public place in this Village and over all trees which exist upon any private property in this Village when such trees constitute a menace to this Village.

The Village Arborist is also given full jurisdiction, authority and control in connection with the issuing of permits hereinafter provided for.

In the exercise of any of all the powers herein granted, the Village Arborist shall have the authority to delegate all or such part of his power and duties with repect to supervision and control of trees to his subordinates and assistants in the employ of the Village as he may from time to time determine.

The Village Arborist shall have the authority and it shall be his duty to order the trimming, preservation or removal of trees or plants upon private property when he shall find such action necessary to public safety or to prevent the spread of disease or insects to public trees and places.

Section 1012.03 STREET TREE SPECIES PERMITTED TO BE PLANTED. Permissible street tree species for the Village of South Russell are listed as follows:

(a) Small Trees.
Flowering crab -
Malus inglis or new varieties
Goldenrain Tree -
Koelreuteris
Paniculata
Hawthorn -
Crataegus varieties
Pear, Bradford -
Pyrus calleryana
Redbud - Cercis Canadensis
Serviceberry - Amelanchier
Canadensis

(b) Medium Trees.
Ash, green -
Fraxinus Pennsylvanicum
Honey locust -
Gleditsia varieties (thornless)
Oak, red -
Quercus Rubrum
Sweet gum
Golden Desert Ash
Dawyck Beech

(c) Large Trees.
Maple, red -
Acer rubrum and varieties
London plane tree -
Plantanus acerifolia
Little-leaf linden -
Tilia cordata

No species other than those included in these lists may be planted as street trees without written permission of the Village Arborist. The Village Arborist shall review the list of species, annually, and include any recommended changes therein in his plan presented to the Mayor.

Section 1012.04 LOCATION STANDARDS FOR PLANT MATERIAL IN THE PUBLIC WAY.

(a) Minimum distances from intersections, alleys and driveways.

(1) Intersections. No trees shall be located within fifty (50) feet on the nearside and twenty (20) feet on the farside of an intersection. Trees on medians should be located a minimum of fifty (50) feet from intersections.

(2) Alleys. No trees should be located within twenty (20) feet on the nearside and ten (10) feet on the farside of an alley.

(3) Driveways.

a. Commercial. No trees should be located within twenty (20) feet on the nearside and ten (10) feet on the farside.

b. Residential. No trees should be located within twenty (20) feet.

(b) Minimum distances in feet from walks, curbs, utilities and structures.

Distances shall be measured from the face of curb or center of utility to edge of tree, as measured horizontally.

Sidewalks and carriage walks	2 1/2
Access or courtesy walks	5
Face of curb	3
Manholes and catch basins	25
Fire hydrants	10
Underground utility mains and services	5

Existing trees

Trees with a spreading crown shall be spaced at a minimum of thirty (30) feet.
Trees with global or pyramidal crowns shall be spaced at a minimum of twenty five (25) feet.
Trees with fastigiate or columnar crowns shall be spaced at a minimum of twenty (20) feet.

Section 1012.05 UTILITIES.
No street trees other than those species listed as small trees in Section 1012.03 may be planted under or within ten (10) lateral feet of any overhead utility wire.

Section 1012.06 PUBLIC TREE CARE.
The Village shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve and enhance the symmetry and beauty of such public grounds.

The Village Arborist may remove for cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements or is affected by any injurious fungus, insect or other pest.

The planting of street trees by adjacent property owners is not prohibited providing the size, species, location and planting of such trees is in accordance with this Chapter.

Section 1012.07 REMOVAL OF TREES IN PUBLIC RIGHT-OF-WAY.
(a) No tree which is located in the public right-of-way shall be removed by an adjoining resident without the prior written authorization of the Village Arborist.

(b) A request for authorization by an adjoining resident to remove a tree which is located in the public right-of-way shall be made in writing to the Village Arborist. Upon receipt of such request, the Village Arborist shall conduct an inspection of the tree to be removed and upon completion thereof shall approve or deny the request.

(c) No request for authorization to remove a tree which is located in the public right-of-way shall be considered for approval by the Village Arborist unless:

(1) The person, firm or corporation who will perform the removal of the tree has a policy of public liability insurance in the amount of One Hundred Thousand Dollars ($100,000) for each person, Three Hundred Thousand Dollars ($300,000) for each occurrence and One Hundred Thousand Dollars ($100,000) for property damage. The policy shall name the Village as an additional insured party. A copy of such policy shall accompany the request for authorization; and

(2) The adjoining resident making the request and the person, firm or corporation who will perform the removal of the tree executes an agreement releasing

the Village from all claims for property damage, personal injury, and/or death which may result from the performance of the removal of the tree from the public right-of-way and saving the Village harmless therefrom.

Section 1012.08 ORDER TO TRIM OR REMOVE TREES; COSTS AND ASSESSMENT.

(a) When the Village Arborist finds it necessary to order the trimming, preservation or removal of trees or plants upon private property as authorized herein, he shall serve a written order to correct the dangerous condition upon the owner, operator, occupant, or other person responsible for the existence.

(b) The order required herein shall be served in one of the following ways:

(1) By making personal delivery of the order to the person responsible.

(2) By leaving the order with some person of suitable age and discretion upon the premises.

(3) By affixing a copy of the order to the door at the entrance of the premises in violation.

(4) By mailing a copy of the order to the last known address of the owner of the premises, by registered mail.

(5) By publishing a copy of the order in a local paper once a week for three successive weeks.

(c) The order required herein shall set forth a time limit for compliance, dependent upon the hazard and danger created by the violation. In case of extreme danger to persons or public property, the Village Arborist shall have the authority to require compliance immediately upon service of the order.

(d) A person to whom an order hereunder is directed shall have the right, within twenty-four hours of the service of such order, to appeal to the Board of Zoning Appeals, which shall review such order within thirty days and file its decision thereon. Unless the order is revoked or modified, it shall remain in full force and be obeyed by the person to whom directed. No person to whom an order is directed shall fail to comply with such order within ten days after an appeal has been determined.

(e) When a person to whom an order is directed fails to comply within the specified time, the Village Arborist shall

remedy the condition or contract with others for such purpose and charge the cost thereof to the person to whom the order is directed. The person remedying a condition under a contract made hereunder shall be authorized to enter the premises for that purpose.

(f) If the cost of remedying a condition is not paid within thirty days after receipt of a statement therefor from the Village Arborist, such cost shall be levied against the property upon which such hazard exists as a special assessment. The levying of such assessment shall not effect the liability of the person to whom the order is directed to fine and imprisonment as herein provided. Such special assessment shall be collected in the manner provided in Ohio R.C. 727.30 to 727.38, inclusive, with a forfeiture of five percent and interest for failure to pay at the time fixed by the assessing ordinance.

Section 1012.09 DUTIES OF PROPERTY OWNERS.
It shall be the duty of any person growing a tree within a public highway or responsible for trees growing on property abutting on public places supporting trees or plants to:

(a) Trim his trees so as not to cause a hazard to public places or interfere with the proper lighting of public highways by the street lights so that the minimum clearance of any overhang and portion thereof shall be nine feet over footways and thirteen feet over vehicular ways.

(b) Treat or remove any tree or plant so diseased or insect ridden as to constitute a hazard to trees or plants in public places.

Section 1012.10 AUTHORITY TO ENTER PREMISES.
(a) The Village Arborist shall have authority to enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises and for carrying out any of the provisions of this Chapter.

(b) No person shall prevent, delay, or interfere with the Village Arborist or his agents, employees or servants while they are engaged in carrying out any work or activities authorized by this Chapter.

Section 1012.11 TREE TOPPING.
It shall be unlawful as a normal practice for any person, firm, corporation or Village department to top any street tree, park tree, or other tree on public property.
"Topping" means the severe cutting back of limbs to stubs larger than three inches in diameter within the trees crown to such a degree as to remove the normal canopy and

disfigure the tree. Trees severely damaged by storms and other causes, or certain trees under utility wires or other obstructions or other pruning practices are impractical may be exempted from this topping prohibition on the determination of the Village Arborist after inspection thereof by him.

Section 1012.12 SHRUBS PLANTED IN THE PUBLIC RIGHT-OF-WAY.
(a) All shrubs planted in the public way shall not be permitted to grow higher than three feet.

(b) Minimum distances from walks, curbs, utilities shall be the same as described for trees. Shrubs shall be planted a minimum of ten feet from street lights and fifteen feet from existing trees.

Section 1012.13 PENALTY.
Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor.

SECTION 2. 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 compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 3. This Ordinance shall take effect at the earliest time allowed by law.

PASSED this _____ day of _____, 1990.

_____
Mayor - President of Council

Attest:

_____
Clerk

I certify that Ordinance No. _____ was duly enacted on the _____ day of _____, 19___ by the Council of the Village of South Russell and posted in accordance with the ordinances of the Village.

_____
Clerk

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION Meeting

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Held JUNE 7, 1990 19

Members present: Sutliff, Harvey, Daniels, Cotesworth, Young

Other officials: D. Markowitz, W. McCartney, T,. Voldrich

Guests: M. Kidd, J. Franzese, A. Slivka, P. Hrovat, J. Fly

Meeting was called to order by Chairman Daniels at 7:30 P.M. Roll call, all members were present, Sutliff arrived late.

Chairman Daniels asked for any additions or corrections on the May 3, 1990 minutes. Dale Markowitz stated he recalled the Commission asking the ABR to review the accessory building regulations and come up with some revised regulations relative to the maximum allowable size. Commission agreed that this was their intent, however they may not have specifically stated such. Commission asked that this be put in the record for tonight's meeting. Secretary agreed.

There being no further corrections or additions, Harvey moved to approve the May 3, 1990, minutes as recorded, Cotesworth 2nd. Roll call, all ayes.

Chairman Daniels asked for any additions or corrections on the April 19, 1990 minutes. There being no additions or corrections, Cotesworth moved to approve the minutes of April 19, 1990 meeting as recorded, Harvey 2nd. Roll call, all ayes.

Marshall Kidd, owner of the antiques shop on Bell Road, Bell Corner Shop, 5197 Chillicothe Road stated Mr. Mc Cartney had asked him to come to the meeting tonight to answer some questions regarding his shop. Mr. Kidd stated he has several vendors in his building who rent space to sell their antiques, and in addition, each vendor is responsible to work at the shop three days a week.

Mr. Markowitz stated the Village wanted to make sure that each tenant or dealer has an occupancy and zoning certificate and whether or not there was anything else needed. Mr. Markowitz stated as he understands it, when the Village changed the use from B-1 to B-2 it was a non-conforming use, and prior to that date there were antiques being sold from that site, so as long as his vendors are selling antiques, they are permitted to continue a non-conforming use, as long as each occupant comes in and gets a zoning certificate.

Mr. Kidd stated he has a floor plan laid out and he will submit the current occupancy permits to the Building Dept. so they have a record of all the vendor's.

Alan Slivka, owner of Inter-Europa Automotive, stated what they would like to do is use the front portion of Dale's Auto Service, on Industrial Parkway, to house two or three automobiles. Mr. Slivka stated what they do is special order autos from Europe, at a customers request. They bring them into the USA, make sure they meet all the

emission control requirements, prepare them for delivery and deliver them to the customer. They would use the Dale's Auto Service only for a few days, before they deliver the car to the customer.

Mr. Slivka stated they would only be selling new cars, no used cars would be involved. Markowitz stated after reviewing the Zoning Code, he has determined that this use could be allowed under a conditional use permit, which can be granted by the Planning Commission following a public hearing. Commission agreed they would be willing to review this further, but they would like to see the layout of how the building would be changed. An application would have to be filed and the Commission would then set a public hearing. Commission agreed that due to fact that their next meeting is very close to the July 4th holiday, to change the next meeting to Thursday, July 12, 1990 at 7:30 P.M. Commission instructed Mr. Slivka that if he got his application in to the Village within the next couple of days, the public hearing could be scheduled for that date.

Pat Hrovat, 1565 Bell Road, stated she is before the Commission to answer any questions they may have regarding the dog training kennels she has behind her home. Ms. Hrovat stated she will answer any question the Commission has, just like she did when she was before the Commission five years ago.

Mayor Harvey asked what brought these questions up? Ms. Hrovat stated she got a registered letter in the mail from South Russell stating she had a boarding kennel which was not a permitted use under the Zoning Code and she was in violation with the fences she had constructed. Ms. Hrovat stated she renovated their house five years ago, they had a permit from Dorsey Rowe, Building Inspector in 1985, to put on an addition and remodel the barn. She does not understand why the question of the training kennel is coming up now, obviously something was not addressed back in 1985 that should have been.

Mr. Mc Cartney stated he and Jim Holt were at the Hrovat's yesterday, and they measured all the side yard lines, re: the house and fences, and there are no problems with any of the setbacks.

Commission reviewed copies of the zoning permits that were granted in 1985 for the renovations and addition, along with the plot plans.

Ms. Hrovat stated she feels there is a misunderstanding as far as what she does have, it is a training kennel, not a boarding kennel. Ms. Hrovat stated a boarding kennel run is 6 feet long and a training kennel run is 20 feet long. Ms. Hrovat explained that she takes a dog in for one month at a time, once they pass the door, the owners do not see them, they become her dog.

Ms. Hrovat stated she has been in business for 13 years, she has eleven acres and she has never had one complaint about barking or disturbing any neighbors.

Ms. Hrovat stated the only new fencing they have put up since the initial renovation is around the paddock area.

RECORD OF PROCEEDINGS

Mayor Harvey stated it appears that all the structures on the property are within all the proper setbacks, it is a question of useage, whether or not this training kennel is an allowed use.

Markowitz stated what he needs to do is go back a look at the 1985 Zoning Code, because under the present Code, it would not permit this use. Markowitz stated he will review the Zoning in 1985 and report back as soon as possible. Markowitz asked the Secretary to review the minutes of 1985, for any action taken on this matter by the Commission. Markowitz stated he will review all this information and get back to the Village with an opinion within the next week.

Ms. Hrovat stated she has emptied her kennel and is not doing any training until this matter is settled.

Mr. John Fly, Sohio representative, stated they are converting their name to BP Oil Company and they have plans to renovate the gas station at the corner of Bell and Rte. 306. Mr. Fly stated what they want to do is upgrade the pumping system and also underground tanks. What this will involve is putting the pumping system down into the tanks, make digital pumps above the ground, where the current pumps are now. When they put the digital system on the inside of the station they will have to dig a trench to put the electrical cables in, but as far as changing the looks of the station, it will be just the tanks that will be changed. They are also removing the three tanks along the Bell Road side. Mr. Mc Cartney stated he did not see any reason for this plan to come before the Commission, however he was informed by Dixie and Markowitz that this plan in fact had to go before the Commission for Development Review. McCartney stated he did not feel there was any other permit needed, other than the electrical permit, which will have to come from Ray Stewart. Mr. Mc Cartney stated there is no request for changing the signs.

Mr. Fly stated they will be removing the island closest to Bell Road and replacing the existing tanks on the Rte. 306 side with three tanks, each with six hoses.

Commission reviewed the plans. Markowitz stated because they are moving and changing the pumps, under the Code, they must go through the development review approval process. The Village Engineer, Tom Voldrich, stated he has not seen the plans.

Markowitz stated one thing that has to be looked at is if in moving the pumps, will they violate the set back regulations of our current Code. After a review of the Code, Markowitz stated the set back regulations for the pumps would be 100 feet. If they are making any alterations to the pumps, they will have to request a variance from the ZBA. Commission and Mr. Fly discussed the configuration of the new pumps and the possible need for variances.

Markowitz stated he has not seen these plans before tonight and he can't say exactly what will be needed for zoning approval. Markowitz stated they will have to come before the Commission for Development Review. The

Engineer needs to review the plans and determine what variances are needed and then report back to the Commission at the next meeting.

Commission stated Mr. Fly should complete the Development Review application as soon as possible. Mr. Fly stated he would complete one tonight and have the fee sent within a week.

Mr. Voldrich asked if there is a conflict of interest because BP Oil is one of C. T. Consultant's clients? Markowitz stated it would be a conflict, however the Planning Commission can make a motion to waive any potential conflict. Harvey moved to waive any objections to the conflict between C. T. Consultants, Tom Voldrich and BP Oil Company and their subsidiaries, arising by reason of C. T.'s and Tom Voldrich's work for B. P. Oil and their subsidiaries, Young 2nd. Roll call, all ayes.

Mr. Joe Franzese, Architectural Board of Review Chairman, stated he and his Board members have had one meeting to discuss amending the Zoning Code relative to the maximum height regulations for residential districts as well as the maximum size of accessory structures. Mr. Franzese stated they are researching the surrounding communities regulations and from there they will develop some parameters where the house height is restricted by the side yard set backs, in other words, as you move the house further away from the side yard, the taller the house can be. They are also going to work with roof pitches. They are hoping to have something that is very comprehensive, but very easy to understand. The Commission wished him luck.

The more difficult issue will be the accessory structures. What they want to do is relate the mass of the accessory structure to the mass of the residence and one of the ways to accomplish this might be through the lot coverage regulation. Commission discussed this concept.

Mr. Franzese stated he would have something ready on paper to present at the July meeting.

Mr. Markowitz stated Mr. Tom Cahill is interested in purchasing a lot at the end of Deerfield Drive, in order to provide access to two other lots in Bainbridge. Markowitz stated he researched this and has determined that Mr. Cahill would have to comply with the Subdivision Regulations and public right-of-way improvements for the street. In other words, he could do this however he would have to do two things, one would be complying with all the improvement standards and get subdivision platting approval from the Planning Commission and second, the remaining lot, sublot #4, must comply with Zoning.

Mr. Mc Cartney stated they have a landscape plan for Tom Burn's office complex, second building, that has been reviewed by Knight & Stolar and comments have been made for some changes. Mr. Tom Voldrich stated the Planning Commission granted Development Review for the second building, but there was no landscape plan presented. Voldrich stated he requested one, and this is the plan submitted. Planning Commission should have reviewed this

RECORD OF PROCEEDINGS

prior to granting Development Review approval, however they did not and Voldrich stated he wanted to give the Commission an opportunity to review it now. Commission reviewed the plan and plat as approved for development review.

Following a brief discussion, Commission asked the Bill McCartney to return the plans to Mr. Burns, with a letter asking that the revisions be made as requested by Knight & Stollar.

Markowitz stated Judge Veit ruled in favor of the Village on the Emerald Lakes case. Markowitz stated he spoke with Sid Simon's attorney and he stated they are planning to appeal this decision.

Markowitz stated Mr. Simon is very concerned with what is happening with the water and Chagrin Falls. Markowitz stated he has called Beth Skeel several times, however he has not had his phone calls returned.

Markowitz there is new legislation that has been adopted by the state that allows the county and city planning commission to require health department approval as a condition of plat approval. Markowitz stated he will draft the necessary amendments for our Subdivision Regs. and present them at the next meeting.

Markowitz stated another item he wanted to bring to the attention of the Commission is the State Legislature gave to the Chief of the Division of Water the authority to set forth designated stress ground water areas and to clarify water use registration. In other words, if you own property that uses 100,000 gallons per day or more, you must register the facility and if you are in one of these stress areas, you would want to be first to register, in order to get priority in using the ground water.

Markowitz stated he has had a request from the ZBA to increase the variance fees for Snavely Bldg. Co., due to the many requests that have been coming before the Board. The Board feels there should be more of a fee, this could be accomplished by not refunding the $450.00, and maybe this would keep Snavely from starting construction prior to getting proper approvals.

Commission discussed the situation regarding Snavely and the construction of the condo units being within the set backs, and the problem of final as-builts being incorrect. Commission discussed at great length and took no action.

Commission adjourned into executive session for a personal matter at 10:30 P.M.

Regular meeting reconvened at 11:00 P.M.

There being no further business, meeting adjourned at

Charles M. Daniels Jr.

CHARLES M. DANIELS, JR., CHAIRMAN

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 PLANNING COMMISSION Meeting

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

Held JULY 12 19 90

MEMBERS PRESENT: Daniels, Cotesworth, Sutliff, Young

OTHER OFFICIALS: T. Voldrich, D. Markowitz, W. McCartney

GUESTS:

Chairman Daniels called the meeting to order at 7:30 P.M. Roll call, Harvey absent.

Chairman Daniels asked for any additions or corrections to the June minutes. Secretary stated the date on the first page should be corrected to June 7, 1990. Chairman Daniels stated there is no time of adjournment on the last page. Mr. Markowitz stated on page 139, first full paragraph, first line, the word "the" should be deleted. In the fourth paragraph, after "Markowitz", the word "said", should be inserted. Also, the word "personal" should be "personnel".

There being no further additions or corrections, Sutliff moved to approve the minutes as corrected, Young seconded. Roll call, all ayes.

Mr. John Fly, representative from BP Oil, stated he is before the Commission requesting development review approval for the proposed renovations to the gas station at the corner of Rte. 306 and Bell Road. The plan calls for replacing the existing pumps with new pumps and the placement of the new pumps would be approximately the same, however the pumps on the Bell Road side would be removed and not replaced.

Commission reviewed and discussed the plan. Commission reviewed the letter from the Solicitor stating they would have to seek a variance from the ZBA for the set back of the proposed pumps. Following a brief discussion, Sutliff moved to approve the development review plans for BP Oil conditioned upon the set back variance being approved by the ZBA, Cotesworth 2nd. Roll call, all ayes.

Craig Cawrse presented a plan showing renovation of the Gurney School parking lot. Mr. Cawrse stated he is before the Commission to inform them of these plans and also to find out what review procedures will be required for these changes. Mr. Cawrse explained they were asked to review the current parking plan with the considerations of safety, due to the fact that the playground area is so close to the parking, as well as try and provide as many spaces as possible.

Mr. Cawrse presented a proposed plan, showing a fence that would be put up between the playground and the parking lot and a new layout of the parking spaces, which will utilize all the available space.

Commission reviewed the plan and discussed at length. Commission asked if there were any zoning issues. Markowitz stated there are no zoning issues because what they are doing is not a change in operations, so it really is just a grade plan that has to be reviewed and approved by the Village Engineer and the Commission does not need to take any action. Commission stated the

company that will do the work will have to be registered with the Village.

Commission agreed that this plan was an improvement and they had no objections.

Joe Franzese, Chairman of the Architectural Board of Review, presented some proposals for increasing the residential height regulations of the Zoning Code. The concept he is working with is if the home is less than 30 feet tall, the set back requirements remain as stated in the current code. As the roof height increases, above 30 feet, then the structure must be moved away from the property line in order to maintain visual space between the two different buildings. Where the eave is nearly parallel to the property line, you would increase the set back 6 inches for every additional foot of height, with a maximum height of 40 feet. Where the gable is parallel to the property line, then the set back would be increased 12 inches for every additional foot of height. Commission discussed this concept at length.

Franzese stated this is only in the rough draft stage and he will work further to get it into a final form for the next meeting.

Franzese stated he also drafted some proposed ideas for maximum size of accessory structures. Franzese explained what he is trying to do is to get the accessory structures to relate better to the principle structure. What they are also trying to do is still allow the maximum 500 square feet, per acre, for the accessory structure however do it in a way which will deal with the maximum lot coverage. Franzese stated the definition of "lot coverage" will be the prolongation of all of the building lines. In other words, the concept is the larger the accessory structure, the closer it must be to the main structure. Commission discussed this concept at length. Franzese stated these concepts are in very rough form, what he is looking for is an idea of whether or not this is something the Commission feels comfortable with. Franzese asked where the ABR should go from here?

Commission asked Mr. Franzese to write up these ideas with more specific language, they will discuss further and discuss at the next meeting.

Markowitz stated the state legislature has changed the Ohio Revised Code which will have an effect on our Subdivision Regulations and some changes will have to be made. Markowitz stated he has reviewed the necessary changes in his letter of July 10, 1990. One of the major changes is the new rules state the Planning Commission can grant conditional approvals, however the conditions must be based upon specific rules in the Subdivision Regulations. Therefore, what the Commission must do is add any specific rules which they feel they might have to enforce. Markowitz stated three examples which he thought should be added are as follows and he is sure there will be more. First, if part of a proposed subdivision is in another community, it must be annexed prior to approval. Second, if there is sanitary sewer within a reasonable distance, the proposed subdivison must tie into the sewer system. Third, the developer must provide a tie-in to an adjacent development if there

RECORD OF PROCEEDINGS

is already an existing street to tie into. Markowitz reviewed the remainder of his letter with the Commission and stated he will draft proposed legislation which will cover these items so they can discuss them further at the next meeting.

Markowitz stated the Building Dept. has requested a hearing on forfeiture of the seeding deposits for Boutell and White. Mr. McCartney stated Boutell's deposit has been released, the grass has been planted. White, 99 Foxhall, in the last week has started to put in the landscaping however no grass has been seeded as of yet. Commission agreed to wait another month to see if the grass will be planted.

Markowitz stated there has been a mistake discovered on the Final Plat of the Bramble Farms Phase II by the County Recorder's office. There are some mistakes on the boundary dimensions, which the Village Engineer's office has been notified, as well as Bramble Farms' engineer. Markowitz stated the acreage figures are correct just the dimension figures are wrong. Markowitz stated the necessary corrections will be made and the corrected plat will be resubmitted for Commission approval. Markowitz stated Bramble Farms will also be requesting a waiver on the tree planting schedule in order to get acceptance of dedication.

Markowitz reported that regarding the Hrovat zoning permit, it has been determined that at the time the permit was issued for the kennel, this use was allowed under the current Zoning Code. However, the fencing permits must still be issued.

Mr. Markowitz stated he gave a copy of a letter to the Commission, which he wrote to the Mayor, updating the water situation with Chagrin. Markowitz stated what the letter basically says is Chagrin wants to know if South Russell wants the available tie-ins and he will take it up with the Council at their next meeting.

Markowitz stated he brought a draft of the shopping center regulations, requiring a minimum of ten acres of land.

Markowitz stated he would like to remind the Commission that the ZBA asked the Commission to consider making it more costly for those individuals who request variances after the construction has commenced. Bill Young stated he feels with the proposed changes being made with the Code and Subdivision Regulations, possibly a meeting should be scheduled with the ZBA to discuss these matters prior to approving any changes, possibly they could come to the Commission's next meeting. Secretary to check and see.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

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

Held MAY 3, 1990 *19*

MEMBERS PRESENT: YOUNG, HARVEY, DANIELS, COTESWORTH, SUTLIFF

OTHER OFFICIALS: D. MARKOWITZ, W. MC CARTNEY, T. VOLDRICH

GUESTS: M. BEARD, C. KNOWLES, P. NEUMAN,C. TAYLOR, T. BEARD, D. BRAUN, R. KNOWLES

Meeting was called to order at 7:35 P.M. Roll call, all members present.

Due to the Solicitor not having an opportunity to review the minutes of April 19, 1990, Commission agreed to postpone taking action until the June meeting.

Mr. Gerald Beard, 100 Silver Springs Trail, stated it is his understanding that Heritage Construction put up a deposit to grade their lot. Heritage has not graded their lot and he feels it is up to the Commission to make them forfeit this deposit, as is regulated in the Zoning Code.

Mr. Paul Newman, attorney for Heritage Construction, stated the Beards had sued Heritage Residential and Heritage Residential counter-sued the Beards. This suit has been settled and he presented a copy of the settlement entry. Mr. Newman stated what it basically provides is that both parties, Heritage and the Beards relieved each other of everything and anything, in other words Heritage has no further obligation with respect to the contract with the Beards, the Beards were to complete everything with their home, with the exception of a warranty contract, which Heritage is complying with. Mr. Newman explained that the suit has been settled, and resolved all the issues with the contract, however now the issue of the deposit has come up. Mr. Newman stated the obligation of the Beards to do the final grading and final as built drawings is understood, and it is his suggestion that they allow the money to stay on deposit until they complete this work. If there comes a time that this work is not completed, and the Beards feel Heritage should pay the forfeit because they are not completing their part of the contract, then this is something they can fight over latter. However, if and when this work is done and approved by Mr. McCartney, Heritage would ask for their deposit returned.

Mr. Markowitz stated there are three deposits put up, one by the Beards for seeding, and two by Heritage, one for $200.00, for grading and a final plot plan and the second for $500.00 for the final grading.

Mr. Harvey stated he feels the issue is whether or not the grading has been done, and how the two parties work it out is between the Beards and Heritage, the Village is not a part of it.

Mr. Markowitz stated our ordinance states the deposit will be forfeited unless the developer shows cause why it shouldn't be. Mr. Markowitz stated as he understands the position that Mr. Newman and Heritage has taken, they are asking the Village to hold off because of the litigation, they have no further responsibility to do anything further with the house, however, because the Village has

their $700.00, when the Beards get done seeding and grading, they will do the final plot plan. So what Heritage is saying is, give them more time to get this accomplished, but it is dependent upon whether or not the Beards do the final grading. Mr. Markowitz stated his opinion is the Commission has two possibilities, neither of which is the wrong answer. First, you could say based on the settlement and based on the letter from Heritage Homes, Heritage is still saying they will do the final plot plan, if you don't forfeit their money, the Commission can have another hearing if it is not completed within the near future. Second, the Commission could say tonight that this has been continuing for several months, there have been a number on continuances of this hearing, the Village is not a part of the lawsuit, the work is not done yet, therefore, the Commission will forfeit the deposit.

Mr. Markowitz stated the thing that makes this situation difficult is the fact that neither party mentioned who gets the right to these deposits.

Mr. Newman stated he feels it is very important that the fact be stated that the Beards attorney notified Heritage Homes in January of 1989 that they could not enter their property, as of that date. Such is the case, they have not been able to enter their property to complete their project. Mr. Neuman asked why should they pay the penalty when the homeowner kicks them off the property.

Commission reviewed the Court's decision and discussed at length.

Mayor Harvey stated they have a couple of questions before them, one is whether or not the grading has or has not been completed and second, whether or not, in Heritage's defense, they were prevented from coming onto the property to complete the job.

Mr. Markowitz stated the party that puts up the deposit is at risk, if the work gets done then the deposit is returned to whomever deposited it, and if it is not completed, then it is forfeited and it is a question when you think it is time to declare the forfeiture. If the Commission feels that they have the assurances that this work will be done and done properly, then you have the ability to say the deposit should not be forfeited now, however if you feel it has been too long, and the party should have dealt with it in their settlement and because the grading has not been completed, the Commission has the ability to forfeit.

Mayor Harvey stated all the Commission can answer to is what has come before them and that is, has the grading been done? Mayor Harvey stated as far as he is concerned, they have been dealing with this for a year, the grading has not been done and it is time it get completed. Commission agreed.

There being no further discussion, Sutliff moved that the $500.00 grading deposit and the balance of the plot plan deposit be forfeited, Cotesworth 2nd. Roll call, all ayes.

Markowitz stated the Village is not obligated by law to

do anything with the $500.00, we can keep it and put it in the general treasury or we can spend it to finish the final grade of the Beards property. It will be the Council who will decide how this money is spent.

Cindy Knowles, Bramble Farms, stated they are presenting their final plat for phase II and are asking the Commission for their review and approval. Ms. Knowles stated the Solicitor, Mr. Markowitz, has reviewed the plat and approved it. Mr. Markowitz stated there are a couple of very small changes that he has not seen, but other than that, he has approved the plan.

Commission reviewed the plat and Mr. Markowitz reviewed the changes he requested. Markowitz stated he has approved the plat cover page for this plan. Mr. Markowitz stated the Village Engineer and the developer met today and have agreed on the bond amount, the improvement plans are acceptable, and the landscaping plan meets with Knight and Stolar requirements. Markowitz stated he has the insurance, the title commitment, the performance bond, and the certificate in case of default. The only thing he does not have is the letter of credit and that is because they just set the bond amount yesterday. Markowitz stated he has the easements and these will be recorded with the plat and the deed for Block B, common area. The only item that he feels needs to be addressed is, in the last phase, certain lots were required to drilled in the Berea. We ended up granting waivers, but there are still some that fall in that category. Markowitz stated the Commission should require this, subject to obtaining waivers from Dr. Eckstein. The best way to notify property buyers is to file an affidavit immediately after the plat is recorded saying it is those lots that have to drill into the Berea, this will get picked up by the title company easier than a notation on the plat.

Mayor Harvey asked the Village Engineer if all his requirements had been met on this plat. Tom Voldrich stated yes they had.

Markowitz stated there has been a study done regarding the wetlands and they have 1/10 of an acre of wetland and because the amount is less than one acre, they are not required to get a national permit.

Cotesworth moved to approve the final plat for phase II of the Bramble Farms Subdivision, subject to (1) getting a letter of credit for $365,000, in a form and from an institution, acceptable to the Solicitor, (2) getting an affidavit from the developer, filed simultaneously with the final plat, for sublots #19 thru #23, that the water wells have to be drilled in the Berea, unless a waiver is obtained from the Village Hydrogeologist, and on sublot #24, the well be drilled in the high ground or alternatively be drilled in the Berea, unless there is a waiver from the Village Hydrogeologist, (3) file the inspection deposits that are required by the Village, (4) file the deed to the homeowners association for Block B simultaneously with the final plat, and (5) file the work easement for the Takacs property simultaneously with the plat, Sutliff 2nd. Roll call, all ayes.

Markowitz stated the Commission should be aware that the

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developer has agreed to a completion date of September 1, 1990.

Joe Franzese, Chairman of the Architectural Board of Review, stated they have discussed the possibility of increasing the minimum height regulation for residential districts and would like Planning Commission to consider amending the Code. Mr. Franzese stated the ABR has reviewed several plans which could be improved by changing the proportion of them, which would have increased the height above the 30 foot maximum. ABR suggests that the applicant can go before the ZBA, however most of the time, they do not have the time or want to spend the money. Consequently, the integrity of the design is compromised. Franzese stated it is the feeling of the ABR, if the maximum height regulation is increased, some of these problems could be avoided. Franzese stated if the height regulation is amended, it would help the Board prevent the homes from looking like "cookie cutter" homes.

Commission asked Mr. Franzese what he felt was a reasonable maximum height for residential? Mr. Franzese stated they have looked at surrounding communities and it appeared that 35 to 36 feet was the norm. Franzese stated that some of the other things that have to be considered is when the height is allowed to increase are, the side yards might need to be increased, as well as the front yard set back. Commission discussed at length.

Franzese stated the thing that is going to make this difficult is there are many factors that must be considered when increasing the maximum height regulation, it will depend on the size of the lot, on the side yard setbacks and the front yard set backs.

Markowitz stated what appears to be the case, there are situations that a greater height should be allowed however only if the conditions are right and the only people who have the qualifications to say that are the members of the ABR.

Commission agreed to consider increasing the height regulation for residential and asked Mr. Franzese to go back to the ABR and develop some guidelines for a proposed amendment to the height maximum regulations.

Mr. Markowitz stated another item that the ABR should consider is amending the accessory structure regulations. Markowitz stated after the Lavigna/Bumpass situation, there have been some suggestions that the maximum allowable square footage be amended. The current regulations state that there can be 500 square feet of accessory structure for each acre of land.

Mr. Franzese stated he felt that on a 3/4 acre lot, if it is detached, a 375 square feet is too large. However, it is important to look at the proximity of the structure to the home. If the accessory structure can be perceived as part of the mass of the home, it can be larger than if it is placed in the middle of the back yard.

Mr. Franzese stated when considering the size of accessory structures, it is important to look at the

shape of the property, shape of the adjacent properties, and proximity to the home. It will be difficult to legislate all these factors into revised regulations.

Commission discussed accessory structures maximum square footage at great length.

Markowitz stated because the majority of the Planning Commission feel that 500 square feet of accessory structure per acre is too large, it would be his suggestion that the maximum square footage be decreased and if someone wants to build something larger they must go before the ZBA.

Commission discussed the possibility of coming up with a formula for heights higher than 30 feet, which would include side yard set backs, lot size and front yard set back.

Commission asked Mr. Franzese to go back to the ABR and try and develop some language that would address increasing the maximum height regulation for residential, above 30 feet. Mr. Franzese agreed.

Markowitz stated he wanted to bring up the Amherst Drainage Easement, however, due to the length of this meeting, it can be discussed at a latter date.
Mr. McCartney stated we have a situation with the antiques business of Marshall Kidd, across the street from the South Russell Service Building, on Bell Road, where there are currently 11 businesses in this structure. Mc Cartney stated it cannot be considered a mall, because it is all open. The problem occurs because the Village is trying to get each of the eleven businesses to have a zoning permit, however they are constantly changing. Markowitz stated they may be exceeding the grandfathered use. Markowitz stated he does not know anything about this situation, possibly he and the Building Inspector can review it and come to some solution.

Mr. Markowitz stated Sheldon Berns, attorney for Sid Simon, called and asked if he would agree to asking the judge to delay ruling on their case until the water situation with Chagrin Falls is resolved. Markowitz stated he told Berns he would have to go to Planning Commission and ask their thoughts. Commission and Markowitz discussed at length. Following this discussion, Commission decided they would not ask the judge to delay ruling on the law suit with Sid Simon.

Mr. Markowitz stated he has been requested by the Building Department secretary to ask the Planning Commission to get a stamp with which to stamp plans after they have been approved, so the Building Dept. can have an approved stamped copy for their records. Planning Commission agreed to get a stamp.

Mr. McCartney stated their department has been contacted by Tom Cahill regarding purchasing one of the lots at the end of Deerfield Drive, for the purposes to provide access to two lots in Bainbridge. Is there anything in our regulations that would prevent this. Markowitz stated he would review the Code and report back to the Building Dept.

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Mr. McCartney stated the situation with the Hrovat residence is they have dog kennels and these are not allowed in the zoning code. Mr. Mc Cartney stated Mrs. Hrovat's property consists of 11 acres. Mr. McCartney stated Mrs. Hrovat came in 5 years ago for a zoning permit for an addition. Mr. Franzese stated ABR review plans only for the addition, they did not review plans for a kennel. Markowitz stated the Building Dept. must ask Mrs. Hrovat if she has a zoning permit for the kennels. If there is no zoning permit for the kennels, then she will have to now go through the necessary process to get a valid zoning permit for the kennels.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

RECORD OF PROCEEDINGS

MEMBERS PRESENT: HARVEY, DANIELS, SUTLIFF, YOUNG

OTHER OFFICIALS: WM. MC CARTNEY, T. VOLDRICH, D. ONDREY

GUESTS: JACK SCHRON, ARLENE RIEGER, MIKE LAGRAFF, GLENN WYVILLE, PAUL KIFFNER, JIM TRUSSO, J. HAUSER,

Chairman Daniels called the public hearing to order at 7:30 P.M. Roll call, Cotesworth absent.

Secretary read the legal notice announcing the public hearing, which was published in the Geauga Times Leader on January 30, 1990.

Chairman Daniels asked for the representative from Chagrin Falls Schools to present their request for a conditional use permit, which if granted, will allow the construction of additional soccer fields at the Gurney School site.

Jim Trusso, principal of the Chagrin Falls High School, stated what they are trying to do is get the most effective and efficient use of the athletic fields, specifically those at the Gurney School site. What we are proposing, is to increase the playing area at Gurney which would provide for additional soccer fields. This area would not have lighting or grandstands, it will be similar to the existing fields. There is already in existence a cross country track that goes around the perimeter of the Gurney site and the additional field proposed would not affect the track in any way. The new fields have been designed in such a way that there will be alot of green space around the field, protecting surrounding property owners.

Don Ferguson presented plans to the Commission illustrating the proposed plan for the additional soccer fields. Commission reviewed these plans. Ferguson explained that the plans shows placing one large field, running east and west which would be utilized by the varsity but could also be used as two smaller fields.

Mr. Sutliff asked if there would be any major change in the grade. Mr. Hauser stated they might be adding extra top soil. They would however, be attempting to keep the same grade as it is currently.

Mayor Harvey asked if they would be making any changes in the amount of parking to accommodate this change?

Mr. Trusso stated they are not anticipating more people, they are anticipating being able to spread out the usage so they can comfortably not use some of the fields and "rest" them.

Chairman Daniels asked if a grading plan had been submitted? Mr. Voldrich stated a grading plan had been submitted and reviewed by both he and Bruce Colle. They both had some comments and modifications that must be addressed.

Glenn Wyville, the Athletic Director, stated by being able to move the youth soccer facilities from the High School to Gurney, it has greatly improved the fields at

the High School by allowing them to be rested and renovated.

There being no further questions or comments, public hearing adjourned at 8:10 P.M.

Chairman Daniels called the regular meeting to order at 8:11 P.M.

Secretary stated the Commission must still approve the December 14, 1990 minutes. Secretary stated the Solicitor has reviewed them and approved them, however there is a letter from Don Barr, Snavely Bldg. Co., which asks for a clarification relative to the placement of the inter-connect road in phase II of the Whitetail Subdivision. Commission reviewed the letter written by Mr. Barr dated February 12, 1990.

Commission discussed this letter. Mr. Barr was not present at the meeting. Commission had several questions relative to Mr. Barr's letter and agreed not to take any action regarding Barr's request and asked the Secretary to contact Mr. Barr and ask him to come to the next meeting to clarify his request.

There being no additions or corrections to the December 14, 1990 minutes, Harvey moved to approve the minutes as recorded, Sutliff 2nd. Roll call, all ayes.

Commission discussed the request of the Chagrin Falls Schools for a conditional use permit in order to construct additional soccer fields at Gurney School. Commission agreed that they did not want any lighting or bleacher facilities.

Commission asked that three copies of the plan be submitted to Tom Voldrich to get his signature and stamp and a copy be given to the Secretary for Planning Commission's file.

Mr. Young moved to approve the conditional use application contingent upon there being no lighting or bleacher facilities, upon a detailed plan being submitted and approved by the Village Engineer and a copy being given to the Planning Commission Secretary, Sutliff 2nd. Roll call, all ayes.

Mr. Ondrey presented copies of a proposed ordinance that would define "family" in the Zoning Code. Commission reviewed the proposed ordinance. Following a brief discussion, Harvey moved to send the proposed ordinance on to Council without any recommendation, Young 2nd. Roll call, all ayes.

Secretary stated there are two proposed ordinances that were presented at the last meeting which deal with fees that are incurred by the Village from engineering reviews and attorney reviews, which are required when developments come to the end of performance and maintenance bonds. Commission reviewed the proposed ordinance. Ondrey stated these proposed ordinances make it crystal clear who is responsible to pay for reviews of the engineer, solicitor and hydrologist.

Following a brief discussion, Mayor Harvey moved to

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recommend to Council adoption of the proposed ordinance amending Section 3.04 of the Zoning Code as presented to the Commission, Sutliff 2nd. Roll call, all ayes.

Mayor Harvey moved to recommend to Council adoption of the proposed ordinance amending Section 3.08 C of the Subdivision Regulations as presented to the Commission, Sutliff 2nd. Roll call, all ayes.

Building Inspector reported there is a 12' x 10' building on Burns property, owned by Povall that was constructed without a permit. Mc Cartney asked Commission how he should proceed with this situation? Commission stated Building Inspector should write a letter to Burns, stating the building on his property for which there is no zoning or building permit and please remit the sufficient funds to cover these permits.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

RECORD OF PROCEEDINGS

MEMBERS PRESENT: HARVEY, SUTLIFF, DANIELS, COTESWORTH

OTHER OFFICIALS: W. MC CARTNEY, T. VOLDRICH, D. MARKOWITZ

GUESTS: D. BARR, C. TAYLOR

Meeting was called to order at 7:30 P.M. Roll call, Young absent.

There being no minutes for the February meeting completed, Commission took no action.

Mr. Don Barr, Snavely Building Co., came before the Commission requesting a clarification on the minutes of January 11, 1990. Mr. Barr explained his concern has to do with the location of the inter-connect road on the south property line of phase II, Whitetail Run. During the meeting in January, there was much discussion about the inter-connect and the placement of this road. Barr stated it was his understanding that the Commission was in agreement with the location shown on the preliminary plat, with the caviate that the placement might get shifted 50 to 75 feet one way or the other, depending upon how the final plat is approved. One of the main reasons this is so important is the whole west side gets fed with a forced main and the placement of the lift station has to be constructed prior to building any units, therefore, the placement of the inter-connect has to be guaranteed within 50 to 75 feet of the area, as laid out on the preliminary plat. Mr. Barr stated one thing he wants to make sure, is once the lift station is constructed, he does not want to have to move it because there is a problem with the inter-connect road placement.

Commission discussed the placement of the road as far as how it will affect the development of Emerald Lakes and the location of any potential wetlands.

Commission discussed the possibility of setting up a meeting with the developer of Emerald Lakes, Snavely Building Co. and the Village and work together to find the best location for this inter-connect. Markowitz suggested that he write a letter to Mr. Simon, letting him know the Village is willing to sit down with Mr. Simon and discuss the problems with the wetlands and the placement of the inter-connect road. Mr. Barr asked if he could be notified when the date of this meeting was set. Markowitz agreed.

Mr. Barr stated he is before the Commission just to make sure that what his understanding about the placement of the inter-connect is the same as what the Commission's understanding is about the inter-connect road placement. Following a lengthy discussion, Commission agreed that it is their understanding that the placement of the inter-connect road can be within 200 feet off of the centerline as shown on the preliminary plat submitted and approved by the Planning Commission.

Mr. Barr asked when the Village was planning to meet with Dr. Eckstein to clarify the ground water supply, he knows that this is still an open issue and even though they do not need an answer immediately, they will need some kind

RECORD OF PROCEEDINGS

of an answer by July or August and he is just reminding the Commission. Markowitz stated Dr. Eckstein is currently out of the country, but he does have an associate to cover for him. Commission agreed to address this and thanked Mr. Barr for the reminder.

Commission discussed the proposed ordinance defining "family". Markowitz stated at the last Commission meeting there was some concern as to what effect it would have on certain family living situations in the Village. Commission did not recommend approval or disapproval to Council, they just sent it on with no recommendation. Markowitz stated the Zoning Code very clearly says the Planning Commission must recommend approval, disapproval or some modification. Therefore, the Commission must take some action, or it can not be sent on to the Council. Commission discussed the ordinance briefly. Following this discussion, Cotesworth moved to recommend approval the the ordinance defining "family", Harvey 2nd. Roll call, ayes, Daniels and Cotesworth; nays, Harvey and Sutliff. Tie vote, ordinance will be tabled and discussed further at the next meeting.

Chairman Daniels stated the Commission received another letter from Mr. Beard requesting forfeiture of the Heritage Homes deposit in order to get final grading completed. Mr. Markowitz stated all the Commission needs to do is send another letter, notifying Heritage that the hearing is being continued at the next meeting. Commission asked the Solicitor to write this letter.

Commission discussed the meeting date in April. Due to Spring Break, Commission agreed to change the date to April 19, 1990.

Mr. Markowitz stated a resident in Kensington Green has called the Village and stated a tree in the front of their yard is dead and they want to know whether the Village will or will not take the responsibility for removing the tree and replacing the tree. Markowitz stated the tree was put in as part of the right-of-way improvements, the tree does not belong to the homeowner because it was part of the public improvement requirements. This issue will arise more and more in the Village and there needs to be a policy established regarding this, whether they want to take responsibility for removal and replacement. It is something that has to be dealt with because we don't want dead trees in the right-of-way, that might fall and injure someone. Commission discussed this situation at length. Commission asked that this be brought up at Council at their next meeting.

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

Charles M. Daniels, Jr., Chairman

CATHY MALE, SECRETARY

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

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

Held APRIL 19, *19*90

Members present: Cotesworth, Daniels, Harvey, Sutliff

Other officials: T. Voldrich, W. McCartney, D. Markowitz

Guests: Mr. & Mrs. Beard (Silver Springs), C. Knowles (Bramble Farms), K. O'Donnell, K. Braun, R. Knowles.

Meeting was called to order at 7:30 P.M. Roll call, Young absent.

There being no additions or corrections to the minutes of February 15, 1990 meeting, Cotesworth moved to approve them as recorded, Harvey 2nd. Roll call, all ayes.

Daniels stated "coviate" should be spelled "caveat" in the March 8, 1990 minutes, there being no further additions or corrections, Cotesworth moved to approve them as recorded, Harvey 2nd. Roll call, all ayes.

Mr. & Mrs. W. Beard came before the Commission to find out the status on their request for the forfeiture to the Heritage Homes deposit. Mayor Harvey stated they have a letter from the Village Solicitor, dated 4-17-90, written to the attorney of Heritage Homes, which summarizes that the law suit between Heritage Homes and the Beards was settled, there was some compensation paid and Heritage has no further obligations at their house. Beards stated they are before the Village tonight to try and get the $500. final grading deposit forfeited so they can get their property graded. Mr. Markowitz stated it was his understanding that the hearing was in order to get the seeding deposit forfeited, not the final grading deposit forfeited. Beards stated they put up the $500 seeding deposit in order to get a temporary occupancy permit, so the could move in. What they are asking for, is to have the $500 final grading deposit forfeited so it can be used to final grade their property, which Heritage has never done. Commission discussed this at length.

Mr. McCartney stated Heritage has submitted a final grade plan, however because there is no final grading done whatsoever, he could not even review the plans, much less send them on to the Village Engineer.

Mr. Mc Cartney stated Heritage has put up a $200. grading plan deposit and a $500 final grading deposit. Mayor Harvey asked what can the Village do if this money is forfeited? Markowitz stated the Village can not spend this money in reimbursing the Beards, the Village would have to contract with someone to do the work for the Village. Markowitz stated we could tell the Village Engineer to do the plot plan and then get a contract with someone to do the work of the final grading.

Commission discussed that because Heritage was not present at tonight's meeting, it must be continued to the next meeting. Beard's stated they are very much in a bind time wise to get their yard graded and seeded. They can not wait much longer. Commission stated their next meeting is in two weeks, May 3, 1990. Commission agreed that Mr. Beard should get estimates for the needed grading, and the forfeiture hearing will be continued at the May meeting. Markowitz stated if the Commission

approves the forfeiture, then the Council must approve contracting with someone to do the final grading and using the $700.00 for that purpose.

Cindy Knowles submitted the application and plans for the Final Plat for Bramble Farms, Phase II. The Village Engineer stated he has two remaining items to look at, one, a dimension that needs to be changed and two, the closure on the drainage ditch. Mr. Knowles stated both these items have been taken care of, they just need the Village Engineer to review them.

Mr. Markowitz stated he has seen prior drafts of this plan, he has not seen this draft. He will definitely have reviewed this pla by the next meeting. Markowitz stated the status of the improvement plans are; the improvement plans are approved; the amount of the bond is determined; he has spoken with the bank regarding the language of the letter of credit; he needs a draft of the performance bond; he has approved the language on an easement needed from the Takacs, they are waiting for signatures; deed restrictions have been filed to cover all the property, they need to file a deed to cover block "B"; and a wetlands study has been done.

The Village Engineer stated there is some discrepancy between he and Bramble Farm's engineer as far as setting the amount of the bond, however he feels after meeting with their engineer, they will be able to come to an agreement on this amount.

Commission stated they would be able to act on this plan at the next meeting as long as the Village Solicitor and Village Engineer are satisfied that all their requirements have been met.

Markowitz stated he attended the last Architectural Board of Review meeting and the ABR asked him if he would bring up to the Commission the idea of increasing the maximum height regulations for residential to something higher than 30 feet. Markowitz stated the ABR feels the 30 foot maximum is too low and the Commission should consider increasing it. ABR explained that the size and style of homes that are going into Kensington Green and Whitetail should not be held to the 30 foot maximum. Mr. McCartney stated most plans that are over 30 ft. come in around 32 or 33 feet and instead of going for a variance, they lower their roof pitch so it will be under the 30 foot maximum however it changes the aesthetics. Commission discussed this at length and asked that a member of the ABR come to the May meeting to further discuss this request.

Markowitz stated an issue has come up regarding the construction of accessory structures on lots less than one acre. Markowitz stated there is currently a situation where a resident of Country Estates wants to build an accessory structure on his 3/4 acre lot, 375 square feet in size. This has caused a real problem with his neighbors because they feel it is much too large. It has been suggested, that in a subdivision that has lots that are one acre or less, should we consider changing our zoning code, that currently allows detached accessory structures in the size of 500 square feet per acre. It has been suggested that this requirement be decreased or

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possibly, even prohibit any accessory structure on a lot less than one acre. Commission agreed that they did not want to prohibit accessory structures on one acre or less but agreed that the size should be reduced.

Mrs. O'Donnell stated she feels strongly that the allowable size for accessory structures should be reduced. In addition, what about requiring any accessory structure to be attached to the main structure? Commission discussed this topic at length. Majority of the Commission agreed that they were not sure if they should prohibit accessory structures on less than 1/2 acre, however they did feel that a 500 square foot accessory structure on a one acre lot was too large, and should be reduced.

Commission asked the Solicitor to draft an ordinance, bring it to the next meeting and they will discuss further.

Harvey moved to adjourn into Executive Session to discuss the pending litigation with Emerald Lakes, Sutliff 2nd. Roll call, all ayes.

Regular meeting reconvened at 10:35 P.M.

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

MEMBERS PRESENT: SUTLIFF, DANIELS, YOUNG, COTESWORTH

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH

GUESTS: GLEN WYVILLE, LANCE AND LEE HAUSERMAN, MR. & MRS. BEARD, M. NEUMAN

Meeting was called to order at 7:30 P.M. Roll call, Harvey absent.

Minutes of the January meeting had not been read by the Solicitor and he asked that action be delayed until his review. Commission agreed to delay action on the minutes.

Glenn Wyville, Athletic Director for Chagrin Falls High School, presented a plan showing an expansion of the existing soccer fields located at the Gurney School grounds. Mr. Wyville stated what they are proposing is to add 1 1/2 soccer fields at the Gurney site. Mr. Wyville stated there currently is one regulation size soccer field along with a smaller field. These fields have previously been used by the Chagrin Soccer Association and the OASL. Most of the High School soccer activities are held at the high School campus. Mr. Wyville stated what they have been trying to do is slowly move both the High School soccer and the youth soccer out to Gurney with the idea of giving the facilities at the High School time to be repaired and improved.

Mr. Wyville introduced Lee and Lance Hauserman, they own Athletic Turf Development Co., which the Chagrin Falls School System has contracted with to get the athletic fields in better shape.

Mr. Wyville presented the plan and stated they have drawn the plan with the idea of maintaining the existing wooded barrier between the fields and the existing developments, Emerald Lakes and Whitetail Run Condominiums. Mr. Wyville stated the new fields being proposed will be north of the existing fields and will be approximately 1/2 an acre in size.

Mr. Wyville stated the existing vegetation is just scrub brush, no major trees would have to be taken down. Bill Young stated there will be very little grading necessary, Bruce Colle, Village Engineer, has reviewed the plan and approved it.

Mr. Sutliff asked the Solicitor what Zoning issues do they need to address for this plan?

Mr. Markowitz stated what this appears to be, he has not had a chance to look at the Code regarding this request, is either a main use or an accessory use of a conditional use in a residential district. There are some regulations that deal with the necessary screening. The applicant will have to follow the requirements of the erosion control standards ordinance as well the development regulations.

Mrs. Cotesworth stated she has had some calls, from residents of Whitetail Run, concerned with this proposal, afraid that it will be lighted and used at night and

major events will be held at this facility. Mr. Wyville stated there is no chance that this will occur, the facilities at the High School will still handle all their games and this facility will be used for practice.

Mr. Sutliff asked what they are hoping for as far as a time schedule? Mr. Wyville stated he is in hopes that if the weather cooperates, they would like to remove trees and grade this winter and then continue the work in the spring and hopefully have a field to play on by next fall.

Commission discussed what zoning regulations must be followed as far as approving this plan. Commission discussed whether these fields should be considered an accessory use or a main use in a conditional use definition. Mr. Markowitz explained the Code requires a public hearing if it is considered a main use in a conditional use.

Following a lengthy discussion on how the Code should be interpreted to define the necessary applications to be filed for this proposal of adding new soccer fields to the existing soccer fields at Gurney School, Cotesworth moved that the Commission finds the proposal of the Gurney School soccer field renovations will be a conditional main use of the property and will require a public hearing, Sutliff 2nd. Roll call, all ayes.

Cotesworth moved to waive Village fees for this project, Young 2nd. Roll call, all ayes.

Mr. Glenn Wyville completed and filed the necessary applications for this proposal.

Commission agreed to hold the public hearing on this application on February 15, 1990. The regular meeting for February will follow this public hearing.

Mr. Markowitz stated the Commission has been asked by the Building Inspector to hold a hearing to show cause why the grading deposit, made by Heritage Homes, should not be forfeited, due to the fact that the final grading has not been completed, at the Beard's residence, Silver Springs. Mr. Markowitz stated Heritage Homes' attorney, Mr. Paul Neuman, and the Beards are both present and what Commission should consider is allowing Mr. Neuman to present his case and then follow with any comments from the Beards.

Mr. Neuman stated in March 1989, while the house was still under construction, the Beards moved in and kicked Heritage Homes out. The Beards informed Heritage Homes, through their attorney, they had breached the contract. Heritage Homes consequently sued the Beards, for possession of the property back, so they can go in and complete the job. The Beards then counter sued Heritage, and after the Beards moved in, Heritage redid their original suit, such that they are suing the Beards for breach of contract and this will go to trial next Tuesday. Mr. Neuman stated their position is the Beard's have kicked Heritage out of the premises, they can't go in and do the grading when they won't let them on the premises.

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Mr. Beard stated there is no grading done, preliminary or final. Mr. Neuman stated they received a letter from Mr. Beard's attorney that they were not allowed to go on the property. Mr. Beard stated the letter went out in March of 1989, their house construction was to be completed by June of 1988, they had plenty of time to do the grading. Mr. Neuman stated these are facts that are being disputed in the law suit.

Mr. Markowitz stated he would like to suggest to the Commission, for the benefit of both Heritage Homes and the Beards, that the Commission wait until after the Court hearing to take any action. Commission agreed.

Mr. Markowitz stated the real issue, as far as the adult care facility law, is, the Village has no regulation, right now, that limits what makes up a household, all we say is, with a single family house, they can have as many individuals living there as the owner wants. This is a very controversial issue right now with the State, as to whether or not you morally, legally or constitutionally should be saying you can only allow blood family members to live in the same house or whether we are going to permit adult or senior citizens or retarded or whomever to live in these group homes that are licensed by the state. The state has provided for these types of uses to be permitted, and we have the ability to do one of two things. That is to say, group homes can only be allow in these districts or we want to exclude them all together and we do that by defining them out as not being part of the family or allow them only in certain districts. Mr. Markowitz stated there is a new adult care facility law that brought this issue to his attention, P/C should have a copy of this. What he needs from the Commission is some direction as to how they would like to proceed.

Following lengthy discussion, Commission agreed they would like to allow adult care facilities in the commercial districts as well as the assisted living district. Markowitz stated he would try a get something written and present it at the next meeting.

Markowitz stated there are two proposed ordinances, one for the Zoning Code and one for the Subdivision Regulations, that have to do with the fees for developments. These ordinances will cover fees that will be required in the Subdivision Regulations for attorney, landscape, and hydrology reviews. In the zoning code, there will be fees for any professional reviews on development review applications. Commission agreed to review these proposed ordinances and act on them at the next meeting.

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

Charles M. Daniels, Jr., Chairman

CATHY MALE, SECRETARY

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

RECORD OF PROCEEDINGS

Minutes of PUBLIC HEARING ON SNAVELY BUILDING CO. VARIANCE PLANNING COMMISSION Meeting

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

Held DECEMBER 14, 1989 19

Members present: Cotesworth, Harvey, Moroney, Sutliff, Daniels

Other officials: T. Voldrich, D. Markowitz, W. Mc Cartney

Guests: D. Barr, D. Rosner, C. Cawrse, S. Cicerretto, M. Beard, D. Braun, Russell residents.

Chairman Daniels called the Public Hearing to order at 7:30 p.m. Roll call, all members present.

Chairman Daniels asked for any additions or corrections to the November minutes. Daniels stated the word "degenerize" should be "de-energize" on page two, in the middle of the page.

Mr. Markowitz stated he has not had a chance to read the minutes, however he will do so during the meeting.

There being no more additions or corrections, Moroney moved to approve the minutes as corrected, Cotesworth 2nd. Roll call, ayes, Daniels, Moroney, Sutliff, Cotesworth; abstention, Harvey.

Chairman Daniels read the legal notice published in the Geauga Times Leader on November 13, 1989 giving notice of the Public Hearing for the Snavely Building Company variance request.

Mr. Markowitz stated he would like to inform any guests that are present at tonight's meeting, his office has rendered an opinion that one of the variance requests is not necessary. Mr. Markowitz stated, based on the plans that Snavely has submitted, the variance that deals with the length of the road not exceeding 2,500 feet in length can be withdrawn. Markowitz stated the Commission can find that the road shown on the plans can be defined as an inter- connect and not a cul-de-sac.

Chairman Daniels read the application and the list of the variances being requested, copy hereto attached.

First request is for a variance from the 500 foot maximum for spur roads for Clusters K, L, M, and N. Mr. Barr presented a plan showing plat of phase II and explained location of the proposed clusters. Mr. Barr stated the spur roads which will be serving the four clusters will exceed 500 feet and the reason they do is because they want to be able to provide a better site plan, the distance between units will be greater giving the ability to save more trees and create a visually more attractive living area. It will also allow for a 50 foot set back which will allow for the saving of more trees and insurance for sufficient area for future deck and porch additions.

Chairman Daniels asked for any comments or questions. There were no comments or questions from the Commission or audience.

Second request is for a variance from the 2,500 foot maximum for a local street. The Village Solicitor has interpreted the Code that the plan shows an inter-connect road and not a cul-de-sac. Planning Commission has the

authority to determine whether or not the developer is proposing an inter-connect or a temporary turn-around.

Third request is for a variance for a drive to serve more than one unit. Four access drives will serve more than one unit. This will give the developer flexibility in site planning, taking advantage of both front and side loading garage layouts as well as being able to save the maximum number of trees possible.

Fourth request is for the issuance of building and zoning permits prior to the acceptance of dedication of the Manorbrook Drive extension. By granting this variance, the developer would be able to begin the construction of two model units in cluster L, during the installation of improvements. This will provide the developer time enough to construct the models in time to show them to the public in the spring and summer months, peak sales time.

Harry Guinther, resident of Manorbrook Drive, cluster J, stated he is concerned with allowing construction prior to the pavement being down will cause a hardship in their community because of the mud.

Building Inspector states they try very hard to monitor the roads, and require the developers to clean the roads whenever necessary due to construction mud. Mr. Markowitz stated the previous times this request has been granted, the Village required the developer give the Village a bond, promising that at the end of each day the streets would be cleaned.

There being further discussion, Chairman Daniels adjourned the public hearing at 8:10 p.m.

REGULAR PLANNING COMMISSION MEETING

DECEMBER 4, 1989

Chairman Daniels called the regular meeting to order at 8:11 p.m.

Mr. Harry Guinther, 262 Manorbrook Drive, read a statement to the Commission which stated their objection with a cook-out porch, 36 square feet, located on the side of their neighbor's dwelling which he feels does not follow the zoning regulations.

Mr. Markowitz stated he has spoken to Mr. Guinther prior to the meeting and it is his interpretation that this is an accessory structure and under the Zoning Code, the Village could not bar this structure because in this district, they were not violating any of the yard regulations and it was not prohibited from being constructed. Mr. Markowitz stated this structure is located within the limited common area, which is controlled exclusively by the unit owner and it would not need the approval by the Condominium Association. Commission discussed this situation at length. Mr. Guinther stated the reason he objects to this structure is because of the angle of the homes, the

structure is directly visible from their front entrance and he is not fond of the idea of guests arriving while his neighbor is cooking on his grill.

Mrs. Cotesworth stated if this is not violating any zoning regulations and the Commission really has no authority, possibly the neighbor would be willing to put up some sort of screening. Mr. Guinther stated the neighbor has agreed to screen with evergreens.

Mr. Barr stated he would encourage the Commission members to go and look at this situation. Mr. Barr presented working drawings of this area and showed the distances between these two units.

Mayor Harvey stated he can understand where Mr. Guinther is coming from however, Planning Commission really has no control over this situation. If Mr. Guinther feels that his Homeowner's Association is not acting in his best interest, he must take this up with the Association. Mr. Guinther stated he understands this and all he wanted to do is come before the Commission to make a statement and get somebody's attention.

Mr. Steve Ciceretto, architect for Tom Burns and phase II, building I of the Office Complex, was before the Commission requesting approval of their development review application. Mr. Ciceretto stated at the last meeting they attended in October, the Village Engineer expressed two concerns on their plan. First was the building height conformance. Mr. Ciceretto presented plans that show the height of the building as being 31 feet which falls within the Code regulations. The second item was storm water detention, and they have submitted new drawings showing new storm water layout.

Mayor Harvey asked if the proposed ordinance for storm water retention has any effect on this plan. Mr. Tom Voldrich stated he does not know if this plan will conform with the new ordinance. Markowitz stated he believes that there are two storm drainage ordinances, one that is adopted and one that is not, and they will have to determine if either of these can affect this application.

Mr. Braun stated they have their drainage outlet system constructed for all three buildings and it might fit within the new regulations but if it doesn't, where do they go?

Commission agreed to take a short recess to research when the Council adopted this new ordinance re: storm water retention.

Mr. Cicerretto stated it is his feeling that when they filed this application, the old zoning was in effect and would they not be grandfathered?

Mr. Markowitz stated it would be his opinion that to the extent that they could comply with the new requirements, in the construction that is independent of, although part of the system, they would have to comply, but the Village would not make them tear out what is already there.

Mayor Harvey asked if the revised screening is shown on

this plan. Mr. Cicerretto stated yes it was on the plan.

Commission agreed to go to the next item on the agenda and continue to research whether or not this new ordinance would have an affect on this application.

Mr. Don Barr stated in addition to the variances being requested they are also looking for an approval on their preliminary plat for phase II of Whitetail Run.Chairman Daniels asked if there were any questions from the Commission members regarding the variance #1, as requested. Commission had no questions.

There being no further discussion, Harvey moved to approve variance request #1, allowing the spur road length in clusters K, L, M, and N to exceed the 500 foot maximum length allowed by the Code, Moroney 2nd. Roll call, all ayes.

Daniels asked for any discussion on the request of Variance #2. Markowitz stated what the concern the Commission has to have here, is, if they would allow the variance, and the extension of Manorbrook has a temporary turn-around that may end at Cluster M, the Village needs to have some assurance that it will get that inter-connect down to the end of the subdivision. It would not be his recommendation to cause the developer to do it now because of what might happen with the wet lands and what might happen with Emerald Lakes phase II and the issue should not be forced now. Harvey stated he agrees that they need some guarantee that the inter-connect will be put in. Commission discussed ways of guaranteeing the placement of the inter-connect.

There being no further discussion, Sutliff moved that the Planning Commission finds no need for variance #2, on the basis that the regulations do not require a variance when a street exceeds 2,500 feet so long as it is co-terminus with the end of the property and conditioned upon the Village being assured, and the Solicitor approving, some form of security for the Village to obtain the ability to get the inter-connect in a location acceptable to both the Planning Commission and developer, at or before the time of the first submission of the final plat for Phase II, Whitetail Run Development, Cotesworth 2nd. Roll call, all ayes.

Chairman Daniels asked for any discussion on Variance #3. There being no discussion, Moroney moved to approve variance #3, allowing four access drives to serve more than one structure, conditioned upon the drives being 20 feet wide, Cotesworth 2nd. Roll call, all ayes.

Chairman Daniels asked for any discussion on Variance #4. Commission asked that the units that will be constructed should be numbered in the motion. There being no further discussion, Moroney moved to approve variance #4, which will allow the issuance of zoning and building permits for units #44 and #45 of cluster L, conditioned upon no occupancy permits being issued until the road has been accepted for dedication and the developer signing a mud removal guarantee, Sutliff 2nd. Roll call, all ayes.

Commission reviewed the Preliminary Plat application for

phase II of the Whitetail Run Development. Commission asked that the square footage numbers on the Preliminary Plat be corrected to show at least 2,000 square feet, as the Code requires.

Mr. Barr presented a letter from Dr. Eckstein which stated there was sufficient water for phase II. Commission discussed this letter and Dr. Eckstein's report. Commission questioned if there should be an ordinance written limiting the production from well #6 due to his recommendation made in his December 14th letter. Commission discussed this at length. Commission agreed that they should meet again with Dr. Eckstein to get all their questions answered.

Mr. Markowitz stated the Commission could still approve the Preliminary Plat, the water issue does not have to be resolved until the Final Plat. In the meantime, the Commission could ask Dr. Eckstein to address these questions.

Mayor Harvey stated he wants to make sure the inter-connect ends up on the southern boundary of the Snavely property and this be included in the motion on the Preliminary Plat?

Following lengthy discussion, Harvey moved to approve the Preliminary Plat for phase II of Whitetail Run Development contingent upon the correct condominium square footage being shown on the plat, upon the guarantee that the interconnect road will be provided to the southern boundary and upon the Planning Commission being satisfied there is sufficient water following a meeting with Dr. Eckstein, Cotesworth 2nd. Roll call, all ayes.

Secretary presented a letter to the Commission, dated September 19, 1989, from the Building Department, requesting forfeiture of the $500.00 final grading deposit of Heritage Homes for S/L #1, Silver Springs. Mr. McCartney explained the final grade plan has been submitted but he has disapproved it because the final grading has not been completed.

Mr. Markowitz stated if the Commission wishes to do this, they have to give written notice of a hearing, so the builder has the opportunity to argue why it should not be forfeited.

Commission asked the Solicitor write the notice to notify the builder of the hearing. Commission agreed to hold the hearing at the next Commission meeting.

Mayor Harvey stated after reviewing the Council minutes, the new ordinance for storm water retention has not been adopted as of this date, therefore will not affect the development review application of the Office Complex.

Mr. Ciceretto stated this building will be on a well, not Chagrin water. Dr. Eckstein has approved the use of wells for this project.

Mayor Harvey asked about the screening that was discussed at the meeting a couple of months ago, where does that stand? Mr. Ciceretto stated the screening talked about

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

Held *19*

two months ago has been put in and the evergreens have been planted.

There being no further discussion, Sutliff moved to approve the development review application for Phase II, Building #1 of the Office Complex, Cotesworth 2nd. Roll call, ayes, Sutliff, Moroney, Daniels, Cotesworth; nays, Harvey.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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

Held NOVEMBER 2, 1989 19

MEMBERS PRESENT: Sutliff, Daniels, Harvey, Cotesworth, Moroney

OTHER OFFICIALS: D. Markowitz, D. Ondrey, B. Colle, T. Voldrich, W. McCartney

GUESTS: Don Barr, R. Rosner, Clint Taylor, L. Lechman, K. Dagley, D. Widell, K. Folley, L. Balls, B. Young, K. O'Donnell

Mayor Harvey called the meeting to order at 7:30 P.M. Daniels asked for any additions or corrections to the September 7, 1989 minutes. Cotesworth stated on page 161, 5th paragraph, 11th line, the word "less" should be changed to "more". Moroney stated on the next line the date, "September 1st" should be "September 1, 1990". Cotesworth corrected several typographical errors. There being no further additions or corrections, Moroney moved to approve the September 1, 1989 minutes as corrected, Harvey 2nd. Roll call, all ayes.

Chairman Daniels asked for any additions or corrections to the October 5, 1989 minutes. Cotesworth corrected several typographical errors. Markowitz stated in the last paragraph, page 167, where it states "Harvey moved to recommend to Council the proposed sign ordinance" he would like to have added, "as attached hereto" so we have in the record what it was that the Commission approved. There being no further additions or corrections, Harvey moved to approve the October 5, 1989 minutes as corrected, Moroney 2nd. Roll call, all ayes.

Don Barr, Snavely Building Company, presented plans and filed the preliminary plat for phase II of the Whitetail Run Development. Mr. Barr stated the plans he is presenting tonight are a little different that those presented last month at the informal discussion. Mr. Barr presented the new plan, showing a total overview of the existing Manorbrook units, the single family subdivision, the new condominiums, the CEI easement and the proposed layout for phase II

Mr. Barr stated one change they are making from the phase one condominium layout to the phase two layout, is the units are more spread out, with larger cul de sac areas. Phase two will also have all single unit condominiums. Mr. Barr stated as far as street dedication, they are proposing to extend the Manor Brook Drive across the power lines and come down to provide for an interconnect on the abutting property, which is in accordance to the Zoning Code. There will be private drives that will feed the clusters, off of Manor Brook Drive.

Mr. Barr stated what is different from last month's plan is the location of the proposed interconnect. The reason the location has been changed is because they had a wetlands study done on their property to find out what they had or did not have and what the report states is the first location of the interconnect was located within a wetland area. Therefore, they moved the interconnect to the east, outside the wetland area.

Mr. Barr stated there is a problem area he would like to discuss, the Code states the spur road may not exceed 500

feet and their plan shows spur roads in excess of 500 feet. Mr. Barr stated they have filed an application requesting a variance from this regulation. Mr. Barr stated he has a question when it comes to extending Manor Brook Drive to the interconnect. Will the length of the Manorbrook extension require him to file another variance application because it exceeds the 2,500 foot maximum or because, by definition, Manor Brook will not technically be a cul de sac street because of the interconnect, can that requirement be waived. Commission discussed this situation and Mr. Markowitz stated he has not done any research on this and he and Mr. Rosner have not come to an agreement. Mayor Harvey recommended that Mr. Barr file for this variance, and if by the date of the variance, he finds the variance is not necessary, the request can be withdrawn. Mr. Barr stated he will file for this variance but he will do so under protest because he does not feel the Code requires it. Mayor Harvey stated they can amend the variance application that was filed tonight to include this request and it all can be heard at the same meeting.

Mr. Sutliff asked if Mr. Markowitz had discussed any of this with Mr. Simon. Markowitz stated he had had a conversation with Mr. Simon and he stated anything with the interconnect will be fine with him and if there is no interconnect, that will be fine also.

Mr. Sutliff asked what provisions have been made if something does occur at the site of the CEI lines, preventing access, to provide safe access. Mr. Barr stated if the towers did fall, there would still be a 25 to 50 foot clearance before they would even touch the road. Mr. Barr stated the important thing they did find out was these lines are transmission lines, and that means when a line breaks, the lines degenerize, the power at each substation is cut off. Furthermore, there is a somewhat improved road that CEI uses to maintain these lines, that comes off of Bell and CEI has stated in a letter, for the purposes of the Village and any emergency vehicles, they will permit the use of this road.

Mr. Sutliff asked what was their plan for sewers? Mr. Barr stated they will have sewers with a lift station which will pump up to Waverly and then go down Waverly.

Commission reviewed the wetland map as presented by Mr. Barr. Commission reviewed the placement of the interconnect.

Mayor Harvey asked as far as Eckstein's review of this plan, letter dated October 4, 1989, is he saying that this development is exempt from the rezoning because there is sufficient water? If the answer is yes, why was this area in the 1988 zoning amendment to begin with and if the answer is no, what is the purpose of Eckstein's letter that is part of the application. Markowitz stated he recalls Eckstein stating that if Manor Brook continues to use the central system and based on the production data he had seen, he would find there was sufficient ground water for phase two. If, however, they went to individual wells, he said he would have to require two or three acre lots, unless the developer could show adequate ground water. Mr. Barr stated their application is based upon using the central water system.

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Mr. Barr stated he asked Dr. Eckstein whether the report he had done back in 1987 was still current today and if not, what was his opinion on the availability of water for phase II. Mr. Barr stated Dr. Eckstein's letter confirms that there is sufficient water for Phase II, copy hereto attached.

Mr. Barr stated what they would like to do, if they get Planning Commission approval, is go forward and put in the dedicated road up to the real cul de sac, this would give them the ability to put two spur roads in and then extend at a later date the interconnecting section. By doing it this way, it allows them to phase improvements which is beneficial to the property owners and it also allows the Commission some space as far as what will happen to the Emerald Lakes property. If by chance the interconnect has to be moved at a later date, to work out something with the other developer, this delay will allow this to happen, the location will not be locked in.

Commission discussed setting the date for the variance public hearing. Following brief discussion, Cotesworth moved to hold the public hearing on Thursday, December 14, 1989 at 7:30 for Snavely Building Co. variance application, Harvey 2nd. Roll call, all ayes. Commission agreed to hold the regular Planning Commission for December following the public hearing.

Mr. Barr asked the Commission if Dr. Eckstein's letter was adequate enough to show that there is sufficient ground water. Markowitz stated it is his feeling they should get Dr. Eckstein to write a very specific letter referring to ground water zoning amendment ordinance saying that they do not have to go to the two and three acre zoning and they can go with one acre density.

Mr. Barr asked if the Village Engineer had any areas of concern or questions. Bruce Colle stated there has been, in the past, a 10 foot water line easement coming down Manor Brook Drive beyond the public utilities easement. The plan for phase two shows the water line coming in on the right of way. Mr. Colle stated he does not have any problem with the water line in the right-of-way, but he was questioning why did it change? Mr. Barr stated what they tried to do is minimize the width of the right-of-ways, to save trees and keep from tearing up any more area than absolutely necessary. Mr. Colle stated he did not have any problem with putting the water lines in the right-of-way. Mr. Colle stated he has preliminarily reviewed the utilities schematic and he found no problems and he has also reviewed the road geometrics and right-of-ways to check density and those figures all came out OK.

Mr. Barr asked if they can begin putting in improvements on the spur roads during the completion of the dedicated road. Markowitz stated yes they could, assuming they have development review approval for the clusters being served by the spur road.

Mayor Harvey asked if this would be added to the existing condominium association. Mr. Barr stated no this will be a separate association, but will still be part of the Master Association.

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Mr. Barr asked while they are finishing the dedicated road improvements and while they are putting in the spur road, can they build the model units. Markowitz stated they can not build any units without getting a variance granted. Mr. Barr stated he would like to have this added to his variance application that is being filed tonight. Commission agreed to have this added.

Mr. Colle stated the Code states you can not serve more than one home off a common driveway. Mr. Colle stated there are three or four instances on this plan where there is more than one home being served by one driveway. Mr. Barr asked if this could be added to the variance application. Commission agreed to have this added.

Mr. Colle stated he would recommend that if the variances for the drives is granted that they be a minimum of 20 feet wide that serve more than one unit and this is for accessibility for the homeowner as well as for any safety vehicles.

Mr. Markowitz stated to review what Snavely will be requesting in their Variance Application; they are asking for a variance to put in spur roads that exceed 500 feet in length; they are asking for a variance to put in a local street that will exceed 2,500 feet in length, (if it the Village interprets it is necessary to get this variance); they are requesting a variance which will allow them to construct 2 model homes prior to the acceptance of dedication of the roads; and they are asking for a variance from the requirement that only one unit be served by an access drive, so they can have four access drives serving two units and one access drive serving three units.

Mr. Sutliff asked if the Solicitor's office could give them an opinion prior to the next meeting regarding the variance request of the 2,500 foot local street, so they don't have to debate this issue during the meeting. Mr. Markowitz stated they will give the Commission written opinion prior to or the night of December 14th.

Mr. Markowitz stated the Village met with Chagrin Falls earlier this year to discuss the extension of water mains to the west end of the Village and to discuss the availability of water extending to the existing residents as well as future residents. Markowitz stated they were told there was somewhere between 150 and 180 units that could be available, base on the present improvements and water capabilities. Markowitz stated they also discussed doing a much broader project and at the last Planning Commission, the Village Engineer brought a set of concept plans for extending the water mains where they had the elevated storage. It was Planning Commission desire that they look at it from the idea of pumping by lift stations and eliminating the overhead storage. Mr. Markowitz stated he hopes to have cost information by the time they meet with Chagrin Falls, so they can determine what our costs will be and then determine what it would cost to do a major improvement project to increase the ability to tie in our west end and improve the fire rating and generally upgrade the Chagrin Falls water plant and system.

Markowitz stated he has spoken with Beth Skeel, from Chagrin Falls, and she is suppose to let him know when they could meet with South Russell to discuss these items. Markowitz stated they won't get anything concretely accomplished at this meeting, but they will have an opportunity to update themselves and decide, based on information that we have from our engineers, on whether they are interested in proceeding. Markowitz stated when he has a date he will contact the Village so the meeting date can be set.

Village Engineer stated he would put together some costs prior to the meeting with Chagrin Falls. Mr. Voldrich stated there is not much difference in cost between using pumping stations versus using water towers for a gravity fed system.

Commission discussed the water issue at length. Commission expressed their concern with the issue of, if they bring city water into the Village, what effect will that have on the one acre zoning? Markowitz stated this is a concern and must be seriously considered.

Markowitz stated the meeting most likely will be held sometime within the next two weeks and he hopes to have representatives from both Council and Planning Commission, in addition to the Village Engineer. If the Village wants the Solicitor, they will attend. Mayor Harvey asked that the Solicitor to attend. Mr. Markowitz stated when he gets the date, he will call the Village.

Mr. Markowitz stated one thing he hopes to get from this meeting, is to get a better feel from Chagrin as far as what they are willing to do, so we can better judge on whether we want to go ahead with extending the water lines.

Dave Ondrey presented a proposed ordinance for storm water detention. What he would like to have Planning Commission do is recommend to Council that they consider amending the improvement standards of the Subdivision Regulations, which would mean any subdivision coming in would have to meet these new standards for storm water detention. Mr. Ondrey explained that Planning Commission must recommend adoption to the Village Council of this ordinance, then Council can hold the public hearing and following three readings, adopt it. Following a brief discussion, Harvey moved to recommend to Council to amend the Improvement Standards of the Subdivision Regulations by adopting the proposed storm water detention ordinance, Cotesworth 2nd. Roll call, all ayes.

Secretary reported that Steve Cicerretto called and stated they would not be at the meeting tonight and Mr. Tom Burns would grant the Planning Commission an extension in time on acting upon the Development Review Application that was filed at the last meeting for Phase II of the Office Complex.

Mr. Markowitz stated our Zoning Code requires two story homes to be a minimum of 2,400 square feet. It has been brought to his attention that Snavely has constructed three condo units, which were suppose to be a minimum of 2,400 square feet, that do not meet this requirement.

RECORD OF PROCEEDINGS

One is 371 square feet short and one is 78 square feet short and one is 44 square feet short. Mr. McCartney stated his office missed this and they issued the zoning permits. The Village has three alternatives, first you could ignore it, second, tell them they need a variance from ZBA or third, require them to build an addition. Mr. Markowitz asked the Commission how they would like to handle this?

Commission discussed different options in handling this situation and following a brief discussion agreed that Snavely must go through the variance process and seek variances for these three homes. Markowitz stated he feels that a variance should be sought because this situation might provide a problem in the future, when the homeowner would want to sell the home,sometime and the transfer of title could be held up because of this situation.

Mr. Markowitz stated Emerald Lakes has not completed anything on Bruce Colle's punch list, which includes planting 5 trees, cleaning the sewers and cleaning the roads. Mr. Markowitz stated the letter of credit is due on November 8, 1989 and Mr. Colle's recommendation is to reduce the letter of credit to $3,000 and extend it for another six months. Markowitz stated if he does not see any action by Monday, he recommends that the Village draw on the letter of credit. Commission stated they agreed.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

SDWA

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

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

May 12, 1987
File No: SR 103-54

Mrs. Cathy Male
Planning Commission Secretary
VILLAGE OF SOUTH RUSSELL
5205 Chillicothe Road
South Russell, Ohio 44022

RE: Development Plan
Gottschalk Office Building Addition
East Washington Street

Dear Mrs. Male:

I have reviewed the Site Plan for the above prepared by Allan R. Clough (no date) and find that the following information must be provided in order to meet the criteria for a development plan required under the zoning permit provisions of the Zoning Code:

1. Provide lot coverage calculations based on existing and proposed buildings on property.
2. Provide floor area - parking calculations. - on plan
3. Show dimensions of parking and drive areas. - on plan
4. Tie buildings to property line dimensionally. - on plan
5. Landscaping plan required. - no changes
6. Show existing topo and proposed grading. - no change
7. Show sidewalks, steps, curbs, parking barriers and pavement section.
8. Show dimensions of buildings, parking and drives. on plans
9. Proposed parking on North end of addition conflicts with A-C equipment. - moved A-C unit
10. Design drainage system for roof drains, footer drains and surface run-off. Provide for surface retention of storm water. Furnish drainage calculations.
11. See attached data requirements from zoning code with specific items circled that require compliance.
12. Show existing sanitary sewer location and depth with proposed connection. on plans
13. What is the size of existing water service connection? on Is it adequate for proposed addition? Is property served by well or Chargin Falls Water System?

I'm also returning the architectural plans for your use.

Very truly yours,

SEYMOUR D. WEISS & ASSOCIATES, INC.

Village Engineers

William R. Dreimiller

William R. Dreimiller, P.E.

WRD/lg

cc: Dale Markowitz
xc: Bldg. Dept.
E. Gottschalk

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING Meeting

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Held OCTOBER 5, 1989 19

Members present: Harvey, Daniels, Moroney

Other officials: B. Colle, D. Markowitz

Guests: S. Ciceretto, D. Barr, R. Rosner, C. Cawrse

Chairman Daniels called the meeting to order at 7:30 P.M. Roll call, Cotesworth and Sutliff were absent.

The September minutes were not completed, therefore no action was taken.

Steve Ciceretto, architect for phase II, building 1, of the Park Place office condominium project filed the development review application. Mr. Ciceretto stated at the last meeting they had discussed the need for additional screening along the rear property line. Mr. Ciceretto stated they had Wheeler Landscaping come in, after they had met with Bruce Colle, and develop a plan for screening which would protect the residents along the back, in Barrwood. The plan showed a three foot mound with several conifers, some 15 feet tall and some 8 feet tall. Commission reviewed the landscaping plan as well as the drainage plan.

Engineer Bruce Colle stated the engineering plan has not been submitted, but as far as zoning, this plan appears to conform to the Code. Engineer stated one of his concerns that he will be looking at when the engineering plans are submitted is the hard surface and impervious area and making sure the drainage system as designed, is capable of handling it. The Engineer stated the applicant has to still submit a grading plan as well as storm sewer layouts and actual engineering drawings.

Mr. Ciceretto stated the developer would like some feeling from the Commission as far as whether or not they approve the layout and the preliminary plat prior to doing any of the final engineering drawings.

Commission stated they liked the plan however they will not take any formal action until the Engineer has had a chance to see the engineering plans.

Don Barr, Snavely Building Co., stated he is before the Commission to discuss informally the phase II development of Whitetail Run. Mr. Barr stated other individuals with him tonight are Craig Cawrse, the land planner; Dick Rosner, attorney for Snavely and Karen Dagley, Cawrse and Associates. Mr. Barr stated they are before the Commission to show them a conceptual plan for Phase II, west of the CEI lines.

Mr. Barr presented a map showing several items; the existing Manor Brook units, the existing Whitetail Run condominiums and the existing Whitetail Run subdivision of single family units. Mr. Barr stated when they met with the Commission initially, and putting together an overall plan they had intended the phase II area as a single family development. What they have learned from the market standpoint, is that, for this particular piece of property and location, detached condo units is probably the direction to go.

One of things they learned from the previous development

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is, the developer and the market did not like the small cul de sacs, because there was no way to keep and preserve the landscaping in the middle of the cul de sac. It also presented a number of problems when they got into the engineering of it with the curves, emergency vehicles, moving vans, etc. So what they decided was to open up the clusters, provide larger radius and preserve the trees inside the clusters. The other two criteria they did not like and would like to improve upon was the rear set back lines, they want to maintain approximately 200 feet between every clusters. The last item they wanted to improve upon, was the closeness of the units to the streets, therefore they have pushed the units off the streets at least 120 feet.

Mr. Barr stated by making these improvements, it spreads the development out. Relative to water, the study that Dr. Eckstein did back in 1987 and that report stated there was sufficient ground water to handle the full development at 160 + units. Mr. Barr stated they have checked with him just recently to see if there was anything new in his model that would either help or deter them from developing and he has sent a letter stating he still stands by his report, and they will provide the Village with that letter.

Commission and Mr. Barr discussed several items that came up when reviewing the Code. Mr. Barr stated one item was the allowable length of a spur road, as they read the Code it stated they can be only 500 feet. They have a problem with this due to the fact that they have spread out the layout to accommodate the larger cul de sacs and rear yard depths. This item will have to be discussed further at the preliminary plat stage.

Mr. Barr stated this development will be phased, all the units will not be built at once. The way the development is laid out, it can be phased such that the first two clusters can be developed, prior to determining the placement of the interconnect road.

Mr. Barr presented a plan showing the area of what the Army Corps of Engineers have referred to be the wet land areas. Mr. Barr stated he is concerned with the property to the south of them because it appears that where the interconnect was proposed, is right through the heart of the wet land area. Due to that fact, the placement of the inter-connect road is in question. Mr. Barr stated this map is just a guideline, the wet land area could be larger than what is shown or smaller than what is shown. A complete study needs to be done in order to get the exact boundaries. Mr. Barr stated in order to get a permit to develop in a wet land area, one must have a study done.

Mr. Barr stated his concern is, after this meeting and after getting Commission's input they are interested in proceeding with the preliminary plat, engineering drawings and going forward and doing all the necessary items to be able to proceed with the improvements and start the new models, they would like to do this as quickly as possible. Mr. Barr stated he hopes that the placement of the interconnect road will not hold them up, he does not feel it should.

RECORD OF PROCEEDINGS

Mr. Barr stated they will be having a wet land study done, just to make sure they will be in compliance.

Mr. Moroney asked what happens if the wet land area turns out to be much larger than thought and the developer to the south decides not to go ahead, and what the Village has is a very lengthy road in Whitetail and no where to go through to Bell. Mr. Barr stated he understands ~~this~~ the problem this might create however his feeling is, the Code states he must provide an inter-connect and he has also told the Commission that he would provide the inter-connect any place within reason on that south property line. Mayor Harvey stated they certainly need information on the wet land area on the property to the south, prior to determining the placement of the inter-connect.

Mr. Barr stated that is the reason they have laid out the development the way they have, they will be developing at least two clusters, possibly three, prior to determining the placement of the inter-connect.

Commission stated they liked the way the plan looks and approve of the way they have spread out the development. Mr. Barr stated there are 67 acres and they are proposing 57 units.

Mr. Barr stated they would like to come before the Commission next month with the preliminary plat drawings. Bruce Colle stated from an engineering point, he ~~is~~ approves of the larger cul de sacs and radii, which will accommodate safety and moving vehicles much easier than the smaller cul de sacs.

Mayor Harvey stated it appears there are a couple of questions that will have to be answered. One is, does the Commission deem the cul de sac a permanent end. If it is a cul de sac, it is clearly longer that 2,500 feet and something has to give. If a temporary turn-around is put in, does that mitigate it and is that what the Commission wants. Second, the water issue has to be documented. Third, the wet land issue has to be addressed and the areas have to be delineated.

Mr. Barr stated another item the Commission should be made aware of, is there will be a permanent lift station for the sanitary sewer. However, at least in the beginning, they will be using the sanitary that goes through phase one of Emerald Lakes.

Mr. Barr thanked the Commission and stated they will hopefully be back next month.

Markowitz stated the sign ordinance has been revised as agreed upon at the last meeting. There being no further additions or corrections, Harvey moved to recommend to Council the proposed sign ordinance, Moroney 2nd. Mr. Bill Young asked if this ordinance would affect pole signs for residential developments? Markowitz stated after reviewing the Code, the Commission did not take pole signs out of Chapter 4, residential areas. Commission agreed to allow pole signs in Chapter 4. Roll call, all ayes.

Markowitz stated he and Ondrey have written a storm

RECORD OF PROCEEDINGS

Minutes of Meeting

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Held 19

drainage ordinance, the final draft was not completed prior to tonight's meeting, he will get them out to the Village within the next meeting.

Harvey moved to adjourn into executive session to discuss pending litigation, Moroney 2nd Roll call, all ayes. Commission adjourned at 9:15 p.m.

Commission reconvened at 9:38 P.M.

Bruce Colle presented a preliminary water study for the west end of the Village that was precipitated from a meeting with Chagrin Falls and conversations with various residents. Colle stated the distribution system that is before the Commission tonight is based on an elevated storage and it is all conceptual. The alternative would be booster pumps at Chagrin Falls. Commission reviewed the plan and map of proposed water mains. Colle stated what this plan is based on is being able to provide adequate fire protection. Harvey stated as he sees it, the residents will have nothing to do with any type of elevated storage. Commission agreed.

Mr. Colle stated the cost of the expansion as shown to the Commission is approximately 2.6 million dollars.

Planning Commission discussed the proposed preliminary plan for extension of the water lines at great length.

Harvey moved to adjourned at 10:00 p.m. into executive session to continue the discussion on the pending litigation, Moroney 2nd. Roll call, all ayes.

Commission reconvened at 10:10 P.M.

There being no further business, meeting adjourned at 10:12 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION *Meeting*

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Held SEPTEMBER 7, 1989 *19*

MEMBERS PRESENT: Moroney, Daniels, Cotesworth, Harvey, Sutliff

OTHER OFFICIALS: B. Colle, D. Markowitz, W. McCartney

GUESTS: Barry Owen, S. Ciciretto, R. Knowles

Meeting was called to order at 7:30 P.M. Roll call, all members were present.

Chairman Daniels asked for any additions or corrections to the February 8, 1989 minutes. Cotesworth stated the words "in their wells" should be added after "sedimentation problems" on page 3. There being no further additions or corrections, Cotesworth moved to approve the 2-8-89 minutes as amended, Harvey 2nd. Roll call, all ayes.

Chairman Daniels asked for any additions or corrections to the July 6, 1989 minutes. There being no additions or corrections, Cotesworth moved to approve them as recorded, Harvey 2nd. Roll call, all ayes.

Chairman Daniels asked for any additions or corrections to the July 11, 1989 minutes. There being no additions or corrections, Harvey moved to approve them as recorded, Sutliff 2nd. Roll call, all ayes.

Chairman Daniels asked for any additions or corrections to the August 3, 1989 minutes. Mayor Harvey stated he does not have a specific corrections, but on the second page, when the discussion regarding the Deerfield Drive subdivision, it was his recollection that they started talking about paving, and he does not see anything regarding this in the minutes. Harvey stated there was at that meeting, a statement by Braun relative to where the cost of paving would be put. Markowitz stated yes, Mr. Braun stated they would bear the cost if it were no MORE ~~less~~ than $8,000. Markowitz stated Braun said he would give the Village $8,000 by September 1st, 1990 and the Village would put the cul de sac in. Mayor Harvey stated the Planning Commission cannot act on to put in a road or not put in a road but he would it like reflected in the minutes that this conversation took place. Secretary stated she would make this addition. There being no further additions or corrections, Cotesworth moved to approve the minutes as amended, Sutliff 2nd. Roll call, all ayes.

Steve Ciceretto, architect for Barry Owen, developer for the second phase of the Park Place Condominium Office Building, presented both the original plat plan for the office complex as well as a new plat, showing a change in the size of Building two. Ciceretto stated during the construction of the first building, they converted some of the basement storage area to offices, therefore they want to reflect that now, by decreasing the size of building 2, so that it will follow the existing zoning regulations.

Ciceretto presented a new plan showing the existing building 1 and the proposed 6,000 square foot building #2. Mr. Ciceretto stated they do have sufficient parking

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for this new building.

Commission reviewed the new plan presented. Ciceretto stated they were concerned with the density of the two buildings on the site, which was another reason they are proposing a smaller building #2. This new plan provides for more open space than what the original plan had. There will be no basement in this building.

Commission discussed the proposed plan. No application for development review had been filed. Commission stated an application and fee must be submitted for development review because this is a new plan, with changes made to the proposed building and layout.

Commission discussed with the applicant the possibility of increasing the landscape buffer along the northern property line. Following discussion, no agreement was reached and the applicant was informed that an application must be filed and fee paid before any further review would be made.

Rusty Knowles, developer for Bramble Farms, stated he was hoping to get approval of his final plat for phase two of the Bramble Farms subdivision; but he misinterpreted the Code. He thought he could get an approval prior to getting the bond posted, however he now knows that the bond must be posted prior to the Commission taking any action on the Final Plat. Commission reviewed the Final Plat. Commission reviewed and discussed the new culvert plan and the 30 foot drainage easement. Mr. Knowles stated Bruce Colle has reviewed these plans and approved them, however has not had time to put that in writing to the Commission. Mr. Knowles stated the exact amount of the bond has not been set at this time.

Commission stated they saw no problem with the Final Plat and when the bond has been set and posted, Mr. Knowles should come back before the Commission for their approval.

Dale Markowitz stated since the last meeting, Emerald Lakes has filed an appeal of the Commission's denial of the Preliminary Plat for Phase II to the Commons Pleas Court, what is called an Administrative Appeal. Secondly, they have asked Judge Inderlied to hold the Commission in contempt for non compliance to the agreement that was the judgement entries, as modified over the years, from the 1981 law suit. Markowitz explained the Village has filed their brief, opposing the motion to show cause and in addition we have filed a motion to stay. Markowitz explained in the 2506 Administrative Appeal, which will be before Judge Veit, where Simon is saying the Commission committed an error by denying the preliminary plat, we have a duty by statute, to file with the Court, copies of the transcript of all the proceedings, documents and plats that the Commission has reviewed. Markowitz stated he and the secretary have prepared all those documents and this will be filed with the Court. In addition, Markowitz stated if the Commission wants the Court to decide the case, on the record that is before the Commission, but not take in any additional evidence, the Commission has to adopt conclusions to support the denial. Mr. Markowitz presented a copy of Conclusions of Fact, which he has

drawn up for the Commissions review. (Copy hereto attached) Commission reviewed this document. Following a lengthy discussion, the Commission agreed to amend #2 by adding "when applicant requested this Commission to rule on the revised preliminary plat at it's June 8th meeting."

Markowitz stated before they go onto #4, he would like to inform them of a telephone conversation he had with Dr. Eckstein and letter he received today. Markowitz stated after digging through the old files he found that Dr. Eckstein had requested that eight test wells be drilled, four in phase one and four in phase two. He called Dr. Eckstein and wrote him a letter. Mr. Markowitz presented a letter from Dr. Eckstein, (copy hereto attached) Markowitz stated he spoke with Dr. Eckstein today and he told Markowitz that when Stan Norris did the tests, he was not asked by Simon to determine the effect on other wells that were drawing from the Berea aquifer, therefore, because of the limitation of that test, Dr.Eckstein could not even use the information they have on the Berea wells in phase one to determine whether the Berea is adequate for phase two.

Following further lengthy discussion, Harvey moved to approve the Conclusions of Fact as amended, Cotesworth 2nd. Roll call, all ayes.

Markowitz stated the proposed sign ordinance he has prepared is before the Commission tonight. Commission reviewed and discussed proposed ordinance. Markowitz stated this ordinance, over a period of time, will eliminate pole signs and old rusty signs that don't comply with the size regulations. Markowitz stated the items that will typically cause non-conforming status will be either pole signs, signs that are in the right-of-way, and signs that exceeds the maximum square footage allowed. Markowitz stated once the ordinance is adopted, the owner of the sign will have a certain amount of time to replace the sign with a conforming sign.

Commission discussed replacement cost of signs and the problem of determining that cost. Markowitz stated after reviewing the replacement cost language, he feels that there should be some changes, maybe it should go with the cost of the original sign as opposed to the replacement cost.

Markowitz stated the ordinance provides for eight years to have all signs conform to the regulations. Commission discussed the concept of just a time limit to make all signs conform versus the replacement cost formula. Commission discussed the administration of this ordinance. ABR will review each sign. The Commission discussed the fees that should be administered for a sign permit.

Commission agreed that the ordinance should have a flat out time limit for replacing non-conforming signs. Commission agreed that the time limit will be 4 years, if it is justifiable or 5 years. Commission agreed to setting the time limit at July 1, 1994.

Following a lengthy discussion, Markowitz recommended to the Commission that they wait until the next meeting

RECORD OF PROCEEDINGS

before taking action, in order for him to review the discussed changes and rewrite those sections. Commission agreed.

Chairman Daniels stated there used to be a regulation in the Zoning Code that there was a minimum 10 acre requirement for any shopping center development. Daniels stated during one of the many revisions to the Code, this regulation was dropped. Daniels stated he feels this is a requirement that the Commission should reinstate, to protect the area around Bell Street and Rte. 306. Commission discussed this concept.

Markowitz stated he is working on a drainage ordinance with Bruce Colle, it is not ready and he hopes to have it for the next meeting.

Secretary stated the Building Department secretary has asked the Commission what should be done with the final as-builts for the Povall building, which do not conform to what the Commission approved. The Building Inspector stated there is a deck and an accessory building shown on the final as-built plans and these two items were not on the original plan approved by the Commission. Bldg. Inspector stated he is in the process of getting the necessary permits for these two structures. Commission agreed to look at the plans when the permits are applied for and plans are submitted.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

PLANNING COMMISSION

SOUTH RUSSELL VILLAGE

IN RE: EMERALD LAKES DEVELOPMENT, INC. CONCLUSIONS OF FACT

1. Emerald Lakes Development, Inc. filed an application for a Preliminary Plat approval with the Planning Commission for the Village of South Russell, which application was deemed to be filed on January 5, 1989.

2. Emerald Lakes Development, Inc. ("Applicant") requested numerous deferrals upon ruling on the Preliminary Plat until May of 1989.

3. CT Consultants, the Village Engineer, reviewed the Preliminary Plat and in a letter dated May 11, 1989 found certain deficiencies in the Plat which, with the exception of comment number four in such letter, were corrected in the revised Plat received by the Planning Commission Secretary on May 17, 1989.

4. Neither at the June 8, 1989 Planning Commission Meeting, nor at any prior meeting, did Applicant present any evidence of the availability of ground water in Phase II of the Subdivision. Appellant's well driller, Jim Ayers, who drilled all of the wells in Phase I for Applicant admitted no wells or test wells were drilled in any area comprising Phase II, that the Sharon aquifer which was being utilized for the wells now being drilled in Phase I was unavailable in most if not all of

Phase II due to the loss of the aquifer on the west portion of the property and the Applicant admitted he did not drill test wells in Phase II but would do so if he has to. The Planning Commission finds that no evidence has been presented at any meeting of the Planning Commission to indicate that there is sufficient availability of ground water to supply seventy (70) single family homes in Phase II and further finds (as Applicant's well driller conceded) that it will be necessary for a hydrogeologist to determine the availability of water in the Berea aquifer in Phase II and the variable effects that may be factored into determining the recharge and effect on present or potential users of such aquifer and if there may be barriers to reaching the Berea in Phase II of the Subdivision.

5. Recent studies prepared by the Village Hydrogeologist, Dr. Yoram Eckstein, which have been reviewed by the Planning Commission and which were the basis of the adoption of a Ground Water Zoning Amendment in 1988 indicate that there is insufficient ground water to support one (1) acre density in Phase II of the Subdivision.

6. Chagrin Falls Village will not extend public water to the Emerald Lakes Subdivision without first offering water service to the existing residents in the west end of the Village. Chagrin Falls has estimated that there are approximately 150 to 170 units available and the Commission has determined, based upon a meeting of the Planning Commission on February 8, 1989 that more than 170 residents of the west end of

the Village would desire to tie in to the Chagrin Falls water system and abandon their water wells and therefore based on the limited number of units available from Chagrin Falls, a public water supply is not available to the Emerald Lakes Subdivision.

7. Section 5.02 and Appendix F.02 of the Subdivision Regulations require a developer to submit acceptable evidence of available water where no governmental water supply is available and Appendix F.02 permits the Planning Commission to require a developer to perform test wells in the area to be subdivided if no sufficient evidence is presented. Since Applicant and his well driller were not able to submit any evidence of the availability of the Berea Aquifer to service Phase II and further based on the finding of Dr. Eckstein's study which indicates that there is insufficent ground water to support one (1) acre density in Phase II of the Subdivision, and based on the failure of the Applicant to perform test wells in Phase II, the Planning Commission sees no reason to approve the Preliminary Plat with a density of approximately one (1) unit per acre.

8. The Planning Commission finds that comment number four of the Village Engineer's letter of May 11, 1989, in which he determines that eight (8) more lots in both phases of the Subdivision are applied for than are permitted under the Zoning in effect at the time that the original settlement of the lawsuit between the Applicant and the Village was entered into,

as well as the zoning in effect at this time, shall not be deemed to be a basis of denial of the Preliminary Plat. It appears that when calculating density, the Village Engineer did not deduct right-of-ways and other improvements before calculating the gross area available for subdivision. The Planning Commission further finds that the Preliminary Plat shall be denied on the basis of the failure of Applicant to demonstrate by any means there is adequate ground water or other water sources available to improve Phase II of the Subdivision with seventy (70) single family sublots.

I hereby certify that the above findings were adopted by the Planning Commission for the Village of South Russell on September 7, 1989.

Dated: _____

_____
Charles Daniels, Chairman
South Russell Village
Planning Commission

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September 5, 1989

Mr. Dale H. Markowitz
Attorney at Law
Thrasher, Dinsmore & Dolan
100 Center St.; P.O.Box 429
Chardon, OH 44024

Re.: Emerald Lakes Subdivision Phase II

Dear Mr. Markowitz:

In response to your letter of August 24, 1989, please note that I never received any indication of any hydrogeological tests in water wells located in Emerald Lakes Subdivision Phase II. The only tests in my file are those interpreted in September 1985 by Dr. Stan Norris for Ohio Ground Water Consultants, Inc., involving water wells located at lots #26, #29, #30 and #31. I have no information on any hydrogeological tests in water wells drilled at Emerald Lakes Subdivision Phase II, i.e. west of the power-line.

Sincerely,

Yoram Eckstein

RECORD OF PROCEEDINGS

AUGUST 3, 1989 19 ..

Members present: Sutliff, Moroney, Daniels, Harvey

Other officials: B. Calle, W. Mc Cartney, D. Markowitz

Guests: Eugene Strauss, Damon Braun, Ed Ketchel

Chairman Daniels called the meeting to order at 7:30 P.M. Roll call, Cotesworth absent

Commission delayed action on the July 6, 1989 minutes due to the Solicitor not having an opportunity to read them.

Eugene Strauss, Great Lakes Pay Phone, presented a plan for installing a pay phone at the northwest corner of Bell and Rte. 306. Mr. Strauss explained that the phone would be one you could drive up to and make your call. Mr. Strauss stated if there is an accident, the importance of having a phone close by is imperative.

Markowitz stated as he understands the request, it is one for the Planning Commission to interpret the Zoning Code to find if this use is similar to the permitted uses in the B-2 district and because it is intrusive to the land, like any other commercial use, they have to come before the Planning Commission for development review approval.

Commission reviewed the plan and discussed the egress and ingress.

Markowitz presented photos and a letter dated August 1, 1989, written to Dave Ondrey, Thrasher, Dinsmore and Dolan, from Chief of Police, Robert Hamilton,(copy hereto attached) giving his review of the proposed pay telephone.

Markowitz stated there has not been an application filed for this pay phone, but assuming one is filed, the Commission has to decide first if the use is compatible with what is allowed in the Zoning Code and second, if it complies with the developmental review regulations.

Markowitz stated if the Commission were to approve this request, it is important that the Commission attach the conditions that the owner of the property must begin to maintain the property, which has not been done in the past, and "No parking" and "No trespassing" signs must be posted.

Mayor Harvey and Mr. Sutliff both stated they feel the phone installation would be an accident "waiting to happen".

Following a brief discussion, Harvey moved to deny the request for the installation of a pay phone at the corner of Rte. 306 and Bell Road, Moroney 2nd. Roll call, all ayes.

Damon Braun and Ed Ketchel presented a revised plan for the proposed Minor Subdivision located at the end of Deerfield Drive. Mr. Braun stated pursuant to an agreement between Mr. Sutliff and themselves, the plan has been revised by adding 31 square feet and it increases the frontage from 42 feet to 63 feet.

RECORD OF PROCEEDINGS

Mr. Markowitz stated Mr. Ketchel has drawn up a deed for Mr. Sutliff which has the conveyance of 31 square feet from Mr. Sutliff to Mr. Ketchel and it has a place for the Planning Commission secretary's signature to approve the lot split, which is correct because Mr. Sutliff is splitting off a piece of Mr. Sutliff's property.

Mr. Ketchel and Mr. Braun asked the Commission to approve the deed and stated they feel having four driveways in 62 feet is a much better plan than four driveways in 42 feet.

Commission discussed the proposed cul de sac for the end of Deerfield Drive at great length and the cost of putting in the cul de sac and who will pay for the installation of the cul de sac. Commission and Mr. Braun discussed voluntary assessments and the procedure to do so.

Village Engineer stated he would contact a paver and get a true estimate of what putting in a cul de sac would cost. Mayor Harvey stated he would bring this up at the next Council meeting and try to resolve the cul de sac issue.

Commission agreed the change in the plan, adding 31 square feet, was a positive one and improves the plan.

Markowitz stated what the Commission needs to approve tonight is the deed to split the lot and the revised plat showing the addition of the 31 square feet.

Harvey moved to approve the revised minor subdivision plat subject to the Village Engineer and Village Solicitor's review and approval of the plat, based on what was approved at the last meeting; subject to the inclusion of Mr. Sutliff's 31 square feet; subject to the Village obtaining a copy of the revised plat; and subject that all the property being in the developer's name, Moroney 2nd. Roll call; ayes, Harvey, Moroney and Daniele, abstained, Sutliff.

Harvey moved to approve the lot split from Walter and Caroline Sutliff to Edward Ketchel of the 31 square feet as described in a quit claim deed, copy hereto attached, conditioned upon the deed also providing for a reservation to the grantors and their successors and assigns, to use the 31 square feet in common for driveway purposes with the future owners of the property and on the condition that the 31 square feet be incorporated into sublots 2 and 4 of the Deerfield Drive subdivision approved tonight by the Planning Commission, Moroney 2nd. Roll call; ayes, Moroney, Daniele, Harvey; abstained, Sutliff.

Markowitz stated he feels that Council should address the cul de sac issue at their next meeting and he will prepare information on the voluntary assessments for the Council to review.

Markowitz stated the Commission should have before them Lakewood's sign ordinance and one concept that is in this ordinance is the depreciation and amortization idea, where after a number of years, the signs that do not conform to the code must be removed. Commission agreed

to discuss this at the next meeting, giving them more time to review this ordinance.

Markowitz stated Planning Commission turned down the Preliminary Plat for phase two, of the Emerald Lakes Subdivision, because there was not sufficient proof of ample ground water. Mr. Markowitz stated as far as he knows there is no testing going on yet. Also, it was reported in the newspapers that Mr. Simon had stated he would sue the Village if his application was denied and at this time, no action has been filed with the Village.

Markowitz stated as far as the information re: Simon's property and finding out whether or not it is a wet land, the Engineer has done some research.

Bruce Colle stated he contacted the director of the Division of Wetlands at the ODNR on July 26th and he sent out a private lands biologist to look at the property and he did find that this area, portions of phase II of Emerald Lakes, is designated as a wetlands. Colle stated that John Marshall, director of the Division of Wetlands, called the Corps of Engineers, Buffalo, Ny, to find out how to pursue the application for wetlands permit. The Buffalo Corps advised Mr. Marshall that the developer of the property must file for a wetlands permit, which will get the Corps of Engineers to come out and exact'y delineate the area of the wetlands and those areas may not be encroached upon by development, it must stay in its natural state. Colle stated he drafted a letter to Mr. Simon, advising him to contact the Corps of Engineers to start the process of a wetlands permit application.

Markowitz reviewed what jurisdiction the Village has regarding the wetlands. Markowitz stated he feels a letter should be sent to the developer and to the State and Fed. Gov't. saying the Village believes that this area is a wetland and Mr. Simon must comply by filing for a permit, as required. Commission agreed and asked Mr. Markowitz to draft the letter.

Markowitz presented an ordinance he drafted regarding fences in condominium developments. Commission reviewed the ordinance and discussed at length. Following a lengthy discussion, Harvey moved to recommend to Council approval of the proposed ordinance with one correction; paragraph one, third line down, it should read "line, shall be in outside perimeter line, of the then existing common area of the condominium development", Sut'iff 2nd. Roll call, all ayes.

Markowitz stated the landscape plan of the Burns office complex has been reviewed by Knight and Stollar and basically they found no requirement for screening in the back. Markowitz stated the Planning Commission is supposed to determine how much screening is to be required and the plan got presented to the Engineer and he reviewed it and the Planning Commission approved it subject to the Engineer's recommendation. Markowitz stated there is landscaping in their plan, however it does not provide much screening. Mayor Harvey stated what it looks like to him, is the Village made a mistake by not requiring screening and is there anything that can be done to correct this?

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Minutes of *Meeting*

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

Held *19*

Markowitz stated there really isn't anything the Village can do to force Mr. Burns to put in screening, now that the plan is approved. Markowitz stated the only opportunity the Village might have to require any additional screening is if the developer requests a change in any of the two remaining unbuilt buildings.

Markowitz asked Bruce Colle if Emerald Lakes and Kensington Green are complying with the requirements of the maintenance bonds. Colle stated Emerald Lakes is not and he has set up a meeting with Knight and Stollar and John Neely to discuss the problems in Kensington Green. Colle stated he and Sid Simon are arguing over a driveway on Waverly Lane that has settled. Mayor Harvey asked the Secretary to ask the Clerk of Council to pull all the maintenance bonds and letters of credit for Kensington, Emerald Lakes and Silver Springs and when these are ready, please call the Mayor.

Bruce Colle stated he has a problem with storm sewers in the subdivisions and he feels that all the storm sewers should be jetted and cleaned prior to releasing the bonds. Colle stated he feels there are going to be some real problems and he would like to have this be included as part of the maintenance bond. Markowitz stated this should not be any problem.

There being no further business, meeting adjourned at 10:20 P.M.

Charles M. Daniels, Jr.

Charles M. Daniels, Jr., Chairman

Cathy Male

Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION *Meeting*

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

Held JULY 11, 1989 *19*

MEMBERS PRESENT: DANIELS, MORONEY AND COTESWORTH

OTHER OFFICIALS: NONE

GUESTS: NONE

Meeting was called to order by Chairman Daniels at 7:00 p.m.

Roll call, Harvey and Sutliff were absent.

Daniels stated the purpose of this meeting was to approve the minutes of the June 8, 1989 Planning Commission meeting.

Following a brief discussion, Moroney moved to approve the minutes of the June 8, 1989 Planning Commission meeting as recorded, Cotesworth 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 7:10 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION *Meeting*

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

Held JULY 6, 1989 *19*

MEMBERS PRESENT: COTESWORTH, DANIELS, MORONEY, HARVEY

OTHER OFFICIALS: D. MARKOWITZ, D. ONDREY, W. MC CARTNEY, B. COLLE

GUESTS: S. SIMON, D. BRAUN, S. BERNS, L. CAREY

Meeting was called to order at 7:30 p.m by Chairman Daniels. Roll call, Sutliff was absent.

Mayor Harvey moved to waive the reading of the May 17, 1989 minutes and approve them as recorded, Cotesworth 2nd. Roll call, all ayes.

Commission agreed not to take any action on the June 8, 1989 minutes until the next meeting, in order to give all the members sufficient time to review them.

Mr. Damon Braun presented a letter to the Commission, dated July 5, 1989, from the Assistant Sanitary Engineer, Don Wilson, confirming that sewers will be used in the proposed development of four lots at the end of Deerfield Drive. Mr. Braun stated each home will have a grinder pump.

Mr. Daniels asked if Mr. Braun had spoken with Mr. Sutliff in regards to acquiring any more land around the cul de sac, to enlarge the entrance to the four lots? Mr. Braun stated he has not spoken with the property owner since the last meeting.

Mr. Markowitz stated he has spoken to Mr. Sutliff and he stated he feels this plan is a much better plan than the one previously presented and he recognizes that there are some angles to the plan that are awkward and he thinks it will look better and be safer for everyone if something is worked out between himself and Mr. Braun and he is willing to do this. Markowitz stated Mr. Sutliff will be back from Boston next week and he will call Mr. Braun. Mr. Harvey stated he feels some concept of widening the area where the driveways come into the development will make alot of sense and he would like to see this done.

Mayor Harvey stated according to the Engineer's letter, it will cost approximately $7,500 to pave this cul de sac area and this will be for the benefit for just four lots. Mr. Colle stated Deerfield Drive goes very close to the end of the road, stops just short of the right of way. Mr. Markowitz stated the Village can assess the cost of completing the cul de sac to the benefiting property owners.

Mr. Markowitz stated he does not see any reference to a common easement for the utilities off the driveways on the plat, does Mr. Braun plan on showing this? Mr. Braun stated, yes, he does, however this is only a preliminary plat and this will be on the final plat.

Mr. Markowitz stated how the minor subdivision process works is the Planning Commission approves the preliminary plat first, then the final plat goes to the Engineer and Solicitor for their review and approval.

RECORD OF PROCEEDINGS

Mr. Harvey asked if Mr. Sutliff and Mr. Braun enter into an agreement, will it change the configuration of the four driveways? Mr. Harvey stated he would like to know this before approving the plan.

There being no further discussion, Moroney moved to approve the preliminary plat for the proposed minor subdivision to be developed at the end of Deerfield Drive, conditioned upon tying into the sanitary sewer in accordance with the Sanitary Engineer's letter of June 5, 1989, Cotesworth 2nd. Roll call; ayes, Daniels, Cotesworth, Moroney; Harvey, nay.

Mr. Len Carey came before the Planning Commission to request a change in the location of his driveway. The Village Engineer, Bruce Colle, stated he does not have any other comments to make since the last meeting, when this issue was discussed at great length. Mr. Colle stated he looked at the driveway again and he went through the geometrics and he does appreciate his problem however he regrets to say he still stands behind his letter to the Planning Commission and his recommendations set forth in that letter.

Commission reviewed Mr. Carey's request and discussed the figures for safe stopping distances.

Mr. Carey presented a letter from Mr. Henry Lippiar, dated July 5, 1989, which gives his opinion for safe stopping distances. Commission reviewed this letter. Mr. Carey stated what he would like the Commission to do is to help him to make his approach to his garage safer in the winter time by allowing him to move his driveway further east than it's present location.

Commission discussed this situation at great length.

Following this lengthy discussion, Harvey moved to approve the relocation of Mr. Carey's driveway to no closer than 40 feet west of the easterly boundary and further provided that the driveway is no lower than the initial pavement line on Bell Road, Cotesworth 2nd. Roll call, ayes, Harvey, Daniels, Cotesworth; nay, Moroney.

Chuck Fazio, architect for Rosie's restaurant, stated he is once again before the Commission requesting permission to enclose an already existing patio eating area, and make it a year-round dining room. Mr. Fazio stated one problem is parking, if they enclose this area they need an additional 14 spaces. A second problem, is the side yard set back, the existing patio area is within inches of the property line and if this were to be enclosed, a variance would have to be granted.

Commission stated this whole situation has been presented to them previously and the zoning has not been changed, therefore what they are able to do has not changed, Rosie's will have to go before the Zoning Board of Appeals and request variances for parking and side yard set backs prior to receiving a development review approval from the Planning Commission.

Markowitz stated the Zoning Code now states that the Planning Commission can act upon the parking, however,

they would still have to go before the zoning Board of Appeals and get relief from the side yard set back minimum.

Commission stated there really is not much they can do until Rosie's files for development review approval and goes before the ZBA and requests a variance from the side yard minimum. If that is granted, the Commission can then continue the review for development approval.

Sheldon Berns, attorney for Sid Simon, Emerald Lakes development, stated their purpose for being in front of the Commission tonight is to request a conditional approval of his preliminary plat for phase II of the Emerald Lake Development, contingent upon proving sufficient ground water to support a one acre density development. Mr. Berns stated there seems to be some indecision on the part of Chagrin Falls as to what they are going to do relative to the expansion of their entire water system. Mr. Berns stated there is one thing that is certain and that is, if there is not water available from Chagrin Falls, Mr. Simon will supply water to his property through wells however this is an expensive process to test for and what they asked for at the last meeting and what they are asking for tonight is simply a conditional approval of the preliminary plan so that when he does do the very expensive testing to prove water, and he does prove sufficient water, Mr. Simon will know that this plan will be approved.

Mayor Harvey stated, speaking for himself, water is the only problem he can see at this point, knowing what he knows today. But what Mr. Simon is asking them to do is to have the Village say, regardless of anything else that can happen or come up in the future, their hands are bound and as an elected official he can not make that deal.

Mr. Berns stated the same thought has crossed their mind and they would suggest that the Village put some time constraint on the conditional approval, therefore limiting the length of time before a final plat must be applied.

Mr. Berns stated they have the same concern as far as the Village coming up with a new issue after they have spent the money on the water studies. They would like to have some assurance that after they have gone ahead with the water study, that there won't be any other road blocks ahead.

Commission discussed this issue at great length.

Mr. Markowitz stated what the Commission needs to do first, is decide whether or not they want to put this application back on the table, and to do this a motion must be made for reconsideration of the preliminary plat. Harvey moved to reconsider the Planning Commission's decision of June 8, 1989 relative to the request of Mr. Simon to approve, disapprove or conditionally approve the preliminary plat plan for Emerald Lakes, phase II, Moroney 2nd. Roll call, ayes, Daniels; nays, Moroney, Cotesworth, Harvey.

Mr. Berns stated the minutes of the June meeting have not

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

Held *19*

yet been approved, however they would like to request as soon as they are approved, would the secretary please send them a copy. Commission agreed.

Mr. Markowitz stated regarding the Dunne landscaping plan, has the Village heard anything from Knight and Stollar? Secretary stated she has the plan and it has not yet been sent to Knight and Stollar. Markowitz stated he will write a cover letter, send it to the Secretary and then the letter and the plan can be sent onto Knight and Stollar.

Mr. Mc Cartney stated there appears to be a pole installed on the southwest corner of 306 and Bell that is for a pay telephone. Markowitz stated they need to apply for permission to install this in the Village right of way.

Commission agreed to meet on Monday, July 11, 1989 at 7:00 P.M. to approve the minutes of the July 5, 1989 meeting.

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

Charles M. Daniels Jr.

Charles M. Daniels, Jr., Chairman

Cathy Male

Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION *Meeting*

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

Held JUNE 8, 1989 *19*

Members present: Daniels, Sutliff, Cotesworth, Harvey, Moroney

Other officials: D. Markowitz, B. Colle, W. McCartney

Guests: L. Carey, S. Simon, R. Knowles, H. Lippian, D. Braun, E. Ketchel

Chairman Daniels called the meeting to order at 7:30 P.M. Roll call, all members were present. Minutes of the May meeting had not been reviewed by the Commission, therefore they did not take any action on the minutes of May 17, 1989.

Mr. Len Carey, resident at 1490 Bell Road, read his letter, dated 6-8-89, to the Commission, requesting the Commission's consideration to relocate his driveway within 40 feet of his easterly property line. Mr. Carey stated his current driveway is a very steep serpentine driveway and its placement was a requirement of the Village Engineer. Mr. Carey stated the slope of his current drive is 10.8% and what he is requesting is a drive which will have 7.6%. A copy of Mr. Carey's letter is attached hereto.

Mr. Carey presented plans showing where the existing driveway is located and where the proposed new location of the driveway would be.

Mr. Carey stated he has hired Mr. Henry Lippian as an independent consultant, who is in charge of Hunting Valley's road patrol and accident investigation, who does expert court witnessing on safety designs, to give guidelines for safe stopping distance.

Mr. Lippian stated he was hired by Mr. Carey to calculate the total stopping distance that would be required on Bell Road, at the location of his driveway. Mr. Lippian stated he has not had time to go out on site, and do test skids and actually calculate what the drag factor or the stickiness of Bell Road is, so what he dealt with were Court accepted and published tables that give an average drag factor for dry asphalt and wet asphalt. Mr. Lippian presented graphs that showed the different stopping distances and explain the figures.

Mr. Lippian stated he has not seen the site but received a letter from a surveyor that stated the sight distance was 490 feet. Mayor Harvey stated he does not recall the sight distance being that large. Mayor asked the Village Engineer if he had the figures?

The Village Engineer, Bruce Colle, stated he did not have the figures with him and explained that he approached the calculation of the sight distance in two ways, first was the geometrics of the roadway, you have an up hill grade going west bound on Bell Road and you have a downhill grade going east bound and the road geometrics will give you, using the drivers eye height of 3 1/2 feet, a sight distance from the crest of the hill. In addition to that, he also did a common sense approach to this calculation by taking a police car out to this sight and as soon as he crested the hill, and he was able to see the driveway at the proposed location, he stopped the

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vehicle at that point and then that distance was measured. Mr. Lippian presented a letter from O. T. Consultants stating the sight distance was 490 feet. Mr. Colle stated he had written that letter and those figures are those he had gotten through his tests.

Mr. Carey stated he would like to change the location from its existing location of 35 feet east of the western property line to 40 feet west of the eastern property line.

Mr. Lippian stated he is not recommending approval or disapproval of the placement of this driveway, he is only presenting accurate information as far as safe stopping distances, reaction times and road surfaces.

Mr. Colle stated he consulted many people in his office regarding the placement of this driveway and he has done roadway geometrics and all type of designs and he still feels he must stand behind what he wrote and advised the Village in his 5-02-89 letter, where he said the drive could be moved an additional 35 to 37 feet from its present location. Mr. Colle stated there was a difference in what Mr. Dreimiller had proposed, what he used was an intersection sight distance and he (Colle) used was a safe stopping distance and there are some variables that fall into play, i.e. reaction times and friction, but he feels his figures are correct.

Mayor Harvey asked Mr. Carey if he had planned to elevate the end of the driveway? Mr. Carey stated yes he had planned to elevate the driveway, level with Bell Road.

Commission discussed the figures as presented by Mr. Lippian and discussed at great length.

Mayor Harvey stated he feels this whole thing is dependent upon the site distance figure and what he wants to know is how high the driveway will be and what can you see from the driveway. If in fact there will be 490 feet, that might be feasible, but if it is less, he has a problem.

Following a lengthy discussion, Commission agreed to go out to the site and look for themselves and review at the next meeting.

Mayor Harvey stated Mr. Simon is before the Commission tonight requesting approval of the preliminary plat for phase II, the plat and application were filed at the last meeting. Mayor Harvey stated it is appropriate to take action at this meeting. Mayor Harvey asked if Mr. Simon had any additional information on the water supply for phase II? Mr. Simon stated the only thing he can tell the Commission about the water is, he brought his well driller, Mr. Jim Ayers, and he will tell the Commission what he knows about the water supply.
Mr. Jim Ayers stated they have drilled approximately 25 wells on the property in phase I and every lot they have drilled on has had an average of 10 gallons per minute and they have not had any real problems as far as volume. Mr. Ayers stated they have done 24 hour tests and right now they are in the middle of doing a 48 hour test on Sublot #24.

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Mayor Harvey asked if Mr. Ayers had done any testing in the phase II area? Mr. Ayers stated no he had not.

Mayor Harvey asked what aquifer was the 48 hour test being conducted? Mr. Ayers stated they were testing the Sharon aquifer. Mayor Harvey asked which aquifer runs out in the phase II area? Mr. Ayers stated it is the Sharon that runs out. Mayor Harvey stated the test that is being done in being done in an aquifer that does not exist in phase II.

Mr. Ayers stated that initially, in 1985, they did a test by installing four wells into the Berea, all located in phase I area, they did a 24 hour constant rate test and then did a recovery test and they used the other three wells for monitoring purposes. The results of this test were evaluated by Ohio Groundwater Consultants and then sent onto Dr. Eckstein for his review. Mr. Ayers stated all these wells are currently in use and they average 18 gallons per minute.

Mr. Sutliff asked Mr. Simon if he planned to put any test wells in the Phase II area? Mr. Simon stated if he has to he will, but he is satisfied that there is sufficient water. Mr. Sutliff stated Mr. Simon must understand that the Commission must be satisfied there is sufficient water.

Mr. Markowitz asked if the test wells drilled in 1985, were they all drilled in the Berea or the Sharon? Mr. Ayers stated they were drilled into the Berea and these wells are all serving homes in phase one today. Mr. Markowitz asked Mr. Ayers, if to the best of his knowledge, was there any Sharon aquifer west of the CEI limes. Mr. Ayers stated no, he does not think there is any Sharon west of the power lines. Mr. Markowitz asked if he was correct in saying since the test wells were drilled, 20 to 25 wells have been drilled in the first phase. Mr. Ayers stated that was correct. Mr. Markowitz stated he knows this is not Mr. Ayers expertise, but does he know what the impact will be by having 30 to 32 homes that will be drawing on the Berea, and do you know whether or not the Berea aquifer there in phase I is the same one that will serve phase II. Mr. Ayers stated he can not interpret what the recharge will be and the variables that will affect that aquifer. Mr. Ayers stated he knows that the Berea aquifer in Geauga County, we are using approximately 5 million gallons of water per day and it is recharged at 25 million gallons per day. Mr. Ayers stated in this particular case, there could be barriers and all kinds of factors he can not figure in and this would be something for a hydro-geologist to review.

Markowitz stated what the Village needs to be concerned with is the draw down and impact of not only the 35 units in phase I but the impact of adding 70 sublots in phase two and this is what the Village needs Dr. Eckstein to tell them, will the Berea be adequate to serve this number of homes.

Mayor Harvey stated he feels that Dr. Eckstein has already told the Village, based upon the data he had then and the model he has put together, the Berea would not be adequate and based upon those representations, the

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Village changed the zoning in that area. Harvey stated the new ordinance states the zoning should be three acres per unit, unless the developer can prove there is sufficient water to support one unit per acre.

Mr. Simon stated he has a letter from Chagrin Falls stating they are willing and able to supply his development with water and he is willing to extend the water line, at his own expense, to relieve the pressure that there might ever be a shortage of water. Simon stated he understands that the Village is not willing to give his development the water if the existing residents want it, and if that is the case, then there will be plenty of water in the ground to use for his development.

Mr. Markowitz stated there is no evidence before the Commission tonight that Chagrin Falls will give Mr. Simon the water. Markowitz stated Mr. Simon presented South Russell with a letter from Chagrin Falls stating if South Russell will go to Chagrin Falls, contract with them for water, they can provide water to the Village. Markowitz stated the Village did go to Chagrin Falls and Chagrin Falls stated they will give Sid Simon water but only if the other residents who live in the west end of the Village do not want the water. The Village held a meeting with the residents and the residents stated they would prefer to have the water rather than give it to Mr. Simon. In addition, the Village has told Mr. Simon, he has to give them evidence, under the ordinance, as well as the Subdivision Regulations, through hydrological reports, done by an expert, to show there is sufficient water in phase II to serve the 70 proposed units. Mr. Markowitz stated Mr. Simon has not done this.

Mr. Simon stated he is willing to accept an approval of the preliminary plat for phase II subject to proving to the Village there is sufficient water and subject to an amendment to the journal entry.

Mr. Harvey stated it appears to him that what Mr. Simon is asking them to do is by conditionally approving the plan, subject to showing sufficient water, is to tie their hands in the future and he is not willing to do that. Mayor Harvey moved to deny the Preliminary Plat application for phase II of the Emerald Lakes subdivision, Cotesworth 2nd.

Mayor Harvey stated Mr. Simon is not foreclosed from coming back, resubmitting the same plan with sufficient proof of water. Mr. Simon asked on what grounds was this motion to deny the application based, he is entitled to get that. Mr. Markowitz stated it is up the Commission to decide if they want to state the reasons, they are only required to approve, conditionally approved or disapprove the application.

Mr. Markowitz stated the Village Engineer, Bruce Colle, has done a review of the preliminary plat and made comments in a letter dated May 11th, copy hereto attached, and he feels it is important to go over those points and find out if they have been resolved. Commission agreed and reviewed the letter. Markowitz, Commission and Mr. Colle reviewed all the items in the letter and the only item that is unresolved is item #4, area figures on the plan do not meet the required one

acre density per unit, there are still 8 lots greater than what the density allows.

Chairman Daniels stated he would entertain an amendment to the motion to say what the denial is based upon, Mayor Harvey stated he would not amend the motion. There being no further discussion, roll call; ayes, Harvey, Moroney, Cotesworth; nays, Sutliff, Daniels.

Mr. Simon demanded to know why his plan was disapproved and stated he is entitled to an answer. Commission, Mr. Markowitz and Mr. Simon discussed and argued at great length the disapproval of this preliminary plat for phase II.

Chairman Daniels moved to adjourn into executive session to discuss pending litigation, Sutliff 2nd. Roll call, all ayes. Meeting adjourned at 9:45 P.M.

Regular meeting reconvened at 9:45 P.M. Mayor Harvey stated he would like to state publicly, on the record, that his feeling is, notwithstanding the fact that the Zoning Code would require a lesser number of lots, this Board has operated under the assumption that the number of lots has been correct for the last nine years and he can not see after this amount of time, taking those lots away, the Village is obligated to accept the larger number of lots, assuming that one acre density will be allowed. Chairman Daniels moved to notify Mr. Simon that the sole reason the Commission disapproved his application was because he had not proved sufficient ground water for phase II, Sutliff 2nd. Roll call, ayes, Moroney, Daniels, Sutliff, Cotesworth; nays, Harvey.

Rusty Knowles, developer of the Bramble Farms Subdivision, presented final plat application and plat for phase II. Bruce Colle presented his review comments, dated June 8, 1989, in letter form.

Mayor Harvey asked how the culvert off of Snyder Road had been designed. Mr. Colle stated when he first reviewed these plans, the plan showed one 36 inch diameter culvert and he has required them to increase it to two 42 inch diameter culverts.

Commission reviewed the plan and the drainage plan for lots 15, 17, 18, 19, 20 and the Takacs property. Engineer explained the plan in detail.

Commission reviewed the Engineer's comments, dated June 8, 1989. Mr. Colle stated he needs the calculations on retention, as requested in his letter. Commission discussed the drainage plan at length. Commission stated they would like the easement area be increased to include the rip-rap area on Sublot #20.

Mayor Harvey stated the items on the Engineer's letter are purely engineering items. Markowitz stated the legal description of the easement has not been reviewed by him or the Village Engineer. Markowitz stated the improvement plans are not yet approved and they have to be approved prior to Final Plat approval.

Commission agreed to accept the Final Plat for filing and due to the number of items yet to be approved and

completed, no action will be taken until the next meeting.

Mr. Damon Braun and Mr. Ed Ketchel presented the minor subdivision application and plat, showing four two acre lots, at the end of Deerfield Drive. Mr. Braun stated they have 42.96 feet of access off of Deerfield Drive and they show four driveways, each approximately 10 feet wide. Commission reviewed the plan.

Mr. Markowitz asked why they are showing the use of septic systems when this area is suppose to be in the sanitary sewer district? Mr. Braun stated one reason is the existing sewer is about 20 feet higher than they can use. Markowitz stated the reason he asked is because they have an ordinance that requires them to tie-in to the sanitary sewer. Markowitz reviewed and explained this ordinance. Markowitz stated he is not sure if the Council has the ability to waive this ordinance.

Mr. Markowitz stated Mr. Braun should go the County and request whether or not they will allow septic systems in the sewer district.

Commission discussed different options of pumps, etc. as far as sewer systems.

One problem that has to be resolved if this plan is approved, either the developer or the Village will have to put in more pavement at the end of Deerfield Drive to complete the cul de sac. Markowitz stated three of the four lots abut onto the unimproved portion of the right-of-way. Commission asked the Engineer to work up some figures as to what the cost will be to complete the cul-de-sac.

Markowitz stated this is a minor subdivision application and the Commission is required to act within seven days. Chairman Daniels stated with all the information and negotiating that is necessary from the County, seven days is not enough time to get this information and act. Daniels asked the applicant if they would extend the time the Commission has to act as well as get the information necessary from the County. Mr. Braun stated he would give the Commission the extra time, until the next meeting, to take action on this application. Markowitz suggested that because the drives are only 10 feet wide, the developer might give 25 foot easements along the driveways, to allow easier access if ever needed.

Mr. Markowitz stated once this plan is approved, the applicant will have to submit a plat to be recorded with the County which will have all the necessary language as required by the Subdivision Regulations.

Markowitz reported on research he had done on the definition of wetlands, relative to the area of the Emerald Lakes beaver pond and dam. Markowitz stated the Army Corps of Engineers has defined wet lands as a swampy area that is adjacent to a water course that is a tributary to a navigable river. Markowitz stated the beaver area is adjacent to McFarland Creek and McFarland Creek is a tributary to the Chagrin River, which is a navigable river, and if this is so it would fall within the definition of the Army Corps of Engineers.

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Held JUNE 8, 1989 *19*

Commission discussed this topic at length.

Bruce Colle reported in order to have this area deemed a wetland, you can request the Army Corps of Engineers to review and make a determination, however it will take approximately 12 months to get a ruling.

Colle stated you can go to a private consultant that can make this determination, it will take less time, however it is very expensive, approximately $15,000.

Commission asked that this be taken to the Council and ask them how they would like to proceed.

Mr. Moroney stated Council would like the Commission to take a look at the sign regulations and see if there should be some changes, like those made by the representatives from C. T. Consultants. Moroney asked Markowitz if he would get some ordinance from other communities from which they could review and begin drafting some changes. Markowitz agreed.

Following brief discussion, Commission requested the Solicitor to draft an amendment to the Zoning Code changing the definition of property boundary lines for fence requirements in condominium developments.

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

Charles M. Daniels, Jr., Chairman

Cathy Male

CATHY MALE, SECRETARY

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

CT Consultants, Inc.
Engineers • Architects • Planners
35000 Kaiser Court, Willoughby, Ohio 44094
Telephone 216/951-9000
FAX 216/951-7487

May 11, 1989

Mr. Sidney Simon
Emerald Lakes Subdivision
6551 Wilson Mills Road
Suite 104
Mayfield Village, Ohio 44143

Re: Emerald Lakes Subdivision Phase II
Preliminary Plan Review

Dear Mr. Simon:

Please find outlined herein comments from my review relative to the above referenced project:

1. Please show all sublot areas in acres not in square footage.

2. Complete boundary information (bearing and distance) along Bell Road.

3. Sublots 3 through 9 exceed depth requirements per the Village Subdivision Regulations. My suggestion to eliminate this conflict would be to add the lake to this area as shown on previous submittals. Not only would this increase common area, but I feel it would benefit the residents/owners of these lots should future problems occur with standing water in this area.

4. The area figures as shown on the plan do not meet the required one acre density per unit. It appears that the C.E.I. property used for past density has not been included. Should this be the case, please include this area and show it on the preliminary plan so noted and described as common area.

5. Adjacent property owners' names should be on the plan along with the volume and page number of the parcel.

6. Should the water main extension from Chagrin Falls be permitted, I would recommend the placing of fire hydrants at required distances in the subdivision. The other alternative to the Chagrin Falls water supply is proving there is available water on site. Should this option be exercised and approved, dry hydrants should be installed at the lakes shown.

The shifting of Road "B" 50 feet to the east appears to have created a more favorable buffer between Country Estates Subdivision and Emerald Lakes Subdivision for all concerned.

Please have your engineer address the following comments for the May 17, 1989 Planning Commission meeting. Should you have any questions, please do not hesitate to call.

Very truly yours,

CT CONSULTANTS, INC.

Bruce J. Colle, P.E.
Village Engineer

BJC:js

cc: Mr. Dale Markowitz, Village Solicitor
Ms. Cathy Male, Planning Commission Secretary
89-036

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Members present: Sutliff, Daniels, Cotesworth, Moroney, Harvey

Other officials: D. Markowitz, W. McCartney, B. Colle

Guests: R. Rosner, S. Simon, B. Ober, F. Wohlschlaeger, P. Cadou

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, all members were present.

Chairman Daniels made several typographical corrections to the March 9, 1989 minutes. There being no further corrections, Cotesworth moved to approve the minutes as corrected, Moroney 2nd. Roll call, all ayes.

Chairman Daniels made several typographical corrections to the April 6, 1989 minutes. There being no further corrections, Harvey moved to approve the minutes as corrected, Cotesworth 2nd. Roll call, all ayes.

Mr. Richard Rosner stated he is before the Commission for a lot split for the balance of the Snavely property, situated east of the CEI power lines. There is approximately 27 acres and they need to split this 27 acres into two parcels. The first parcel will be the condominium site for clusters J and I and the balance of the property will be going into the community association to meet the density requirements. Mr. Rosner stated this is a lot split to accommodate the property going into the condominium association.

Mr. Markowitz stated both Cluster J and I will go into their condominium development company and then as Snavely sell units, they will be transferred into the condominium association and the rest of the land will go to the community master association. Markowitz explained that Snavely is before the Commission because when they have to deed off any portion of the land, they must get Planning Commission approval on the lot split.

Commission reviewed the plat and discussed at length. Mr. Markowitz stated what he and Bruce Colle have to make sure of, is when there is a dedication, in the future, of an easement, that the offer for dedication is made by someone who has title to it or alternatively that in the deed, that there will be some language that compels the association to have to convey title. Commission asked the Solicitor and Engineer to verify these figures.

There being no further discussion, Harvey moved to approve the requested lot split of Snavely Building Company subject to verification by the Village Solicitor and Village Engineer that the amount of common area meets the requirements of the Village and verification of title, Cotesworth 2nd. Roll call, all ayes.

Bebe Ober thanked the Commission for allowing her to come and talk to them. Ms. Ober stated most people know her as a realtor, and this is, in some respect, one reason she is before the Commission. Ms. Ober stated she is before them because of the beaver dam, a natural wonder.

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She stated she is concerned about how quickly they are losing some of the natural beauty, 30% of the nations wet lands are already gone. She stated everyone is becoming much more aware and she has arrived at a very interesting point about her understanding of land values, here in the valley. Ms. Ober stated it is no longer a hardship to keep items of natural beauty in a developing area, it is not a hardship on homeowners or developers because what they have seen over the last few years, every time something is well developed around some natural beauty, it commands the most amazing prices. Ms. Ober presented three examples of homes and land that commanded extremely high prices, basically because it had some form of natural wonder, rivers, lakes, etc.

Ms. Ober stated she is here to try and put some effort into the study on how to save the beaver dam, a natural wonder. She would like to assure anyone, that as far as the real estate value, the beaver dam would be an asset. She stated the Dept. of Natural Resources of Ohio is extremely interested in the preservation of beaver dams and she presented diagrams sent by the ODNR which would make it possible to live beside them, not drive them out. Ms. Ober stated the school would volunteer manpower to help maintain it. CEI has expressed an interest in preserving the dam. Ms. Ober stated there are alot of people who would like to cooperate and bring this information to the Commission and anything she could to help, she would do. Ms. Ober stated she feels the dam is worth a great deal to South Russell and she feels it can be done without injuring anyone.

Mayor Harvey stated Mr. Simon owns the land on either side of the dam and he is in the process of seeking approval of his second phase, west of the dam. Harvey asked what type of funds are available to acquire and maintain this dam. Bruce Colle stated the Corps of Engineers and ODNR have set aside funds for preservation of the wet lands, how much exactly he does not know, but he does know there is alternative funding available through the state level. Mr. Colle stated these funds would be contingent upon determining that this area is a wet land and in the criteria he can come up with, the 9 acre area does appear to fall within the definition of a wet land.

Commission asked the Village Engineer to research this and determine what they are dealing with and what would it take to preserve this natural wonder, what type of funds are there available to cover the costs.

Mr. Markowitz stated if this area is deemed a wet land, Mr. Simon will not be able to move dirt in or out until the Army Corps of Engineers has done a study and approved his plan.

Ms. Ober thanked the Commission for their time and and stated she will keep in touch.

Mr. Sid Simon presented a revised preliminary plat for Phase II of the Emerald Lakes subdivison and stated he made the changes as requested by the Commission at the last meeting. Mr. Simon explained the changes made. Mr. Simon stated the lots along Country Estates were changed from 200 feet deep to 250 feet deep.

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Residents from Country Estates reviewed the plan and stated they were pleased with the changes that were made.

Bruce Colle stated he has reviewed this plan and written a letter to Mr. Simon requesting a few changes and Mr. Simon has met those requests. Mr. Colle stated there are a couple other items he would like to address with the Commission and Mr. Simon. The first issue that comes up is the necessity for verification of sufficient ground water for this second phase. The second item, has more magnitude. What he has discovered, after taking the total available area of phase one and phase two combined, which is 113.44 acres, this includes the CEI property that is used for common land, from this he took the total right-of-ways of phase one and phase two, which is approximately 10 acres, giving a total area of 103 acres and from this he took 10 % for common area which gives a net area of approximately 93 acres. If one acre density is maintained, the development should have only 93 sublots and the plan is currently showing 101 sublots and that does not include the two additional lots that were granted for the extension of the roadway into Manor Brook Estates. Mr. Colle stated he does not know if there is past history he has missed, but if you did not take out all the rights-of-way, you would end up with 101 sublots allowed.

Mr. Simon stated he has no intentions of changing his plan to show only 93 lots. Mr. Simon stated when he went from condominiums to single family, they stayed with 101 lots, the journal entry calls for this, this is what was negotiated and signed by himself as well as the Village.

Mr. Markowitz stated this point recently came up at the last ZBA meeting, one of the members asked how can the Village have 73 acres, with 6.+ acres of right of way, leaving approximately 66 acres and the plan is showing 70 lots. Markowitz stated he brought this to the attention of the Village Engineer, they went back to the Code and Mr. Colle is correct in his calculations, by taking the gross area, deduct 10% for common area which gives the total lot area. From the total lot area you deduct the proposed right of ways and this gives the net area for density purposes. We determined then, that under the Zoning Code, this plan has more lots than are permitted under the Code now, more than were permitted in 1985, and more than would have been permitted in 1981, if you are deducting the right-of-ways. Markowitz stated he went back and reviewed the law suit to see if there was anything in the three judgement entries that answered this question. The original judgement entry of settlement provided for 101 condominium units, private roads, nothing was stated about counting or not counting right-of-ways, so they would not have been counted. In the 1985 judgement entry, when we switched to single family lots, they had a site plan attached, which very specifically stated in the entry, that there was to be 101 lots, but nothing in the entry itself said why they were or were not deducting right-of-ways. Clearly it shows they were deducting the 10% off for the common area, but it did not talk about right-of-ways. Then he went to the minutes to look for any information, nothing in the minutes says anything about deducting or not

deducting the right-of-ways, it just simply says this was the plan, it has 101 units and the Planning Commission was approving it as the site plan, intention being that when they got to the final improvement plans for the phasing for the whole subdivision, that there might be some movement or changes because of the engineering requirements. No where in any of the minutes, in any of the law suit documents, in his file, did they talk one way or another about including the right-of-ways or not including the right-of-ways. Markowitz stated the only thing else he could come up with is one of two things, first, they made a mistake because they did not remember to deduct the right-of-ways or alternatively, that there was an agreement that he does not have the minutes or the recollection for, because he could have developed R-1 lots as a condominium development, that when we went to single family they were not going to reduce the density. Markowitz stated he does not have an answer because he does not recall the issue ever coming up nor does he have any documentation.

Mr. Simon stated if this density is an issue, and the Village does want to reduce the number of lots they will allow him to develop, they have a very serious problem.

Markowitz stated what they are saying, forget the two extra lots, there are eight lots shown on this plan more than what the Zoning Code density allows.

Markowitz stated they still want to review the first phase final plat to make sure the area set aside for common area in phase one, is not being counted again in phase two.

Markowitz stated this preliminary plat plan is being filed tonight, and the Commission has 30 days to make a decision on approval or disapproval.

Mayor Harvey stated as he understands the zoning for this property, forgetting for the moment the problem brought up by Mr. Colle, the number of units that are available in phase II is dependent upon the availability of water. What he does not understand is how he is expected to vote in favor of something, if he has no idea if one of the conditions can be met. Markowitz stated you can do this in one of two ways, first, because they do not have proof they can develop on one acre lots, you will turn the application down, and the denial does not prevent them from going onto the final plat stage, or second you can conditionally approve the preliminary plat and one of the conditions is the developer has to show verification that there is sufficient water. This issue has to be resolved before the final plat is approved.

Mr. Simon asked where the water situation stood with Chagrin Falls and bringing Cleveland water out to the Village. Mr. Markowitz stated Chagrin Falls has said very specifically that the people of the Village, not the government, the people were going to chose, those who already live here, whether they want first right to that water. If they did not, then Chagrin would make the water available to Mr. Simon. The Commission met with the residents, the residents stated they absolutely wanted to have first right to that water and that is what Chagrin Falls has imposed upon South Russell. In

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addition, the Village has gone to Chagrin Falls to see if there is a way to increase the capacity of their water system to take in the Emerald Lakes subdivision in addition to the existing properties of the Village and they are still meeting with CF. We can't say when it is going to happen, but they are still working on it.

Mr. Simon asked where does he go from here with this plan? Commission stated they wanted time to review this plan, review the questions and problems discussed at tonight's meeting and then will be ready to take action at the next meeting. Commission agreed, due to scheduling conflicts, to change the regular June meeting (*) from the June 1st to June 8th at 7:30 P.M.
Mayor Harvey moved that the Planning Commission adjourn into Executive Session to discuss pending litigation, Cotesworth 2nd. Roll call, all ayes. Planning Commission adjourned into Executive Session at 9:54 P.M.

Planning Commission reconvened at 10:56 P.M. There being no further business, meeting adjourned at 11:00 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

*and Simon consented to an extension

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THRASHER, DINSMORE & DOLAN

A LEGAL PROFESSIONAL ASSOCIATION
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DAVID E. LOWE
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DAVID M. ONDREY

MICHAEL YAKSIC
PAUL J. DOLAN
BARBARA J. WYNVEEN
FRED G. WILDER

RAY K. THRASHER (1906-1973)
JAMES W. DINSMORE (1916-1975)

May 26, 1989

Ms. Cathy Male
South Russell Village Hall
5205 Chillicothe Road
South Russell, OH 44022

RE: Snavely Lot Split

Dear Cathy:

Bruce Colle and I have reviewed the proposed lot splits to convey a parcel of land to the Master Association and to convey a parcel of land to the Condominium Development Company of Snavely's affiliated companies, both of which Deeds are in your possession. This lot split was conditionally approved by the Planning Commission on May 17, 1989, subject to review and approval by Bruce Colle and the undersigned.

I can confirm for you that on May 25, 1989 Bruce and I, after review of the condominium documents, proposed Deeds, CEI parcel, and the Zoning Code for the Village find the Deeds are acceptable and therefore you are authorized to endorse on each Deed the following:

"Lot split approved, no plat necessary by the Planning Commission of the Village of South Russell on May 17, 1989, Cathy Male, Secretary of the South Russell Village Planning Commission."

Should you have any questions or comments, please do not hesitate to call me at your convenience. Please make sure that a copy of this letter is attached to the Minutes of the May 17th Planning Commission Meeting.

Sincerely,

THRASHER, DINSMORE & DOLAN

Dale H. Markowitz

DHM/ce
cc: Bruce Colle
Dick Rosner

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Members present: Moroney, Cotesworth, Daniels, Sutliff

Other officials: B. Colle, D. Markowitz, W. McCartney

Guests: T. Munson, W. Young, G. Smerigan, Mark Majewski, L. Carey, L. Roberts
R. Jackson, P. Cadou, J. Cadou,

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, Mayor Harvey was absent.

There were no minutes for the March 9th meeting, therefore no action was taken.

Tom Munson, Chairman for the Community Playground Council, presented plans and plat for a proposed playground to be built at the Gurney School. Mr. Munson stated he was before the Village Council with this plan in February. The Council had some concerns that needed to be addressed and asked that Mr. Munson come to Planning Commission and discuss these items.

Mr. Munson stated this playground is designed by the Robert Leathers firm out of New York and will be constructed in a "Barn raising" type fashion, using parent and community volunteers. Mr. Munson stated their committee feels the Leathers concept is a good one to use because it re-establishes the Gurney community that was lost when the school was closed seven or eight years ago.

Mr. Munson stated what he needs from the Planning Commission is some guidance as far as the procedure necessary to take to get any necessary building permits and architectural board approvals. Mr. Munson stated they are aiming to construct the playground at the end of September and the reason for this is to use the first month of the school year to build up enthusiasm, and get the most volunteers possible.

Both Mr. Sutliff and Mrs. Cotesworth have had experience with similar playgrounds at University School and Hawken School and stated they are wonderful playgrounds and would be an asset to the community.

Mr. Moroney asked what will the committee do with the play ground once it is completed? Mr. Munson stated they will convey the piece of equipment to the school board and they will maintain it. However, they are planning to leave maintenance funds in trust for any major upkeep costs. Bob Blair and john Ferlito are their insurance advisors for this project and they are currently researching not only the insurance that will be required by the school board to cover not only kids using the structure during the school day but also using it beyond school hours. There is also the insurance needed for the construction periods, which are tentatively set for September 20 through the 24th. These questions are being reviewed and hopefully he will have answered very soon.

Mr. Munson stated one concern of Council was lighting the structure and he has gotten an opinion from Dr. Rieger that it would be the desire of the Board not to light the

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structure, feeling it would be an attractive nuisance at night.

Mr. Markowitz stated as far as zoning issues, you are dealing with a conditional use in a residential district, this would be an accessory use of a conditional use in a residential district, and from what he sees it looks like it will be OK. They need to look at parking and make sure there is not a problem with the structure using up parking area. Mr. Munson stated they will not be using any of the area that is currently being used for parking, only the area currently being used for play area.

Mr. Markowitz stated the procedure that Mr. Munson needs to follow is file a form Z-1 with the Zoning Inspector, when he issues this permit, plans can then be sent on to the ABR for their review. Once their approval is given, a building permit can be applied for and issued.

Commission stated they were in favor of this project and wished Mr. Munson good luck.

Chairman Daniels stated Mr. Simon is not present and has not presented any plans, therefore there will not be any discussion or action on the plans for phase II the Emerald Lakes subdivision. Mr. Markowitz stated he wants to make sure the Commission does not fail to take any action that they are supposed to. Markowitz stated at the last meeting Mr. Simon came in with a sketch plan, it was not a preliminary plat, and said he would go back and present to the Village Engineer a revised preliminary plat based on the discussions of the last meeting, including the lots on the west end, show the access to Manorbrook properties and then the Commission would consider it filed tonight. Commission agreed that that is what occurred at the last meeting and there is no action needed to be taken tonight.

Mr. Len Carey, resident at 1490 Bell Road, stated he built his home last year and presented a plan showing the placement of his driveway. Mr. Carey stated when they decided to build, the surveying engineer stated they should have a serpentine drive in order to reduce the severe grade. Mr. Carey stated the design of the current drive resulted in a very treacherous winter. Mr. Carey stated they would like to move drive, in order to reduce the grade to approximately 5%.

The Village Engineer and Building department have gone out and measured the sight distance. Mr. Colle stated the problem he sees, is originally when Bramble Farms was submitted, the driveway placement were established through Bill Dreimiller and the Police Department and the criteria that was used to established those driveway locations is criteria that is accepted nationally and locally based on uniform traffic control codes and guidelines set forth by civil engineers. Mr. Colle explained what safe distance is and how it is determined. Mr. Colle stated when Mr. McCartney did this process, it was determined that the placement of Mr. Carey's drive should be the westerly property line and at that location, he just fell within criteria of being within the safe sight distance. Mr. Colle stated the issue that comes to his mind, if they move the drive and they only lose 3 to 6 seconds in reaction time, if there

is an accident or an injury or fatality, because of the placement of the drive, what type of liability does the Village have.

Mr. Markowitz asked how far are they moving the drive? Mr. Carey stated they are moving it about 195 feet further east. Markowitz asked if by moving the drive east, will it take them outside the standards required when the driveway was put in? Bill McCartney stated it appears it would. Commission discussed the reaction time and distance needed if the drive is moved east. Chairman Daniels suggested that Mr. Carey might put up a mirror. Engineer stated that is possible but the Village would not pay for it.

Mr. Carey stated he disagrees with the figures used to give a safe stopping distance.

Mr. Colle stated the grade of Mr. Carey's driveway is very steep and it is a problem however he is not comfortable with moving the drive as proposed.

Mr. Markowitz stated this is a case where the Village would not have immunity because if the Village allows the drive to be moved after they have made a finding that the only safe spot is on the western property edge, they will be creating a nuisance which will by statute could be make the Village liable.

Commission and Engineer agreed to do redo the study to determine a safe stopping distance with the Police Department and see if it would be possible to get a safe stopping distance as close to the eastern property line and still use the serpentine design and see if they can drop the grade.

Mr. Carey stated he hopes something can be done because he does not want to spend another winter like this past one.

Mr. Markowitz stated he is not comfortable with recommending the installation of a mirror. Mr. Markowitz stated first, if someone comes to his home, they are not familiar with that property and they are not going to know that the mirror is there, second, those mirrors have a tendency to get broken, third, he does not think it is a good alternative for the Village to recommend a mirror in place of finding a safe placement for the driveway and forth, at dawn and dusk, the mirrors are absolutely no help.

Commission agreed to ask the Police Department and the Village Engineer to do the study over again and see if the original figures are correct or if there are any changes. Engineer stated he would contact the Police Department and set up a time to do this study. Mr. Bruce Colle stated he would like to introduce two gentlemen from CT Consultants that are before the Commission to discuss the possibility of rezoning some areas of the Village. Mr. Colle stated he has given the men a copy of the zoning code and map and pointed out the elderly assisted living area and hopefully they can give a little insight of where best to proceed. Mr. Colle introduced George Smerigan and Mark Majeskey.

Mr. Smerigan stated they are not before the board to sell anything but only to share some ideas and insights they had, in reviewing the Village ordinances and trying to get a feel for some of the issues that the Commission is concerned about and how they might see them from the field of Planning and Zoning.

Mr. Smerigan stated the looked at the Zoning Code as well as the Village center, which they understand is a concern, the traffic issues and the entrances to the community and he would like to touch on all these items just a little bit this evening.

Mr. Smerigan stated first, the issue of the elderly housing issue, in looking at the property and the regulation written, frankly it would be his opinion, in the long term interest of the Village, that is probably notthe most effective use of that property, not the most appropriate zoning classification and he feels they should seriously consider looking at potentially adjusting the zoning down the road. One concern about the residential classifications, that is there are two sets of zoning regulations relative to density, there is the zoning code density maximum with R-1-A , R-1-B, etc. with a one acre requirement as a maximum density and on top of that, as sort of an overlay, you have your groundwater requirement and in that you have some additional density requirements. He has no problem with that concept, but his suggestion would be, from a position of strength, in terms of dealing with any challenges in zoning issues, that the Village would be better off if they would combine the two sets of regulations into one set, had zoning categories that had the maximum density that they want with the ground recharge consideration being one of the factors that help place the property into that zoning classification.

Mr. Smerigan stated he is not being critical of the way the Village has approached the zoning, he is just thinking in terms of placing the Village in the strongest possible position to any challenge to the regulations. Commission discussed this concept at length.

Mr. Smerigan stated he understands one other concern the Commission has is the commercial districts, potential commercial development in the Village center and whether or not the uses the Village currently has in the commercial zones were appropriate and whether or not some modification of these might be justified. Mr. Smerigan stated a couple items that caught his attention in the commercial districts, first, the Village permits residential areas in the commercial districts. It has been his experience that this has been universally problematic and he would strongly recommend that the Village remove residential uses from the commercial districts. Mr. Markowitz stated he agreed with this recommendation.

Second item, was the are several commercial zones and there are in some cases, very minor differences between them, in addition there are some specialty zones, i.e. the medical zone. Possibly, the Village could get by with fewer categories, but structure the uses to encourage the types of things the Commission wants to see in the Village and force things that way.

RECORD OF PROCEEDINGS

Mr. Smerigan stated the Village has two real corridors that are going to develop commercially. One is the 422 corridor, which is already pretty well developed but stands the opportunity, with the road changes, for some redevelopment in the near future, depending on what happens to the traffic patterns. Obviously, the Village center, the 306 corridor, can develop in a number of different ways and there are some things the Village can do to encourage what the Village wants.

Mr. Smerigan stated he feel that there could be some architectural controls put on the Village center which would improve the appearance, i.e. signage. It is his opinion that there is not a necessity for pole sign, which the Village currently allows, they would be better off with ground planter signs that would make a statement about the Village. This can be tied into other things, like doing something with signs at the entrances of the Village and then pick up the same themes at the Village center, tying things together. Mr. Smerigan stated that the Village could create some requirements in the commercial districts that would force anyone to do something that would follow the desired appearance and that way it might eliminate some of the concern over expansion of the commercial development.

Mr. Smerigan stated as far as giving specific recommendations, as far as exact zoning changes, he is not prepared to do that. His review of the zoning has only been a preliminary one. If the Village wants a more detailed review they would be very willing do that, but it will take more time.

Bud Moroney stated the Council has asked that the 30 foot height maximum be increased to 35 feet. Moroney stated ABR has also asked that this be taken into consideration, there have been cases where they would have approved plans with a certain roof pitch, however, because of the thirty foot regulations and the time it has taken to get variances, they have changed the roof pitch. Markowitz stated he thinks it would be a good idea that a letter be sent to the Chagrin Falls Fire Department to see if they would have any comments or objections on this change.

Bruce Colle stated from his experience, 35 foot height maximum is a pretty common standard for single family dwellings.

Commission agreed to wait for a response from CF Fire Department and discuss at the next meeting.

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

Members present: Cotesworth, Daniels, Sutliff, Moroney, Harvey(arrived late)
Other officials: W. McCartney, D. Markowitz, B. Colle

Guests: F. Wohlschlager, P. Cadou, S. Simon, B. Yabega, J. Haynes, D. Campbell, R. Strickler, B. Young, D. Thalan, J. Roberts, J. Cadou, L. Roberts

Meeting was called to order at 7:30 P.M. Roll call, Harvey was absent.

Secretary stated the Commission did not take any action on the January minutes at the last meeting because the Solicitor had not reviewed them. Mr. Markowitz did have one correction, on the first page of the January 5th minutes, the last paragraph, the sentence that reads "Mr. Simon agreed to change the meeting date" should be corrected to read " Mr. Simon stated he would agree to extending the date of the preliminary plat action and changing the meeting date". There being no further additions or correction to the January 5th minutes, Moroney moved to approve them as corrected, Sutliff 2nd. Roll call, all ayes.

There was no action taken on the February minutes because the members had not had time to review them.

John ~~Tom~~ Haines, Milbar Corporation, and Bob Yenega, Ray Fogg Building Systems presented the same set of plans as were presented at the last meeting for their proposed addition to the Milbar Corporation. Mr. Haines stated they have nothing more to submit.

Mr. Colle stated he has reviewed the plan and the topo and has a written review as presented to the Commission in his letter dated March 8, 1989.(Copy hereto attached.) Mr. Colle reviewed this letter with applicant and Commission.

Solicitor stated he has reviewed the plan and discussed the bond requirement with Bruce Colle and he agrees the Village should waive the bond. Markowitz stated he would defer ~~differ~~ to the Engineer on the grading and parking requirements. Markowitz stated the two concerns he had were, he knows there is a problem with the storm sewer being able to adequately accept the potential storm flow and second, Planning Commission has to decide whether they think this is an appropriate case for reducing the maximum lot coverage requirement by considering the storage area to be built. Markowitz stated the only other question he had is the pond that is being proposed, is this going to be used as storm retention? Daniels stated he did not know, on the latter plan this pond was eliminated. Bruce Colle stated that is correct, and appears they are going to use parking lot storage but this is not definite.

Bruce Colle stated as far as Markowitz's concern with the flow into the 12 inch storm sewer, and this being under sized, this of course can be handled by controlling your outflow from your retention areas and they can determine what the actual capacity and loading of the 12 inch storm sewer on Washington St. This problem can be addressed

during the final design.

Commission reviewed plan and topo and discussed at length. Following this discussion, there were no further question and Cotesworth moved to conditionally approve the development review application and plan for Milbar Corporation, which would allow, on the main floor, 24,000 square feet for manufacturing and 6,000 square feet for storage, and the upper structure may be used solely for storage and packaging, subject to compliance with the Village Engineer's letter dated March 8, 1989 and submitting final plans and drawings in accordance with his letter and providing for retention requirements in accordance with the Village and Village Engineers standards, Moroney 2nd. Roll call, ayes, Sutliff, Moroney, Cotesworth; abstained, Daniels.

Dan Campbell, resident of Bellwood, stated there is a small piece of land on Leaview Lane, in Bellwood Acres, that apparently has not been taxed for the last 33 years, it is not on any tax roll and he cannot find any ownership. Mr. Campbell stated he has talked to many people in Chardon and they cannot find any record of ownership. This piece is very small, it is not buildable but it would allow access to land behind it, land in Russell.

Mr. Campbell presented a map and showed the Commission exactly what he is talking about.

Mr. Campbell stated the reason he is interested in this land is he would like to purchase three acres of land in Russell to build a home, he is not interested in developing the entire parcel.

Commission discussed this situation. Markowitz stated what needs to be done is a title search, possibly what has happened is the developer of Bellwood originally owned this land and in the process of platting the subdivision this piece of land was never conveyed and it got lost in the process. There is the possibility that the County owns it.

Mr. Campbell thanked the Commission and will proceed with the title search.

Mr. Sid Simon, Emerald Lakes, presented his proposed plan for Phase 2 of the Emerald Lakes Subdivision and stated it is the same plan as presented at the last meeting.

Bruce Colle, Village Engineer, stated he had preliminarily reviewed this plan, he did not spend alot of time because there is alot of information missing. Mr. Simon stated this is just a preliminary plat, more like a sketch plan.

Wally Sutliff asked what was the situation on the water issue. Markowitz stated any approval that is given to the preliminary plat must be conditioned upon Mr. Simon proving there is adequate ground water or finding some way to get Chagrin water.

Mr. Simon asked how that issue stands with the Village, has there been any more development as far as bringing water into South Russell.

Moroney stated that Council agreed with Chagrin Falls and made the stipulation that the current residents in South Russell, west of Emerald Lakes, should have first choice on getting the water. Moroney stated Council agreed it would be a good idea to ask an engineer to develop some costs, if the Village brought the water into the Village, as to how much it would cost for each lot owner. In the meantime, the Village Utilities Commission will meet with Chagrin and try and get an idea on long range plans, if there is enough water for 150 homes now, will there be more water for more homes at a later date. This meeting has not been scheduled, but should be in the near future.

Mr. Simon stated he would like to get an approval of the layout of the plan for phase 2, as presented tonight, the preliminary plat, then he would proceed with engineering and improvement plans.

The Solicitor stated he brought the judgement entries from Court so that the Planning Commission and the people in the audience could get some of the history on this development. Markowitz stated the Village had a lawsuit eight years ago with Emerald Lakes over the Subdivision Regulation. The Village entered into a settlement agreement after the Court ruled in November, 1981, that was approved by Mr. Simon, his attorney, the Planning Commission and the Village Solicitor. Later, this was amended, when Mr. Simon presented, in 1985, a site plan which is similar to the layout presented tonight. At that time it was going to be a condo type development and the Village also allowed this to be developed in accordance to the site plan as attached to the judgement entry. Mr. Markowitz presented copies. Markowitz stated they made a finding that the land could be developed in accordance with that layout and had a subdivision variance approval that stated they could cluster the units. It was later amended when Mr. Simon decided he wanted to go to a single family subdivison, in 1986, they changed the references from condominium type development to single family development, in addition to making references to phase I, being east of the power lines and phase II being west of the power lines, which allowed transfer of the development from the Emerald Lakes, Inc. to Emerald Lakes Development, which became the owner of the property.

Mr. Peter Cadou stated if this plan is approved, the Village is allowing very dense housing to abut Country Estates' property just because the topography of the land happens to favor that placement. Mr. Cadou stated he does not feel it is right to penalize those current residents in Country Estates, with this denser housing right against their property line because of the coincidental nature of the topography, when in fact it can be moved elsewhere. Commission discussed this situation at great length.

Mr. Fred Wohlschlager stated he feels that the Commission might be putting the cart before the horse, because, as he understands it, the way the property is zoned now, unless there is an adequate demonstration that there is sufficient water, the minimum zoning requirement is three acres per unit. It seems that the developer would have

to demonstrate that (A) there is adequate water to approve the plan before the Commission tonight and (B) even if you did prove there was adequate water, it would be necessary to prove that it would not create an infringement on the operation of that aquifer.

Mr. Cadou stated he agreed that the water issue is very critical however he would like to repeat that the 1/2 acre lots that are lined up behind the Country Estates homes, will be a detriment to their property and he pleads the Commission to preserve the aesthetic quality of the area and find another design which will not be at the Country Estates residents expense.

Commission, audience and Mr. Simon discussed the layout of the proposed plan for phase II of Emerald Lakes at great length.

Mr. Markowitz stated the plan before the Commission tonight has a couple of items that concern him. First, lakes #1 and #2 infringe upon some of the sublots, and he would recommend that if the plan would be approved that the lots be reconfigured or the lake be narrowed in scope so it doesn't touch upon the sublots. Second item that needs to be looked at very carefully is, and we probably cannot get a good handle on this until the improvement plan stage, is whether or not it is more appropriate to have the common area be put back in on lots #3 through #10 and have a lake with access so everybody in the association pays to maintain it. Markowitz stated it is his personal experience that he lived in a subdivision where he got stuck with an easement through his property having to do with drainage, and not having the ability to control what his neighbors were doing was very frustrating. In the long run, it may be for the overall safety and welfare of the people, that the Village impose a requirement that this area become common area. Markowitz stated he would agree with Mr. Wohlschlager that in a sense the Village does have the cart before the horse because this is a three acre zoned area until proof of adequate ground water has been shown. It appears the Village of Chagrin Falls will not provide water to this subdivision based on CF statements and the meeting of the Village with residents last month, in fact there appears to be more current residents wanting a tie-in that what the Village of Chagrin Falls can currently provide.

Markowitz stated what the Commission has before them is a general plan which does not require them to act, in the form of a motion, to approve or disapprove. What should be done, is make a recommendation as to what they want to see on the preliminary plat and what they would like to see presented on the improvement plans.

The other item the Solicitor stated he needs to discuss, is the through road that intersects S/L #39 and #38 and #37. What happens if Snavely wants to go ahead with their project and Mr. Simon is not ready to develop his phase II? The Commission needs to deal with some kind of guarantee provision that allows this to be dedicated or available for dedication in the event that Mr. Simon does not proceed as quickly as the developer of the property to the north, so that the Village or developer has the ability to get in and put in the improvements which causes another question. How does Snavely protect

themselves to get reimbursed in the event that they have to go ahead and put in improvements on Emerald Lakes property. Markowitz stated his suggestions to Snavely is they can assess the Emerald Lakes property with an agreement that they do not have to pay until they improve those portions, which seems to be amenable to Snavely or there could be guarantees in the form of bonds or letters of credit put out by Sid Simon. This is resolvable but it needs to be dealt with when we get to the preliminary plat stage.

Mr. Simon stated he has no problems with what Mr. Markowitz has stated.

Chairman Daniels asked Mr. Simon if it would be possible to move the lake, therefore creating a plan which would create more space between the Country Estates property and the proposed homes. Mr. Simon stated he would ask his engineer and see what might be possible. If his engineer says it would be possible, he would have no objection.

Bruce Colle, Village Engineer, stated he has quickly reviewed this plat and if Mr. Simon does move lake #1, it will give the lots abutting Country Estates approximately 50 extra feet. Colle stated he did draft a letter reviewing the plan as presented tonight. The first item deals with the water, which has been discussed at length tonight. The second item, the requirements of the preliminary plat approval for this sketch, conceptually appear to be OK but there is no way possible that he can formally approve what is presented until the requirements as outlined in the Subdivision Regs. are met, specifically form S-2.

Mr. Markowitz reviewed the past applications as submitted by Mr. Simon. Mr. Markowitz explained Mr. Simon has the choice of coming with a preliminary plat or going directly to a final plat. Mr. Simon stated he did not want to go directly to a final plat. Mr. Markowitz stated what Mr. Simon should do is come in with a completed preliminary plat, based on the recommendations made by the Planning Commission tonight. The plan presented tonight has the 70 lot layout and the through road to the north.

Bruce Colle stated his biggest stumbling block in approving any preliminary plat, with 70 lots, is making sure there is sufficient water. Mr. Colle stated he will not approve any plan without the approval of the Village Hydro-geologist on test wells that prove sufficient water.

Mr. Markowitz stated what he wants to make clear is Mr. Simon is not asking for an approval on a preliminary plat. Mr. Simon stated that is correct. Mr. Markowitz stated what the Commissions understanding is, is that Mr. Simon, under the existing preliminary plat application, will now submit a preliminary plat to the Village Engineer, which will be considered filed at the next Commission meeting. Mr. Daniels stated one of the requirements is that the surrounding property lot lines must be shown on the plat.

Mr. Markowitz stated the Army Corps of Engineers and the

ODNR have involvement over wet lands that they did not use to have and he wants to make sure that they have the ability to review this if in fact they have jurisdiction. Mr. Colle agreed and stated he has not determined yet if this land falls into this category but if it does he will see to it that proper reviews are done.

Mr. Markowitz stated he would like to advise the Commission that there is a sketch plan layout before them for Emerald Lakes phase II and if they feel there are some recommendations that they want the developer to follow when presenting the preliminary plat they should be stated. Commission agreed they would recommend that the lots on the west boundary should be moved to the extent that the lake can be moved, the lakes should be moved off the sublots, and the area on the southwest corner should be made into common land for maintenance purposes. Last but not least is the water issue, Commission is making it clear that they will not be able to give an approval to allow to proceed and develop until it is determined there is adequate water on site or a contractual commitment to provide by public water supply system.

Markowitz stated there are some lots that will cause problems if they want to add decks, sublots #32, 33 and 35 specifically, possibly more. In the movement of the western property, they should look at getting the opportunity to create larger lots in order to prevent any future problems with variances for decks.

Mr. Simon stated he would go back to his engineer and revise these plans as suggested by the Commission.

Bud Moroney stated he would like to bring back to the table the rezoning of the elderly care property. Moroney stated this has been three years since it was rezoned. Commission did this because they liked the plan and the concept, however the developer has not gone ahead with the plan. Moroney stated he is concerned that the property may be sold and something else might go in along the same vein but differently than what the Village had in mind. Should the Commission consider rezoning the land back to single family?

Markowitz stated the last conversation he had with Mr. Wolfson, he said he could not find anybody to finance the project because the feasibility studies that were done indicated that there was not enough demand now for him to make it profitable. Markowitz stated what Mr. Moroney is talking about is not the right way of looking at rezoning. It was spot zoning to begin with, but if it is rezoned again, it would be even more so. Markowitz stated to rezone this parcel back to single family, to do it safely, the Village should have an overhaul of the entire zoning done, i.e. comprehensive plan. If in part of this plan you find that this use is not what you want for the Village anymore, or that it is not amenable to the use for that or that it is not needed within this region, that may be a basis to do it. However to rezone just because the owner has not used it would not be wise.

Mayor Harvey stated he feels the Village does need to look at certain areas of the Village, area corridored by

Rte 306 and the area corridored by Rte 422, for a possible rezoning plan. Commission discussed this idea at length.

Bruce Colle, Village Engineer, stated their firm has recently expanded into another department within the last few months, that being a planning department. They have two fantastic guys, with great credentials and the Village might consider having them come to one of their meetings and give some ideas of what might be done. Commission agreed that this would be a great place to start and asked Mr. Colle to make arrangements for them to come and make a presentation which would provide an orientation and an idea of where to start.

Bill Mc Cartney presented plans showing the current fences that have been constructed in Manor Brook. Mr. Mc Cartney stated these fences have been constructed without permits. When these fences were constructed, they had 25% open area, however they have since gone back and filled in to open area with board, making them solid fences, which do not follow the Code.

Markowitz stated at the last meeting the Commission agreed that the developer should get one permit per cluster for all the fences, however now they are all solid fences, they do not meet zoning and the developer did not come in and get the permit as requested at the last Commission meeting. Markowitz and Harvey stated the Code does not take into consideration the need for privacy fences in condo clusters. Markowitz stated he can understand why the residents want a solid fence, but it does not follow the Code.

Markowitz stated because they did not come in following the last meeting as agreed, he feels that they should be notified and cited for not getting the permits and making them pay the penalties.

Harvey asked how they grant a zoning permit for a fence that does not follow the zoning requirements. Markowitz stated the Commission can tell the Building Department that if the residents want solid privacy fences between the units, they can grant the permits. Commission can find that these fences, those between multi-family dwellings, are not the fences that the Code is regulating and can approve solid fences built between multi-family units, as long as they are not longer than 16 feet and do not extend beyond the deck or patio. Commission agreed that they must take one permit out for each fence and pay a fee for each permit.

As for the six fence sections, each 24 feet long, that are constructed between clusters, they will be treated as one fence with one permit.

Markowitz stated Tom Burns has moved in three tenants into his office building and occupancy permits have not been issued. Council authorized him to file suit against Mr. Burns, it was filed last Friday and Judge Veit issued a temporary restraining order. In addition, Petals is suppose to have an Open House there on Saturday and Sunday. Mr. Markowitz stated he has informed Mr. Burns and Mr. Pearlman that the Village will not allow them to have this open house until occupancy permits are issued.

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19.*

The basis of the problems is there was no final inspection done and there was an ongoing dispute with the Village's Fire Marshall and their engineers as to whether or not their sprinkler system was adequate enough for the building. Markowitz explained the findings of the experts that inspected the sprinkling system. Commission discussed this at length.

Markowitz stated what he needs from Planning Commission is guidance as far as what to do if all items that need to be completed are not done by tomorrow, does the Commission want him to go to Court and get a contempt of court order against Burns for not removing the existing tenants. Commission agreed that if all the items are not completed, to go back to court for contempt of court order.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION *Meeting*

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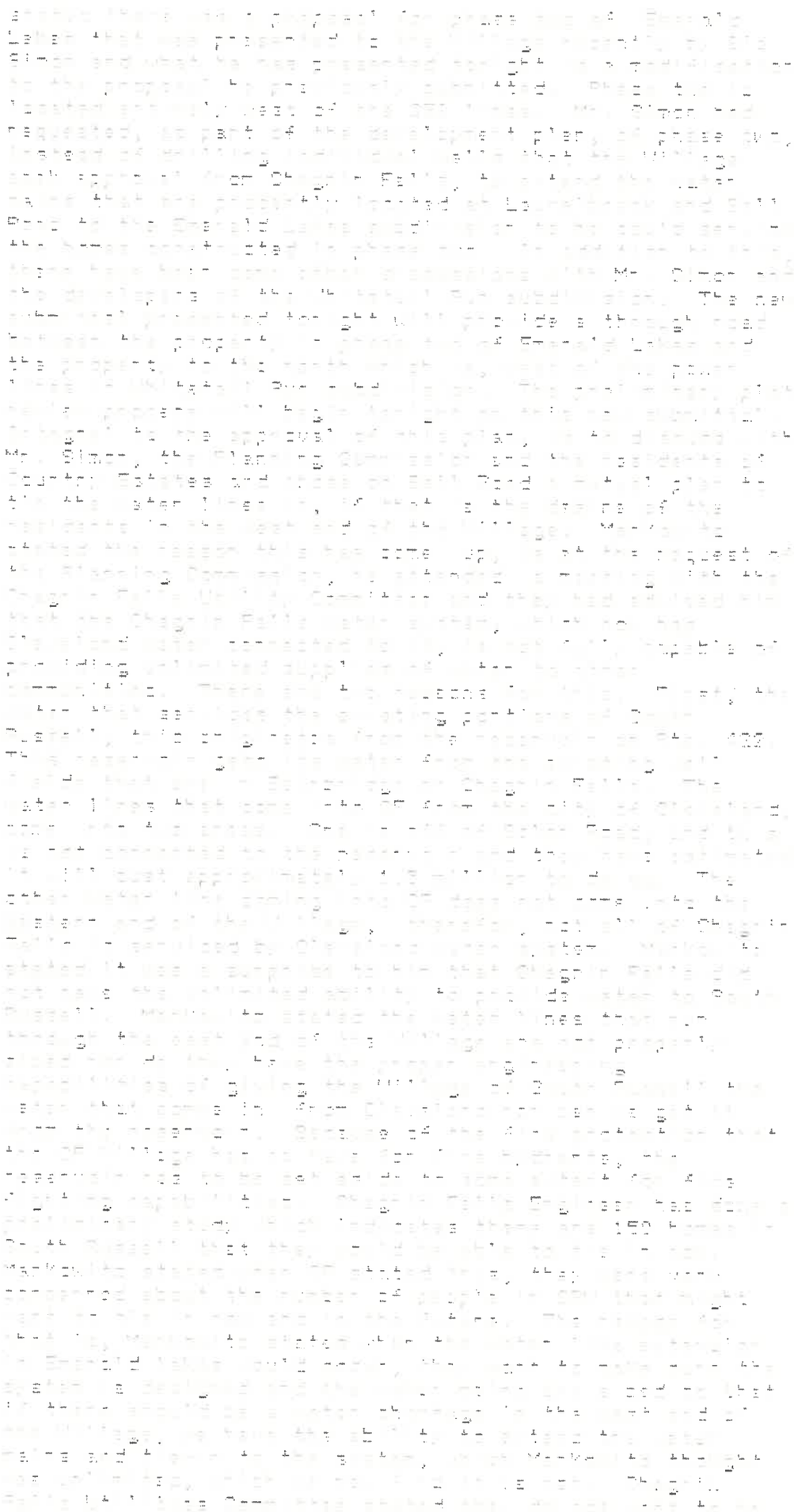
Held FEBRUARY 8, 1989 *19*

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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Held *19*



RECORD OF PROCEEDINGS

Minutes of FEBRUARY 8, 1989 *Meeting*

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RECORD OF PROCEEDINGS

Minutes of *Meeting*

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Held *19*

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION *Meeting*

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RECORD OF PROCEEDINGS

Minutes of *Meeting*

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Held *19*

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION *Meeting*

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Held FEBRUARY 8, 1989 *19*

Charles M. Daniels, Jr.

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RECORD OF PROCEEDINGS

Minutes of *Meeting*

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Held *19*

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Held JANUARY 5, 1989 *19*

Members present: Cotesworth, Daniels, Moroney, Harvey

Other officials: D. Markowitz, Bruce Colle, W. Mc Cartney

Guests: S. Simon, S. Berns, Court Reporter

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

Mr. Sheldon Berns, attorney for Mr. Sid Simon, stated they are before the Commission for Preliminary Plat Approval for Phase II of the Emerald Lakes Subdivision. Mr. Berns explained the reason he is here is because of a letter sent to Chairman Daniels from Solicitor Markowitz on May 23, 1988, which cast some question as to whether or not Emerald Lakes meets all the requirements of the ordinances that were in effect at the time of the last amendment to the judgement entry filed in Geauga Commons Pleas Court, whether or not they are entitled to approval of this second and last phase of Emerald Lakes Subdivision. Mr. Berns explained the Judgement Entry and the subsequent amendments to the Judgement Entry.

Mr. Berns stated the site plan, proposed Emerald Lake Phase Two, as presented to the Commission this evening, is the exact same site plan that was marked as exhibit A and attached to the order of the Common Pleas Court. Mr. Berns stated they believe the Village is bound by this order as well as they (Emerald Lakes) are bound by this order.

Mr. Berns stated the issue has been raised about water, the subject of the May 23rd letter from Mr. Dale Markowitz. Mr. Berns stated as far as they are concerned, they satisfied the Village in 1986, that there indeed was sufficient water for the development. Mr. Berns stated they disagree with Dr. Eckstein's findings that there is insufficient water. Mr. Berns stated they have a court order that states they can divide the property as shown on the plat presented. In addition, as long ago as this past summer, they advised the Village that they are prepared to bring a water line into the Village from Chagrin Falls. The Village must file an application with Chagrin Falls, and if the Village would do this he is sure they could enter into an agreement to get city water, if this is what the Village of South Russell desires.

Chairman Daniels asked when the plan, as presented before the Commission, was drawn, there is no date. Mr. Simon's engineer stated it was drawn three weeks ago, it is the same plat as attached to the judgement Entry with the additions of the topo and improvements.

Mayor Harvey stated the Commission has thirty days in which to act on this application and the next meeting is schedule for February 2nd. Mayor Harvey stated he can not be at that meeting. Commission discussed a possible meeting date change. Mr. Simon stated he would agree to changing the meeting date. Following a brief discussion, Commission agreed to change the February meeting date to Wednesday, February 8, 1989. Mr. Simon stated this date meets with his approval.

→ Extending the date of Preliminary Plat Action and

Commission reviewed the plan for phase two, Emerald Lakes Subdivision. Solicitor Markowitz explained when the Entry was amended a second time, there was a site plan attached as an exhibit. This plan did not have engineering data, it did not deal with drainage, it did not deal with what lakes would be where, it was just a layout of the lots and the streets. Mr. Markowitz stated, even though he has not reviewed this plan, he is assuming that this plan is verbatim, the same layout as is contained on the site plan that is attached to the Judgement Entry. Mr. Berns stated that is exactly correct.

Mr. Markowitz stated he would suggest to the Commission to adjourn into Executive Session to discuss the implications of this application because there is a judgement entry, which is subject to further litigation between the parties. Mayor Harvey moved to adjourn into Executive Session, Moroney 2nd. Roll call, all ayes. Planning Commission adjourned at 8:10 P.M.

Chairman Daniels reconvened the Planning Commission meeting a 8:45 P.M.

Mr. Markowitz stated it seems to be the disposition of the Planning Commission to approve the layout as presented tonight, if this is what the applicant wants, with the following understandings. Number one, the Village is not going to compel the applicant to provide a through road to Manor Brook but the Village is telling the applicant that they will exercise eminent domain to obtain the through road. When this will be done, it is not known, but it will be done when the Village feels there is a need. Mr. Markowitz states they are saying this because it appears that First Nationwide Bank, (formerly Cardinal Federal), Snavely Bldg. Co. and Emerald Lakes are unable to work out a negotiated settlement so it is the position of the Village that it is in everybody's best interest to just go ahead and exercise eminent domain at sometime in the future,if and when the Village feels there is a need. They want Mr. Simon to know that this is the plan of the Village so he won't feel he has been sand-bagged or that is developed in some way that is detrimentally harmed because of the eminent domain. Number two, the Village intends to enforce the new groundwater sensitive zoning ordinance but it is their belief that it is in the best interest of the future residents of this property, the Village and Mr. Simon, to proceed to negotiate with Chagrin Falls to allow the extension of the water line. Markowitz stated what the Village needs to know from Chagrin Falls is what contract terms they are going to impose upon the Village, they need to know what is the feasibility of doing this and what technical requirements will there be for the Village in the future, these are issues they think are resolvable, but they are telling Mr. Simon up front that it is their previous position to do this because they want to do it and because they think it is better for the residents to have the public water supply. The Planning Commission wants Mr. Simon to know the Village cannot make an absolute commitment to this, because they do not know what Chagrin Falls is going to require. The Village also does not know where they will be able to tie in. Mr. Markowitz stated the Village also understands that

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Held JANUARY 5, 1989 *19*

Mr. Simon wants to have an agreement with the Village that if residents tie-in to the extension, that they have the right of reimbursement based upon some formula, yet to be developed. What the Village needs, is to have is Mr. Simon's engineer and attorney tell the Village how they intend to establish this formula and what method do they want to have this right of reimbursement. Third, if there is some better layout that Mr. Simon thinks they might have, the Commission would like to have it to review. Mr. Markowitz explained they do not want to lock Mr. Simon into this plan, if he feels there may be a better way of doing the plan, the Commission would be very willing to review any changes.

Mr. Berns stated the plan that is before the Commission is the plan that Mr. Simon wants, it is the layout they want the Commission to review and approve.

Mr. Markowitz stated it is his anticipation that before the next meeting, they will be talking to Chagrin Falls and hopefully Chagrin will tell them what the contents of the contract for water will be. If they know this, it will make life alot easier at the next meeting, but even if they don't have this information, it is Markowitz's assumption that the Commission will, at the next meeting, give a conditional approval to the preliminary plat, contingent upon the Village Engineer's review and approval, allowing Mr. Simon to go ahead with improvement plans for whatever portion of Phase II that he wants to do and as far as doing the engineering studies for the water lines, it is not known how it is going to be timed. Markowitz stated he understands that the Village has to get a commitment from Chagrin however before they can say they will contract with Chagrin, they need to know what the terms will be. Mr. Berns stated they understand this, however, they would like the Village to contact Chagrin as soon as possible and begin the negotiations necessary.

Mr. Markowitz stated he would give Chagrin Falls a call and find out what is necessary to begin negotiations to bring in water from Chagrin Falls to South Russell.

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

Markowitz stated the November 10th minutes should be amended to include that the Planning Commission took no action following the Executive Session. There being no further additions or corrections, Cotesworth moved to approve the minutes as corrected, Harvey 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 9:30 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 PLANNING COMMISSION *Meeting*

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

Held NOVEMBER 10 *19* 88

Members present: Daniels, Sutliff, Moroney, Harvey, Cotesworth

Other officials: W. Dreimiller, D. Markowitz

Guests: None

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, all members were present.

Commission reviewed the minutes of September 1, 1988. Harvey stated there needs to be a correction on the second page, paragraph that begins with "Solicitor Markowitz", should read "stated he has the proposed legislation". Solicitor stated there are a couple other corrections, on the bottom of page one, "reach" should be "reached" and on the top of page two, "he will putting" should be "he will be putting", in the second paragraph, third line, "this court" should be "this to court", and in the third paragraph, the word "the" before "Snavely" should be deleted. There being no further additions or corrections, Harvey moved to approve the minutes as corrected, Moroney 2nd. Roll call, all ayes.

Commission reviewed the minutes of September 7, 1988. There being no additions or corrections, Moroney moved to approve the minutes as recorded, Harvey 2nd. Roll call, all ayes.

Solicitor Markowitz presented proposed legislation amending the Zoning Code which will accomplish three things. First, it will increase the height limit from 15 feet to 30 feet for conditional and industrial uses. Second, it will be adding a regulation for maximum lot coverage for business and industrial uses. Third, it will add a regulation that would prohibit any mobile home or manufactured home being placed in a residential district. Markowitz stated however, if it is a manufactured home that complies with the Ohio Building Code, they will allow them in residential districts and that is because if they don't, the Building Dept. will lose their certification. Commission discussed the proposed legislation at length. Following this discussion, Harvey moved to recommend to Council to adopt this proposed ordinance amending the Zoning Code, Sutliff 2nd. Roll call, all ayes.

Engineer stated there a regulation size basketball hoop located in the right-of-way at the end of Waverly Lane and it is his opinion that this should be taken down. Solicitor stated the Village does have a liability risk and he agreed it should be taken down.

Harvey moved to adjourn to executive session to discuss existing litigation with Emerald Lakes and to discuss eminent domain proceedings with Emerald Lakes property and Cardinal Federal/Snavely Whitetail Run property, Moroney 2nd. Roll call, all ayes.
Executive session adjourned at 9:14 and no action was taken.
There being no further business, meeting adjourned at 9:15 P.M.

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

Cathy Male
CATHY MALE, SECRETARY

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held ..... *19* ..

Minutes of PLANNING COMMISSION Meeting

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

Held OCTOBER 6 19 88

Members present: Daniels, Sutliff, Harvey, Moroney

Guests: None

Other officials: D. Markowitz, B. Dreimiller

Harvey moved to adjourn into executive session to discuss pending litigation and acquisition of property, Sutliff 2nd. Roll call, all ayes.

Planning Commission reconvened the regular meeting at 9:10 P.M.

Solicitor Markowitz asked the Village Engineer, Bill Dreimiller, what was happening to Bramble Farms. Dreimiller stated he had received the improvement plans in July and they were the worse set of improvement plans he ever saw in his life. He sent them back for major changes, their engineer could not able to handle it, they hired an additional engineer to complete the plans and he has started his second review and there are still alot of problems. Dreimiller stated unfortunately this is a situation where the developer has turned over the land to a realtor, and they have made commitments on at least twelve lots in the subdivision and he is getting calls from potential buyers wanting to know the situation, it is a real mess. The Engineer stated they would like to get the road and improvements in this fall and get the road dedicated by the first of the year. Planning Commission stated they doubted this could be accomplished.

Solicitor Markowitz stated Snavely has asked for acceptance of dedication for the Manorbrook extension. Markowitz stated Engineer has a punch list which was mailed today and they hope to be before the Council at their next meeting.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held ..... *19* ....

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

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

Held SEPTEMBER 7, 1988 *19*

Members present: Cotesworth, Sutliff, Moroney, Harvey

Other Officials: W. Dreimiller, D. Markowitz

Guests: D. Barr, S. Simon

Meeting was called to order at 7:30 P.M. Roll call, all present, Daniels arrived late.

Moroney moved to nominate Wally Sutliff Chairman Pro-tem, Cotesworth 2nd. Roll call, all ayes.

Chairman Pro-tem Sutliff asked the Solicitor to state the purpose for tonight's meeting with Mr. Simon and Mr. Barr. Mr. Markowitz stated when the Commission was presented a sketch plan of phase two of Emerald Lakes subdivision, it became obvious that timing of developing phase two of Emerald Lakes and phase two of Whitetail Run would coincide with getting an access road thru Mr. Simon's property to Whitetail Run. It has been Planning Commission's position for many years that the Village wants that access road for safety considerations. Mr. Simon's position was if the Village is going to get the access road, they can take it by eminent domain or have Snavely compensate Mr. Simon for the property. It is his understanding that Mr. Simon and Mr. Snavely met this morning, in the hope of working out an agreement which would tie-in the two developments so there would be at least one common access for the two properties.

Mr. Simon stated he did meet with Mr. John Snavely for about an hour and a half and he is sorry to tell the Commission they did not accomplish anything. Mr. Simon stated Mr. Snavely stated he did not really care if that through road goes in, he does not feel it will be that beneficial to his subdivision. Mr. Simon stated he certainly does not want the through road, as he stated last week.

Mr. Don Barr stated he also was in attendance at the meeting with Mr. Simon and Mr. Snavely and he would like to clarify a few things that Mr. Simon touched on. Mr. Barr stated Snavely's feeling on the necessity of the through street has not varied from their original statement, they feel for an overall development plan that an interconnect street between their subdivision and any ajoining property, i.e. Emerald Lakes, would be in best interest for the overall community. Mr. Barr stated they are willing and stand ready to provide for the interconnect street. Mr. Barr stated Mr. Simon presented his preliminary plan at the meeting this morning and they spent a few moments looking at ways they could potentially interconnect into his subdivision, that would minimize impact on his cul de sac streets and also that would minimize any lot reduction. Mr. Barr stated he is presenting tonight a very preliminary idea of how potentially an interconnect street could be accommodated, preserving Mr. Simon's cul de sac streets and not causing any necessary lot reductions. Mr. Barr stated this plan is not cast in stone, they are willing to accommodate the location of that roadway in most any reasonable location to accommodate Mr. Simon's subdivision. Mr. Barr stated the plan he is presenting, they may possibly would lose one lot, but that is just one of those things that

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happens but as far as being punished or to have economic hardship put on them because they want to follow the Planning Commission's good planning procedures, that they have always tried to adhere to, well, he has a real problem with that. Mr. Barr stated they would like to accommodate both the Village of South Russell and Mr. Simon however this morning they were unable to accomplish that. Mr. Barr stated they are not walking away from the table, if they can come to some reasonable arrangement with all three parties, they would like to, but to have some economic hardship because they are trying to do what's right and follow the Subdivision Regulations, they don't feel is fair.

Mr. Barr explained the way the plan works that he is presenting tonight, by utilizing three way stops, you could potentially put in five stop signs, thereby taking away the concerns of speeders, increased traffic, etc. Mr. Barr explained and showed where these stop signs would go.

Mr. Simon stated he would like to have the interconnect road, but nothing was said from Mr. Snavely as far as making any compensation for providing the interconnect road. Mr. Simon stated if he does provide for the interconnecting road the value of his lots will be reduced.

Mr. Markowitz stated is sounds like to him that not much got accomplished at this meeting because no one was willing to make the first proposal or offer, would it help if the Village got involved at a third party.

Mr. Simon stated he has an idea of how it could work but he is not going to be the first one to make a proposal. Mr. Simon stated he feels the Village will have to give a little, and it won't cost any money. Mr. Simon stated if the Village would allow him to add four addition lots along the entrance, take them within 100 feet of Bell Road, that would give him $200,000, offsetting the loss in revenue by putting in the interconnect road.

Commission agreed that the Village should get involved, this situation really is a three party transaction. Commission discussed this at length. Mayor Harvey stated they are going to have to determine if the Village has anything to bring to the negotiating table and if in fact they want to participate in the negotiations.

Engineer Dreimiller stated he does not know how anybody can make a firm commitment regarding this without looking at a general plan that everybody concurs with, there must be a mutual planning to create a composite of ideas.

Mr. Simon stated developing the plan is not the problem, its working out the monetary numbers that is going to be the problem.

Following lengthy discussion, Harvey moved to adjourn to executive session for the purpose to discuss a matter of existing litigation and potential acquisition of property, Moroney 2nd. Roll call, all ayes.

Meeting adjourned into executive session at 8:30 P.M

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Minutes of *Meeting*

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Held *19*

Executive Session adjourned at 9:20 P.M.

There being no further business, Regular meeting adjourned at 9:21P.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

Members present: Harvey, Moroney, Sutliff, Cotesworth, Daniels (late)

Other officials: D. Markowitz, W. McCartney, W. Dreimiller

Guests: S. Simon, D. Maggar

Meeting was called to order at 7:35 P.M. Roll call, Daniels and Cotesworth were absent.

Moroney moved to appoint Wally Sutliff Chairman Pro-tem, Harvey 2nd. Roll call, all ayes.

There being no additions or corrections to the July 12th minutes, Harvey moved to waive the reading and approve them as recorded, Moroney 2nd. Roll call, all ayes.

Mr. Sutliff stated the one correction to the July 18th minutes is to remove E. Gottschalk from the list of guests and add G. Goodrich. There being no further additions or corrections, Harvey moved to approve the minutes as corrected, Moroney 2nd. Roll call, all ayes.

Mr. Sid Simon stated he is before the Commission to discuss the future second phase of the Emerald Lakes Subdivision and he would like to make some changes to the plan that was previously approved. Mr. Simon presented a revised plan for phase two which showed that some of the lots were larger, the smallest lot will be 100' by 200' and the largest will be over one acre. Mr. Simon stated what they did was shorten the set back from the main entrance from 400' to 280'. Mr. Simon stated they did not increase the density. Mr. Markowitz asked if Mr. Simon had calculated for common area and did he have enough? Mr. Simon stated they had calculated the common area and they have more than enough.

Mayor Harvey stated he did not remember actually approving a plan for the second phase. Mr. Markowitz stated the plan that Mr. Simon has before the Commission tonight is the exhibit from the judgement entry, where the Village made the finding that the multi-family ordinance allows the reduction of the lot sizes and they revised the entry to conform with the change that had previously been approved way back in 1978. Mr. Markowitz stated the Commission did give an approval for phase two layout, but not for subdivision purposes, in terms of engineering, etc. Mayor Harvey asked if the lot sizes were approved? Solicitor Markowitz stated yes they were approved.

Commission reviewed the revised plan and discussed at great length.

Commission discussed the idea that the lake should be totally encompassed within the common area, re: maintenance, liability, etc. Mr. Simon stated he would keep that in mind when drawing the final plans.

Engineer Dreimiller asked Mr. Simon if he had reached an agreement relative to the interconnecting road with Snavely's Whitetail Run development. Mr. Simon stated he had not and he is not going to reach an agreement.

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Mayor Harvey stated if that is the case, he will BE putting the Village in the position of going eminent domain to insure a through road. Mayor Harvey stated he can not have a cul de sac street that length, it endangers the health, safety, and welfare of the residents on that street. The Commission stated they agreed with the Mayor's opinion.

Mr. Simon stated if that is how the Village decides to act, it will cost alot. Mr. Simon stated he will take this TO court and fight it. Commission and Mr. Simon discussed this at length.

Mr. Simon stated if the Village wants a through road, why don't they have meetings with Snavely, Simon and the Village in order to work something out, if possible, instead of going the eminent domain route. Mr. Simon stated he has met with ~~the~~ Snavely before and not been successful with working out an agreement, however he is willing to meet again.

Commission agreed to meet with Snavely and Simon at a special meeting and try to work out an agreement. Markowitz stated he would contact Snavely and try and set up a date convenient with everybody within the next couple of weeks for a special meeting to discuss this situation.

Solicitor Markowitz stated he has THE proposed legislation for a zoning amendment which will create groundwater sensitive zones. Markowitz stated he has met with Dr. Eckstein and the Village Engineer and together they have created a revised zoning map showing these areas. Markowitz stated what they have tried to accomplish, was to put undeveloped areas of the Village into the zones, they did not include developed areas, i.e. Country Estates. Commission reviewed the map as presented by the Engineer. Markowitz stated the significant areas include Mr. Simon's property, the tail end of Whitetail, the Milstein property, the Muggleton property, and the property at the very southwest end of the Village. Mr. Dreimiller stated the two areas that the Village owns are not included in the map, and possibly they should be, what did the Commission think? Commission agreed these areas should be included in the rezoning map.

Commission reviewed the proposed map and discussed the proposed zoning amendment at length. Following this discussion, Harvey moved that the Planning Commission recommend that the proposed zoning amendment, amended as follows; in the second "WHEREAS", add a clause that says that the areas that are presently undeveloped are going to be contained in the groundwater sensitive zones and in Section 2 of the ordinance they will add a reference to the four zones that are designated on the map as GW-2, GW-3, GW-4, and GW-5, they will add a clause to this section indicating that the areas that are contained in the groundwater zones are those that are presently undeveloped, and language will be added that will state if a lot is contained in more than one groundwater zone, then the more restrictive zone would prevail; and the attached map, dated September 1, 1988 and titled Groundwater Sensitive Zone Map, amended to include the three Village owned parcels, go the Village Council with

RECORD OF PROCEEDINGS

the Planning Commission recommendation that it be adopted, Moroney 2nd. Roll call, all ayes.

Markowitz stated the Village does not have any regulations in the Zoning Code relative to manufactured homes and he and Bill Mc Cartney have discussed the need for some regulations to be put in our Zoning Code. Currently, manufactured homes are only addressed in the building code. Markowitz stated what he recommends is to adopt a regulation in the Zoning Code, take it out of the Building Code, and establish regulation over where these manufactured homes could be built. Commission agreed and asked Mr. Markowitz to draft legislation and present it at the next meeting.

Charlie Daniels stated that Milbar Corporation is looking at the possibility of expanding their facilities on the existing property. Mr. Daniels stated he got a copy of the metes and bounds of the property and then tried to figure exactly what would be allowed. Mr. Daniels stated he has drafted a letter, written to Milbar, stating exactly what they would have to do if they decide to expand and build more buildings, as far as Village requirements. Commission reviewed the letter, and asked that it not be sent on Village stationery, due to the fact that they do not interpret the zoning code for an applicant, if they have a question, they go to the building inspector and he will give them that information.

Commission stated as the regulations read, any additional building built would have a limit of 15 feet in height. Chairman Daniels stated he always thought the regulation for industrial was 30 feet. Commission discussed this at length. Commission agreed possibly this is an error and asked that Markowitz to review this and present this possible amendment to Council with the other proposed amendments.

There being no other business, meeting adjourned at 9:45 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*

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

Held JULY 18, 1988 19

Members present: Daniels, Sutliff, Moroney, Cotesworth, Harvey
Other officials: W. Dreimiller

Guests: ~~E Gottschalk~~, G. Norton, G. Goodrich

Chairman Daniels called the special meeting to order at 7:30 P.M. Roll call, all members present.

Chairman Daniels stated the purpose of the meeting was review the request of Lake Louise to dredge their lake and use double axle trucks instead of a single axle trucks as recommended by the Village Engineer. The second item to be discussed is putting up a letter of credit versus posting a bond to cover the cost of repairing any Village roads damaged during the trucking process.

Commission discussed these items at great length and following this discussion, Harvey moved that the South Russell Planning Commission approve the dredging plan of Lake Louise and will allow the use of double axle trucks to transport the dredgings from Ridgecrest, to Bell Road to Snyder Road, subject to a 30 ton limit; contingent upon the inspection and approval of the Bell road Bridge by the Geauga County Engineer and upon the County Engineer setting a weight limit for the bridge; upon the inspection of Ridgecrest, Bell Road and Snyder Road prior to the commencement of hauling by the Village Engineer and a Lake Louise representative; upon Lake Louise giving the Village a two day notice of the hauling schedule; upon the Village Engineer periodically inspecting Ridgecrest, Bell Road and Snyder during the hauling procedure; upon Lake Louise development putting up a letter of credit, running in favor of the Village, in the amount of $20,000. and to the extent the Village Engineer "reasonably believes" that there is road damage attributable to the hauling on Ridgecrest, Bell Road, and Snyder Road, the Village can draw, under the letter of credit, by certificate, up to the dollar amount of the damage that the Village Engineer believes necessary to repair; upon the Village Engineer being able to stop any hauling if he feels excessive damage is being done to Ridgecrest, Bell Road, and Snyder Road; and upon the Village covering the cost of the initial and periodical inspections of the Village Engineer, however the cost of any excessive inspections will be paid by drawing on the letter of credit, Moroney 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 8:35 p.m.

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

Cathy Male
Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

Members present: Cotesworth, Daniels, Harvey, Moroney

Other officials: D. Markowitz, B. McCartney

Guests: E. Gottschalk, G. Norton, W. Young, D. Barr

Meeting was called to order at 7:30 p.m. Roll call, Sutliff absent.

Markowitz stated he had one correction to the June 6th minutes. On page 288, second paragraph down, the third sentence should read,"Markowitz stated after the Judgement entry, there was an amendment to the entry which would allow single family lots versus condominium units, and then the Commission agreed to allow reducd yard requirements by an ordinance amending the Zoning. There being no further additions or corrections, Harvey moved to approve the minutes as corrected, Cotesworth 2nd. Roll call, all ayes.

Ed Gottschalk stated he is before the Commission representing the Lake Louise homeowners and stated they would like to request a reconsideration of two of the items on the Village Engineer's recommendations of May 5, 1988. First, is the requirement of using a single axle truck to haul the dirt, they would like the permission to use a tandem truck. Mr. Gottschalk stated they have 8,000 yards of material to remove and they could do it in alot fewer trips if they were allowed to use a tandem truck. Second, the bond requirement is a problem in the fact that no contractor wants to post a bond. Mr. Gottschalk stated their Board has discussed and would be willing to put up a letter of credit guaranteeing that they would take care of any damage done to the roads due to the truck hauling.

Commission discussed these two items at length. Mr. Gottschalk stated the dirt would be hauled to a farm on Snyder Road and they would haul out Ridgecrest on to Bell and then onto Snyder. The one problem with this route, is the Bell Road bridge and the weight limit. Commission stated to get the permission to haul over the Bell Road bridge would have to come from the County. Mr. Gottschalk stated he would contact the County with regard to the weight limit for the Bell Road bridge.

Commission stated they are at a disadvantage at tonight's meeting because the Village Engineer was not able to attend. Commission stated they really felt they could not take any action without the Village Engineer's approval of the changes being requested.

Commission agreed to contact the Village Engineer and try to set up a special meeting in order to get his input and take action on these two items. Secretary stated she would contact the Village Engineer and then contact the Commission as to when there will be a special meeting.

Don Barr, Snavely Building Company, stated he is before the Commission requesting approval of the amendment of the condominium declarations which is adding the common area for Cluster H and J. Commission discussed this

briefly. Harvey moved to approve the condominium declaration amendment solely for the purpose of adding those portions of Cluster "H" and "J" to the condo declaration subject to the review and approval of the Village Solicitor, Cotesworth 2nd. Roll call, all ayes.

Commission reviewed the development review application and plans presented by Lake Forest Construction, which propose exterior renovation to Violante's Pizza restaurant. Lake Forest Construction representative explained the renovations to the Commission. Following the Commission review, Cotesworth moved to approve the development review and plans for Violante's renovation subject to the Village Engineer's review and approval in accordance with the Zoning Code, Moroney 2nd. Roll call, all ayes.

Mayor Harvey stated they were hoping to be able to have Dr. Eckstein here tonight to discuss the proposed rezoning in conjunction with the water study, however he was not able to attend. Mr. Markowitz stated he has handed out the proposed rezoning amendment and what he needs to have done at this time is have the Village Engineer draw a precise map showing the proposed changes. Commission reviewed the proposed ordinance briefly and agreed that they would like the Village Hydrologist to review this and the map and then have a meeting to discuss.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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Held JUNE 6, 1988 *19*

Members present: Moroney, Sutliff, Harvey, Cotesworth, Daniels

Other officials: W. Dreimiller, D. Markowitz

Guests: D. Sladek, G. Larowski, S. Simon

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, all members present.

There being no additions or corrections to the May 5, 1988 minutes, Cotesworth moved to approve them as recorded, Daniels 2nd. Roll call, all ayes.

Dean Sladek, stated he owns sublot #2 on Whitetail Run Drive and he is before the Commission requesting a clarification of a variance granted Snavely Building Company relative to beginning construction of the single family homes on Whitetail prior to the dedication of the road. Mr. Sladek stated it was his interpretation that the variance granted would allow the beginning of construction once the curbs were in and the pavement down, they could begin construction, however they could only build as far as enclosing the house, and go no further until the road had been accepted for dedication. Mr. Sladek stated he has been informed by the Building Department that he can not get his building permit until the Engineer's punch list on the road has been completed and approved.

Solicitor read the variance motion as approved by the Planning Commission on April 7, 1988 and recorded in the April minutes.

Village Engineer stated he made an inspection on the 16th of May and a punch list was created for the road, Whitetail Run. Snavely stated all items on this punch list have been completed except for four. Village Engineer stated he has not been back to inspect to see what items have been completed, he is scheduled to inspect on Monday, June 6th.

Greg Larowski stated the items on the May 16th punch list that have not been done are #4, fine grade and seed disturbed areas, and this will been done on Tuesday. Item #20, repair head wall of the retention pond and Item #21, channel outlets from retention ponds. These two items should have been done today, however they will not be completed until tomorrow. The last item is Item #7, video tape of the storm sewer. Mr. Larowski stated the taping has been done and it should be at the Village Engineer's office soon however they do know that there will be some need of hydro-jetting to get rid of the gravel.

Mr. Larowski stated he would like a clarification of the variance granted, the punch list they have appears to him to be a final punch list, more or less one prior to dedication. Mr. Larowski stated they have indemnified the Village 100 percent and did everything in their power to let the Village be free and guaranteed that all the work would be done. Now they are in a position to begin digging the basement of Mr. Sladek's home and they can't

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get a building permit.

Commission discussed the time needed to complete the items left on the punch list.

Mr. Larowski stated as far as Mr. Sladek's lot, if he were to begin construction prior to the punch list being completed, that would in no way hinder their completing the necessary items.

Mayor Harvey stated as he understands, the Planning Commission is being asked to modify the variance that was granted in April, in order to allow Mr. Sladek to begin building on his lot, Sublot #2.

Village Engineer stated again that even though Snavely has stated that all but four of the items have been completed, he has not been out there to inspect and approve their work.

The Village Solicitor stated he is not sure the Commission can modify the variance subject to information that has not been verified by any Village official, re: the completion of the punch list items.

Mr. Larowski stated it was his impression that they would be able to complete these punch list items during the time they were beginning construction and he assured the Village that they would certainly be completed 100 %.

Village Solicitor stated he did not think the Commission should grant the variance any different than it already has been granted. Mr. Markowitz stated he understands through the bonding the Village is protected but the Commission has taken another step away from the Regulations by granting this variance and now they are requesting that they take another step, and where will this end?

Planning Commission agreed that they would not modify the variance granted April 7, 1988.

Mr. Markowitz stated the request for an extension for the performance bond for Cluster "E" has been withdrawn because the work has been completed.

Dale Berrea, Cawrse and Associates, stated he is before the Commission requesting development review approval for Cluster "J". Mr. Berrea stated the plans have been to the Village Engineer and they are in the process of revising the plan as per the Village Engineer's request.

Commission reviewed the plan for Cluster "J". Mr. Berrea stated he is requesting approval of the plan contingent upon the Village Engineer's approval of the revisions as requested by the Engineer.

Village Engineer stated he has reviewed the plans and he has no problem with the geometry however he has not gone through the drainage and grading review. Engineer stated he does have the grading and drainage plan and he is also looking at the plot plan that shows the geometry of the perimeter of "J" and also the appropriate open space that will be set aside somewhere in the

development.

Mr. Berrea stated they would also like to ask permission to begin the improvements of Cluster "J" prior to the acceptance of the Manorbrook extension. They are not requesting building permits, just the ability to be able to begin the utility improvements prior to the final dedication of Manorbrook extension.

Commission discussed this request and agreed that until the development review application for "J" is approved, they can't grant approval of putting in the improvements prior to the dedication of the Manorbrook extension.

Engineer stated as far as he is concerned, all the zoning requirements of Cluster "J" have been resolved, he still has to review and approve the plan for drainage and grading and verify that there is sufficient common area for this Cluster.

Following further discussion, Harvey moved to approve the development review application for Cluster "J" subject to the Village Engineer's approval, subject to the conveyance of a deed, satisfactory in form to the Solicitor, conveying to the Homeowners Association sufficient open space for Cluster "J", subject to the posting of a performance bond and letter of credit as set by the Village Engineer and Village Solicitor, Moroney 2nd. Roll call, all ayes.

Mr. Markowitz stated he just realized, the motion the Commission just moved and approved, was not conditioned upon the completion of the Manorbrook extension, in other words, you are allowing zoning and building permits to be issued prior to the road being completed.

Harvey moved to amend the previous motion to state that zoning permits for Cluster "J" will not be issued until the extension of Manorbrook Drive has been installed completely and properly in accordance with the Village Subdivision Regulations and to the Village Engineer's satisfaction that it complies with the Village ordinances, regulations and resolutions. Building and occupancy permits can not be issued for Cluster "J" until the Village Engineer has been satisfied, however they can be issued prior to the acceptance for dedication, Moroney 2nd. Roll call, ayes, Moroney, Cotesworth, Daniels, Sutliff; nay, Harvey.

Commission discussed the request of allowing the installation of the utilities for Cluster "J" prior to the final dedication of Manorbrook Drive. Markowitz stated what they really are asking the Planning Commission is two fold, first is to allow, in essence excavating and earth moving under the erosion control ordinance, without plans being submitted. Markowitz stated there really is no formal application for this procedure, the Village Engineer has the authority, under the Zoning Code, to review any grading plans and give his approval. Second, they also want to go ahead and install the improvements that are required by the Village Engineer. Mr. Markowitz stated there really isn't any procedure in the Zoning Code that can accomplish what Snavely is requesting, in other words, they want to put in what the Zoning Code requires them to do but they want

to do it before everything on the punch list for the Manorbrook Extension is completed. Mayor Harvey and Mr. Moroney stated they would not be comfortable granting this request, it just seems like they are getting too far ahead of themselves. Mr. Markowitz stated what he feels would be more appropriate would be for Snavely to come back next month, they will have a better handle relative to what stage the installation of the Manorbrook extension will be and the Village Engineer will have all his reviews for Cluster "J" will be completed. Mr. Larowski stated they will be back at the July meeting.

Mr. Sid Simon, Emerald Lakes, stated he is before the Commission to discuss the interpretation of the Judgement entries, relative to the proposed rezoning of the Emerald Lakes subdivision. Mr. Simon stated he received a copy of Mr. Markowitz's Opinion-1 Emerald Lakes, dated May 23, 1988. Mr. Simon stated he had read this opinion of Mr. Markowitz's and he is very disturbed. Mr. Simon stated as he interprets it, what it boils down to, is all the documents and agreements that were signed between himself and the Village relative to the development of Emerald Lakes are illegal. Mr. Simon stated he does not understand.

Mr. Markowitz stated what he is saying is after reviewing the Judgement Entry there is nothing in it that could be interpreted as prohibiting the Village to rezone the property of Emerald Lakes. There is nothing in the Entry that says the Village is bound to keep one acre zoning on the Emerald Lakes property. Markowitz stated after the Judgement entry, there was an amendment to the entry which would allow single family detached condominium dwellings, then there was another amendment that would allow for single family lots versus condominium units, and then the Commission agreed to allow ~~smaller single family lot size under~~ reduced yard requirements Ordinance amending the zoning. The Commission made a finding that this would be allowed due to the topographical restrictions found on the property. Mr. Markowitz stated there is nothing that has been done that is illegal, everything that Mr. Simon and the Village has done has upheld the law in every way. However, there is nothing in the Entry or the amendments to the Entry that says that you can never change the zoning.

Following a lengthy discussion, Mr. Markowitz asked the Commission to adjourn to executive session because of potential litigation as well as past litigation they are currently interpreting. Mayor Harvey moved that the Commission adjourn into executive session, Cotesworth 2nd. Roll call, all ayes. Meeting adjourned at 9:15 P.M.

Meeting was reconvened at 9:45 P.M.

Chairman Daniels stated they have reviewed the situation and they have some decisions to make, one being to have the Solicitor look into what they have to do relative to being fair to everybody.

Mayor Harvey stated they have discussed this in closed session and they are going to have to, looking at the Village as a whole, decide what is in the Village's best interest. This will be discussed further and in depth at the next meeting.

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION *Meeting*

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

Held JUNE 6, 19888 *19*

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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

Held *19*

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

Held MAY 5, 1988 19

Members present: Moroney, Daniels, Cotesworth

Other Officials: D. Markowitz, W. Dreimiller, W. McCartney

Guests: Sid Simon, Greg Lawroski, Mark Chapic, R. Mills

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, Harvey and Sutliff were absent.

There being no additions or corrections to the April 14th minutes, Cotesworth moved to approve the minutes as recorded, Daniels 2nd. Roll call, Cotesworth and Daniels, aye, Moroney abstained.

Roger Mills, resident of Lake Louise, presented their application and Village Engineer's review, dated 5-5-88, of their proposed dredging plan for Lake Louise. Mr. Mills stated they are planning to drain 90 % of the water out of the lake and clean it out. This process is necessary following the development of Lake in the Woods.

Mr. Mills stated the dump site will be outside the Village and they are very concerned about the care of the roads during this process and will be very careful to make sure the Village roads are kept clean, in fact they have in the contract that they will withhold payment until they are satisfied the roads are clean.

Mr. Mills stated he has the recommendations of the Village Engineer and has no trouble with them except one, the posting of a bond to cover the possibility of road damage with the heavy trucks.

Mr. Mills stated they are also working with Dr. Hauser, an environmentalist at Lakeland Community College to control the drainage of the lake.

Mr. Mills stated the only item they do not agree on with the Village Engineer is his request that they post a bond and the reason he does not agree is the fact that they feel this has been covered in their contract, through the withholding of payment.

Commission discussed the posting of the bond at length. Commission agreed that the posting of a bond should be a requirement.

There being no further discussion, Moroney moved to approve the dredging plan of Lake Louise subject to the Engineer's recommendations of May 5, 1988, copy hereto attached, Cotesworth 2nd. Roll call, all ayes.

Mark Chapic presented his application for a minor subdivision for lot 10, tract 3 , Bell Road. Mr. Chapic stated he is proposing to divide this land into three lots, each over an acre in size and with more than 130 feet frontage.

The Village Engineer stated the plan meets all the requirements for zoning.

The Solicitor stated the format of the plan is not in compliance with the subdivision requirements, in other

words, the zoning is OK but subdivision code requirements and language need to be added. Markowitz stated this can be done following Commission action

There being no further discussion, Cotesworth moved to approve the minor subdivision application of Mr. Chapic, Moroney 2nd. Roll call, all ayes.

Greg Lawroski, Snavely Building Co., stated he is before the Commission requesting an amendment to the site plan for Cluster "H". Mr. Lawroski stated they are requesting to split the duplex building #4, and make it into buildings 4 and 5. Commission discussed briefly.

There being no objections, Cotesworth moved to approve the the splitting of Building #4, Cluster H and creating buildings #4 and #5, subject to the Village Engineer's review of the Zoning Code requirements, Moroney 2nd. Roll call, all ayes.

Mr. Lawroski presented Development Review application for Cluster "J". These plans have not been reviewed by the Village Engineer. Planning Commission asked that the Engineer review these plans and they will take action at their next meeting.

Mr. Sidney Simon came before the Commission, stating he is concerned about the possibility of the Village rezoning his property to larger acre zoning. Mr. Simon stated he wants to know, if the rezoning is adopted, will it affect his Emerald Lakes Subdivision, particularly the undeveloped areas? Mr. Simon stated he feels he has an agreement with the Village and an approved subdivision and if this is not the case he needs to know.

Mr. Markowitz stated what Mr. Simon wants to know is if the old judgement entries prohibit the Village from changing the zoning. Mr. Markowitz stated this will take some time to research and he did not want to do that without the Planning Commission giving authorization and he did not want to do that unless the issue is really going to be out there and that is, will the Village proceed with the rezoning based on Dr. Eckstein's most recent evaluation. Planning Commission agreed that they will proceed with the process of rezoning.

Markowitz stated as an example of what the new zoning would propose is on Emerald Lakes undeveloped land, the density would be amended to two to three acre minimum. However, a provision could be put in the Zoning Ordinance that if the developer can show the Village that there is adequate water on site to support a better density ratio, then the Village can lower the requirement.

Following a lengthy discussion, Cotesworth moved to authorize Solicitor Markowitz to investigate the judgement entries of the Emerald Lakes development to try to determine if the Village has the ability to change the zoning for that parcel of land, Moroney 2nd. Roll call, all ayes.

Commission discussed the rezoning proposal as mapped out by Dr. Eckstein. Commission agreed that Mr. Markowitz should proceed to draft an amendment to deal with the new

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Held MAY 5, 1988 19

information presented by Dr. Eckstein. Commission agreed they would like to see the amendment and then proceed with legal descriptions from the Village Engineer.

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

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

Cathy Male
CATHY MALE, SECRETARY

RECORD OF PROCEEDINGS

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

May 5, 1988
File No. SR 107-83

South Russell Planning Commission
Village of South Russell
5205 Chillicothe Rd.
South Russell, Ohio 44022

RE: Lake Louise Dredging
South Russell, Ohio

Dear Commission Members:

The following is a list of recommendations that I feel should be included as conditions in approving this application.

1. After the lake is drained it should be left undisturbed for several days to allow a dewatering process to occur that will reduce the amount of leakage from the trucks during transport.

2. Trucks shall be single axle types, limited to a 12 ton gross weight.

3. The Contractor shall patrol the Village streets along his route daily, removing any mud or debris resulting from his work.

4. Any damage sustained to the Village rights-of-way shall be restored to their original or better conditions in accordance with methods and materials approved by the Village Engineer.

5. The Village Engineer shall be notified 48 hours prior to commencement of the Work at 349-3400.

6. Siltation controls as shown on the application sketch must be in place prior to lowering the lake level.

May 5, 1988

7. I would recommend that the Contractor post a bond for this project in the amount of $25,000.00 which should remain in effect through the construction period and final inspection by this office. The form of the bond must be approved by the Village Solicitor.

8. No lake dredgings will be deposited within the Village.

Very truly yours,

SEYMOUR D. WEISS & ASSOCIATES, INC.
Village Engineers

William R. Dreimiller

William R. Dreimiller, P.E.

WRD/lg

cc: Cathy Male, P.C. Secy
Dale Markowitz, Solicitor
Wally May, Street Supt.

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Held APRIL 14, 1988 19

Members present: Daniels, Sutliff, Harvey

Other officials: D. Markowitz, Y. Eckstein

Guests: K. O'Donnell, D. Carpenter, R. Jackson,

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, Moroney and Cotesworth absent.

Dr. Yorum Eckstein stated he is before the Commission at their request, to further explain the new zoning densities which he has recommended after re-running the numerical model with new, current data. Dr. Eckstein stated the areas most greatly affected are those west of Rte. 306. A new map, with the larger areas shown, was presented and is attached hereto.

Chairman Daniels asked how the area zoned for the elderly care facility, off of Rte. 306, could support over 100 residents on only 15 acres. Dr. Eckstein stated they would utilize one or two wells for the entire community. Dr. Eckstein stated with the acreage that they have, they can locate the supply well in such a way, the cone of depression will not go over the boundaries of their property.

Dale Markowitz stated as he reviews the map, there is a small strip that is proposed for two acres. Dr. Eckstein stated that is correct, it is the transition, that is more or less matching the change in thickness and permeability of the Sharon Sandstone. Dr. Eckstein stated he had to put it into districts somehow, the gradual change of the Sharon, and he is doing it by increasing to a narrow two acre transitional area.

Mayor Harvey asked about the proposed three acre areas found in the northwestern part of the Manorbrook development. Dr. Eckstein stated this area is the beginning of the "pinching down" of the Sharon Sandstone and in the four and five acre areas, the Sharon Sandstone is non-existent. Dr.Eckstein stated the Berea is still there, but the Berea is much less productive.

Commission discussed the five acre area found in Country Estates subdivision and expressed their concerns because the homes are built on a one acre density plan. Dr. Eckstein stated it would be good to have some check on what is going on, as far as the water table, and this can be done by putting on one of the wells, some kind of water level meter that would be registering, automatically, over a two year period. Dr. Eckstein stated after two years you would look and see if there is a drastic downward trend, and if there is, the Village can begin to plan for the future.

Mr. Sutliff asked Dr. Eckstein how the Manorbrook property could be allowed to be developed with one acre density, and now this new map shows there should be three acre density. Dr. Eckstein stated the eastern part of Manorbrook currently has a water company that is being fed by one or two wells and central well systems are much more efficient than individual wells and the tests done for the central wells show they can support this

development. Dr. Eckstein stated if and when they decide to develop the western portion, the existing wells that serve the water company will not support further development on the western side. Snavely will have to do more tests and find other wells to supplement the water company or develop the land three acres per unit.

Dr. Eckstein stated he would like to explain how this new proposed map should be used. Dr. Eckstein stated if in the western part of the Manorbrook development, which is un-built and not subdivided. If a developer comes before the Commission calling for a three acre lot subdivision, the Village does not have to call in the Village Hydrologist to review the plan because that is within what is called for on the map. However, if the developer comes before the Commission and stated he wants to have a development with one acre lots, they will have to get a hydrologist to review the plan and prove that it can, in fact, support such a development.

Mr. Sutliff asked Dr. Eckstein if, as an example, the Muggleton property, which is now being proposed to have two acre zoning, increased from one acre, could automatically go for a water company and then develop with one acre zoning. Dr. Eckstein stated, no, any central well has to be tested and proven to show it can support the proposed development.

Mayor Harvey asked Dr. Eckstein if someone came into the area where we have a two acre zoned area abutting a five acre zoned area and they wanted to prove they could have sufficient water on the five acre parcel to support a three acre density development, would this adversely affect the two acre zoned area right next door. Dr. Eckstein stated no it would not because when the developer did the pumping tests to prove he could have three acre density, they do an interpretation of how large a cone of depression would be created and they would not allow the cone of depression to extend beyond the property boundaries.

Dr. Eckstein stated one item needed on this map is to show the western boundary of the Sharon Sandstone in order to see where the Sharon is "pinched" out .

Mr. Markowitz explained if, as an example, Snavely wants to develop the west end of their property, which is zoned for two acre lots by the new map. If Snavely does the pumping tests and proves to Dr. Eckstein that there is sufficient water to develop one acre lots with individual wells and there will not be any exceeding the cone of depression beyond the boundaries of their property, the Village would approve the plan. In theory, this should not have any affect on Emerald Lakes, but if the Village does not change the zoning as proposed by Dr. Eckstein's new map, the Village is going to have a very difficult time stopping Snavely from coming in with a one acre subdivision.

Mayor Harvey stated as he understands Dr. Eckstein's recommendations, according to the computer and the interpretation of the data put into the computer, he is proposing the zoning according to this information. If a developer comes in and wants to put in a development that is zoned for three acre lots and his plan calls for three

acre lots, he does not have to do any further water studies. However, if he wants anything smaller than three acre lots, he must prove that there is sufficient water with further tests. Dr. Eckstein stated this is correct.

Markowitz stated if the zoning is amended, the Planning Commission will have the authority to increase the density if the developer can satisfy the Village Hydrologist and Planning Commission that there is adequate water to support the proposed development.

Dr. Eckstein stated one area of concern to him is the area located across from the Chagrin well fields. Now that Chagrin has Cleveland water, and if Chagrin continues to use their wells to sell water, they may pump too much water and the cone of depression will overlap into the South Russell area, negatively affecting residents water wells.

Commission discussed the necessity of developing regulations to govern the water companies, i.e. Manorbrook Water Company. Markowitz stated what he is concerned with is if a development were to occur where they wanted to use a central system and they had maybe 10 to 15 houses, but not have the money or management to administer the company, this could cause many problems and the Village should have some standards with which to govern any size water company.

Commission discussed the major areas which would have to be rezoned are the areas along the CEI easements, along with a smaller area at the east end of the Village. Mr. Markowitz stated that this will be a very expensive process due to all the legal descriptions that will be needed as well as the legislation.

Dr. Eckstein described the process of measuring the water table over a two year period of time. Commission asked Dr. Eckstein to find out the cost of such a device that would measure this and provide a quote to Council. Commission was very interested in getting a well in Country Estates monitored due to the new map showing five acre minimum, and this area is developed with one acre lots.

Markowitz asked if some of the wells in Country Estates did go dry, would it be feasible to try and set up a central water system, even though these wells are in the Berea Sandstone. Dr. Eckstein stated no it would not, not in the Berea.

Mr. Jackson asked if there was any delineation of the Berea Sandstone from the Sharon Sandstone. Dr. Eckstein stated there was no line shown on the map that is before the Commission, however he could provide that information on the map if the Village would like. Commission asked Dr. Eckstein to put the outline of both the Berea Sandstone and Sharon Sandstone on the map and return it to the Village at his earliest convenience.

Dr. Eckstein asked if the Village had considered his proposal of testing water from the Berea and test for contamination in the central area of the Village. Mayor Harvey read Dr. Eckstein's proposal, dated 4-20-88, which

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stated he would test wells in the contaminated area and wells outside the contaminated area, twice, three months apart. The study would take approximately 6 months and would not cost more than $5,000. Dr. Eckstein stated he will be trying to find would why there is such a high concentration of salinity in the water at the Village Hall and where it is coming from. Dr. Eckstein stated his concern is that this came from oil brines, and the question is, whether old wells are properly cased, or not. Dr. Eckstein stated he has developed a method that can identify what the contaminant is, then tell you if it is road salt or if it is brine and if it is brine he can tell from what formation it has come. Mayor Harvey stated he will present this proposal to Council and they will get back to Dr. Eckstein.

Mrs. O'Donnell stated she is very concerned about the possibility of the Country Estates area having a water shortage and she feels that this device that Dr. Eckstein has spoken about that will measure a drop in the water table might be a wise investment which will allow the Village to determine if there is a drop in the water table, and if that is the case, the Village will then be able to plan appropriately. Commission agreed that this area needs to be monitored. Dr. Eckstein stated he can find out the information on what it will cost for this device and provide it to the Village within a couple of weeks.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

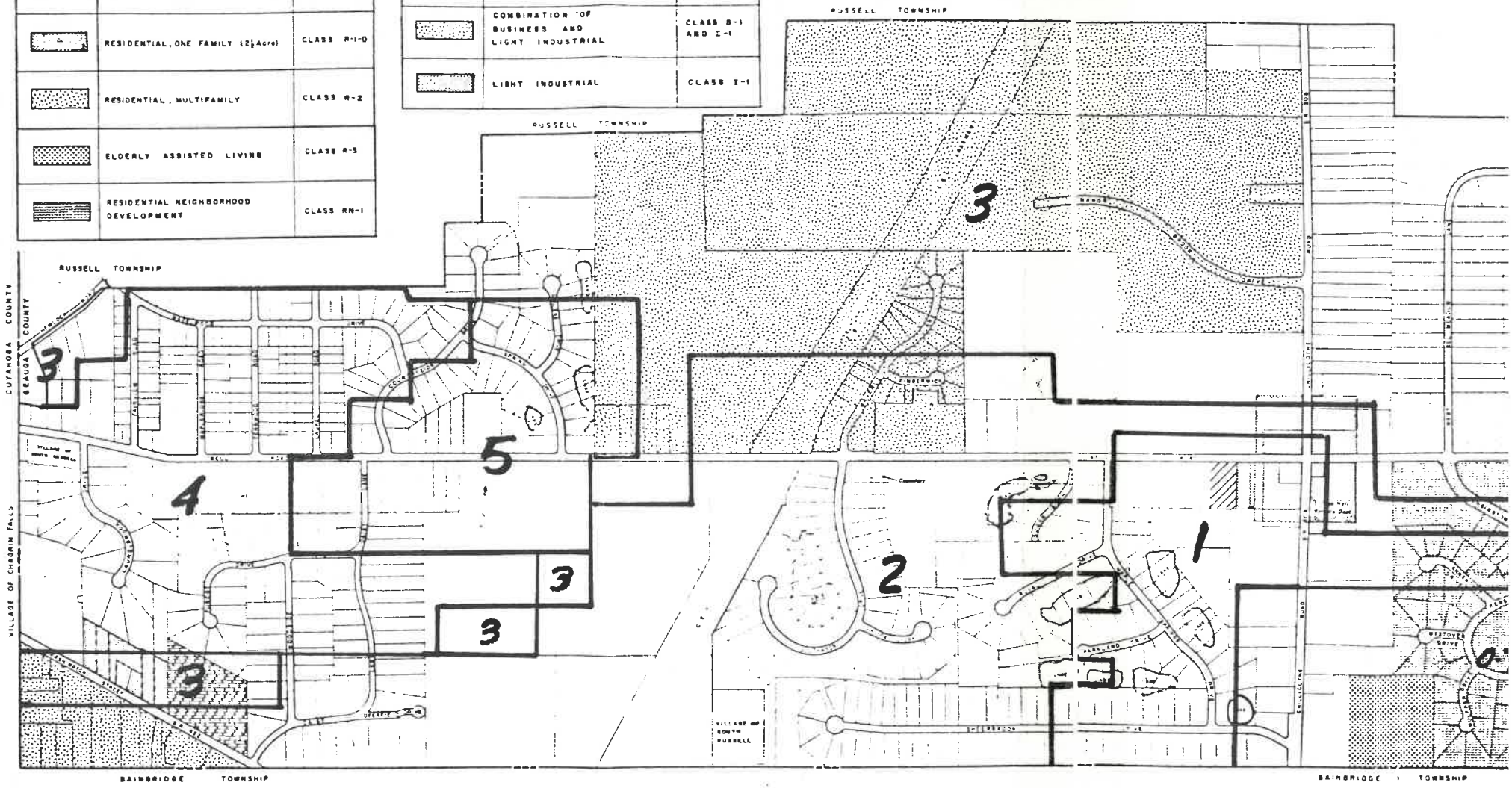
VILLAGE OF S

PRELIMINARY

GEAUGA CO

THOMAS F. F
SEYMOUR D WEISS

SYMBOL	TITLE	ABBREVIATION
	RESIDENTIAL, ONE FAMILY (1 Acre)	CLASS R-1-A
	RESIDENTIAL, ONE FAMILY (½ Acre)	CLASS R-1-B
	RESIDENTIAL, ONE FAMILY (2 Acre)	CLASS R-1-C
	RESIDENTIAL, ONE FAMILY (2½ Acre)	CLASS R-1-D
	RESIDENTIAL, MULTIFAMILY	CLASS R-2
	ELDERLY ASSISTED LIVING	CLASS R-3
	RESIDENTIAL NEIGHBORHOOD DEVELOPMENT	CLASS RN-1
	BUSINESS	CLASS B-1
	LIMITED BUSINESS	CLASS B-2
	MEDICAL - HOSPITAL SERVICE	CLASS B-3
	LIMITED OFFICES	CLASS B-4
	COMBINATION OF BUSINESS AND LIGHT INDUSTRIAL	CLASS B-1 AND I-1
	LIGHT INDUSTRIAL	CLASS I-1



MADE A PART OF ORDINANCE NO. 1975-7, ADOPTED BY THE COUNCIL OF THE VILLAGE OF SOUTH RUSSELL ON FEBRUARY 24, 1975.

MAYOR

CLERK OF COUNCIL

THIS IS TO CERTIFY THAT THIS ZONING MAP OF THE VILLAGE OF SOUTH RUSSELL, OHIO, CONTAINS THE LOCATIONS AND BOUNDARIES OF THE DISTRICTS ESTABLISHED BY ZONING CODE AMENDMENT NO. 1978-8, PASSED ON THE 15TH DAY OF MARCH, 1978, BY THE COUNCIL OF THE VILLAGE OF SOUTH RUSSELL.

PLANNING COMMISSION CHAIRMAN

THIS IS TO CERTIF THAT THIS ZONING MAP OF THE VILLAGE OF SOUTH RUSSELL, O O, CONTAINS THE LOCATIONS AND BOUNDARIES OF THE DISTRICTS STABLISHED BY ZONING CODE AMENDMENT NO. 1978-25, PASSED O THE 25TH DAY OF SEPT, 1978, BY THE COUNCIL OF THE VILLAGE O SOUTH RUSSELL.

PLANNING COMMISSION CHAIRMAN

THIS IS TO CERTI
SOUTH RUSSELL,
OF THE DISTRICTS
1980-2, PASSED
OF THE VILLAGE O

DATE

LAGE OF SOUTH RUSSELL

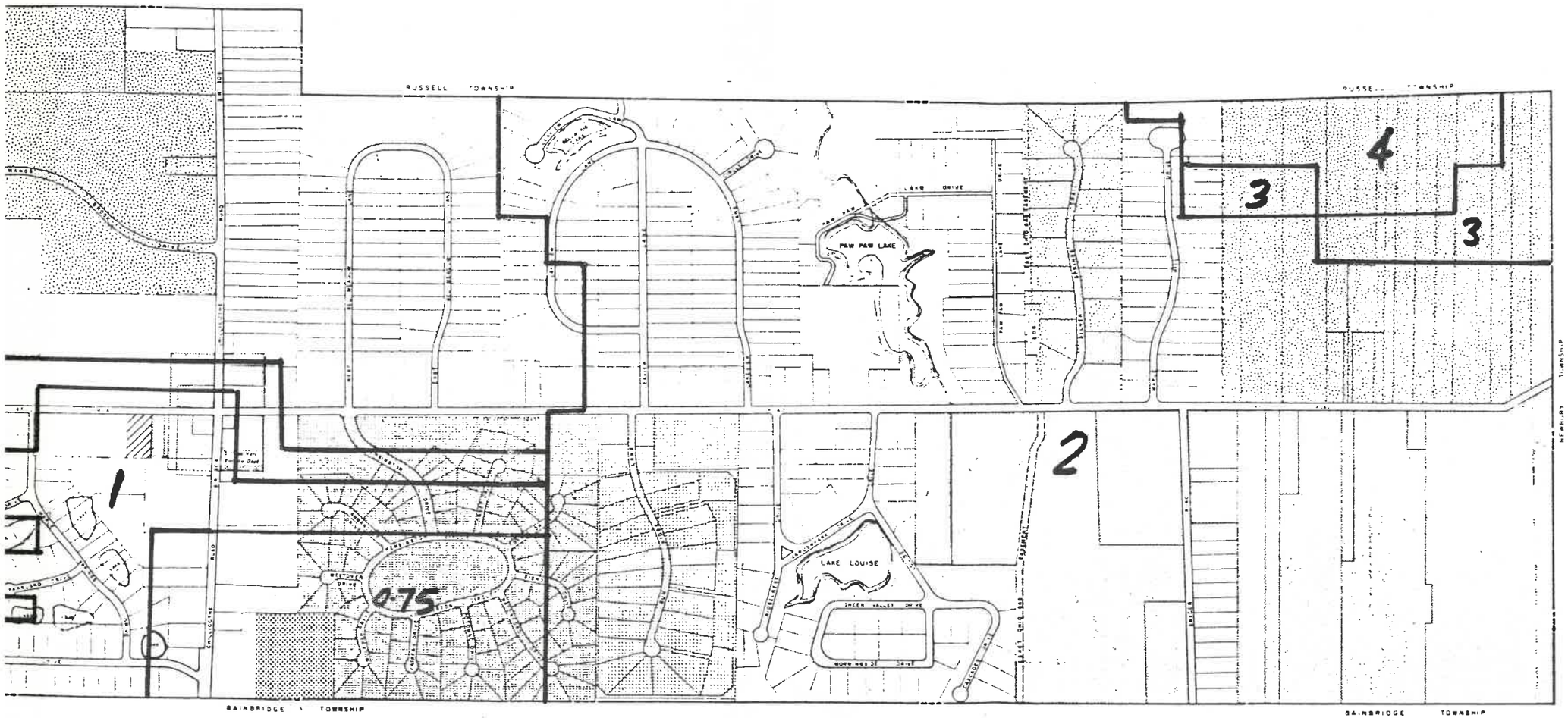
ARY

GEAUGA COUNTY, OHIO

THOMAS F. HARVEY - MAYOR

SEYMOUR D WEISS — VILLAGE ENGINEER

ORDINANCE NO	DATE PASSED	PLANNING COMMISSION CHAIRMAN — SECRETARY	DATE
1985-47	AUGUST 12, 1985		10-2-85
1986-13	FEBRUARY 24, 1986		9-4-86



0 100 450 900
GRAPHIC SCALE

THAT THIS ZONING MAP OF THE VILLAGE OF
, CONTAINS THE LOCATIONS AND BOUNDARIES
TABLISHED BY ZONING CODE AMENDMENT NO.
HE 25TH DAY OF SEPT., 1978, BY THE COUNCIL
OUTH RUSSELL.

PLANNING COMMISSION CHAIRMAN

PLANNING COMMISSION SECRETARY

THIS IS TO CERTIFY THAT THIS ZONING MAP OF THE VILLAGE OF SOUTH RUSSELL, OHIO, CONTAINS THE LOCATIONS AND BOUNDARIES OF THE DISTRICTS ESTABLISHED BY ZONING CODE AMENDMENT NO. 1980-2, PASSED ON THE 14TH DAY OF JAN., 1980 BY THE COUNCIL OF THE VILLAGE OF SOUTH RUSSELL.

4-7-80
DATE

PLANNING COMMISSION CHAIRMAN

Catherine G. Mills
PLANNING COMMISSION SECRETARY

THIS IS TO CERTIFY THAT THIS ZONING MAP OF THE VILLAGE OF SOUTH RUSSELL, OHIO, CONTAINS THE LOCATIONS AND BOUNDARIES OF THE DISTRICTS ESTABLISHED BY ZONING CODE AMENDMENT NOS 1984-30 AND 1984-51, PASSED THE 11TH DAY OF JUNE, 1984, BY THE COUNCIL OF THE VILLAGE OF SOUTH RUSSELL.

10-2-85
DATE

PLANNING COMMISSION CHAIRMAN

Catherine G. Mills
PLANNING COMMISSION SECRETARY

THIS IS TO CERTIFY THAT THIS ZONING MAP OF THE VILLAGE OF SOUTH RUSSELL, OHIO, CONTAINS THE LOCATIONS AND BOUNDARIES OF THE DISTRICTS ESTABLISHED BY ZONING CODE AMENDMENT NO. 1984-43, PASSED ON THE 11TH DAY OF JUNE, 1984 BY THE COUNCIL OF THE VILLAGE OF SOUTH RUSSELL.

10-2-85
DATE

PLANNING COMMISSION CHAIRMAN

PLANNING COMMISSION SECRETARY

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

Held APRIL 7, 1988 *19*

Members present: Harvey, Moroney, Daniels

Other officials: D. Markowitz, W. Dreimiller, W. McCartney

Guests: Mrs. E. M. Weizer, D. Barr, R. Knowles, B. Baum, J. Frankfather

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

Chairman Daniels stated he has two corrections of the March 24th minutes. First, on page 253, in the next to the last paragraph, the date should be April 7th not April 6th. Second, on page 255, fifth line down, the word "width" should be added after the word "minimum". There being no further additions or corrections, Moroney moved to approve the minutes as corrected, Harvey 2nd. Roll call, all ayes.

Mrs. E. M. Weizer presented plans showing a proposed addition to her condominium at 131 A Manorbrook. Mr. Mc Cartney explained this addition will be in the rear, enclosing a patio, and because it is a four cluster condominium unit, it must go before the Planning Commission for Development Review. Mr. Mc Cartney stated it is within all zoning regulations. Commission reviewed plan and following a brief discussion, Harvey moved to approve the development review application of Mrs. Weizer for the proposed addition, Moroney 2nd. Roll call, all ayes.

Mr. Don Barr, Snavely Building Co., stated he is back before the Commission, seeking action on the remaining items of their variance application which were tabled at the last meeting. Mr. Barr stated the second variance pertains to the request of obtaining building and occupancy permits prior to the final wear course being put down. Mr. Barr stated the Village Engineer has made some recommendations that would improve upon any of the detrimental effects that would be potential problems in the past, and they do not have any objections to these what so ever. Mr. Barr stated the third variance is asking for the ability to start construction on a specific number of homes, they are requesting six, prior to the installation of the utilities however not before the curbs or road is installed. Mr. Barr explained the road and curbs would be in and what they are asking for is to be able to begin construction while the utilities are being put in. Mr. Barr explained that Mr. Dreimiller pointed out at the last meeting there are some negatives to this in the fact that it can be disruptive, it can cause some problems as far as where responsibility lies if there is damage done to curbs and/or manhole covers, etc. Mr. Barr stated to cover this problem, there is a bond and the Village Engineer has to finally accept the road, and all the utilities would be complete at that time and if there was anything damaged, the ultimate responsibility does fall on Snavely Building Co. Mr. Barr stated he would like to emphasize from the standpoint of any type of assurance or surety, that the Village would want, to give a sense of security, relative to any of the problems that could occur, their organization is willing to do so. Mr. Barr

stated he can see where there might be some concern that this might be precedent setting, however he feel that each situation should be looked at on an individual basis. Mr. Barr stated if the Village wants some sort of bond that needs to be posted or some special letter of credit, to handle potential disruption, they are willing to do that. Mr. Barr stated they will pay for any special fees for special inspections needed.

The fourth and final variance is one which would allow them to go before the Architectural Board of Review prior to the issuance of the zoning permit. Mr. Barr stated this variance, if granted, would only be in effect until the road was in and accepted. Mr. Markowitz stated he just reviewed the Architectural Board of Reviews rules, and the requirement of have the zoning permit prior to ABR review, is a rule adopted by the ABR but it is not mandatory. Therefore, the Planning Commission does not have jurisdiction on this issue and it must be requested directly of the ABR. Mr. Markowitz apologized for the confusion on this issue.

Mr. Dean Sladek stated he has purchased a piece of land on Whitetail Drive and they have already moved once and would like to get started on his home at the earliest possible time. He asked the Planning Commission to review these variances and act upon them favorably.

Mr. Dreimiller stated his prime concern with the third variance is the area of claiming responsibility for any damage done. Dreimiller stated from past experience, the trenching process can cause problems and if you get inclement weather, the repair of the right-of-way can be a tremendous job. There has been damage to the storm sewer manhole covers not to mention the siltation of the storm sewers during the trenching for the utilities. Mr. Dreimiller stated he is pleased by the fact that there is a six home limit, if the variance is granted.

Mayor Harvey stated he is concern by the fact that if there is any damage done, there will be a problem as far as telling exactly when the damage was done, therefore making it difficult to make those responsible, to repair it.

Mr. Barr stated the inspection for the system will be done after all utilities are in, the right-of-way is graded, the storms will be televised and the engineer will have an opportunity to view everything and if they do not correct everything that was done by other people, he will be in jeopardy with his letter of credit being pulled and he will be the one with the ultimate responsibility.
Mr. Barr stated Snavely had asked for a reduction in the letter of credit on the 36 single family lots because they have all the underground in and he is saying to the Commission that they will withdraw that request for a reduction in the letter of credit until everything is completed except the final wear course.

Mr. Barr stated he wants to make one thing clear, variance #3 is not asking for occupancy permits.

Mr. Markowitz stated, if the Commission were to grant these variances, the Village would get an indemnity

agreement, which would include the insurance concept, that being, whatever the cause, Snavely fixes. Markowitz stated one problem he sees, is the resident wanting occupancy prior to all necessary items being completed and occupancy permits being issued. Commission discussed this situation at length.

Mr. Barr stated what if a letter was given to the future homeowner explaining zoning and building permits will be issued however no occupancy permits until all items are complete except that of the final wear course, the homeowner would have to sign this letter in order to prevent the potential of them coming to the Village and complaining.

Commission discussed this idea. Engineer suggested possibly issuing building permits only to a specific point, i.e. to the foundation, to the framing, etc. Commission discussed this thought and agreed that the building permits could be issued only to the stage of the houses being enclosed, with windows, doors and roof and no interior rough-in work done until the utilities are in and inspected.

Mayor Harvey moved to approve the variance which would allow occupancy permits after all the improvements have been properly installed except for the final wear course and planting of the trees and upon the complying with the Village Engineer's recommendations in his letter dated, March 8, 1988, copy hereto attached, Moroney 2nd. Roll call; all ayes.

Moroney moved to allow six sublots, in addition to sublots one and thirty-six, on Whitetail Drive, any of Snavely Building Co. choice, to obtain building and zoning permits, but no occupancy permits, after all improvements, as required by the improvement standards, have been installed, other than gas, electric,phone and television cable; final wear course of paving; and the trees; conditioned upon the building of those six sublots, only being through the stage of framing, roofing, installation of doors and windows and no further construction until such time as all improvements are properly installed other than final wear course of pavement and trees; and further conditioned upon Snavely delivering to the Village, in the form satisfactory to the Village Solicitor, an agreement in writing, indemnifying the Village and agreeing to the responsibility of any damage to any improvements required by the improvements standards at any time prior to the acceptance of dedication of the improvements which is secured by some sort of security which is acceptable to the Solicitor and further that no reduction in the letter of credit, which is the collateral for the existing performance bond, be granted until such time as all improvements are installed other than the final wear course and trees. If all the improvements are not completed by June 30, 1988, the variance becomes void. In addition, if there is a contract on a lot the zoning and building permits are being requested, Snavely must provide the Village a letter, which will be prepared by the Village Solicitor, signed by the owner of the lot, which will acknowledge that no occupancy permits will be granted until all improvements are in except the wear

course and final trees. Harvey 2nd. Roll call, ayes, Harvey, Daniels; nays, Moroney.

Mayor Harvey move to deny the the variance request which would allow Snavely to go before the Architectural Board of Review prior to the issuance of the zoning permits because it has been determined that the Planning Commission does not have jurisdiction over this, Moroney 2nd. Roll call, all ayes.
Mr. Markowitz stated there are a couple of corrections of the previous minutes he would like to add. First, the date of the Engineer's letter relative to the Snavely variance request should be March 8th, not March 20th, and he would also like those attached to the March minutes. Second, on page 254, the first paragraph, the second to the last line, should read "subject to the approval of the judgement entry of the Geauga County Common Pleas Court approving of the vacating of the original Manorbrook plat as described in the vacation plat."

Rusty Knowles, Bramble Farms subdivision, came before the Commission requesting approval of the Preliminary Plat for phase II. Commission reviewed the letter of recommendations of the Village Engineer, dated 3-9-88, copy hereto attached.

Mr. Knowles stated there have been some changes to the plat following the writing of the Engineer's letter. Engineer stated he has reviewed the current plan, today, and as far as a preliminary plat, everything seems to be in order except they still do not have a letter from the Health Department giving approval for septic systems. Engineer stated some of his comments were just editorializing, indicating some potential problems that must be covered in the improvement plan phase of this project.

Commission discussed the need for an easement between the Bramble Farms property and the Takacs property. Engineer stated this area is a main drainage course and will need a large culvert and it is his suggestion that the developer obtain an easement in order for the developer to install the culvert and the Village to maintain it, because they will need to go outside the right-of-way, on Takacs property, to do both. Rusty Knowles stated he had applied for a temporary work easement, but not a permanent easement.

Markowitz stated one item he would like to point out is there is going to be a headwall on sublot #19, at the northern perimeter of that storm sewer easement, which will be located within an easement but it is on sublot #19, not within any Village right-of-way. Markowitz stated the question is, 10, 20 or 30 years from now, who will be responsible to maintain the headwall. Markowitz stated one way to solve this is to say the entire Homeowners Association, as part of the common area, is obligated to pay for the cost to fix the headwall. Commission agreed but stated the Village should have some access to the area in case the homeowners association can not or would not fix it.

Commission discussed sublot #9, the problem of building a house due to the flood plain and septic system placement. Engineer stated this lot will have to have a

house basically tailor-made for the lot.

Mr. Knowles stated he should have the Health Department letter relative to all the lots septic system placement within the next ten days to two weeks.

Following a lengthy discussion, Moroney moved to conditionally approve the Preliminary Plat for phase II of Bramble Farms subdivision contingent upon the execution and recording of the easement for the storm sewer on a portion of the common area that is located in phase one and the designation on the final plat of the storm sewer easement in the final plat of phase two on the common area located in phase two, between sublots 9 and 24; upon obtaining an easement satisfactory in form to the Solicitor and Village Engineer on the Takacs property for storm sewer system and drainage and roadway concerns unless the Village Engineer determines after reviewing the improvement plans, that the easement is not necessary due to the ability to place all the storm sewer system and grading and drainage within the right-of-way and also determining no access to maintain, repair or replace the storm sewer, grading or drainage will be required in the future; upon the Health Dept. providing a written report approving each sublot in phase two for an approved on-site waste disposal system; upon the designation on sublot #8 the driveway for the residence; upon no improvement plan approval can be granted by the Village Engineer and Solicitor until both easements are obtained and recorded unless determined to be not necessary and until the Health Department approval of all lots for waste systems are in the possession of the Village, Harvey 2nd. Roll call, all ayes.

Mr. Markowitz stated Chuck Fazio, architect for Rosie's, called him and stated he is trying to lease land from the Armory in order to obtain more parking. Markowitz asked the Commission if they would be agreeable to them leasing land or would they require a permanent easement. Commission agreed they would require a permanent easement or title.

Mr. Mc Cartney stated that Tom Burns has made a change with his office complex as far as putting office space in half of the basement of building #2. Mr. Mc Cartney stated after recalculating, they found there will be sufficient parking and they fall within the required 25% lot density. The only item that has to be dealt with, is the Architectural Board of Review, due to the change in the rear elevation with the walk-out basement.

There being no further business, meeting adjourned at 10:40 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*

Minutes of PLANNING COMMISSION MEETING AND PUBLIC HEARING *Meeting*

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

Held MARCH 24, 1988 19

Members present: Moroney, Daniels, Sutliff

Members absent: Harvey, Cotesworth

SDWA

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

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

March 9, 1988
File No. SR 103-53

Preliminary Plat Review
Bramble Farms Subdivision No. 2
South Russell, Ohio

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1. If P.C. sees fit to approve rear lot configurations with long narrow access strips (popsicle lots), 15 feet is too narrow for driveway, grading and drainage requirements; thirty (30) feet should be considered an absolute minimum.

2. Maximum allowable lots (R-1-D):

Total gross area	= 71.242 ac.
-Area in streets	= - 4.017 ac.
-4% open space	= - 2.850 ac.
NET AREA	64.375 ac.
No. of lots permitted	= 64.375/2.5 = 25
No. of lots proposed	= 24

3. No report from Geauga County Health Dept. requested in my 6/30/87 review and no recommendation from Health Dept. on S-2 application.

4. A number of lots such as 9, 18, 21, 11 and 23 contain steep slopes (greater than 1:10) that may require special septic system construction.

5. Show special set backs (greater than 75 feet) where required to achieve 150 foot lot width at building line.

6. There may be a problem with S/L 9 because of insufficient buildable area. The E.O.G. easement, flood plain and requirements for septic system with replacement field along with topographic considerations does not leave much room for the dwelling.

7. House placement on S/L 8 is very close to flood plain, a preferred location would be the Northwest corner of lot. The culvert for this driveway will be large. (The drainage structure upstream, under Cascades Dr. is a 6 foot by 6 foot box culvert).

granted, the condition that a special seal binder course be laid in order to prevent the wicking of water down between the curb and asphalt. Mr. Barr stated this has not been done on any other subdivision and he feels it would prevent any of the problems that occurred in previous developments. Mr. Barr stated he feels if this variance was granted, with the condition just discussed, it would definitely be better for the community because the less wear and tear on the road from the construction traffic, the better condition the road will be in following dedication.

Mr. Barr stated the third request is, once the road is put in, and the curbs are in and they have brought the right-of-way back to finish grade, they would like to commence building the homes prior to the installation of the utilities. Mr. Barr explained that it takes about four weeks for the utilities to be installed and presented a construction schedule which showed the exact time schedule of the different utilities. Mr. Barr stated they could probably be ready to commence building homes the end of April and if they have to wait until all the utilities are put in, they will have to wait till June. Mr. Barr stated he would not start all 36 homes at the same time, they would just like to request a variance to start six homes and this could be a condition if this variance is granted. Mr. Barr stated they not only would like to just start six homes but would be agreeable to just having the foundation permits given, which would allow them to dig the foundation, bring up the block and put on the decking course and stop there.

The fourth variance, if granted, would allow them to take the plans before the Architectural Board of Review prior to the issuance of zoning permits. Mr. Barr stated this would again save them some valuable time during the prime building season. Mr. Barr stated he is not asking to skirt the process, he is just asking to be able to go before the ABR prior to the final acceptance of the road.

Mr. Barr stated he would like to emphasize the point that if he is not able to begin building any of the homes until late July or early August, Whitetail Run will be sitting, without any activity, for four months and this is not healthy for any development. Mr. Barr stated activity breeds activity and activity breeds success and when prospective clients are driving through and see nothing, they begin to wonder why something is not being done and become skeptical of the project.

Mr. Barr stated he is not asking for any variance in order to compromise the Village's standards, just for the consideration of saving valuable building time.

Jack Evans, President of the Manorbrook Homeowners Association, was sworn in and stated the Manorbrook Homeowner's Association is certainly anxious for this project to proceed and they are not here to hold it up in anyway. However they do have a concern with the first variance due to the possibility of Manorbrook Drive being subjected to excess mud, dust and truck traffic. Mr. Evans stated they would have no objection to the first variance being granted if it could be done without increasing the dirt that would be deposited on Manorbrook Drive and some assurance that this could be controlled.

Mr. Barr stated he feels because they will be able to gain access to the sublots from Manorbrook Drive, the mud and dirt will be minimized. Mr. Barr stated they will certainly do their best to keep the dirt and mud to an absolute minimum.

Wally Sutliff asked the Village Engineer why he was opposed to allowing the building of homes prior to the installation of the utilities. Engineer stated he opposes this variance because when the utility companies start to trench, there have been some that have just been disastrous, they have really torn up the right-of-way and then you have got the situation where you are trying rehabilitate the right-of-way and you have private construction going on at the same time and it becomes a real coordination problem and a problem as far as assigning responsibility for who damaged what, who will repair what, etc.

Solicitor Ondrey ask the Engineer if he had any comments on the model homes being hooked up to the storm sewer? Engineer stated he does not know of any jurisdiction that permits hook-ups into a sewer that has not been accepted. Philosophically, you are allowing someone to discharge into the sewer that has not been accepted. Engineer stated the sewer is in place but generally they do not accept the sewer until everything is done, because they want to accept the final sewer that is clean and at the time of acceptance, is intact and whole and prematurely accepting the storm sewer before any of the inspections are done is just not the way to go about it. Mr. Barr stated he does agree with the Engineer and stated he feels the time to televise the sewer and hydro-jet it is after the right of ways are seeded and all of the work is done. Mr. Barr stated if the Commission feels strong against hooking up the storm prior to final acceptance, that is OK with him.

There being no further discussion, the Public Hearing was adjourned at 8:50 P.M.
Chairman Daniels called the regular meeting to order at 8:55 P.M.

Chairman Daniels stated because they only have three members present at the meeting, he would like to wait before taking any action on the requested variances until the next meeting.

Mr. Barr asked if the Commission would possibly consider taking action on their first request, the building of the model homes.

Commission discussed this variance request and agreed they could vote on that one and table the other three until the next meeting, April 7, 1988.

Following a brief discussion, Sutliff moved to approve the first variance subject to the Engineer's comments and conditions as stated in his letter dated 3-25-88, with the deletion of the requirement relative to the hook-up of the sanitary sewer since it has already been tested and accepted by jurisdiction and subject to variance items 2, 3, and 4, of the variance application be tabled until the next regular meeting, Moroney 2nd. Roll call,

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all ayes.

Mr. Barr stated they have several other issues that must be acted upon this evening, mostly "housekeeping" items, but still items that need Planning Commission action. First is the vacation of the old portion of Manorbrook Drive and Melody Lane. Mr. Barr presented the vacation plat, showing the area that is to be vacated. Following a brief discussion, Moroney moved to accept the vacation plat of the old Manorbrook Drive and Melody Lane subject to the approval of the judgement entry, Sutliff 2nd. Roll call, all ayes.

of the Geauga County approving of the vacating of the original Manorbrook

The second item that must be addressed is the acceptance of the dedication plat (Final Plat) of the Manorbrook Drive extension as shown on the plat as presented by Mr. Barr. Commission discussed briefly and Sutliff moved to accept the dedication plat (Final Plat) of the Manorbrook Drive extension subject to the courts acceptance of the vacation plat, Moroney 2nd. Roll call, all ayes.

The third item, explained by Solicitor Ondrey, is a motion which would authorize the Solicitor to execute his approval of the judgement entry vacating a portion of Manorbrook Drive and Melody Lane. Following a brief discussion, Moroney moved to authorize the Solicitor to execute his approval of the judgement entry vacating a portion of Manorbrook Drive and Melody Lane, Sutliff 2nd. Roll call, all ayes.

Mr. Barr stated the fourth item that must be addressed tonight is the approval of the condominium plat for Phase II. Mr. Barr stated they are in need of filing the balance of cluster G, in order for the people to move into the development and they are filing the condominium plat. For some reason, Geauga County is now requiring that the Planning Commission review and approve the plat. Following a brief discussion, Sutliff moved to approve the condominium plat for phase II, Moroney 2nd. Roll call, all ayes. Mr. Ondrey stated he would look into the question of whether or not it is actually necessary for the Planning Commission to review the condominium plats in the future, as being requested by the County.

Mr. Ondrey stated the Commission also has to accept the certificate in case of default relative to the performance bond for the extension of Manorbrook Drive. Following a brief discussion, Sutliff moved to accept the certificate of default for the extension of Manorbrook Drive, Moroney 2nd. Roll call, all ayes.

Mr. Barr stated the last issue the Commission must address is the approval of building #4 and #5 in Cluster "H". Mr. Barr stated this was not approved with the rest of the buildings because they did not have sanitary sewer connection. Mr. Barr stated they now have the sanitary sewer connection and it has been approved by the County. Mr. Dreimiller stated he has no problem with this, however he has not received any formal notification from the County that it has in fact been inspected and approved. Following a brief discussion, Sutliff moved to approve buildings 4 and 5 of Cluster H subject to Bill Dreimiller receiving a letter from Geauga County Sanitary Engineer stating the sewers are in and approved, Moroney

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Held MARCH 24, 1988 *19*

2nd. Roll call, all ayes.

Rusty Knowles presented the preliminary plat for Bramble Farms, phase II. Commission reviewed the plat and the Village Engineer's review, dated 3-09-88. Commission asked that Mr. Knowles revise the long driveways of the "flag lots" to be a minimum width of 30 feet, review the engineering of the entrance into phase two and look into the possibility of needing a work easement in order to accomplish the proper grading and get the approval of the Geauga County Health Department for Phase II. Mr. Knowles stated he would address these items and plan on being ready at the next meeting.

Mr. Daniels asked if the Commission had reviewed the latest cooespondance from Dr. Eckstein. Mr. Sutliff stated he had and he feels the information from Dr. Eckstein presents evidence that there is need to rezone certain areas of the Village due to water quantity, however he feels this should be address when the Commission has a full board present. Commission agreed to table it until the next meeting.

There being no further business, meeting adjourned at 10:35 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*

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

Held FEBRUARY 11, 1988 *19*

Members present: Cotesworth, Moroney, Daniels, Sutliff

Members absent: Harvey

Other officials: W. Dreimiller, D. Markowitz

Guests: D. Barr, K. O'Donnell, W. Young, Y. Eckstein

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, Harvey absent.

There being no additions or corrections to the minutes of the January meeting, Cotesworth moved to approve them as recorded, Moroney 2nd. Roll call, all ayes.

Dr. Yorum Eckstein, Village Hydrologist, stated he completed the numerical model for the Village a few years ago and the model handled two aspects of establishing minimum size of lot in a proposed subdivision, in various areas. Dr. Eckstein stated they started from the question, what should be the lot size to accommodate both a water well and a septic tank. They considered the type of soils, slopes, potential for flooding, and depth to ground water table, and they came up, within the entire area of the Village, with a minimum of a two acre lot size to accommodate safely both a water well and a septic tank. Dr. Eckstein stated they built into this figure enough land in case the leech bed had to be replaced. Eckstein explained what often happens is some septic tanks are not maintained properly and they fill up and saturate the leech beds with solid matter, they cease to work and overflow with effluent into the ground water table. Therefore, they decided to build into the minimum acreage reserve enough land for a leech bed replacement.

Dr. Eckstein stated they departed from the solution for the first question, to accommodate a septic tank and a water well in every area of the Village, you need minimum a two acre lot. From here they went to computations to safe ground water supplies, safe in the sense that a well on one lot will not affect adversely the well on the neighboring lot. After the result of the computer run, they got a new differentiation, which stated the lot sizes should be two to five acres in size, particularly in the western end. The resulting map showing the larger lot areas being in the west end of the Village, qualitatively confirms what they already know, when they go down to the west end of the Village you are getting out of the area where you have Sharon Sandstone as your major aquifer and you are getting to the area where you get only the Berea, so the low productivity of wells, of the west end, is something that qualitatively was well known and here they evaluated quantitively what should be the lot size. Chairman Daniels asked if the Village of Chagrin Falls will be able to sell water from their wells after the advent of the Cleveland water coming in to the Chagrin System. Markowitz stated yes they will be able to sell it to whomever they wish. Dr. Eckstein asked if he knew if Chagrin would shut down their well fields? Markowitz stated he did not think they would shut down the well field on Rte. 422, he thinks they will continue to use it but he did not know at what rate. Dr. Eckstein

stated this could become a very interesting problem. If you look at a long term trend, the water table is continuously, from year to year, going down. Eckstein stated the entire trend is down, which means the table is dropping and Chagrin is mining water and the cone of depression has spread so it is encroaching on the southwestern corner of the Village. Markowitz stated it is his impression that Chagrin has plans to use the Rte. 422 well field but their intention is to have a static condition, therefore, they won't use anymore than what can be recharged naturally. Eckstein stated he hopes they know what the equilibrium quantity is, and stays within those limits.

Dr. Eckstein explained that as far as the lots sizes recommended larger than two acres, those sizes are based on ground water supply safety. The three, four and five acre lot minimums are based on aquifer potential. When they were doing the two acre minimum computation, they did not have exact distribution of the sewered area. Dr. Eckstein stated by looking at the map and the two acre area, west of Rte 306, only half of this area is questionable because west of the Southwyck area we lose the Sharon aquifer and we are relying only on the Berea Sandstone and he believes the Berea Sandstone can not supply, in terms of quantity, higher density than two acres. The area to the east could be changed to smaller acreage because of the sewers and the Sharon sandstone productivity. Mr. Sutliff asked how could the area of Whitetail Run be shown as a three acre minimum on the map and it was his understanding that Dr. Eckstein approved the the plan as presented to Planning Commission for one acre density? Dr. Eckstein stated this area has a water company which is supplied by one or two wells and this system is a much more efficient use of the aquifer. Dr. Eckstein stated his recommendations in the Water Study are based on subdivisions with single family lots with each home fed by one lot. Dr. Eckstein stated the reason single wells are less efficient is because single wells are drilled only to the top layer of the aquifer, therefore skimming from the top. When a water company drills, they drill through the whole thickness of the Sharon to generate high storage within the well, therefore using the entire thickness of the aquifer. Dr. Eckstein stated the shape of the cone of depression will be different if you are skimming from the top versus taking from the full thickness. In other words, the total volume of the water area will be similar however the extent of the depression will be smaller in the the deeper well

Mr. Sutliff asked if a developer could go on the Muggleton property, drill one or two wells and start a water company and have less than the two to three acre minimums? Dr. Eckstein stated no they could not because there is only the Berea aquifer and the Berea could not sustain a water company.

Bill Young asked how much are we affected by what is going on around us? Dr. Eckstein stated currently South Russell is affected primarily by the high production well of Chagrin Falls municipal supply system, that is pumping more water per year than is being recharged within that particular area. There are no more municipal supply systems located around the Village

boundaries, other than Chagrin Falls. Mr. Young asked Dr. Eckstein if there will be a ground water problem in the future for South Russell. Dr. Eckstein stated in his work on the water study, they did not assume any disaster scenarios, they assumed the Village would look at their water sources that are within the Village's boundaries and follow their recommendations for two, three, and four acre density. Their report does not take into consideration some high production use outside of the Village boundaries, that would definitely negatively affect the water supply.

Dr. Eckstein stated now that he has all the proper information relative to the exact location of the sewers, he will put this information into the computer and be able to come up with a map with the correct minimum lot sizes as far as what the water availability can support.

Following a lengthy discussion, the Commission asked Dr. Eckstein to submit an estimate for his services to try and determine the quality of the water in South Russell. Commission expressed their concern over the contamination of the water that the Village Hall has and another example is the water well of Kurt Laderer, whose home is on Rte. 306, he has had to replace his hot water heater for the third time because of the high salinity of the water. Dr. Eckstein stated he would put together a proposal and submit it to the Village.

Markowitz stated if the Village was to be litigating the question of lot sizes and someone asked why the study does not have Berea wells as a consideration, even though there was not enough field data and you couldn't calibrate the numerical model, why couldn't you, in certain portions of the Village, permit someone to have a development with all the wells in the Berea or in a checkerboard with the Sharon, where there might not be enough water to support one acre density in the Sharon aquifer. Dr. Eckstein stated that would be OK, if the developer can provide evidence that satisfies him that the Berea is capable of adequately servicing the development and also a commitment that the developer will actually drill all the way to the Berea, he has no problem with that concept.

Chairman Daniels asked if there was a marked difference in the water table from the time the sewers were put in 1977, until now, considering all the water that is being taken away from the area by the sewers. Dr. Eckstein stated they have the comparison between the water table measured by Susan Richards in 1978 and a water table measured by Tony Grasso in 1985 and there is no difference in the water table due to the installation of the sewers.

Dr. Eckstein stated he would get try and have for the Village a revised density map, according to the correct sewer information, within a week.

Don Barr asked if there are any studies being done with respect to Cleveland water coming out from Chagrin Falls? Planning Commission stated no there were not any at this time.

Don Barr, Snavely Building Company, stated he was

interested in addressing three issues on an informal basis. First, on Sublots 1 and 36, of Whitetail Run, they are interested in building model homes prior to the Whitetail Drive being completed. All of the utilities, except that of sanitary sewer, are available off of Manorbrook Drive. The reason those two lots were chosen was because they could have direct access off of Manorbrook Drive, there by eliminating traffic on the sub base. Mr. Barr stated they tried to get Whitetail Drive in last year and met with difficulty with weather conditions However, they went ahead and put in a granular sub-base, as well as putting in all the curb drains. The reason for trying to get the road in last year is they feel it is very important to get some activity going by getting early construction starts in the spring of '88. This did not happen and now they feel it is important to the Whitetail community that they have something for the public to see relative to the model homes. Mr. Barr stated they plan to start work again on the road as soon as the weather permits, hopefully early April. Mr. Barr stated the base put in last fall will hopefully give them a little advantage, time wise. The Commission and Mr. Barr reviewed the time frame for requesting the variance and applications required.

Mr. Barr stated the second issue he would like to discuss is the situation of the curbs are in, the base coat of the road is in and the right-of-way area is brought to the proper grade, however, the CEI lines are not in, EOG lines are not in, Ohio Bell has not put in their lines and the landscaping is not done, would the Village prefer them to put on the final coat of asphalt on after all the heavy construction traffic is over or would they prefer them to put it on at the same time as the base coat. Mr. Barr stated if they wait to put on the final coat, they will have to request a variance. The Village Engineer stated there were some areas in Kensington Green that broke up without the final coat however with the precaution of putting on a denser intermediate course and also to do a temporary seal at the edge of the curb, the possibility of intrusion of water into the sub-base would be eliminated. The Village Engineer stated there are merits to waiting to put on the final coat until after all the heavy truck traffic, within the limits of the precautions as discussed previously. Village Solicitor stated this issue can be addressed in the variance process.

Mr. Barr stated the third issue he would like to address is idea of applying for a variance that would permit the issuance of building permits, but not the issuance of occupancy permits, for the remainder of the lots on the road prior to the installation of the utilities. Mr. Barr stated the installation of the utilities takes approximately six weeks and he can't stress to the Board enough, the importance of six weeks to a builder, in the short building season of Ohio.

Mr. Barr explained that when Snavely came into Manorbrook, they came into a problem development. They have spent alot of money trying to turn it around and they feel activity breeds activity and they are concerned with having the subdivision sit idle for quite a period of time during prime construction time and when a lot of

traffic will be generated and alot of people will be looking at it. Mr. Barr stated if these variances were granted, it would give them a six week jump on construction.

Chairman Daniels asked how long did Mr. Barr feel it would take to sell and build on all the 36 lots. Mr. Barr stated they hoped to have all the lots sold or optioned by the end of '88 however the final construction of all the homes would not be completed until late summer of '89.

The Planning Commission discussed with Mr. Barr the date for the public hearing on the variances. Board agreed to set the public hearing for March 24, 1988 at 7:30 P.M. contingent upon Snavely filing the appropriate applications and fees. Commission agreed that if nothing pressing came up, the meeting on March 24th would take the place of the regular monthly meeting.

There being no further business, meeting adjourned at 10:00 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 PLANNING COMMISSION MEETING Meeting

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

Held JANUARY 14, 1988 19

Members present: Moroney, Harvey, Daniels, Sutliff, Cotesworth

Other Officials: W. McCartney, W. Dreimiller

Guests: R. Rosner

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, all members present.

Chairman Daniels stated in the December minutes, there was no vote recorded for the Bramble Farms final plat approval. Secretary stated she would correct the minutes to show that a vote was taken and it was unanimously approved by the Commission.

Solicitor Markowitz stated Bramble Farms final plat for Subdivision 1, was filed sometime around December 22 or December 23rd. Markowitz stated he wrote them a letter and asked them to send him copies of the recorded plat.

Mr. Daniels distributed a new form which he is proposing be included in both the Subdivision Regulations and in the Zoning Code which would help the Village officials to better define different types of developers and or developments. Commission stated they would review the form and take action at a later date.

Mr. Richard Rosner, attorney for Snavely Building Co., developer of Whitetail Run, presented the Declarations and Bylaws for the Whitetail Run Subdvision and Condominiums. The Commission received these documents prior to the meeting in order to review them.

Commission, Solicitor and Mr. Rosner reviewed and discussed at great length the proposed declarations and bylaws. Mr. Rosner answered questions and explained the various sections.

Following a very lengthy discussion, Harvey moved to approve the disclosure statement for Whitetail Run Condominiums, approve the Master Declaration of Covenants, Conditions and Easements and Restrictions of Whitetail Tail Run Subdivision #1, and approve the Bylaws and Declarations of Condominium Ownership for Whitetail Run Condominiums, Cotesworth 2nd. Roll call, all ayes.

Commission discussed the sections of the water study done by Dr. Eckstein that pertain to the west end of the Village. Commission agreed they had several questions that the study could not answer and agreed that Dr. Eckstein should be requested to attend the next Planning Commission meeting in order to discuss these items. Commission agreed to invite Council to this meeting. Secretary stated she would contact Dr. Eckstein and notify the Commission and Council when the meeting would be scheduled.

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

Charles M. Daniels Jr. Cathy Male

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* ...

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

Held DECEMBER 3, 1987 *19*

Members present: Cotesworth, Daniels, Moroney, Sutliff, Harvey

Other officials: D. Markowitz, W. Dreimiller, W. McCartney

Guests: B. Baun, S. Knowles, W. Young

Chairman Daniels called the meeting to order at 8:30 P.M. Roll call, all members present.

Daniels asked the Commission if they had reviewed the corrected minutes of October 8, 1987. Commission stated they had and Moroney moved to approve them as recorded, Cotesworth 2nd. Roll call, all ayes.

There being no additions or corrections to the November 2, 1987, Moroney moved to approve them as recorded, Sutliff 2nd. Roll call, all ayes.

There being no additions or corrections to the November 12, 1987, Cotesworth moved to approve them as recorded, Moroney 2nd. Roll call; ayes, Cotesworth, Daniels, Sutliff, Cotesworth; abstained, Harvey.

Mr. Knowles, developer for Bramble Farms subdivision, came before the Commission with the revised final plat plans. Mayor Harvey asked how the driveway for lot #1 stands, has there been any further changes made? Engineer Dreimiller stated there has not been any further discussion since the last Commission meeting, he presumes any problems will be resolved at the grade plan review.

Mayor Harvey asked how the final plat stands as far as the metes and bounds. Engineer stated there was some scaling problem which has been corrected and he is satisfied. Engineer stated there is a change on the dimension that ties the East Ohio Gas easement to the northwest corner of the property, this was done through a field determination survey based on a location of a stake that was set over the gas line. Engineer stated there is a problem, he did receive a copy of the original easement for the gas line, and there is in the metes and bounds description an error which will have to be corrected at some point and time. Engineer stated is was his suggestion to the developer as he goes from phase one to phase two that the actual location of the gas line be determined through field location, and then the easement be adjusted to the actual location of the gas line. Engineer stated the problem with the easement description is it does not close mathematically. Commission, Engineer and developer discussed this situation at length. Markowitz stated even though this easement does not close, they are satisfied they know approximately where the gas line is but they can't say for sure it is totally contained within the area described on the plat. Markowitz stated it is a concern that they do not know the exact location of the gas line and it is his suggestion, because the gas line location appears to be close enough to the description, and it is not the fault of the developer that this problem exists, the Commission should approve the plat contingent upon no building permits be issued for any lots affected by this easement

problem until the exact location of the gas line is found and an accurate description is given.

Markowitz stated the only additional condition that he would ask the Commission to add to their conditional approval, because of the problem with the gas easement, is to condition the approval by not issuing building and zoning permits for lots 3, 4, 6 and 7.

There being no further discussion, Sutliff moved to conditionally approve the final plat for Bramble Farms, Subdivision 1, upon the driveway for lot #1 being built in accordance with the profile plan previously submitted, upon deed restrictions for the homeowners association being recorded and found acceptable by Village Solicitor, upon the warranty deed from the developer to Bramble Farms homeowners association of the Block A common area being file, upon deed restrictions including an exhibit, describing all the land included in phase one and phase two of Bramble Farms subdivision, being filed in the following order, first, the plat, immediately thereafter, the deed restrictions and immediately thereafter the homeowners association declarations and prior to the filing of the final plat, the Village Solicitor verifying that the homeowners association has been incorporated, upon no building or zoning permits being issued for sublots 3, 4, 6, and 7 until the gas pipe line is actually located and the Village Engineer verifies that its location is wholly within the easement as depicted on the subdivision plat and if the Engineer determines that it is contained in any part outside the easement, the developer is required to come back to the Commission and amend the plat accordingly, Cotesworth seconded. Roll call, all ayes.

Mr. Markowitz stated awhile ago they had discussed revising the subdivision regulation forms because they really did not request enough information as far as what was being requested and where. In addition, they are also going to work on providing an application that is appropriate for requesting development review, currently we are just using the zoning permit application and this is not sufficient.

Mr. Markowitz stated he was at the Zoning Board of Appeals meeting where Mr. Simon was requesting a rear yard variance for a proposed home in Emerald Lakes and Don Barr, Snavely Building Co., was requesting a variance which would allow a sign to be placed in the right of way. Markowitz stated the meeting only took 10 minutes and it was the sentiment of the Zoning Board of Appeals that it was not appropriate that Snavely should have to pay $500 to come before the ZBA and that the Village Building Inspector should have been able to exercise judgement and give permission for the signs to be allowed. Mayor Harvey stated he spoke with Doug Bannerman, Chairman of the Zoning Board of Appeals, and he felt that there should be some form of variance within the building department control for situations like the Snavely variance request. Commission discussed this situation at length. Markowitz stated if there are any variances granted, it is imperative that those affected by the granting of a variance be given the opportunity to be heard. Mayor Harvey stated he agrees and he does not want the Building Inspector, the Village Engineer or the Village Solicitor in a situation under which they are

making a decision to one, ignore the regulations or two, grant permission for something that is not allowed in the Code. Markowitz stated possibly there can be some adjustment in the fees for lesser variances. Markowitz stated another solution to the situation that Snavely had, is to allow the sign variance to be granted by the Planning Commission during review of the subdivision application. Following further discussion, Commission agreed that the regulation should be left as is and it would not be worth the time or money to amend it at this time.

Markowitz stated the third item he would like to bring up is to consider the possibility of rezoning the west end of the Village to greater than one acre as suggested by Dr. Eckstein's water study. Markowitz stated he has heard that there is some interest in the Muggleton property and now is the time to look at the zoning, get Dr. Eckstein to come back and review this area and make any necessary changes. Commission asked the Secretary to copy the water study and give copies to the Commission for their review and put this item on the agenda for the January meeting.

Commission discussed the possibility of changing their meeting time to 7:30 P.M. on a permanent basis. There being no objections, Commission agreed that all meetings in the future will be held at 7:30 P.M. Secretary will notify the papers.

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

Charles M. Daniels, Jr.

Charles M. Daniels, Jr., Chairman

Cathy Male

Cathy Male, Secretary

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 NOVEMBER 12, 1987 *19*

Members present: Moroney, Harvey, Daniels, Sutliff, Cotesworth

Other officials: D. Markowitz, W. Dreimiller

Guests: R. Knowles, B. Baum, W. McCartney
The special Planning Commission meeting was called to order at 7:30 P.M. Roll call, all members present.

Rusty Knowles stated he is before the Planning Commission requesting Final Plat approval for phase one of the Bramble Farms subdivision.

Mr. Markowitz stated he has reviewed the deed restrictions and those are OK but he needs to see the deed and get the title commitment covering the ten foot strip, on Bell Road. Markowitz stated the deed restrictions and the deed conveying the common area to the homeowners association needs to be filed simultaneously with the recording of the plat but the scheme of the deed restrictions are acceptable.

Mr. Sutliff asked how they stand on the driveway for sublot #1 ? Mr. Markowitz stated sublot #1 does not have any language on the plat about driveway specs, and what he would recommend is if conditional approval is granted, when the building permit is sought and obtained, the grade plan comply with the sight distance requirements of the Village Engineer. Mayor Harvey stated he wants to see the profile prior to approving any final plat. Engineer presented the profile of the driveway for S/L #1, drawn by Bruce Baum, stated he had no problem with the plan, and explained the grading plan will have more detail and they will be looking at it alot closer during the grade plan review. Commission reviewed the plan. Commission stated if the Engineer was satisfied they were satisfied but reminded Mr. Knowles, when he develops S/L #1, he must be prepared to provide any protective measures needed to protect Paw Paw Lake.

Commission discussed at length the conditions that must be attached to the conditional approval for the final plat. There being no further discussion, Harvey moved to conditionally approve the final plat of phase one of the Bramble Farms contingent upon getting all necessary signatures on the plat, upon the Solicitor being satisfied as to the ownership of Bramble Farms and as to the state of title, upon S/L #1 driveway being built in accordance with the profile plan and the plot plan, prepared by Bruce Baum, dated 11-10-87, which is attached to the minutes of this meeting, upon the deed restrictions for the homeowners association being recorded and found acceptable to the Village Solictor, upon the warranty deed from the developer to the Bramble Farms Homeowners Association of the Block A common area being filed, upon the deed restrictions including an exhibit which has a description of all the land contained in both phase one and phase two of the Bramble Farms subdivision and the order of filing be first the plat, and immediately thereafter the deed restrictions and immediately thereafter the deed of the homeowners association, and upon prior to the filing of the plat, we verify that the homeowners association is incorporated.

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Engineer stated one item he must address and he is sorry it was not pointed out before but he didn't notice it until just now, is the East Ohio Gas easement should be shifted about 27 feet to the west. Engineer stated the appears to be a problem with the scale. Mr. Baum stated the scale is wrong but the dimensions are correct. Commission discussed this error at great length. Commission stated they feel it is necessary to have the plat drawn to the proper scale.

Commission agreed to add one more condition to the motion previously made, that being, the plat must be drawn to the scale of 1" = 100' and to the satisfaction of the Village Engineer. Cotesworth 2nd. the motion. Roll call; ayes, Sutliff, Daniels; nays, Harvey, Moroney and Cotesworth. Motion failed.

Mr. Moroney stated he was very hesitant to approve a final plat with so many conditions and a plat that was found not to be in scale.

Mayor Harvey agreed, he stated he feels the plan is a good one but there were just too many contingencies.

Mr. Knowles requested to be put on the agenda for the next meeting and he will be back with the plan drawn to scale and including the other contingencies as listed in the motion.

Mr. Markowitz stated he just got the Master Declaration for Whitetail subdivision and he is very please with the document and the Commission will be getting copies in the near future. Mr. Markowitz presented a letter from Richard Rosner, attorney for Snavely, listing the progress of the development. Commission reviewed the letter with Mr. Markowitz.

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

Charles M. Daniels

Charles M. Daniels, Jr., Chairman

Cathy Male

Cathy Male, Secretary

Members present: Moroney, Harvey, Daniels, Sutliff, Cotesworth

Other Officials: D. Markowitz, W. Dreimiller, W. McCartney

Guests: J. Schloz, J. Dyer, M. Buckman, R. Knowles, B. Baum

Meeting was called to order at 8:00 P.M. by Chairman Daniels. Roll call, all members were present.

Planning Commission tabled action on the October minutes, until they could all have time to review them.

Mr. Markowitz stated there should be a correction to the minutes of September 17, 1987. Markowitz stated in the third paragraph, the word "storm" should be changed to read "sanitary". Mayor Harvey moved to correct the minutes of September 17, 1987, changing the word "storm" in line six of the third paragraph and the word "storm" in line ten to the word "sanitary", Cotesworth 2nd. Roll call, all ayes.

JoAnne Schloz, First Federal Savings Bank, stated they are requesting a lot split of the property located at 1194 Bell Road. Ms. Schloz stated the property is of record is owned by Mr. Cipriani, but First Federal had a deed from Mr. Cipriani in 1979, which they were unable to record because the lot is of insufficient size relative to the zoning regulations and it did not have a specific permanent parcel number. Ms. Schloz state in lieu of recording the lot, they held onto the deed and accepted a 99 year lease, which is renewable forever and this was recorded. Ms. Schloz stated the purpose of the lot split is so that they can in fact record their deed.

Mayor Harvey asked what was the size of the lot. Ms. Schloz stated it is less that an acre, and the Code requires a minimum size of an acre.

Chairman Daniels stated because the lot is less than an acre, Ms. Schloz must go before the Zoning Board of Appeals and request a variance for the lot size. If the Zoning Board of Appeals grants the variances, then Ms. Schloz would then come back to the Planning Commission and request a lot split.

Mayor Harvey asked if they could make the lot an acre by acquiring other land? Mr. John Geni, manager of the First Federal Savings Bank, stated no they realistically could not obtain any other land.

Planning Commission accepted the lot split application of First Federal Savings Bank, however must defer any action until the Zoning Board of Appeals rules.

Mr. Jan Dyer, architect for Milbar, presented plans for a small lean-to addition to an industrial site, on an industrial zoned parcel, for Milbar Corporation, E. Washington St. Mr. Dyer stated he is applying for development review and this proposed addition meets all zoning and building code requirements. Mr. Dyer presented the drawings showing what was being proposed.

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

Held 19

Following a brief discussion, Mayor Harvey moved to approve the development review application of Milbar Corporation, Moroney 2nd. Roll call; Daniels, abstained; Harvey, Cotesworth, Moroney and Sutliff, ayes.

Bill Buckman, Snavely Building Company, stated they are requesting a change in the wording of the motion on the development review application for Cluster "H" of Whitetail Run, found in the last paragraph of the minutes of September 17, 1987. Mr. Buckley stated the motion states that zoning and building permits may not be obtained prior to paying the tap-in fees for the sanitary sewers. Mr. Buckley stated it was their interpretation that the intent was that the building permits may not be obtained prior to paying the tap-in fees, not the zoning permits and the ABR approval.

Mr. Markowitz stated how the motion reads now, Snavely cannot get zoning approval or Architectural Board Review approval without paying the tap-in fees first. Mr. Markowitz stated getting sanitary sewer approval from the County is not a problem, Snavely just does not want to pay the substantial amount of money right now, because they do not plan on building immediately. Mr. Buckley stated the tap-in fees will be approximately $10,000.

Mayor Harvey asked why did the Planning Commission originally include zoning permits in the motion? Markowitz stated we just didn't think about it, and it was not the Planning Commission's intent to require the paying of the tap-in fees in order to get a zoning permit.

Following a brief discussion, Sutliff moved to modify the development review condition as stated in the minutes of September 17, 1987, by stating a zoning permit can issued after other items are complied with, but without the requirement of paying the tap-in fees, Harvey 2nd. Roll call, all ayes.

Mr. Markowitz stated yesterday he received the articles of corporation and declarations of covenants for the homeowners association for Bramble Farms. Yesterday, Mr. Dreimiller received the final plat. Mr. Markowitz stated tonight would be considered the filing date for the final plat. Mr. Markowitz stated he and Mr. Dreimiller realized they had not covered the additional right of way that they always get on Bell Road, which will require them to amend their current plat. Mr. Markowitz stated there is a 60 foot right of way existing, and as each new subdivision goes in on Bell Road, they take an additional ten feet on each side. Mr. Markowitz stated by requiring this, it requires release from the mortgagee and they have to have an offer of dedication, so the entire concept of how they layout the plat has to change.

Mr. Markowitz stated he has comments on the plat and homeowners declarations. Mr. Dreimiller also has comments from his review of the final plat. Markowitz stated they have not had time to go over these comments with the applicant, he would suggest that Mr. Knowles, Mr. Baum, Mr. Dreimiller and himself meet in the near future and work out the comments that both he and Mr. Dreimiller have and then possibly have a special meeting

with Planning Commission, for their review and action.

Both the Solicitor and Engineer summarized their preliminary comments on the presented final plat. Commission agreed that the Solicitor and Engineer should meet with Mr. Knowles and Mr. Baum, work out all the comments of the Solicitor and Engineer and then come back before the Commission. Commission agreed to meet on November 12, 1987, at 7:30 P.M. Mr. Dreimiller stated he would like to have a copy of the plat by tomorrow morning, in order to have enough time to review it and make intelligent comments for a meeting on Saturday.

Commission reviewed the October 8, 1987 minutes. Commission reminded Mr. Knowles, as stated in the minutes, that two items that they had requested are first, the well depths are to be printed on lots 1 through 7 on the final plat and second, a profile of the driveway for lot #1. Mr. Markowitz stated after reviewing his notes of the October 8th meeting, it is his interpretation that what the Planning Commission was really looking for was a restriction on the plat so that they would drill into Berea Sandstone on lots two through five. Mayor Harvey stated he feels the minutes should be amended to reflect this information. Mayor Harvey stated a more practical way of insuring water wells for lots 1 through 7 being drilled as requested by Dr. Eckstein, the final plat should reflect which lots should be drilled into the Berea and which lots should be drilled into the Sharon and not designating the well depths. Mr. Knowles asked what should be noted on the final plat. Mr. Markowitz stated on lots 2, 3, 4, and 5, a notation stating "Well must be drilled in the Berea Sandstone Aquifer" must be printed on the final plat.

Mr. Markowitz stated in review of the October 8th minutes, it states "Commission explained what was required for final plat approval" and he does not know if that was a summary of the items that he had listed as what they wanted to see on the final plat or an explanation of procedure. Mr. Markowitz stated his notes indicate what they want to see on the final plat is a section cut on the driveway of sublot #1; submit a final on lots one through seven showing the common areas, homeowners conveyance and deed restrictions; show set back and front yard designations for lots 6 and 7; show wells in Berea on lots 2 through 5; do not include phase two on final plat; final plat to refer to building restrictions for driveways for houses sublots 6, 7, 14 and 15; and plat restrictions for driveway profile for sublot 1; and designate the well depth. Mayor Harvey stated the minutes should reflect this information. Markowitz stated the Secretary should go back to the tape of the meeting of October 8th and add this information to the minutes and resubmit to the Commission. Chairman Daniels stated possibly the Secretary could go back and just amend the minutes.

Commission agreed not to take any action on these minutes until revised and resubmitted at the next meeting.

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

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held ..... *19* ...

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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

Held OCTOBER 8, 1987 *19*

Members present: Sutliff, Daniels, Harvey, Moroney

Other officials: D. Markowitz, W. Dreimiller, W. McCartney

Guests: R. Knowles, B. Baum

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

There being no additions or corrections to the September 3, 1987 minutes, Harvey moved to approve them as recorded, Moroney 2nd. Roll call, all ayes.

There being no additions or corrections to the September 17, 1987 minutes, Harvey moved to approve them as recorded, Sutliff 2nd. Roll call, all ayes.

Rusty Knowles, developer for Bramble Farms subdivision, stated at the last meeting, they were granted preliminary plat approval for phase one, contingent upon receiving approval from the County Health Department for septic systems, upon receiving well depth information from Dr. Eckstein for each lot in phase one, and upon the common areas being shown on the plat in phase one. Mr. Knowles presented the revised plat showing 7 lots in the first phase, 17 lots in phase two, making a total of 24.

Chairman Daniels asked Mr. Knowles if he had received a letter from the Village Engineer regarding the placement of the drive on lot #1? Rusty Knowles stated he had and he has gone over the placement of the drive for lot #1 with Kurt Laderer and made sure he was aware of the exact placement. Mayor Harvey stated as he sees it, if the drive is put where it is proposed, it won't be a question of will there be an accident, it is a question of when will there be an accident. Mayor Harvey stated sitting in a car at the end of that driveway you can not see because you are sitting too low. Mr. Knowles stated they are planning on using fill to level the drive, in order to provide enough drive for a car to have the proper amount of visibility. Mayor Harvey stated they will have to bring the drive in level a good 50 to 80 feet to provide the proper amount of site distance. Bruce Baum, Rusty Knowles' engineer, stated another option would be to move the placement of the driveway further east. Mayor Harvey stated that would help out there would be enough site distance only if the cars adhered strictly to the 25 MPH speed limit, and he knows that will not happen. Mr. Knowles stated he would be willing to fill and create 30 to 40 feet of level drive for sublot #1. Sutliff stated with the type of grading that is being proposed for lot #1, there is going to be some severe fill in there and it is obviously a very vulnerable place, being right next to the banks of Silver Creek.

Commission reviewed the Village Engineer's report dated 9-30-87, relative to the first phase, lots one through seven. Mr. Knowles presented a letter from the Geauga County Health Department, verifying that septic systems can be built on lots one through seven. Mr. Knowles also

presented a report from Dr. Eckstein, which gave his recommendations for the well depths for lots one through twenty-four.

Mr. Knowles stated he would like to receive final plat approval for phase one tonight, in order to start to get building permits. Secretary stated there have not been any final plat applications filed for phase one. Mr. Knowles asked what was required in order to receive final plat approval. Commission stated Mr. Knowles has the County Health approval and the Village Hydrologists approval but what they still need is to file the final plat milar, showing the first phase of seven lots and the common area and submit the Homeowners Association Declarations, both for the review by the Solicitor, Engineer and Planning Commission. Mr. Markowitz stated other requirements the Commission has requested to be on the milar are the water well depth, for lots one through seven, as requested by Dr. Yorum Eckstein; they want to see a profile of the driveway for lot #1; show the set back and front yard designations for lots six and seven and refer to building restrictions for the driveways for houses on S/L #6 and #7.

Mayor Harvey emphasized that he must see a cross section of the driveway for lot number one, prior to granting final approval for the first phase final plat. Mr. Knowles stated he would provide this for the Commission at the next meeting.

Mr. McCartney reported that the situation at the Steele residence and the existing mound and split rail fence has not been rectified and it appears Mr. Steele has no intention, at this time, to do anything. The Mayor instructed Mr. McCartney to take the matter to the prosecutor.

There being no further business, meeting adjourned at 9:55 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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

Held OCTOBER 10, 1987 *19*

Members present: Sutliff, Daniels, Harvey, Moroney

Other officials: D. Markowitz, W. Dreimiller, W. McCartney

Guests: P. Knowles, B. Baum

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

There being no additions or corrections to the September 3, 1987 minutes, Harvey moved to approve them as recorded, Moroney 2nd. Roll call, all ayes.

There being no additions or corrections to the September 17, 1987 minutes, Harvey moved to approve them as recorded, Sutliff 2nd. Roll call, all ayes.

Rusty Knowles, developer for Bramble Farms subdivision, stated at the last meeting, they were granted preliminary plat approval for phase one, contingent upon receiving approval from the County Health Department for septic systems, upon receiving well depth information from Dr. Eckstein for each lot in phase one, and upon the common areas being shown on the plat in phase one. Mr. Knowles presented the revised plat showing 7 lots in the first phase, 17 lots in phase two, making a total of 24.

Chairman Daniels asked Mr. Knowles if he had received a letter from the Village Engineer regarding the placement of the drive on lot #1? Rusty Knowles stated he had and he has gone over the placement of the drive for lot #1 with Kurt Laderer and made sure he was aware of the exact placement. Mayor Harvey stated as he sees it, if the drive is put where it is proposed, it won't be a question of will there be an accident, it is a question of when will there be an accident. Mayor Harvey stated sitting in a car at the end of that driveway you can not see because you are sitting too low. Mr. Knowles stated they are planning on using fill to level the drive, in order to provide enough drive for a car to have the proper amount of visibility. Mayor Harvey stated they will have to bring the drive in level a good 50 to 60 feet to provide the proper amount of site distance. Bruce Baum, Rusty Knowles' engineer, stated another option would be to move the placement of the driveway further east. Mayor Harvey stated that would help but there would be enough site distance only if the cars adhered strictly to the 35 MPH speed limit, and he knows that will not happen. Mr. Knowles stated he would be willing to fill and create 30 to 40 feet of level drive for outlot #1. Sutliff stated with the type of grading that is being proposed for lot #1, there is going to be some severe fill in there and it is obviously a very vulnerable place, being right next to the banks of Silver Creek.

Commission reviewed the Village Engineer's report dated 9-30-87, relative to the first phase, lots one through seven. Mr. Knowles presented a letter from the Geauga County Health Department, verifying that septic systems can be built on lots one through seven. Mr. Knowles also

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Held *19*

presented a report from Dr. Eckstein, which gave his recommendations for the well depths for lots one through twenty-four.

Mr. Knowles stated he would like to receive final plat approval for phase one tonight, in order to start to get building permits. Secretary stated there have not been any final plat applications filed for phase one. Mr. Knowles asked what was required in order to receive final plat approval. Commission stated Mr. Knowles has the County Health approval and the Village Hydrologists approval but what they still need is to file the final plat milar, showing the first phase of seven lots and the common area and submit the Homeowners Association Declarations, both for the review by the Solicitor, Engineer and Planning Commission. Mr. Markowitz stated other requirements the Commission has requested to be on the milar are the water well depth, for lots one through seven, as requested by Dr. Yorum Eckstein; they want to see a profile of the driveway for lot #1; show the set back and front yard designations for lots six and seven and refer to building restrictions for the driveways for houses on S/L #6 and #7.

Mayor Harvey emphasized that he must see a cross section of the driveway for lot number one, prior to granting final approval for the first phase final plat. Mr. Knowles stated he would provide this for the Commission at the next meeting.

Mr. McCartney reported that the situation at the Steele residence and the existing mound and split rail fence has not been rectified and it appears Mr. Steele has no intention, at this time, to do anything. The Mayor instructed Mr. McCartney to take the matter to the prosecutor.

There being no further business, meeting adjourned at 9:55 P.M.

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Charles M. Daniels, Jr., Chairman

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Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of SPECIAL PLANNING COMMISSION MEETING *Meeting*

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

Held September 17, 1987 *19*

Members present: Daniels, Harvey, Sutliff, Moroney
Other officials: W. Dreimiller, D. Markowitz, P. Rosner

Guests: D. Barr,

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

There being no minutes completed for the previous meeting, no action was taken.

Don Barr, Snavely Building Company, stated he is before the Planning Commission to request Development Review Application approval for Cluster H condominiums, consisting of 6 units. Mr. Barr stated the Village Engineer has reviewed these plans. Mr. Barr stated due to the way the storms sewers are laid out and due to the lack of any plan to tie in Buildings 4 and 5 to the existing storms sewers, they will not be included in any action the Commission might take to approve this application. Mr. Barr stated the storm sewers for Building 4 and Building 5 will have to either be pumped up to Manorbrook Drive or tied into Waverly Lane sewers but that decision has not been made at time. Mr. Barr stated he would like the Commission to consider this application for only buildings 1, 2, 3, and 6 and they will request a separate approval for buildings 4 and 5 when they have a sewer plan worked out.

Mayor Harvey stated he spent approximately an hour with the Building Department today and there is considerable confusion as to what is being applied for and what has previously been applied for, i.e. development review application for the Clusters and the Preliminary and Final Plat application for Whitetail Run, Subdivision #1. Don Barr explained Snavely Whitetail, Inc. owns the Manorbrook Property east of the power lines, as well as the old Ricklaman property. Commission reviewed the fact that the applications, as written in the Subdivision Regulations and the Zoning Code, provide very little information as to what is being requested. Mr. Markowitz explained the reason the condominium clusters are under development review application is because they are not required to be platted because there are no suplots and there are no dedicated streets and they are off an existing dedicated street. The single family lots must go through the major subdivison application process as spelled out in the Subdivision Regulations.

Mayor Harvey asked if there is sufficient acreage for density and open space when Cluster H is added to the development, will there be sufficient acreage under the bylaws and declarations for Cluster H? Engineer stated he will confirm there is sufficient acreage in his final review of these plans.

Commission reviewed the plat for Cluster H as presented and discussed.

Following a lengthy discussion, Sutliff moved to approve the Development Review Application for Cluster H, buildings 1, 2, 3, and 6, excluding buildings 4 and 5, which are conditioned on the following; neither zoning nor building permits can be issued until sanitary sewer approval has been obtained and tap-in fees have been

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

paid; second, submitting a letter of credit and performance bond in a form acceptable to the Village Solicitor and in an amount to be set by the Village Engineer; third, no occupancy permits to be granted until condominium declarations and bylaws are approved by the Village Solicitor and Planning Commission and until Cluster H units are subject to the Master Association Declarations of Covenants and Restrictions; fourth, the Village Engineer's approval of the revised developmental plans, which are dated June, 1987, and prepared by Colpetzer-Thomas and further said plans are to be dated when the revised plans are approved by the Village Engineer and two copies are to be submitted to the Village Engineer to be retained by the Village, Moroney 2nd. Roll call, ayes, Moroney, Daniels, Sutliff; abstained, Harvey.

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

Charles M. Daniels, Jr.

Charles M. Daniels, Jr., Chairman

Cathy Male

Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING *Meeting*

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Held September 3, 1987 *19*

Members present: Sutliff, Harvey, Daniels and Moroney
Other Officials: D. Markowitz, W. Dreimiller, W. McCartney
Guests: D. Barr, Yorum Eckstein, B. Rosner Meeting was called to order at 8:00 P.M. by Chairman Daniels. Roll call, Cotesworth absent.

There being no additions or corrections to the August 6, 1987 minutes, Harvey moved to waive the reading of the minutes and approve them as recorded, Sutliff seconded. Roll call, all ayes.

Mr. Don Barr, Snavely Building Company, stated he is before the Commission to request final plat approval for Whitetail Run, Subdivision #1, consisting of 36 single family lots. Mr. Barr stated with him is Dr. Yorum Eckstein, the Village Hydrologist as well as their consultant, who will give his report relative to the availability of water for this proposed development.

Dr. Eckstein stated he apologized for not having a written report however with the beginning of school and other obligations, he has not had time to put his findings on paper. Dr. Eckstein stated finished the pumping test one week ago and they found an exceptional well, which was surprising to him as far as the quantity of water this well provides. Dr. Eckstein stated in the past, in association with Thomas and Thomas, they drilled test wells #1, #2, #3, #4 and #5. Test well #1, not located on the property was a very good well, pumping 50 to 60 gallons per minute. The other wells, #2 through #5 were drilled on the property however the only well that had sufficient capacity was well # 4. Dr. Eckstein stated the new well, well #6, has 50 % less draw down than well #4, in other words, it has twice the production. Well #6 definitely will be sufficient to serve the additional 36 homes proposed in Whitetail Run subdivision #1. Dr. Eckstein stated the water plant is operating off of well #4 at this time. Dr. Eckstein explained he has recommended that well #6 be tied into the water plant, along with #4 and #5 for back-up and this will be sufficient to serve all the condominium units as well as the 36 single family lots.

Mr. Barr asked Dr. Eckstein if the well #6 will have any negative effect on the existing water wells immediately to the north in Russell Township? Dr. Eckstein stated no, it would not.

Mr. Markowitz asked what their plan was with regards to turning over the water plant to the homeowner's association? Mr. Barr stated the water plant will be turned over to the Master Association after 136 units are sold or after ten years, which ever comes first.

Mr. Dreimiller stated he has reviewed the final plat and asked for some changes which have been made and he has no objections to the plat being approved tonight.

Mr. Markowitz stated he has reviewed the plat and requested certain changes and he has reviewed the revised plat, however the original plat, which has all the requested changes on it was not returned with the new plat, so he is not sure all requested changes were made. Once he gets that back and compares it with the revised

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plat and is assured all the changes requested were made, he will be ready to sign off on it.

Mayor Harvey asked on sublots #5, #15 and #20, when the houses are put on these lots, will there be a problem as far as fitting on decks and conforming with the rear yard set back? Commission reviewed the situation and discussed at great length. Commission agreed the placement of the homes on these lots will be critical if they plan to add a deck, but it will be possible and have sufficient rear yard set back.

Markowitz stated that he has the title commitment, the certificate of insurance, the performance bond and the letter of credit so when Bill Dreimiller signs off on the improvement plans, the improvements can be started. Mr. Dreimiller are ready for approval, he is waiting for final review of the landscape consultant.

Markowitz stated lots 1 through 36 will be part of the Master Association with their own set of deed restrictions, which he has reviewed. Block A and Block B, areas of open space, will go into the Master Association.

There being no further questions or discussion, Harvey moved to approve the Final Plat and Final Plat application for Whitetail Run Subdivision #1, subject to the approval of page one of the Final Plat, by the Village Solicitor and subject to the Village Solicitor's approval of the Declaration of Covenants, Conditions and Restrictions of Whitetail Run Subdivision #1, the Master Declaration of Covenants, Conditions, Easements and Restrictions of Whitetail Run, the Declarations and Bylaws of the Whitetail Run Community Association, the Declaration of Condominium Ownership of Whitetail Run and the Bylaws of Whitetail Run Condominium Owners Association, Moroney 2nd. Roll call, all ayes. The Mayor presented a written report of a meeting he, Kurt Laderer, Wally Sutliff had at the site of the proposed Bramble Farms. The report concluded that as far as the location of driveway #1, it has a real problem relative to the site distance. Mayor Harvey stated in order for driveway for #1 lot to be used, it will have to be elevated 4 to 8 feet and made level from the side of the road at least 50 feet. Mayor asked the Secretary to send a copy of this report to Mr. Knowles.

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

Charles M. Daniels Jr.

Charles M. Daniels, Jr., Chairman

Cathy Male

Cathy Male, Secretary

Members present: Cotesworth, Daniele, Harvey, Sutliff

Other officials: D. Markowitz, W. McCartney, W. Dreimiller

Guests: R. Knowles, B. Baum, C. Fazio, L. Constantino

Meeting was called to order by Chairman Daniele at 8:00 P.M. Roll call, Moroney was absent. There being no additions or corrections to the June 25, 1987 minutes, Harvey moved to waive the reading and approve them as recorded, Cotesworth seconded. Roll call, all ayes. There being addition or corrections to the July 2, 1987 minutes, Harvey moved to waive the reading and approve them as recorded, Sutliff seconded. Roll call, all ayes.

Chuck Fazio, architect for Rosie's Place, came before the Commission with plans and an application for development review. Mr. Fazio stated the last time they came before the Commission they were requesting permission to renovate the building in back of Rosie's and use that for a party center. They have decided that is not the direction they want to go and are currently using that building for storage only. Mr. Fazio stated what they would like to request tonight is permission to enclose the existing patio area. Chairman Daniels stated as he remembers, the existing patio area was constructed by the previous owners without any permits and the Village does not know anything about how it was constructed. Now it is being requested to enclosed this area, and he feels there could be a problem construction wise without knowing how the existing structure is built. Mr. Fazio stated they would not use the existing footers, they are planning to tear down what is existing and build a new structure.

Mr. Markowitz stated after the patio was constructed, the previous owner had to go the Zoning Board of Appeals and request permission to have the patio. The ZBA granted the variance but only to use as an outdoor patio.

Mr. Fazio stated he realizes in order for Planning Commission to give their approval for this addition they will need to get two variances granted, first , for parking and second for the side yard set back.

Commission reviewed the proposed plan as presented by Mr. Fazio. Commission discussed different options as fer as trying to find more parking, i.e. remove the back building and use for parking or find off-site parking for additional spaces. Mr. Fazio stated they could remove the side yard set back problem just by moving the proposed addition to the rear however that increases the parking problem.

Commission, Mr. Fazio and Mr. Markowitz discussed different options at great length. Mr. Markowitz explained if they went for the option of keeping the addition where the patio is, they would have to request a variance from the ZBA for the side yard set back and seek relief from the Planning Commission as far as the parking requirements. If they moved the proposed addition to the rear and there was no side yard set back violation, they would only have to request relief from the parking requirements from the PC.

Following a lengthy discussion, Mayor Harvey stated the next step for Rosie's is a two fold step, first make a determination of which way to go, to put the addition where the existing patio is located or move it to the rear. Second, if the decision is to leave the addition where it is, they will need to go before the ZBA for side yard set back variance. Mr. Harvey stated the Planning Commission can grant relief from the parking as can the ZBA. The question the ZBA and the PC will ask as far as the parking, can they get the required parking from any neighbor. Once the questions regarding the variances are addressed, then they will come back to the Planning Commission for action on the development review application.

Mr. Markowitz stated due to the many questions yet to be answered, he questions whether the applicant would like to withdraw his development review application and apply when the plan is more concrete. Following brief discussion, Mr. Fazio stated he would like the Planning Commission to hold the application and not file it until they have more finalized plans and some of the pending questions answered. Planning Commission agreed.

Mr. Rusty Knowles and Mr. Bruce Baum presented a revised plan for the proposed Bramble Farms development. Mr. Baum stated they changed the location of the road, they moved it away from the neighboring property lines. Mr. and Mrs. Bamberger, neighboring residents, were present and reviewed the plan and stated they had no problem with the way the road was laid out in the revised plan.

Mr. Knowles presented a report from Dr. Eckstein, Village hydrologist, written 7-16-87. Commission reviewed this report.

Mr. Knowles stated he is not in agreement with the report of Sgt. Laderer regarding the proposed placement of the driveways off of Bell Road. Commission discussed this discrepancy and stated they went to have another onsite meeting with Mr. Knowles, Lt. Laderer, the Village Engineer and any interested PC members.

Mr. Knowles stated the County Health Department has been out and inspected the proposed first phase and gave an oral report to the Building Inspector. Mr. McCartney stated Mary Ellen from the Geauga County Health Department was in his office that afternoon and stated lots #2 through #7 were approved for septic systems however #1 needs further study. Mr. Knowles stated as far as #1, #8 and #9, they have to determine whether or not they can get 1,200 feet of evaporation trenches and a replacement or whether they have to go with an aeration system with 900 feet and a replacement. Mr. Knowles stated he would submit the written approval from the County when he receives it.

Mr. Knowles presented a report from Dr. Eckstein, Village Hydrologist, written 7-14-87 relative to the supply of water for Bramble Farms. Commission reviewed the report. Dr. Eckstein's report stated there was sufficient water however he requested certain wells be drilled into certain aquifers, specifically lots #2, #3, #4 and #5 be drilled into the Berea.

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Held August 6, 1987 *19*

Markowitz asked the Engineer what improvement plans would be necessary for phase one. Dreimiller stated because all the lots front on Bell Road in phase I, there really aren't any improvement plans necessary. The drainage plans will be dealt with on an individual lot grading plan. Mr. Dreimiller stated the one thing he would like to have are profiles for the driveway intersections with Bell Road showing the sight distances.

Following lengthy discussion Harvey moved to approve the preliminary plat of the first phase of Bramble Farms contingent upon obtaining written approval from the County for all septic systems for lots #1 thru #7; designation on the final plat that for lots #2 thru #5 the wells be drilled in the Berea as per the Village Hydrologists recommendations; include the common area in phase one; and the location of the driveways be acceptable to the Village and profiles be approved by the Village Engineer and the sight distance be acceptable with the Village Engineer, Sutliff seconded. Roll call, all ayes.

Mr. Markowitz reported that Tom Burns has resolved the drainage easement for the proposed office campus. Mr. Markowitz stated Mr. Burns and Mrs. Goldbach have negotiated and settled, granting Mr. Burns an easement on her property for storm drainage. Mr. Markowitz stated Mr. Burns will be applying for building permits in the near future.

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

Charles M. Daniels Jr.

Charles M. Daniels, Jr., Chairman

Cathy Male

Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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Held ..... *19* ..

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

Held JULY 2, 1987 *19*

Members present: Harvey, Daniels, Sutliff, Moroney
Other officials: W. McCartney, D. Ondrey
Guests: E. Gottschalk, R. Knowles, W. Gallagher

Meeting was called to order at 8:00 P.M. by Chairman Daniels. Roll call, Cotesworth was absent. There being no minutes of the previous meeting, no action was taken.

Ed Gottschalk was before the Planning Commission seeking approval for his development review application for a proposed addition to his office building located on Industrial Parkway. Village Engineer submitted to each member a letter dated July 1, 1987 reviewing the development plan. Mr. Gottschalk stated he also has a copy of this letter. Commission agreed to go through the letter, item by item, and discuss. (Copy of Engineer's review attached hereto.) Item #1, Mr. Gottschalk agreed to eliminate the 10 parking spaces along the west property line, which will leave 45 spaces and they only need 39 spaces. Item #2, lot coverage is under 25%, so that is OK. Item #3, Mr. Gottschalk stated he has no problems with Items # 3, #4, and #5 and will comply with the Village Engineer's request. Mr. Gottschalk stated they have covered item #6 by deleting the parking spaces as requested in Item #1. Item # 7, Mr. Gottschalk agreed to have his architect send a letter to the Village verifying that there is a 1 1/2 inch water line servicing this building. Item #8, Mr. Gottschalk agreed to use 6 inch tie-ins to the storm for the drainage area. Item #9, Gottschalk stated he will have Clough redraw the drawings and correct the south property line. Item #10, Mr. Gottschalk stated they will grade out the rear of the property so the water will flow to the existing catch basin. Item #11, Mr. Gottschalk stated he disagrees with Mr. Dreimiller, he does not believe there will be any more run-off from the property because it will go into the storm sewer. Mr. Dreimiller stated he feels that any commercial development ought to be hard surfaced parking area, for the protection of the general public and simply to provide stripping for delineating parking. He also stated that due to the current conditions of the storm sewer system, any improvements to the Rte. 422 area ought to have some provisions for on site retention. Mr. Gottschalk stated they have had some of the heaviest rainfalls in history in the past month and there was no more flooding there now than there has ever been. They use to have a problem, but now that they have put in the drainage, they pick up all the excess on their property. Mayor Harvey stated now that there appears there will be some grading done, to the rear of the property, he would like to have a grading plan submitted. Mr. Gottschalk stated he would have one done.

There being no further discussion, Harvey moved to approve the development review application for Ed Gottschalk subject to complying with the Engineer's letter dated July 1, 1987, Moroney 2nd. Roll call, all ayes.

Bill Gallagher, architect for Violantes' restaurant, came before the Commission seeking approval of the Development Review application for a proposed addition to the Violantes' restaurant. Commission had a letter of review dated 7-1-87 from the Village Engineer regarding

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this development. Commission discussed this plan and concluded that this plan needs variances regarding the parking, side yard set back and maximum lot coverage. Harvey moved to disapprove the plan as presented because it does not comply with the Zoning Regulations, Sutliff 2nd. Roll call, all ayes. Commission instructed Mr. Gallagher to contact the Secretary to apply for the necessary variance applications.

Rusty Knowles, developer for proposed Bramble Farms, stated he was not able to get the work done that needed to be done in order to get an evaluation by the Health Department. Mr. Knowles stated he brought an ecology report and an hydrology report and presented copies to the Commission. Mr. Knowles stated he also wanted to discuss the study done by the Police Department. Mr. Knowles stated he had been contacted by East Ohio Gas and they requested a copy of the plat plan for them to review. Dave Ondrey stated there is a question regarding the easement of the East Ohio Gas Co. and who will pay for repairs to the road if the EOG has to service the lines under any future roads. Commission reviewed the letter of June 30th from the Village Engineer, reviewing the preliminary plat. Mr. Knowles stated his engineer is in the process of making sure everything on the list is done and ready for the next meeting. Mr. Knowles stated one item, #11, he feels there was a misunderstanding with the police department. Mr. Knowles stated he went out and rechecked the driveway placements and there is not a driveway coming out that does not have a clear distance in both directions of at least 500 feet. Mayor Harvey stated he would like to go out and actually see the placement of the stakes and where the driveways will be. Commission discussed the driveways at great length. Mr. Knowles stated he has tried to contact Mr. Levine from Paw Paw Lake to get the name of the man they want him to work with regarding the prevention of siltation, and has not gotten that information.

Mr. Bamberger, resident from Lake Louise, stated he has concerns with lots 8 and 9. Mr. Bamberger stated the drives for lots 8 & 9 appear to be right next to his property, along his backyard. Mr. Knowles stated they could put the drive 20 feet off the property line. Mr. Knowles and Mr. Bamberger discussed the terrain of this area and the problems that it could cause. Mr. Knowles stated he will review this prior to the next meeting.

Commission agreed to contact Kurt Laderer and see if he could meet the Commission and Mr. Knowles and go to the sight and review the driveway placements.

Commission stated they would like Mr. Knowles to grant them an extention in order that they do not have to take action on this application. Mr. Knowles stated he would grant an extention until the next regular Planning Commission.

Mr. Knowles stated his plan right now is for phase one to be the seven lots off of Bell Road and phase two will be the remainder, those that access off of Snyder Road.

Mr. Lowe, resident from Sugarbush Lane, came before the Planning Commission to discuss the Manor Brook development and the problems that are being created from

the new construction relative to siltation and their pond. Mr. Lowe stated they had their lake dredged approximately one and a half years ago and it was quite expensive to do. Mr. Lowe stated they are very concerned that something be done so no more damage is done. Mayor Harvey stated he spoke with Don Barr this afternoon and he stated he could not be at the meeting tonight however he would send a letter which could be read at the meeting. Mayor Harvey read the letter from Mr. Barr, dated July 1, 1987. Mr. Lowe presented photos showing the water coming into their lake. Mr. McCartney stated he inspected this area on June 29th and on the north side of Bell Road, the water was running very clear however on the south side, it was very muddy. Commission discussed possible areas this muddy water was coming from. Mr. Lowe stated Mr. Barr had put in silt fencing last week that has eased some of the siltation flow. Commission discussed this problem at great length. Village Engineer stated there is a large surface area that flows into this pond and the Manor Brook development can not be considered the only contributor of silt. The Mayor stated that Snavely appears to be very willing to work with the Village and Sugarbush on this problem and asked that the Building Inspector be sure to inspect the situation barriers on a regular basis and make sure Snavely properly maintains them. Mr. Lowe thanked the Commission for their time and effort.

Village Engineer stated he has signed off on the Silver Springs punch list and he has approved three sets of the grade plans. Mr. McCartney stated the ABR reviewed ten sets of plans last Monday, three sets were approved as presented and seven sets needed revisions. Dave Ondrey, Village Solicitor, reported he has the performance bond which he needs the signatures of the Chairman and the Mayor. Ondrey stated Markowitz got a letter from Silver Springs attorney, Andy Richner providing a number of items which were requested, however one item that was not there was a release from their mortgage holder for the common area. Mayor Harvey stated this item concerned him greatly and should this hold up his building permits? Commission discussed this situation. Dave Ondrey stated he does not believe that any permits will be allowed to be issued until this matter has been cleared.

Bill McCartney presented plan for the signs for Manor Brook development. Mr. McCartney explained they have proposed a total of six signs, some temporary and some permanent and presented a plan showing where they will be placed. Commission stated as long as they all conform to the Zoning Regulations, they had no problems with them.

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

Charles M. Daniels, Jr.

Charles M. Daniels, Jr., Chairman

Cathy Male

Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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Held *19*

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Held June 25, 1987 *19*

Members present: Moroney, Harvey, Cotesworth,
Other officials: Markowitz, McCartney
Guests: B. Gallagher, D. Barr, R. Rosner, E. Gottschalk, R. Knowles, B. Baum, C. Taylor. J. Levine

Meeting was called to order at 8:00P.M. Roll call, Chairman Daniels and Sutliff were absent. Mayor Harvey moved to appoint Marilyn Cotesworth Chairman Pro-tem, Moroney 2nd. Roll call, all ayes.

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

Harvey moved to waive the reading of the May 7th minutes and approve them as recorded, Moroney 2nd. Roll call, all ayes.

Bill Gallagher, architect for Marion Violante, Violantes Restaurant, came before the Commission requesting Development Review approval for a proposed addition to the Violantes' restaurant building. Mr. Gallagher explained what they are proposing to do is add on approximately 800 square feet and renovate the exterior of the building. Mr. Gallagher presented plans showing the proposed addition. Mr. Gallagher stated the addition will reduce the parking spaces currently available from 23 spaces to 18 spaces. Mr. Gallagher stated the seating capacity will be increased from approximately 50 seats to 75 seats. Mr. Gallagher stated he realizes he will need to go before the Zoning Board of Appeals to request a zoning variance relative to the parking and in fact, is in the process of doing that now, however, he found out yesterday he must go before the Planning Commission for development review prior to going to the ZBA. Commission reviewed the proposed plan and discussed the front and side yard set back and the maximum lot coverage. Commission stated they would like the Building Inspector and the Engineer to review this plan and make their recommendation prior to taking any action. Mr. Gallagher stated they have received permission from adjoining property owners, Ed Gottschalk and Tom Burns,to use their parking lots after 6P.M., which might provide some relief regarding the parking situation.

Commission asked the Engineer and the Building Inspector to review these plans and report back at the next meeting, July 2nd.

Markowitz stated one thing he might suggest that Mr. Gallagher look into is the ordinance that provides for off site parking, as proposed for the Burns office building. Markowitz stated if there is adequate assurances from the adjacent property owners to protect the right to park, and the Commission approves, there might not be a need for a variance for parking spaces. Mr. Gallagher stated he already has written letters from Ed Gottschalk and Tom Burns stating they would allow parking on their property after 6:00P.M. Markowitz stated what the Village has done in the past is requested recorded easements from the adjacent property owners, who allow the potential use of their land.

Dick Rosner, Attorney for Snavely Building Co., stated they are ready to close on the balance of the land for the first phase of Manorbrook. Mr. Rosner presented a plat showing how the land in the first phase has been acquired. Mr. Rosner stated in March they purchased and received a deed for the land marked on the plan as parcels #1, #2 and #3. Mr. Rosner stated they are before

the Commission to request a lot split which would allow parcel A-1 to be split off, which includes all the remaining land east of the westerly edge of the CEI easement and goes all the way to Rte 306. The land west of the CEI easement is being retained by Cardinal Federal and Snavely has the option to purchase. Mr. Rosner stated they have the deed from Cardinal to Snavely, and the title will be taken in the name of Snavely Whitetail Inc. and the TJR land will be deeded in the name of Snavely Whitetail Inc. Mr. Rosner stated they have a grant of easement rights so Cardinal has access to utilities.

Mayor Harvey stated he saw no problem with the lot split as being requested. Mr. Markowitz stated he has been working with Mr. Rosner and the attorney from Cardinal Federal and he stated there are a few minor revisions that must be made and he suggests that the Planning Commission approve the lot split contingent upon the Solicitor's review and approval of the deed. Mr. Moroney stated he had no problem with it. Mr. Driemiller stated he has reviewed the legal descriptions as far as the geometry and everything is alright.

There being no further discussion, Harvey moved to approve the lot split of parcel A-1 from parcel B subject to the solicitor being satisfied relative to the language of the grant of the easement and the reservation of the easement and subject to the property designated as cluster A and the property previously split becoming under common ownership, Moroney 2nd. Roll call, all ayes.

Mr. Markowitz stated the original plat of Manorbrook approved as approved by the Planning Commission back in 1979 shows roads which were never dedicated, but show up on the tax maps. This is causing a lot of confusion at the County. Markowitz stated what they want to do is have Snavely file a declaratory judgement which would ask the Court to declare that these roads are not part of the property and the Village did not consent to it and they should not be considered as roadway. Markowitz stated one thing they will state in the declaratory judgement entry is specifically say that neither the Village nor Snavely nor Cardinal is abandoning their desire to interconnect with the Emerald Lakes, this is just to clarify. Commission stated they had no objection to this.

Mr. Barr stated they would like a clarification on whether they could change their plan for Cluster A, with respect to switching the foot prints of the buildings according to how the sales go. The Commission stated they had no problem with it, however the grading plans would have to be approved by the Engineer.

Mr. Barr stated they will be putting in two signs, one temporary and one permanent, on Rte. 306, they will be in compliance with the Zoning Code. Mr. Barr presented drawings of these proposed signs. Mr. Barr explained after he spoke with the homeowner's association, they have expressed concern with the traffic coming into Manorbrook Drive going into their existing pods, they have come up with a couple of directional signs that will be 6 square feet that will keep the traffic out of the

existing condominium pods. Mr. Barr stated they will also have a bulletin board sign in front of the first new cluster. In addition, they will have a welcome sign at the entrance. Mr. Barr stated they want to present this to the Commission and make sure they had no objections. Mr. McCartney stated all these signs fall within the regulations of the new Zoning Code. Commission stated they had no objections.

Ed Gottschalk presented a development review application for a proposed addition to his office building located on Industrial Parkway. Village Engineer, Bill Driemiller, stated he has reviewed the plan and submitted his review comments in a letter dated 5-12-97. Planning Commission agreed to review the letter item by item. Mr. Gottschalk stated he has a revised plan to submit which has most of the information requested in the Engineer's letter.

Items #1, #2, #3, and #4, Mr. Gottschalk stated that information is on the plan. Item #5, there will be no changes in the landscape, so they do not need a new plan. Item #6, they do not plan to change the grade. Item #7, they do not have this section. Item #8, these dimensions are on the plan. Item #9, they moved the A/C unit. Item #10, Mr. Gottschalk stated as far as a drainage system, they have a french drain system around the building that takes the water away and connects to a 10 inch storm sewer which connects to the sewer at the street. Mr. Gottschalk stated they control all their water, there is no water discharged from their property other than onto their property. Item #12, this information is on the plan. Item #13, this information is on the plan. Item #11, this information is on the plan.

Engineer stated if there is going to be parking area added, it must be done in accordance with the regulations, meaning providing a hard surface. Mr. Gottschalk stated there will not be any additional parking areas added. Commission discussed the requirement of providing hard surface parking areas. Harvey stated it his feeling that there would not be alot of benefit to paving this particular parking area for the main reason that the hard surface would only increase the run-off. Mr. Gottschalk stated the parking area as it is now, does not allow any water to discharge anywhere on the ground where they do not pick it up and put it into the sewer. If it were paved, that might not be the case.

Mr. Markowitz state as the new Code reads, the Planning Commission has the ability to waive the requirement for a hard surface parking area if they determine unusual circumstances exist. Following a brief discussion, Harvey moved to not require hard surface parking for the Gottschalk Building addition, Moroney 2nd. Roll call, all ayes.

Mayor Harvey stated because the Village Engineer has not had a chance to review the revised plan presented tonight, he doesn't feel the Planning Commission can act until they get the Engineer's review. Markowitz stated there seems to be several issues that appear to be able to be resolved, however the Engineer has not seen the revised plan. Markowitz stated the Commission is going to meet in another week and as long as the Engineer can

make his review, the Commission can take action at that meeting. Mr. Gottschalk asked if there is any possible way the Commission could approve it conditional to the Engineer's approval. Mayor Harvey stated he does not like to put the burden of approval on the Engineer and would prefer to wait till the next meeting before taking action. Commission agreed and stated the next meeting would be July 2, 1987.

Rusty Knowles, developer of Bramble Farms, presented the preliminary plat plan and application for Bramble Farms development to be located on the south side of Bell Road, west of Snyder Road. Commission reviewed the plan and application. Mr. Knowles stated there are seven lots in phase one, all with access off of Bell Road. Phase two lots will have access off of Snyder Road.

Commission took a five minute recess in order for the audience and Commission to look at the plan and informally discuss.

Bruce Baum, engineer for Mr. Knowles, stated after the last meeting, there were several items that were requested by the Planning Commission, first, showing of all contours of the land; second, connection of the common areas, and third, possible location of the homes for the "lollypop" shaped lots. Mr. Baum stated they have provided this information on the plat.

Mrs. Cotesworth stated they have the report from the Police Dept. and there is some concern regarding the driveways, off Bell, as shown on the plan. Mr. Knowles stated he also read the report and he feels that possibly Sgt. Laderer misunderstood where the proposed driveways would be placed. Mr. Knowles stated he did not feel there would be any problem with any of the driveways as they are planned now.

Mr. Knowles stated as far as the "lollypop" lots, he will be glad to designate the building sites on all these lots.

Mayor Harvey asked if there will be any problem with the EOG line and the easement, with respect to the proposed road as shown on the plan? Markowitz stated he would have to read the language of the easement, but if it is like the Silver Springs easement, they will not be able to put any structures on it, but they did not include roadways. Markowitz stated what they should do is contact the EOG representative and have him come to the next meeting. Mayor Harvey stated he would give him a call.

Mr. Moroney stated he has a problem with the driveways off of Bell Road and he is not happy with the road running over the EOG line and running right up to the lot lines, he would rather see it pulled back away from the existing homes.

Mr. Clint Taylor, resident of Paw Paw Lake, asked what plans do they have for building sedimentation ponds to handle the run-off during construction. Mr. Knowles stated they plan on building whatever it takes to keep any silt from running into Silver Creek. Mr. Knowles stated they have design the plan to keep the roadway and

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Held June 25, 1987 19....

any construction sites as far away from the creek as possible, so they can get as much natural prevention of siltation. Mr. Knowles stated they would follow any recommendations that the Village Engineer would make relative to sedimentation controls.

Mr. Jeff Levine, resident of Paw Paw Lake, asked if Mr. Knowles would be willing to work with an unbiased siltation erosion expert? Mr. Knowles stated he would be willing.

Mayor Harvey stated the Commission has 30 days to take action and he would like to take the police report and go out and look at the proposed layout, at the proposed site. Mr. Knowles stated he will put stakes in for the property lines are and for the proposed driveways. Commission stated that would be very helpful. Mr. Knowles stated he would be at the next meeting with the Health Dept. report and hopefully the report on the water.

Secretary reported that the Building Department has asked that the Commission be informed that Mr. John Steele has now yet removed the mound of dirt behind his home or moved the split rail fence that is in violation of the side yard setback. Commission discussed this briefly and asked the Building Inspector to site them for the appropriate violation.

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

Charles M. Daniels

Charles M. Daniels Jr.

Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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Held *19*

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Held May 7, 1987 *19*

Members present: Daniels, Cotesworth, Moroney
Other officials: D. Markowitz, W. Dreimiller, W. McCartney
Guests: T. Burns, D. Szabo, D. Barr, B. Baum, J. LaRue,

Chairman Daniels called the meeting to order at 8:00 P.M. Roll call, Harvey absent and Sutliff arrived at 9:00P.M.

Commission reviewed the April 2, 1987 minutes. Secretary stated that there should be an addition stating that Heritage Homes filed their final plat for Silver Springs. There being no further additions or corrections, Moroney moved to approve the minutes as recorded, Cotesworth 2nd. Roll call, all ayes.

Tom Burns presented a revised plan for the parking layout of the Galleries Building and the Brass Shoppe. Mr. Burns explained the drainage plan would basically be the same. Burns explained the changes made were done to make the parking lot more efficient and would not affect the drainage plan significantly. Commission reviewed the plan. Engineer stated he has briefly reviewed the plan tonight and would like to look at it further prior to commenting. Engineer stated there is alot of information that is missing that he must have prior to giving an approval. Mr. Burns stated he would have his engineer contact Mr. Dreimiller and give him the needed information. Commission stated they approve of the plan but must meet Dreimiller's approval.

Andrew Richner, attorney for Silver Springs, resubmitted the revised final plat which incorporates the requested changes of both the Solicitor and the Engineer. Markowitz stated he and the Engineer reviewed the first submittal and they had several comments however they have not had a chance to review this revised plat. Markowitz stated one item they requested is that Block A, the common area located in the front of the development, be conveyed to the Homeowners Association. Mr. Richner stated they have the original deed of conveyance for Block A and the covanents for the Homeowners Association. Commission reviewed the plat. Following a brief discussion, Cotesworth moved to approved the Final Plat for Silver Springs development contingent upon the Village Engineer and the Village Solicitor being satisfied with the changes made to the plat and concurrently with the recording of the plat, Block A be conveyed to the Homeowners Association, which is subject to deed restrictions, which are in a form acceptable to the Village Solicitor and appropriate mortgage releases and a title commitment are filed, Moroney 2nd. Roll call, all ayes.

Don Szabo, Haueter Excavating, presented a revised plan for putting a pond in the rear of property located at 15 Chelsea Ct. Mr. Szabo stated the Village Engineer has reviewed these revised plans. Mr. Szabo stated the pond will be fed by a creek that flows nearby. Mr. Szabo stated the property owner next door would also like to have the dirt from digging the pond put on his property because they have a swampy area they would like to fill in. Mr. Szabo stated the owner is willing to put up a fence, if requested by the Planning Commission. Village

Engineer stated the pond itself falls within all the zoning regulations. There was some discussion on how the excavator gained access through the developments common area, without permission, and tearing up the ground. Mr. Szaba stated they guarantee they will regrade and reseed any disturbed area. Mr. Daniels stated the area behind the home is very swampy and this pond would improve the backyard greatly, however he is concerned with creating an attractive nuisance for the neighborhood children. Following lengthy discussion, Cotesworth moved to approve the plan for a pond with the contingency that the owner must install a 6 foot fence around the perimeter of the pond, Moroney 2nd. Roll call, all ayes. Commission stated that if the dirt removed is going to be put on the lot next door, Mr. Szabo must submit a grading plan for the Village Engineer's review.

Mr. Don Barr, Snavely Building Co., stated he is before the Planning Commission relative to the variance application that was before them last month. Markowitz stated there was one remaining issue of their variance request and that has to do with the area west of the CEI lines. Mr. Markowitz asked that the Planning Commission adjourn into executive session to discuss issues relating to litigation between the Village and neighboring property. Commission adjourned at 8:45P.M.

Commission reconvened at 9:05P.M. (Sutliff arrived at 9:00 P.M.) Mr. Markowitz stated at the last meeting he was asked to render an opinion to the Village as to whether or not the Planning Commission has the ability to force a tie-in with an interconnection of the roads between Emerald Lakes and the western portion of the Manor Brook property. Markowitz stated the opinion that he has given to the Village he considers to be confidential and privileged. Markowitz stated he has given his opinion to the Planning Commission and they have decided to maintain the confidentiality of that opinion. Markowitz stated they were also asked to determine whether or not the Village would have the legal ability to exercise eminent domain to obtain a roadway through the Emerald Lakes property to interconnect and it is his opinion that the Village can and will exercise eminent domain if it becomes necessary and however it is their fervent hope that the Snavely's and Mr. Simon will work out the interconnection of the roadways.

Mr. Don Barr stated he would like to withdraw their request for a variance for the second phase.

Ken Fogle presented a plat and application which is requesting the splitting off of the rear portion of the Coffee property, 3 acres. Mr. Fogle stated this piece does not have any direct access to Louise Drive however they have an agreement with the Baker's, who live on Louise Drive, to gain access through a thirty foot strip. What this involves is the Coffee's and the Baker's will trade areas of land, a thirty foot wide piece of land which connects to the Coffee's for an equal area that will add depth to the Baker's property. Mr. Fogle presented the plat that shows this resubdivision. Mr. Moroney stated this matter has not been to the Lake Louise Board and the deed restrictions are that Mr. Baker cannot do this without the Board's approval. Mr. Fogle

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stated he is aware that they have to go before the Board but was hoping to get the approval of the Village and then proceed to the Lake Louise Board. Commission reviewed the plan and discussed at great length. Following this discussion, Cotesworth moved to approve the application and plat contingent upon the approval of the Village Engineer and the Village Solicitor and upon filing the petition with the Common Pleas Court, Sutliff 2nd. Roll call, all ayes.

Rusty Knowles and Bruce Baum came before the Commission for informal discussion and to present a sketch plan for a proposed development of the old Matthews property located off Bell and Snyder Road. Mr. Baum presented the plan to the Commission and explained they are proposing 24 lots, all between 2 1/4 and 2 1/2 acres in size. Mr. Baum stated he has outlined the flood plain area of Silver Creek and what he tried to do is introduce the sites around this area as best he could and make the best use of the land. The plan shows seven lots with access onto Bell Road and the remaining lots with access onto Snyder Road. There are seven lots which are "back lots", ones that are located behind other lots with long driveways providing access onto the streets.

Solicitor asked if they had had any discussions with the County Health Department? Mr. Knowles stated he had not.

Commission reviewed the plan and stated there were not any elevations on the plan, which makes it difficult to review, even a preliminary sketch. Commission also asked that the drives across the street be shown on the next set of drawings that will be submitted. Commission also stated a concern regarding the "back lots" and problems with placement of the homes and run-off. Markowitz stated as far as the placement of the homes on the "back lots", the developer could designate the building sites on the plans approved by the Planning Commission. Mr. Knowles stated he would not have any objection to this.

Commission stated the placement of the open space could be better. Access to the open space is very limited and really not easy from most of the lots as it is presently laid out. Commission asked that this be reviewed and possibly revised.

Mr. Knowles stated he would come back next month with an application and a preliminary plat.

Mr. Knowles asked the Commission if they would like to walk the property and see first hand the area to be developed. Commission stated they would and agreed to meet Monday, June 11th.

Development review application for an addition proposed for Gottschalk Building Company was filed. Engineer stated he has not reviewed this plan. Commission asked that the Engineer review the plan and the Commission will act on it at the next meeting.

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

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

Charles M. Daniels Jr

Charles M. Daniels
Chairman

Cathy Male

Cathy Male
Secretary

Held April 23, 1987 19

Members present: Sutliff, Moroney, Harvey, Daniels, Cotesworth
Other officials: W. Dreimiller, D. Ondrey
Guests: D. Barr, R. Rosner, Mr. Eubank, B. Phillips, J. Phillips

Chairman Daniels called the Public Hearing to order at 7:30 P.M. Roll call, all members present.

Secretary read the public notice announcing the request, by Snavely Building Company, for a variance from the Subdivision Regulations relating to the maximum length of a cul de sac street, the maximum allowed number of homes to be constructed on a cul de sac street, and the minimum width of spur roads for the proposed development of Manor Brook subdivision. The legal notice was published in the Geauga Times Leader on March 23, 1987.

Don Barr stated he is the applicant, representing Snavely Building Company who has made this request. Mr. Barr stated they are doing a project in the existing Manor Brook development. Mr. Barr presented the plat and explained the layout and their proposed development to the individuals in the audience. Mr. Barr explained there will be two phases to this project, Phase I will be east of the CEI lines and Phase II will be west of the CEI lines. Mr. Barr stated the variances being requested are first to have a cul de sac street longer than 2,500 feet. Their 1st phase would have a 3,500 foot road. Second, they will be having more than 50 homes on their cul de sac street, they will have 76 homes. Mr. Barr stated the reasons they are requesting these variances are several. The property has a substantial amount of rock on it and some topography features that do not lend themselves to good development. As far as the road in Phase II, they view the street and plan for the existing Manor Brook Drive to become an interconnect street, it would start at Rte. 306, go through Phase I, cross the CEI lines and continue down to the Emerald Lakes property. When the Emerald Lakes property is developed, they can develop with the interconnect in mind. Mr. Barr stated when the roads become interconnected, Manor Brook Drive would be considered a through street and then the arterial streets off of Manor Brook Drive would be considered cul de sacs and they would all fall within less than the 2,500 feet and be in compliance with the Regulations. Mr. Barr stated because they do not own the property south of Manor Brook, all they can do is make the provision for the interconnecting streets.

Mr. Barr explained what they are proposing for phase II is a twenty two foot wide fire and safety road which would connect Phase I to Phase II in the case of the main road being blocked and preventing safety vehicles from getting into Phase II.

The third variance being requested is for the reduction of the width of the spur roads servicing the condominium units. The regulations require they be 22 feet wide and they are requesting it to be reduced to 20 feet for a purely aesthetics aspect.

A resident asked how many residences will there be for Phase I? Mr. Barr stated there are 29 existing units and

they are proposing 44 additional condominium units and 36 single family units, a total of 109.

Mr. Bill Philips asked if there were any variances requested relative to the density requirements. Mayor Harvey stated no there are not and they have an overall density of one unit per acre.

Jack Phillips, current resident of Manor Brook and a member of the Board of Trustees, stated he is speaking on behalf of the Board and they are in full support of the Snavely Building Company proposed development and they are working cooperatively with them in a number of areas. Mr. Phillips stated they feel the request for a variance relative to the spur road width is consistent with what was granted to Thomas and Thomas and what currently exists in their part of the development now.

Christina Livers, Russell Township, asked if Snavely had any plan to exit the cul de sac streets, off of Manor Brook Drive, on to Music Street? Mr. Barr stated none what so ever. Mrs. Livers asked if Snavely had sent any letters to residents on Music Street, inquiring whether they would be willing to sell easements or access. Mr. Barr stated no they had not.

There being no further discussion, Chairman Daniels adjourned the public hearing at 8:10 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

REGULAR PLANNING COMMISSION MEETING

APRIL 23, 1987

Members present: SAA
Other officials: SAA
Guests: SAA

Chairman Daniels called the meeting to order at 8:15 P.M. Roll call, all members present.

Mayor Harvey stated he would like to act on the variance relative to the width of the spur roads serving condominium clusters A, B, C, and D. Mayor stated these will not be public roads and he has no problem granting this variance allowing them to be constructed 20 feet wide instead of the required 22 feet. Mayor Harvey moved to grant this variance as requested as Item #3 on the application, Cotesworth 2nd. Roll call, all ayes.

Mayor Harvey asked Mr. Barr if he wants the Commission to consider the variance as far as the Phase II roads? Mayor Harvey stated they have applied for the variance and they are entitled to have it heard however there

might be a problem, does Snavely own this property. Mr. Barr stated they have an ownership letter, they have control of the property and it was his understanding that the letter they submitted a month ago sufficed for showing real interest. Mr. Rosner stated they did submit letter to Village signed by Cardinal Federal and by Snavely setting forth the arrangement for the purchase agreement for the property east of the CEI lines and an option to purchase the property west of CEI.

Mr. Barr stated there are a number of outstanding issues that need to be resolved in Phase II however they don't want to allow too much time to go by before these issues are resolved. Mr. Barr stated they will always want the interconnect road between Manor Brook Drive and Bell Road. If the variance tonight is granted for Phase II, it will not mean they will try one bit less to get the interconnect road. They feel from a marketing standpoint and from a safety standpoint this would be the best plan. Mr. Barr stated because they don't know when this interconnect road will be provided, they have provided for the fire lane as an alternate, to give the loop road effect.

Mr. Barr stated if the Commission would like to table this part of the variance and discuss at another meeting, that is certainly understandable. Mayor Harvey stated they have 30 days in which to take action.

Mr. Sutliff stated he is in favor of the fire road for a temporary measure but if the Village is locking themselves into a situation where Manor Brook Drive can never be connected, he has problems with the variance. Mayor stated he agreed with Mr. Sutliff and feels what we need to know is if Emerald Lakes' Phase II is developed, can the Planning Commission mandate legally the connecting road. Second, do we have the right of eminent domain? Harvey stated he needs some legal answers to base an opinion.

Mr. Barr stated as the applicant, he would be very willing to postpone the action on this issue for thirty days or whatever the Commission feels is appropriate to give them enough time to have the Solicitor look into these issues so we can better address them.

Commission asked Mr. Ondrey to research these questions and report back at the May 7, 1987 meeting.

Mayor stated the third request of the variance application deals with the total length of the roads in Phase I, Manor Brook Drive and streets A and B. and the number of units on these roads. Mr. Barr stated the length of Manor Brook Drive to the CEI lines is 3,050 feet and if you add Street A and Street B, the total would be 3,500 feet with 109 units.

Following lengthy discussion, Sutliff moved to grant the variance for Phase I allowing streets A and B and Manor Brook Drive to exceed 2,500 feet and to serve more than 50 dwelling units in Phase I only, Moroney 2nd. Roll call, ayes, Moroney, Daniels, Sutliff, Cotesworth; nays, Harvey. Motion carried.

There being no further business, meeting adjourned at

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held 19

9:00 P.M.

Charles M. Daniele, Jr., Chairman

Cathy Male, Secretary

Held APRIL 2, 1987 19

Members present: Cotesworth, Harvey, Daniels, Mororey
Members absent: Sutliff
Other officials: W. Dreimiller, D. Markowitz
Guests: M/M Schlamp, M/M W. Sonnie, M/M J. Epprecht, S. Reid, D. Kolar, A. Richner, T. Jackson, R. Jackson, J. Gustant, D. Szabo, C. Taylor, J. Sutcliffe, T. Burns, C. Cawrse, D. Barr, M/M Goss

Public hearing was called to order at 7:30 P.M. Roll call, Sutliff was absent. 7:30 P.M. Roll call, Sutliff absent.

Secretary read the public notice published in the Geauga Times Leader announcing the public hearing for the variance application of Heritage Residential Construction Co. requesting a variance from the Subdivision Regulations relative to the requirement that building and zoning permits only be issued following the acceptance by the Village Council of all public lands shown on the final plat for dedication. Heritage Residential Construction Co. is the developer for the Silver Springs subdivision.

Chairman Daniels explained that specifically what Heritage is requesting is a variance which would allow them to get zoning and building permits prior to the final coat of asphalt and the final tree planting. Mr. Daniels stated even if this variance is granted, Mr. Kolar must still complete all the other items on the Village Engineer's punch list, except for the final coat of asphalt and the tree planting, before any zoning and building permits can be issued.

Mayor Harvey asked the Village Engineer what his opinion was as to the developments which this type of variance has been granted, how have the road faired? Engineer stated they have faired well however he would not want to pursue any more subdivisions wintering over without the surface coat without some changes to the specifications for the base. His thought would be to change the intermediate course to a denser material if it was going to winter over without the surface course.

Mayor Harvey asked the Solicitor what the latest ruling was that came from the County recorders office? Mr. Markowitz stated the latest communication they have is they do not want us to have plats filed where the roads have not been accepted for dedication. The County Recorder is stating he does not have statutory ability to accept the plat when the Village has not accepted it for dedication. Commission discussed this ruling at length.

Markowitz asked Mr. Kolar if, as he understands it, the request for a variance is from the installation of the top coat and the final tree planting prior to the issuance of building and zoning permits issue and everything else on the Village Engineer's punch list would be completed. Mr. Kolar stated that is correct.

Clint Taylor, resident of Paw Paw Lake, was sworn in and asked if there was going to be anything done to currently to correct the soil erosion and drainage before any more developing is done? Mr. Taylor stated the reason he is asking is because over the winter alot of the bales have

deteriorated immensely and the silt is flowing into Paw Paw Lake. Village Engineer stated the straw bales do have to be replaced and repaired.

Elaine Sonnie, potential resident of Silver Springs, was sworn in and asked if item # 15 of the Village Engineer's letter states the silt deposits in Paw Paw Lake must be removed, will this have to be done prior to the issuance of the building permits? Mr. Markowitz if this item is not included in the variance request, it will have to be done prior to the issuance of the building permits. Commission discussed the benefits of have the removal of the siltation from Paw Paw Lake following all the construction, not before. Mr. Kolar stated they will dredge whenever they are directed to do it, but in his mind it would make more sense to do it following the construction and all the final grading. Mr. Kolar stated this question must be answered tonight because he does not want to jeopardize their ability to start construction while the argument of when the dredging is to be done is answered. Mr. Taylor stated the Paw Paw Lake development has absolutely no objection to the variances being requested tonight however they do want to have their silt pond dredged, as was promised by the developer.

Mayor asked the Engineer what would the cost be too remove the silt from the silt pond in Paw Paw Lake. Engineer stated approximately $5,000, which would cover the removal of the bar of silt that has formed in the silt pond. Engineer stated it really is objective as to how much silt was created by Silver Springs and he is convinced they were not a great participator in what has developed. Mayor questioned if this figure contemplates what might develop and have to be removed following the spring construction? Engineer stated each construction site will have their own set of silt barriers which should take care of most of the siltation in the future.

Markowitz stated he has some concerns about how this dredging is going to occur. Markowitz stated first, how will Silver Springs get in to dredge if there is no easy access. Second, the performance bond should not be looked at as a basis that it will assure that the dredging will get done because the performance bond will get released when we accept the roads for dedication, which will be presumably before all the homes are constructed. The only way to do it is to make it part of the maintenance bond, which is similar to what the Village did in Emerald Lakes. Commission discussed the timing and mechanics of getting Paw Paw Lake's silt pond dredged.

Markowitz stated he would suggest that Heritage Homes and the Board of Trustees of the Paw Paw Lake get together and work out some agreement, satisfactory to themselves, and as long as they do that then the Village should not have to concern themselves with this problem. Mr. Kolar stated he has no objection to this as long as the Village takes this item off the punch list and then they will come to an agreement with the people of Paw Paw Lake. Markowitz stated they will take it off the punch list only when an agreement is worked out with Paw Paw Lake. Mr. Kolar stated he does object to that, because it then gives Paw Paw Lake control over this variance.

Commission discussed this situation at great length. Mr. Taylor stated Paw Paw Lake can see no stumbling block in working out an agreement to get the dredging done, they want to see it get done and as soon after the construction of the homes as possible. Mr. Kolar stated their excavator will do the work so they are not concerned with the cost and they do not want to delay the work any longer than they have to.

Engineer reviewed all the items of his punch list, dated December 4, 1986.

Chairman Daniels adjourned the Public Hearing at 8:15 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

Regular Planning Commission
April 2, 1987
Members present: Harvey, Cotesworth, Daniels, Moroney
Other officials: McCartney, Dreimiller, Markowitz
Guests: SAA

Regular meeting was called to order at 8:20P.M. Roll call, Sutliff absent.

There being no additions or corrections to the March 26th meeting, Harvey moved to approve them as recorded, Cotesworth 2nd. Roll call, all ayes.

Chairman Daniels asked for any comments from the Commission on the variance a request before them. Mayor Harvey stated the items on the punch list are definitive items that should be done as the Engineer is requesting. One of the questions that relates to the variance is item # 15, the dredging of the silt pond. Harvey stated he feels it makes sense that the dredging not be done prior to most of the completion of the construction. Harvey stated he is concerned with how this will be done, how it will be agreed upon as to the degree of dredging, and how it will be monitored. Commission discussed the specifics of dredging at great length. Mayor explained one thing that must be considered is the fact that what they are talking about is improvements or work to be done on private property between two private individuals and the last thing the Village wants to get into is a battle between Paw Paw Lake and Heritage. The Mayor stated he feels that Paw Paw and Heritage must try and come to some sort of an agreement as to how this work is going to be done and when it will be done and if there can't be an agreement, the Village will then step in and try to mediate.

Mr. Kolar stated he feels the only expedient and proper way to handle this, and the only way to remove the Village from jeopardy, because they may have a cause for action against the Village by imposing improper restrictions on what Heritage does, is to remove item #15 from the punch list and Heritage will come to and

agreement with the people of Paw Paw Lake. Mr. Kolar stated at this point he does not feel it is the Village's responsibility to be a judge and an enforcer over an issue that has not been decided, this a private agreement and this is private property. Mr. Kolar stated he does not feel this item should be on the punch list and it should not be a condition as far as the variance they are requesting.

Commission agreed to go into executive session to discuss potential litigation. Chairman Daniels reconvened the meeting at 8:45P.M.

Mayor Harvey moved to grant the variance requested by Heritage Residential for the top coat of asphalt on the road, for the final tree planting and for item #15 of the Engineer's punch list dated 12/4/86 subject to the present suit, brought by Heritage Residential against the Village, being dismissed with prejudice at the cost to the appellant, Moroney 2nd. Mayor Harvey stated in order to start construction of the homes, they would have to complete the punch list, minus the items of the top coat, the trees and the dredging. A condition to the granting of the variance would be that the existing suit would be dismissed. There being no further discussion, roll call, all ayes. Motion carried.

Mr. Don Barr, Snavely Building Co., stated he is before the Commission in hopes of getting some sort of an approval on the preliminary plat that has been submitted. Mr. Barr stated he would like to request that the Commission would consider only the area east of the western edge of the CEI lines, which is indicated as phase I on the submitted plans.

Mayor Harvey stated the main question he has is what is going to happen on the granting of the variances from the Subdivision Regulations relative to the streets. Markowitz explained by granting a conditional approval of the preliminary plat is only an expression of the Commission's approval of the layout contingent upon certain events occurring, such as Sanitary Engineer's approval, granting of the variances, or whatever. All this does is give them the opportunity to then go ahead a do their improvement plans.

Mr. Barr stated they have submitted their plans under the R-2 amendment and to be specific is they are asking the Commission to vote this evening on phase I, subject to the approval of the Village Hydrologist and subject to the outcome of the April 23rd variance hearing. Commission reviewed the concept of the R-2 amendment and the specific regulations.

Mr. Philip Schlamp, Manor Brook homeowners association, stated Snavely has made a presentation to their Board and requested easements that might be necessary for the further development including some easements necessary to drill some additional wells and improving and enlarging the entranceway on Manor Brook Drive. They did pass a resolution for the purpose of indicating that they are favorably disposed to getting this development going and they are prepared to work out a mutually acceptable type of easement for this purpose. They also expect they will have to join some sort of umbrella association to provide

for the operation of maintenance of those common areas.

Markowitz stated he would like to review the issues that need to be addressed. We want to have a Master Association dealing with the overall association. We want to have an approval from the Village Hydrologist that the lots and the density and the layout is acceptable, either by use of the existing water plant or by some capital improvements to the water plant or by going with individual wells. Markowitz stated anything they do in the way of improvement plans now without this approval is clearly at their risk. The variance being requested must be approved. Snavely must provide the language for the Condominium by-laws which would not allow occupancy until the by-laws and declarations are approved. The re-allocation of the open space for phase I must be dealt with. Final plat approval would be contingent upon showing proof of ownership of the land. Must have Sanitary Engineer approval. Commission must also approve the layout of the common area and determine if the configuration is appropriate. Commission discussed these items.

Markowitz reported that the Council recommended conditional approval contingent upon ownership, availability of water, road interconnection with Emerald Lakes, Master Association with the existing association, & sanitary sewer connection.

Harvey moved to conditionally approve the preliminary plat for phase I subject to the terms of the Master Association which will include the existing units in Manor Brook, subject to the approval of the Village Hydrologist, subject to the granting of the variances being requested, subject to the allocation and determination of the open space and what are the dimensions of Phase I, subject to obtaining ownership to whatever land is in Phase I, Moroney 2nd. Roll call, all ayes.

Tom Burns stated he has been asked to bring in a plans for the drainage plan for the parking lot of the Galleries and the Brass Shop and Mr. Braun has given one to the Village Engineer. Bill Dreimiller stated he received these plans two days ago and presented it to the Commission. Mr. Dreimiller explained what they have attempted to do is , in order to provide the surface storage of water, was to create a french drain around the perimeter of the green areas which would be large enough and deep enough filled with stone or perforated pipe in order to accommodate the water as it ran off the parking lot and as it was picked up in the trench drains and carried out to a discharge point. Mr. Dreimiller stated their options are rather small unless a new storm sewer is installed down Washington Street. Dreimiller stated one problem with this plan is they did not take the development plan and superimpose the parking as it was approved, it is basically showing the existing gravel area and utilizing that, however when you try to put the parking on it, as it was approved, there will not be a sufficiently large enough area.

Mr. Burns stated we were asked to bring this plan in however they are not really desirous of doing this. Moroney and Daniels questioned if this plan would

actually make any difference. Dreimiller stated it will, basically you have a trench two feet wide and up to five feet deep filled with large aggregate stone so it will act as a storage or holding area with a four inch pipe which will control the flow of water. Dreimiller stated you must at least try to address, to allow for any future litigation that might result, the fact that you are demonstrating some ability to retain water on the site. Commission reviewed the plan presented.

Mr. Burns stated he feels there is a real lack of consistency regarding the paving of parking lots. As an example, Rafferty's paved their parking area and they were not required to put in a retention system, why is he (Burns) being required to do it? Burns stated his area to be paved is so small and he does not feel the proposed system really won't make a difference.

Markowitz stated he does not know why Rafferty's has not complied because he does not know if they came to the Village to get approval for their hard surface, which they are required to do. Markowitz stated because Rafferty's did not comply does not give the Commission the right to allow Mr. Burns not to follow the regulations.

Burns, Commission and Solicitor discussed the cost of the proposed plan. Mr. Burns stated he has brought in the plan as requested however he does not feel it will be effective and does not want to do it. Burns stated he would rather retain the water on the green area and use swales.

Mr. Dreimiller stated he feels the plan presented is workable and approve of the concept.
Mayor stated what they are saying is you can't dump all the water from the asphalt parking area onto the street, unmitigated by anything. Burns stated he is in agreement with that and he would like to achieve that by paving the lot in a manner so that the water would be directed into the grassy area that is out front. Burns stated both Ronyak and Braun have agreed this would work.

Following discussion, Commission asked Mr. Burns to get together with his engineer and the Village Engineer and explain his plan and see if the can come to some agreement. If an agreement is reached, then draw a plan and present it at the next meeting.

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

Charles M. Daniels Jr.

Charles M. Daniels, Jr., Chairman

Cathy Male

Cathy Male, Secretary

ADDITION: Heritage Residential filed their application for final plat approval for Silver Springs subdivison.

Members present: Sutliff, Harvey, Daniels, Moroney
Other officials: D. Markowitz, W. Dreimiller
Guests: D. Barr, R. Rosner
Meeting was called to order at 8:30 P.M. Roll call, Cotesworth absent.

Don Barr stated he would like to thank the Commission, the Village Engineer and the Village Solicitor for making this special meeting possible and attending tonight.

Mr. Barr stated he is before the Planning Commission for two reasons, first, to get approval of the minor subdivision application and second, to get approval of the development review application for Cluster A, Manor Brook development.

Mr. Barr stated Mr. Dreimiller has the original recordable mylar with the necessary signatures, except those from the Village, which hopefully they will get if it is approved tonight. Mr. Barr explained, regarding the minor subdivision application, they have three parcels of land. First is the actual parcel where the Cluster A will be built; second, the parcel where the water plant is located; and three, the parcel which has the balance the property which is needed to make up the 12.3 acres for density. Mr. Barr stated he took and left a 20 foot wide strip between the existing Manor Brook property and the new property. The purpose of this was not to create a devil's strip, but to provide access to the non-contiguous open space for the residents. Mr. Barr assured the Commission that the 20 foot parcel shown on the plan will go into the common area for Cluster B. The Mayor stated as long as the developer does not try and put a road through on this strip of land,to Rte. 306, he has no objections.

Mayor Harvey asked if they had a purchase contract and were they the record owner? Mr. Barr stated they have an executed purchase agreement with Cardinal Federal, they have a letter of ownership and a copy was given to Dale Markowitz, and because they can't file the plat with the County until South Russell approves the plat, they can't become owner of record. Mayor asked the Solicitor if he was satisfied that when Snavely can file the plat, that they can become the owner of record under the contract? Markowitz stated that Cardinal has signed the subdivision plat which give Snavely the ability to do the split and then once the plat is filed, then they will record the deed. The stipulation that was signed by Cardinal, Snavely and TJR Land Co. provides that they will take title to Cluster A, the water plant and the common land upon the issuance of the building permit and they will take title to the balance of the property when free and clear title is conveyed by Cardinal, receipt of all necessary governmental regulatory approvals including approvals by the Village, Geauga County Sanitary Engineer and Ohio EPA and obtaining lot split approval from the Village for the site of Cluster A.

Mayor asked why the TJR Land Co.is involved?

Markowitz explained that they are not involved in the lot split, but the Village wants them to be party to the agreement of the Master Association and to the maintenance of the common areas, etc. They will agree to

sell their land to Snavely in order for further development to occur. Markowitz stated this was done to insure that there will be the 100 acre minimum maintained by all three parties, and their properties will be bound to the Master Association and that there will be a coordinated development. This does not require Snavely to purchase the land west of the CEI Lines, however they have an option to purchase this land. Mr. Rosner stated Cardinal has agreed to join in the Master Association.

Mr. Barr stated they have met with the existing homeowners association at Manor Brook and Mr. Jack Evans, president of the association, is present at tonights meeting. Mr. Evans stated they have met with the Snavely people and had a full review of the plan and they are in general support and they want Snavely to know they are very willing to work with them. Mr. Evans stated they know there will be some "pinch" points along the way but they have authorized their lawyer to get together with them and to work constructively.

Mayor stated regarding the letter from the Solicitor, dated 3-10-87, to Mr. Rosner, what exactly are you saying? Markowitz stated they want something in writing between Snavely and Cardinal that if Snavely does not take the land west of the CEI land, that Cardinal will agree to a Master Association which will govern use and maintenance of the common areas of the entire subdivision. Mayor Harvey stated as he remembers, the Planning Commission must approve the condominium declarations. Markowitz stated the way he thought this should be handled is to grant developmental approval for Cluster A conditioned that no occupancy permits be issued until the declarations are approved by the Planning Commission and the Village Solicitor.

Markowitz stated the issues that have been addressed for the development approval are first, the approval by the Sanitary Engineer, which they have already obtained; second, the performance bond, which the Engineer is recommending be set at $100,000; third, evidence of ownership, which he feels satisfied that they have and they have the deed from Cardinal that has been signed; forth, the provision for water which is to be shown in the S-1 form and the applicant has included on a separate letter that has been attached to the application verifying that the water will be supplied by the existing water plant.

Commission reviewed the plan for Cluster A. Mr. Barr stated this plan shows the spur road as 20 feet wide and the requirement is 22 feet however they are requesting a variance, which if granted, would allow the 20 feet. The public hearing for this variance will be April 23rd. Mr. Barr stated if the variance is denied, they will correct the plan to show a 22 foot wide road. The Solicitor stated this revision will then have to be reviewed and approved by the Village Engineer.

Harvey moved to approve the application for a minor subdivision for the Snavely Building Co., Moroney 2nd. Roll call, all ayes.

Commission discussed at great length the approval of the developmental review application for Cluster A and

conditions upon which the approval will be given. Following this discussion Mayor Harvey moved to approve the development review application for Cluster A, Manor Brook development, contingent upon receiving approval from Geauga County Sanitary Engineer, upon the posting of a performance bond or a letter of credit in the amount of $100,000 that is satisfactory to the Village Engineer and the Village Solicitor, upon the transfer of title of the property to Snavely, upon the approval of the variance allowing the 20 foot width spur road versus the required 22 feet and if the variance is denied and the plans have to be revised to show a 22 foot width road, they will be reviewed and approved by the Village Engineer, upon Cluster A becoming a part of the Master Association, and upon the granting of occupancy permits only after approval of the condominium declarations and bylaws by the Planning Commission and the Village Solicitor, Moroney 2nd. Mr. Barr stated he would like to clarify a point regarding the approval of the Sanitary Engineer. Mr. Barr stated they have spoken to Zane Lee about the sanitary engineering on the spur road and he has given them two options. First, he has signed off on the application permitting the tie-in to the road and said this is not a dedicated road and Snavely can elect to have the owners association maintain the sanitary sewer and the County will have nothing to do with it and the way the plans are currently submitted, there are no other approvals needed. Second, if they want the Sanitary Engineer to be responsible for the maintenance of that line, on a non-dedicated road, then they must submit a plan and profile drawing for his approval and Snavely is doing just that because they feel it is in best interest for the Association. Commission discussed this point at length. Mr. Barr stated that if there are any substantial changes to the sewer as a result of requesting the County to maintain the line, they will not ask Zane Lee to accept and administer the line and will follow the original plan presented and approved by the Village Engineer. Commission agreed that if Mr. Barr has to make any changes to the sanitary sewer plan following the County Engineer's review, he must come back to the Planning Commission for their review. There being no further discussion on the motion made by Mayor Harvey, roll call, all ayes.

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

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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Held 19

Members present: Daniels, Harvey, Moroney, Sutliff
Other officials: D. Markowitz, W. Dreimiller, W. McCartney
Guests: Dr. Hardesty, D. Barr, C. Cawrse, R. Rosner, T. Burns

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

There being no additions or corrections to the February 5, 1987 minutes, Harvey moved to approve them as recorded. Roll call, all ayes.

There being no additions or corrections to the February 19, 1987 minutes, Harvey moved to approve them as recorded, Moroney 2nd. Roll call, all ayes.

Dr. Tom Hardesty, resident of Paw Paw Lake, came before the Commission and presented a plan of Paw Paw Lake and pointed out the piece of property that his house is located, 15 Paw Paw Lake Dr. Dr. Hardesty explained that both his lot and his neighbors lot are about 93 feet wide and about 400 feet long and his house is toward the rear of the property and his neighbors property is towards the front. Dr. Hardesty stated what he and his neighbor would like to do is change the property lines, divide it down the middle, it would give them both almost a square piece of property. Dr. Hardesty stated they would both end up with the same amount of acreage, nobody will gain or lose acreage, they both will end up with about an acre.

Dale Markowitz stated because this is the exchange of land between two adjoining owners this is a lot split that does not require Planning Commission action. Markowitz explained the Subdivision Regulations state that the sale or exchange of parcels between the adjoining lot owners, where it does not create an additional building site is exempted from the Subdivision Regulations. The Zoning Inspector and the Village Engineer review the request and if they determine there is no need to subdivide, the Planning Commission Secretary stamps it and signs saying it is a lot split that it not subject to the Planning Commission action. Commission stated they had no problem with this proposed plan and instructed Dr. Hardesty to pursue this with the Building Inspector and the Village Engineer.

Mr. Tom Burns came before the Planning Commission requesting action on his development approval for the Brass Shoppe. Mr. Burns stated he went back to the Zoning Board of Appeals to get a clarification of their January 19, 1987 motion relative to the paving of the parking lot in front of the Brass Shoppe and the Galleries Building. Secretary stated at the last Planning Commission it was left that the Village Engineer and Mr. Burns' engineer would meet and try and work out a plan to pave the parking lot as requested by the Zoning Board of Appeals. Bill Dreimiller, Village Engineer, stated he has had no communication with Mr. Burns' engineer or seen any new drawings. Mr. Burns stated what the Zoning Board of Appeals intended was that the lot be paved and striped but had no intention for Mr. Burns to get involved in tying into the storm sewer and devising a retention system. Mayor Harvey stated the Zoning Board

of Appeals granted your variance conditioned upon paving, stripping and curbs and they also said they did not see any need for you to tie into the drainage system, the small drain on that property. They did not get into, nor have any ability to get into, what has to happen to the water. This is purely an engineering problem and the Planning Commission at the last meeting asked that the Village Engineer and Mr. Burns' engineer get together and come up with a solution. Commission discussed the problem with run-off when this lot is paved. Bill Dreimiller stated the concept behind his recommendation of developing some kind of retention for the run-off from the parking lot is to try and moderate the overloading of the Rte. 422 storm sewer, and without this retention we would just be compounding a bad situation and putting the Village in a situation where we would be allowing additional water to get on Rte. 422 that could cause an accident or exposure for the Village. Mr. Dreimiller stated he would not approve any new construction, any additional improved areas in the Washington Street area without some form of retention for potential run-off.

Chairman Daniels stated without any plans for the Engineer to review, the Planning Commission can not legitimately act on the development review application. Daniels stated the 30 day time limit from filing the application is up, however, Mr. Burns can request an extension. Mr. Burns stated he would like to ask for an extension until the April 2, 1987 meeting and he will have his engineer contact Mr. Dreimiller.

Don Barr, Snavely Building Co., stated they have two applications before the Planning Commission, the development review application for Cluster A and the preliminary plat for the Manor Brook development. Commission agreed to address the development review application first. Mr. Barr presented a plat showing the area to be used for Cluster A, the area where the water plant is located and the area which will be designated for the open space. Mr. Barr stated in order to start the Cluster A units as soon as possible, they will only take title to these three areas, and then following these approvals resolve the remaining details with Cardinal which will allow the purchase of the remaining property, east of the CEI lines.

Mr. Moroney questioned the requirement for 100 acres when developing condominiums. Markowitz stated the part P/C is dealing with now is the developmental review for Cluster A and it being proposed for part of phase I of the plat that has already been filed and approved so for this small review portion of the entire picture, you don't have to be concerned with the 100 acre requirement. Markowitz explained the 100 acre consideration is what the Planning Commission has to make sure exists at the time the developer comes in and wants to do multi-family developing. The developer must prove to the Commission that they control an area of land that is a 100 acres, and when Thomas and Thomas came before the P/C they had 100 acres, therefore the P/C allowed them to develop it in phases and Cluster A will be in phase I.

Mayor Harvey asked if anything had been drawn up regarding the condominium declarations and bylaws? Mr.

Barr stated they have submitted to Mr. Markowitz an outline of a Master Association and proposed condominium association. Mr. Barr stated he has a meeting with the Manor Brook Homeowners Association on March 10th to inform them what they are planning and see if they have interest in coming and joining in the Master Association.

Mr. Barr asked if they need to file for a lot split for Cluster A or a minor subdivision? Markowitz explained because a piece of land is being transferred from Cardinal to Snavely, the piece of land is on a dedicated road and the number of lots is less than five they need to file a minor subdivision application.

Bill Dreimiller stated he has reviewed Cluster A and there are couple of changes to be made. Engineer stated one item he wants to bring up is the concept of the circular driveway that serves the eleven units. What they are proposing is a 14 foot wide pavement, instead of the required 22 feet, going one way. Mr. Driemiller stated when he reviewed this he felt this would fall under the concept of the spur road however spur roads are to be built to dedicated road standards. Commission reviewed the plan. Mr. Dreimiller explained that what is proposed is a 20 foot wide pavement coming in and then necking down to 14 foot pavement, one way, servicing the units. Commission discussed this plan and agreed that the 14 foot was too narrow and agreed that 20 foot would be sufficient.

Markowitz stated there are other items that must be addressed with this development approval application. First, there must be performance bonds posted that are set by the Village Engineer and approved by the Solicitor. Second, they still have not provided any evidence that they have the right to be before the Commission. Markowitz explained there is no written contract that they either have title or have the right to obtain title. Mr. Barr stated they have a letter from Cardinal that authorizes Snavely Building Co. to appear before the Village of South Russell and make application for preliminary plat approval and development plan approval and other such approvals necessary for the development of the Manor Brook property. Mr. Snavely stated they were to take title of the land in February however there have been some delays at Cardinal and they are not sure exactly when title will transfer. Mr. Barr stated what they would like to do is take title of just the three parcels as shown on the plat for Cluster A, to facilitate them being able to start construction.

Mr. Markowitz stated he does not see how Planning Commission could give approval on the development review application tonight because of the information that is not available. The Solicitor stated the items needed for the Planning Commission to take action are a revision, review and approval of the plans for the development of the site for Cluster A by the Village Engineer, performance bonds being set by the Engineer, assurance of title or the right to obtain title of the property, and the minor subdivision plat approval. Markowitz stated they will also have to get a variance if they intend to make the spur road only 20 feet wide because it is a deviation from the improvement standards of the Subdivision Regulations

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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Held ..... *19* ...

Mr. Barr stated as far as the preliminary plat application, he would like to break it up into two parts, east of the power lines and west of the power line. Mr. Barr asked the Commission what they still need and what haven't they done.
Engineer presented his review comments dated 2-26-87.
Mr. Barr stated he had contacted Mr. Simon and Mr. Simon stated he would be willing to give them an easement for the sewer for a price but was not interested in tying in the road. Markowitz stated he also spoke with Mr. Simon and Mr. Simon told him he would be willing to provide the easement for the sewer and also to give the easement for the road if the price was met. Mr. Barr and Commission discussed this discrepancy. Mr. Cawrse stated he spoke with Zane Lee, from Geauga County Sanitary Engineer's office, and he says the County, regardless of the judgement, had that property and Mr. Simon will have to provide a way through to Bell Road. Mr. Markowitz stated the County may have a good argument on that. Mr. Cawrse reported that Mr. Lee is preparing a letter regarding this information.

Mr. Barr presented a variance application requesting variances from the Subdivision Regulations pertaining to the maximum length of the road, maximum number of homes allowed on one street, & the width of the spur roads. Following brief discussion, Planning Commission agreed to hold a public hearing at 7:30 P.M. for Thursday, April 23, 1987.

Mr. Barr stated there are some changes that must be done to the plat, per the Engineer's letter, therefore they would like to grant an extension for the development review application action and the preliminary plat application action until the April meeting. Commission agreed and will wait to take any action on these applications until the April meeting.

Chairman Daniels stated that there is an application before the Commission, from Hauter Excavating, requesting permission to put in a pond behind the home at 15 Chelsea Ct. Village Engineer stated he has reviewed the plans and sent them back for some revisions and a more detailed plan. Commission reviewed the plans and found that detailed plans are necessary and a more detailed plan must be submitted before they can take any action.

There being no further business, meeting adjourned at 11:25P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

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Held February 19, 1987 *19*

Members present: Daniels, Sutliff, Harvey, Moroney
Other officials: W. Dreimiller, W. McCartney, D. Ondrey
Guests: D. Barr, C. Cawrse, R. Rosner

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

Chairman Daniels asked for any corrections or additions to the February 5, 1987 minutes. Mayor Harvey stated there should be a correction on page 139, paragraph 7, the word "developments" should be changed to "development". Following brief discussion, Commission agreed to table the minutes and approve them at a time when all the members have had the time to review them.

Mr. Don Barr stated he appreciates the timely fashion in which the Village Engineer has reviewed their plans and he would like to review the preliminary plan again and try to get some understanding between the Village and themselves as to what direction they want to go. The concerns that were discussed at the last meeting were the lot sizes, through street to Bell Road, the sanitary sewer, the water and the type of homeowners association which will be set up.

Mr. Barr stated his attorney, Mr. Rosner, and the Village's attorney have been working on setting up the Homeowner's association. Mr. Barr explained they hope to present an outline form of what will be proposed prior to actually writing the document. Commission agreed this makes good sense.

Mr. Barr stated they have had several conversations with the existing Manor Brook Board president and they are planning to meet with them on March 10 and discuss how they want to interface, whether they would like to join in with the Master Association and exactly how they want to become involved with the future development.

Mayor Harvey asked Mr. Barr what is he looking for the Commission to do, at the last meeting they presented both the preliminary plat application and the development review application, which formally starts the clock. Mayor asked if they were looking for development review on the entire project or just the first phase?

Mr. Barr stated they are looking for a real strong indication so they can go ahead and start improvement drawings on the first phase. Mr. Barr stated phase 1 consists of the property east of the CEI lines and phase II will be west of the CEI lines.

Craig Cawrse, development planner for Snavely, stated per Mr. Barr's instructions, he spoke with Bill Dreimiller, Village Eng., and asked him not to review the preliminary plat at this time, but to review the development plan for the cluster A condominiums. Mr. Dreimiller stated he has only reviewed the development review plan, as Mr. Cawrse explained.

Mr. Barr stated they would like to inform the Village on how they are purchasing the land. Mr. Barr explained they are either purchasing up to the eastern edge of

the CEI lines or they are purchasing to the western edge of the CEI lines. No matter which way they decide, they will have an option to buy the land west of the CEI lines. Mr. Rosner stated there will be easement rights granted from the dedicated road to the property which will remain in the name of Cardinal Federal, until the option is exercised.

Chairman Daniels stated there is a requirement of the Subdivision Regulations that there must be a minimum of one hundred acres for any condominium development and will this development have that requirement if they purchase the land in the manner they are talking about? Commission discussed this at length and agreed that Mr. Ondrey should review this with Mr. Markowitz to determine if this regulation has been complied with.

Mr. Barr stated they are negotiations with CEI to try and procure the property within the CEI easement that will help with their density requirements. Mr. Barr stated at the last meeting there was plenty of confusion as to how the density figures should be arrived at and as they understand it now, they take the gross acres, deduct 10% and then deduct the dedicated rights-of-ways and this figure is what is used when determining how many units can be built. Mr. Cawrse stated he has done all the figuring and he has calculated they can build around 131 units which is considerably less than what they thought originally. The Commission and applicant briefly discussed possible changes to the preliminary plat. Mr. Barr stated they are running up to many problems that are starting to make them question whether or not they can develop this land and make a profit. Mr. Barr stated between problems with getting the sewer to Bell Road, the density and lot sizes and the water, they are wondering if it will work.

Mr. Daniels stated he thought there was an easement across Mr. Simon's property to Bell Road for sewer. Mr. Barr stated that easement seems to have disappeared. Mr. Rosner stated the amendment to the judgement entry of Mr. Simon's plat vacated the previously filed plat which showed the easement. Commission discussed this at great length and the benefits of the Emerald Lakes development and Manor Brook development being tied together with a road from Bell Road connecting to Manorbrook which will not only provide proper safety but also sewers.

Mr. Barr asked the Commission if the Village could contact Mr. Simon and ask him to work with both the Village and Snavely to get this through road in and provide an easement for the sewer? Commission discussed this at great length and agreed to try and get Mr. Simon to meet and work out the possibly placement of the through road and the sewer easement.

Commission discussed the layout of the first phase and agreed that the first phase must stand on its own with respect to density and required open space.

Mr. Barr stated he has a question regarding the water and how they will get the water for their development. Mr. Barr explained that they have the water plant that is currently serving the existing condominium residents. Mr. Barr stated they might want to use this plant for the

future development and they may not. Mr. Barr asked if there is any regulation that would prevent them from drilling individual wells for the future single family homes. Mr. Barr stated the reason he is asking this is if working the plant gets too expensive, they want to know if they can use the option of individual wells, like all the other developments being built in South Russell today. Commission stated as long as the plan proposed is approved by Dr. Eckstein, they probably would not have any objection.

Commission discussed the review of cluster A of condominiums and separately, the preliminary plat of phase 1. Commission stated as far as cluster A, as long as the Village Engineer approves of the plan, they have no objections other than getting the 100 acre minimum question answered. Dave Ondrey stated the information his office will want is actual evidence as to what interest in the property does the applicant actually have, whether it is ownership outright, option, whatever it might be. In addition, they will want to have the condominium/homeowners association declarations worked out prior to giving any approvals.

Mr. Barr stated they are very interested in going ahead with their preliminary plat, getting an approval so they can move on to the improvement plans. Commission discussed the issues still open with respect to the preliminary plat and summarized the following items that have to be addressed prior to approval; first, the overall density question; second, lot size, there are 14 lots under 3/4 of an acre and will the zoning amendment to the multi-family zoning apply; third, water and fourth, the through road and the 2,500 foot length maximum, and the definition of a through road.

Commission agreed that it is a very good idea to try and get Mr. Simon and Snavely Construction together to try and work out a through road between Emerald Lakes and Manor Brook Development.

The Findings of Fact for the Silver Springs variance appeal were presented to the Commission by Dave Ondrey. Mr. Ondrey advised that due to the pending litigation, he would ask that the Commission meet in executive session to discuss the findings. Mayor moved that the Planning Commission adjourn into executive session, Sutliff 2nd. Roll call, all ayes.

The regular meeting reconvened at 11:15P.M.

Following brief discussion, Harvey moved to approve the Findings of Fact as presented and authorizing Chairman to sign the same, Moroney 2nd. Roll call, all ayes.

Secretary presented the variance application for Heritage Homes, Silver Springs subdivision and stated the Planning Commission must set a date for public hearing. Following a brief discussion, Commission agreed to hold a public hearing for April 2, 1986 at 7:30P.M.

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

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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

Held *19*

Charles M. Daniels, Jr., Chairman

Cathy Male, Secretary

MEMBERS PRESENT: Cotesworth, Harvey, Daniels, Moroney, Sutliff
OTHER OFFICIALS: W. McCartney, W. Dreimiller, D. Markowitz
GUESTS: T. Burns, D. Barr, C. Cawrse, Y. Eckstein

Chairman Daniels called the meeting to order at 8:00 P.M. Roll call, all members present.

There being no additions or corrections to the December 4, 1986 minutes, Cotesworth moved to waive the reading and approve them as recorded, Sutliff 2nd, roll call, all ayes.

There being no additions or corrections to the January 8, 1987 minutes, Harvey moved to waive the reading and approve them as recorded, Cotesworth 2nd. Roll call, all ayes.

Mr. Markowitz stated for the record, his office has provided the table of contents and the preamble for the revised Zoning Code and will be before Council at their next meeting.

Dave Ondrey reported the oral arguments were heard for the Ketchel case January 26th and he feels they went very well and the Court seemed to understand what the issues were and asked very pointed questions that clearly indicated they had read the briefs and knew what was before them. The Court told them at the end that they thought everything was well briefed and argued and they will take it under consideration. Ondrey stated he feels it will be several months before the Village will have any decision.

Mr. Tom Burns stated he is before the P/C to submit the development review plan to the Planning Commission for the Brass Shop. Commission reviewed the plan presented by Mr. Burns and Steve Circiretto, Mr. Burns' architect.

Mr. Moroney stated before the Planning Commission gets into a lengthy discussion on this application, he wants to ask Mr. Burns if all his fees are paid and up to date?

Mr. Burns stated everything is up to date, he could not be before the P/C if it was not.

Mr. Markowitz stated he disagrees and he has the following information from the Building Dept. regarding Mr. Burns fees. The Chagrin Galleries has $1167.00 in their account. The office complex, across the street, that account has a negative $1,893.00. The Brass Shop account has a negative $813.00. Mr. Markowitz stated when all the accounts are combined, the lot split account included, the net amount is a negative $1,354.00.

Mr. Markowitz stated the Zoning Board of Appeals approved Mr. Burns variance request with the following conditions; paying all fees owed to the Village; the execution of all cross easements for the two properties of the Brass Shop and the Galleries, to the satisfaction of the Village Solicitor; paving, in accordance with the

Zoning Code requirements and getting a performance bond in an amount determined by the Village Engineer and in a form approved by the Solicitor, the areas north of the south line of the Galleries and Brass Shop building and pave by June 30th; the eight spaces on the east side of the Galleries building be deleted from the plan and there be eight less spaces required; the parking areas have to be striped and constructed using materials and methods approved by the Engineer.

Mr. Dreimiller stated he walked the parking area with Mr. Burns' engineer, Damon Braun, and discussed the manner in which it could be paved however he has not seen any plan as of this date. Mr. Dreimiller stated they discussed water retention areas, including a depressed area in the grass area in front for surface water retention.

Commission, Mr. Burns, Mr. Circiretto, Engineer and Solicitor reviewed at great length the parking requirements for all three buildings and following a lengthy discussion agreed that for the Galleries and Brass Shop the Code requires 153 spaces however the Zoning Board of Appeals granted two variances; one in 1984 for 15 spaces and one in 1987 for 8 spaces, requiring only 130 spaces. The plan shows 128 and as Mr. Circiretto explained, with the cross easements provided for parking between the three buildings, the multi-tenant building, the Galleries and the Brass Shop, the plan shows sufficient parking when all the parking spaces are added together, from the front and the back.

Mayor Harvey stated there are three open items regarding the development review application for the Brass Shop that have yet been resolved. First, the drainage plan of the parking lot that has to be paved. The performance bond has not been set for the paving and that is because there has been no plan submitted for the Engineer to review. Third, the outstanding fees owed to the Village regarding the Brass Shop development.

Mr. Burns stated the ZBA did vote to require that the parking lot had to be paved however it is his understanding that they did not want to require retention basins, they just wanted it paved and striped.

Mr. Markowitz stated what the members voted on was they wanted it paved in accordance with the Zoning Code.

Mr. Burns stated that is correct however not with retention and catch basins, that is not what the members voted on and he can't do anything about it now, it is more of an internal thing for the Village to work out.

Mayor stated no, it is an internal thing for Mr. Burns to work out with the Engineer.

Chairman Daniels asked the Engineer what he would be requiring as far as retention?

Engineer stated it would be designed for a ten year storm. The only thing he would like to say is, they will be adding alot of asphalt where there was gravel material before and they will be expelling alot more water out into Rte 422 into an existing storm sewer system that is already over-burdened and he does not feel

comfortable in just letting the water flow out onto Rte. 422 and put the Village and themselves in a situation where they could have exposure with icing conditions, etc.

Commission reviewed the plan that the Zoning Board of Appeals approved relative to the area which must be paved in front of the Galleries building and the Brass Shop. Mr. Burns stated part of that area includes half of the driveway going into the Milbar Company, is the Village telling him he has to pave half of a driveway? Mr. Burns stated he feels this will have to be worked out within the Village.

Mr. Markowitz stated if Mr. Burns doesn't feel he should have to pave half of the drive, he will have to go back to the ZBA and ask them to grant another variance.

Mr. Burns stated he is not saying that, he has discussed the feasibility of paving the drive and it didn't make sense because of the Milbar's trucking requirements.

Mr. Markowitz stated he understands that however the Planning Commission can not vary what the ZBA rules. Commission discussed the situation of paving only one half of the driveway.

Mr. Burns stated it looks like the Village Engineer and his engineer will have to talk this problem out and he will come back next month for Planning Commission decision.

Chairman Daniels stated he feels that before the Village Engineer puts in any more time on this project, Mr. Burns must bring all his fees up to date.

Following a brief discussion, Mayor moved that the Village not proceed any further on reviewing Mr. Burns' development until all accounts are brought up to date and are current, Moroney 2nd. Roll call, all ayes.

Mr. Don Barr, Snavely Construction, stated they are before the Commission to present the preliminary plat and development review application for the Manor Brook subdivision. Mr. Barr stated he brought four individuals with him to answer any questions that might come up, Mr. Dick Rosner their attorney, Mr. Norm Cox, Environmental Engineering, their engineer, Craig Cawrse, Cawrse and Associates, their land planner, and Dr. Yorum Eckstein, their hydrologist.

Mr. Don Barr stated their are some corrections that are different from their discussion at the last Commission meeting. The total acreage is 157 acres, they lost two parcels of land that belong to the existing condominium association and there is an area of the CEI easement that they do not own in fee and can not used when determining density. Mr. Barr presented a plat and stated the land was surveyed this past January. Mr. Barr stated they do own the water plant and the land it sits on. Mr. Markowitz stated the land that the water plant sits on can not be used for density purposes.

Mr. Barr stated what they are showing on their plan is two different types of development; one, cluster A, B,

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and C, which are attached and detached units that fall under the multi-family code; second, in the tan color, single family, fee simple lots on dedicated streets. Mr. Barr stated there will be a master association that will have to be established and an agreement with the existing condominium residents as to whether they want to participate will be worked out. Mr. Markowitz stated the concerns of the existing condo owners will be the water plant and the quality of the development.

Mr. Barr stated as far as phasing, their thoughts are to have three phases. Phase one will be clusters A, B, and C, along with streets A and B.

Mr. Barr stated out of the 111 single family lots, there are currently 14 lots that are less than .75 acres. The smallest size is .66 of an acre and there are three of them. Mr. Barr stated there are 11 lots that are .71 or larger and they feel confident that a fair number of these will be .75 acre when they do the final improvement drawings. Mr. Barr stated what they are requesting from the Commission is that this fall under the zoning amendment that was used at Emerald Lakes. Mr. Barr stated the lot sizes in Emerald Lakes did go as low as 1/3 of an acre and their minimum is twice that size and they are asking for only 10% of the lots to be in non-conformance. Mr. Barr stated due to the topographical conditions they have, i.e. the transmission lines, the buffer and rock, they are appealing to the Commission to accept their request.

Mr. Sutliff asked if they had talked with Mr. Sid Simon regarding their stub road and whether they could gain access to Bell Road through his property. Mr. Barr stated Mr. Cawrse spoke to Mr. Simon on two areas, one was the sanitary sewer and second, tying the the roads together. Mr. Barr stated they have shown on the schematic utility drawing a lift station for the sanitary sewer, however this would be the worse condition. What they would like to do is take the sewer out to Bell Road, there appears to be an easement on Mr. Simon's property but there are some things that need to be worked out. As far as the connecting road, Mr. Simon did not have a favorable initial reaction however Mr.Barr hopes to eventually work this concept out. Mr. Barr stated they feel it is imperative that access to Bell Road is provided. Commission discussed the situation of providing access from Manorbook, through Emerald Lakes to Bell Road. Mr. Barr stated they have made a determimed effort to work with Mr. Simon and as of this date, have not had any success in working out an agreement.

Commission discussed the situation if there is not a connecting road between Manor Brook and Emerald Lakes, the necessity of getting a variance from the maximum road length requirement of 2,500 feet, if they were to develop west of the CEI lines.

Mr. Barr stated before Dr. Eckstein gave his report, he wanted to state there are four ways in which they could get water for this subdivision. First would be Chagrin water, if it ever came out this far. Second, high production wells. Third, individual wells. Fourth, cluster wells, where several homes are served from one well. Mr. Barr stated Dr. Eckstein has stated in his

report that the 30 multi-family units can be serviced off of the existing water plant however there are some "housekeeping" items that need to be done.

Dr. Eckstein stated back in 1979 and 1980 he was commenting on the wells drilled by Moody and Associates for Thomas and Thomas, which were connecting Berea and Sharon Sandstone. The tests that were conducted on those wells were conducted in the sandwich of two aquifers. Dr. Eckstein stated out of the five wells drilled in that particular area, there are only two wells, #1 and #4, that were productive enough not to draw up the ground water below the bottom of Sharon Sandstone. This means not to create an internal cascade within the well, that is something that technically should not be done because such well would not survive for long. Dr. Eckstein stated he believed T. & T. did not pay much attention to his objections, they left it as it is and what happens is, the best well, well #1, is out of the property. Well #4, which is right now serving the water company, is the second best well. This well has a maximum long range production rate of 30 gallons per minute and they can expand the current production rate of 7 gallons per minute and connect the supply line to the proposed condominium units.

Dr. Eckstein stated well #5 was originally drilled as a backup well for well #4, however it is his opinion that this well could not serve as a back-up for either the existing much less what is being proposed. Dr. Eckstein stated what he suggests is, in the future, drill another well for a proper back-up.

Dr. Eckstein explained if the developer uses one family water systems, relying only on Sharon Sandstone, he would have to recommend that the development be a minimum of 3 acre lots. However, there are two other schemes he intends to test before he recommends to Mr. Barr how to eventually go with the water supply to the rest of the area. Dr. Eckstein stated first of all, high capacity wells use aquifers much more efficiently than one family wells "peppered" over a large area, however there is one problem. High capacity cause severe vertical drop and we are limited with the depth that we can drop the ground water because the bottom of the aquifer cannot go into shales. We have to compromise and make use of cluster wells, wells which will serve 20 to 30 families. Dr. Eckstein stated he wants to optimize the usage of the aquifer beyond the utility that comes out from one family system. The second scheme. is to use the Berea Sandstone. Dr. Eckstein explained for the entire area of Manorbook, they go into three clusters of test holes, positioned in three corners. Dr. Eckstein explained they then will drill into the Sharon sandstone and run a pumping test. Then they will drill into the Berea only and run a pumping test. Then they will have information regarding the maximum production level which can be permitted before any interference occurs to neighboring wells. Dr. Eckstein stated he will know the exact situation regarding water after these test wells are drilled and the information is put into his model. Dr. Eckstein explained his model and how it will be used.

Markowitz asked what the long term plan for who will run the existing water plant? Mr. Barr stated at this time,

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the master association would run the water plant. The master association would be the new condominium owners and the single family owners combined. If the existing condominium owners wanted to join, they could, however it would not be mandatory.

Mrs. Cotesworth asked Dr. Eckstein if he is comfortable with this proposed development and the lot sizes. Dr. Eckstein stated he is not dealing with lot sizes, the moment he will finish the pumping tests, he will be able to tell the Village how many households each of the wells can serve and then the Village can derive whether there is enough water for the number of homes proposed. Dr. Eckstein stated he can't say whether there is enough water for what is proposed until the test wells are drilled.

Mr. Barr stated he is filing a development plan for cluster A of the condominiums units. Mr. Barr presented the plan and reviewed it with the Commission. Mr. Barr stated what he would like to request is if the improvement plans are correct,if it meets all the subdivision regulations including the satisfaction of the water, that they be able to bond out, start to put in the spur road and begin building the unit prior to the final approval of the master homeowner association covenants. Markowitz stated the way to resolve this would be not to be concerned with, at the development review stage, with what you do with the Condo association as long as the Village is satisfied that the people who are going to live there are going to be able to take title subject to the master association.

Mr. Sutliff asked if the variance granted to T & T regarding the 2,500 foot maximum road would transfer to Snavely? Markowitz stated no it wouldn't. Harvey stated unless the Village can be assured that they could get access through Simon's property, they will have to request a variance for the length of the road.

Mr. Markowitz stated before the Commission can take any action on the development review application and the preliminary plat application, the Engineer must be satisfied, the Solicitor must be satisfied with the master association covenants and the Planning Commission must determine whether they will allow them to apply the R-2 zoning amendment which will allow lots less than .75 of an acre, in addition with approval of Dr. Eckstein regarding the water.

Commission reviewed the density requirements and the required open space of 10% of the gross area. Following a review of the preliminary plat, the gross site is 157 acres minus the water plant of 2 acres leaving 155 acres to work with. After the road area is deleted, approximately 10%, and 10 % for open space, you then have the amount upon which density is determined. Commission discussed these requirements at length. Mayor Harvey stated due to the lateness of the hour, he would like to suggest they meet in two weeks in order further discuss the specifics of this proposed development. Commission agreed to meet on February 19, 1987 at 8:00 P.M.

Mr. Markowitz stated there is a minor lot split application for property located on Rte. 306. Markowitz

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stated the reason this land is being split as proposed is the Village asked the Bank to give them a drainage easement across S/L #20 and they said they would if they could create two buildable lots out of S/L #19 and #21. The Solicitor stated the Village Engineer drew up the plan that is before them, showing how that can be done and this was acceptable to the bank. Following a brief discussion, Harvey moved to approve the lot split of S/L #20 and the Planning Commission finds that under the Grandfather Ordinance that the two remaining lots will be buildable lots, Moroney 2nd. Roll call, all ayes.

Markowitz stated he has presented Findings of Fact on the Silver Springs variance appeal. Markowitz stated due to the fact that he did not have the minutes of the December meeting when he wrote this, he would like to compare the minutes with the findings and make sure there are no inconsistancies. Commission agreed and will act on this at the February 19th meeting.

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

Charles M Daniels Jr.

CHARLES M. DANIELS, JR., CHAIRMAN

Cathy Male

CATHY MALE, SECRETARY

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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Held 19

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Held JANUARY 8, 19 87

Members present: Daniels, Cotesworth, Sutliff, Harvey, Moroney
Other officials: W. Driemiller, W. McCartney, D. Markowitz, D. Ondrey
Guests: W. & E. Sonnie, E. & M. Geraci, J. & D. Epprecht, L. & J. Haddox, J. Martin, P. & D. Clark, P. Snavely, C. Cawrse, D. Barr, T. Burns

Meeting was called to order by Chairman Daniels at 8:00 P.M. Roll call, all members present.

The minutes of the December meeting were not completed.

Mr. Robert Pintar presented a revised plat for the re-subdivision of three lots located at 703 Bell Road. Mr. Pintar explained after the last meeting, when his plat was approved by the Planning Commission, he went to file the plat with the county and they would not file the plat as the Planning Commission approved it. Mr. Pintar presented the plat which he did file with the County and Mr. Markowitz explained the sequence of events and stated Mr. Pintar is now before the Planning Commission requesting approval of a plat that is essentially the same as the one previously approved however the sublot numbers are different. Commission reviewed the plats and discussed the plan and filing procedure. Following lengthy discussion, Sutliff moved to approve the plat as presented by Mr. Pintar, Moroney 2nd. Roll call, all ayes.

Mr. Don Barr, Snavely Construction, came before the Commission and stated he, Pete Snavely and Craig Cawrse are before the Commission tonight for an informal discussion about the continuation of the Manorbrook development. Mr. Barr stated they own 103 acres of what is known today as the Manorbrook property and 60 acres, of what use to be Carida farms, which is located directly north of Manorbrook. Mr. Barr stated what they are before the Commission for is, they have 163 acres that they are interested in developing under the R-2 zoning that exists on the property and they are interested in getting input and expertise from the Planning Commission on the best way to develop this area. Mr. Barr stated they have met informally with Mr. Markowitz, who has explained the zoning code and the approval processes that are necessary; their land planner has had an opportunity to meet with the Village Engineer, Mr. Driemiller, to try and get some engineering input; and they have had a meeting with Dr. Eckstein and have retained him to do some in depth studies on the water and aquifer problems that exist in the village of South Russell. Mr. Barr first presented a tax map showing the exact location of the property. Mr. Barrstated they want to work within the R-2 zoning, they don't want to apply for any rezoning. Commission discussed the multi-family use versus single family use on this property and the homeowners associations necessary to handle both types. Mr. Barr presented an aerial photo of the property and pointed out what they are proposing, they are looking at the property for two uses, multi-family and fee simple single family lots. Mr. Barr stated they feel the marketability in South Russell is more toward single family development however there is definitely a need for multi-family,

condominium type ownership. The have 163 acres, they subtracted out 10%, 16 acres, leaving them 146 acres. They are proposing 116 single family lots, these lots range anywhere from 1/2 acre lots to one full acre, and 30 multi-family units. There will be a total of 67 acres of open space which is approximately 40% of the 163 acres.

Mr. Barr stated when they go into developing overall property, they get into a site analysis which gets into existing problems, constraints that there are on the site. Mr. Craig Cawrse, Cawrse & Associates., explained the type of soils that are on the site they are hoping to develop. In addition, he presented another plan showing the existing terrain, the type of woods, areas of brush etc.

Mr. Barr stated from a marketability standpoint, they are very concerned about the power lines, consequently they have allowed for buffer areas on both sides of the CEI easement, 150' of the east side and 100' on the west side. Mr. Barr presented an overlay showing their proposed layout of the development. Mr. Barr stated the multi-family units would be located close to the existing units and the single lots would be located on both sides of the power lines. Mr. Barr stated they would provide a stub road which would tie into Emerald Lakes, the exact location is definitely not set at this time. Mr. Barr stated they feel this stub road is very important for safety and welfare of the Village residents and they want the Commission to know they are very willing to work with Mr. Simon and try and determine the best location for this road, however, they have not had alot of cooperation from Mr. Simon up to this point.

Mr. Barr stated they took the constraints of the land, due to soil, rock, swamp and CEI easement, and laid out what they feel will be a very attractive development. There are lots of all sizes however, due to the variety of problems that the land presents, they feel they have made the most of the property.

Mr. Barr stated as far as phasing, phase one, will be to start on the multi-family units, then the dedicated road east of the CEI lines and then phase II will be west of the CEI lines.

Markowitz stated what they are proposing is allowed within the existing zoning but as he interprets it, it must be under one association. The density is the same as it was when Thomas and Thomas was developing it, one unit per acre. Markowitz stated the variances that were granted to Thomas and Thomas would probably be transferable.

Mr. Barr stated one potential problem might be the water, whether or not they use the central water system. The existing association is under the impression that any further development will use the central well and share in the cost however the preliminary meeting with Dr. Eckstein shows that he might recommend cluster wells over the use of the central well.

Mr. Barr invited the Planning Commission to walk the property with them so they can give them a first hand

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knowledge of what is there and their plans that they have described tonight. Commission agreed to meet Saturday, January 10th at 8:00 A.M.

Mr. Andy Richner, attorney for the developer of Silver Springs subdivision, stated they filed an application to have the variance decision made on December 5th by the Planning Commission reconsidered. Mr. Richner stated the purpose of the variance request was to seek a variance from the application of some of the subdivision regulations that require all improvements of the subdivision be in prior to issuance of any building permits. The improvements that are of particular concern were the top coat of paving & the tree planting. The purpose of the application is to enable them to commence construction now before those items are completed. Another purpose would be to enable the builder to commence construction during the winter time, before all the lots are sold, while the ground is frozen, that way the builder feels he can minimize the erosion implication by spreading out the housing starts. Mr. Richner stated at the public hearing last month alot of testimony was taken and alot time was taken discussing the erosion problems. The Village Engineer gave expert testimony stating the nature of the erosion problem in Paw Paw Lake being 1/2 of 1 %, of the sediment problem there. Daniels asked the Village Engineer if he made that statement? Engineer stated he was talking in terms of the total drainage area tributary to Paw Paw Lake and that the disturbed area represented 1/2 of 1%. Mayor stated so the 1/2 of 1% is dealing with overall acreage and not siltation? Engineer stated correct.

Mr. Richner stated another statement pertained to the fact that construction commencing while the ground was frozen may minimize the erosion problem where there is a minimum disturbance for basement foundation, in relation to the overall size of the project.

Mr. Richner stated since the December meeting there was punch list generated and a certain number of these items have been completed and certain other ones necessitate the ground to freeze. Richner stated at this point they are requesting of the Planning Commission for reconsideration of their variance, possibly conditioned upon the items of the punch list being completed.

Sutliff asked what the status was regarding the utilities.

Mr. Kolar stated as far as the punch list is concerned, the non-weather related items have been completed. By weather related, there are two factors, those that have to be done when the ground freezes and those that they have to wait till the spring to complete. Mr. Kolar stated when they do get a cold snap and the ground does freeze, it should take only two to three days to eliminate virtually all the punch list items except two or three, other than those items for which they have requested a variance.

Mrs. Cotesworth asked what has changed from last month as far as work being accomplished and siltation and Paw Paw Lake.

Mr. Kolar stated the reason they think this deserves reconsideration is, first of all, the items he spoke of and the ones that they will be able to complete as soon as the ground freeze, the primary one being the electric utility, which they are set momentarily to do. They are just waiting for ideal conditions to do this work. Mr. Kolar stated if you review the amount of testimony, both from their side and the opposing side, at the previous meeting, the one thing there was tacit agreement in, was it made sense to grant the variance from a factual standpoint.

Mr. Daniels asked what has happened regarding the extension of the bonds?

MR. Richner stated they have every intention to put in place another letter of credit, certainly before it expires. Their timing depends upon the Commission's action tonight.

Mr. Richner stated what they did to protect their appeal rights was to, on December 15, 1986, appeal the decision of the Planning Commission and filed it with the Common Pleas Court. What they are asking at this point is the Planning Commission to reconsider or modify their prior decision, possibly with the attachment of certain conditions given the changed circumstances now that many of the punch list items have been done and conditioned on the completion of those items that are weathered related.

Engineer stated he did not see reference to items 12, 14, and 15 of the punch list.

Mr. Kolar stated it was his assumption was that as far as the silt bar, that would be better to remove in the spring, the landscape plans have been requested, and the as-built drawings would normally be done prior to acceptance.Engineer stated items 12 and 15 should be placed with items 8, 10, and 11.

Mr, Kolar stated it is their intention that those would not necessarily be tied to the completion of construction within the subdivision itself, in other words those would be done as soon as possible, in the spring, when the conditions were best.

Daniels asked the Village Engineer what his opinion was as to when the better time to do the excavating to minimize the amount of run-off, sediment control.

Engineer stated he does not disagree with spreading the construction of the homes through the winter months, it would less likely to be a problem now than in the spring.

MRs. Cotesworth asked about item 15 of the Engineer's punch list, the silt deposits in Paw Paw Lake silt pond.

Mr. Kolar stated the best time to do this is in the spring or early summer.

Mrs. Cotesworth stated you are willing to do this?

Mr. Kolar stated they said they would, in order to eliminate a controversy, even though they feel they are not the major contributor to the silt bar.

Mr. Markowitz stated he does not feel the Planning Commission has the ability to reconsider their decision on this case. Mr. Markowitz stated he just read the newest Ohio Bar Report and the Supreme Court ruled on a fairly similar case in which they said that once somebody files a notice of appeal in court they (Planning Commission) loses jurisdiction to reconsider the decision. What that means, lets say you decide you want to reconsider, they would have to file another appeal to get a jurisdiction in front of you again. Had their request been made prior to the filing of their appeal, the Planning Commission would still have had jurisdiction.

Mr. Richner stated there is an issue as to when the Planning Commission's decision is final. This Commission speaks only through it's journal and he does not know if their decision has been journalized or not, as far as he knows the minutes have not been prepared yet from the last meeting. If the minutes are not prepared, is their decision final? They felt that the only way they could protect their appeal right was to file the appeal when they did. Their only alternative at this point, if the Commission feels they do not have jurisdiction, is to wait until spring and this puts them back in the same jackpot.

Markowitz stated his opinion to the Planning Commission is that they can not grant the reconsideration tonight, if you did, either the Village or any of the interested parties who were here at the last meeting could file a law suit to reverse the reconsideration.

Mr. Richner stated he wants to point out that the Zoning Code does not have any provision that contemplates or specifically permits a review of Planning Commission action. Therefore the only administrative appeal process,in this situation, would be to file another variance application.

Mr. Markowitz stated the applicant can only file another variance application if he can prove the circumstances are different than what they were for his original application.

Commission discussed the mechanics of filing another variance application.

Mr. Richner discussed the possibility of dismissing their appeal, would it give the jurisdiction back to the Planning Commission?

Mr. Markowitz stated he can not give an answer on that because he has not researched it and he does not want to prejudice the applicant's rights or the Village's rights by giving the wrong answer.

Mr. Richner discussed the situation that because the minutes are not approved and in fact they may have 10 days following the approval of the minutes to file their appeal, if they could dismiss their appeal and allow the Planning Commission to take jurisdiction of the determination, exercise its discretion, pro or con.

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Mayor Harvey stated he would like to move to adjourn to executive session to discuss the legal opinion as to whether approach of dropping the appeal tonight, what this does to the Village and to the determination they have already made and to their status right now, Moroney 2nd. Planning Commission adjourned into executive session at 10:15P.M.

Meeting was reconvened at 10:40P.M.

Mr. Sutliff stated he would like to make a motion to take this matter under reconsideration by the Commission contingent upon the dismissal of the appeal, Harvey 2nd. Roll call; ayes, Sutliff, Daniels; nays, Cotesworth, Moroney, Harvey. Motion failed.

Daniels stated the only thing this leaves that the applicant can do is apply for another variance request. Markowitz agreed.

Markowitz explained the procedure of aproving the improvement plans and applying for final dedication.

Mrs. Sonnie asked if Heritage Homes can proceed now to complete all the items they can that are on the punch list?

Markowitz stated the limitation upon them is that they can not create any disturbance of the land which will violate the Village's soil and erosion ordinance and that is the only limitation on them. Markowitz stated conceivably they could complete alot of the items on the punch list and at some point and time, when weather permits, they could complete everything on the punch list and he is also assuming that the Village gets a new performance bond and a letter of credit which can be done even though the variance has not been granted.

Commission, Mr. Markowitz, Mr. Kolar and Mr. Richner discussed the time tables for dedication being granted when all the improvements are in and approved by the Engineer, when the maintenance bond and letter of credit are in place, and when the updated title report is completed.

Commission and Mr. Kolar discussed the issue of coming back and requesting another variance on items #8, #11, #10, #12, and #15 of the Engineer's punch list. Mr. Kolar stated what really concerns him is if he does not get a variance from the top coat and planting of the trees, he might be before Planning Commission in December trying to get all his improvements approved and still not being able to begin building. Chairman Daniels stated Mr. Kolar needs to inform the Village what they plan to do, if it is file another variance request, another public hearing must be scheduled.

Dave Ondrey stated he has the final draft of the amended Zoning Code and his question to the Planning Commission is, in light of Dr. Eckstein's water study report, do they want to hold up the approval of the Zoning Code to possibly change the density or go ahead and recommend it to Council and deal with the density question later. Mayor Harvey stated he feels they have a lot of work with

regard to the water study, but we have worked long and hard on the zoning code and he would like to recommend it to Council and then work on the water study ramifications. Commission reviewed the final draft of the Zoning Code and following discussion Harvey moved to recommend to Council to approve the final draft of the revised zoning code, as modified, and contingent upon the Solicitor providing a table of contents and preamble. Commission also asked the Council to give consideration whether or not the use of drive-in restaurants should be allowed, Moroney 2nd. Roll call, all ayes.

The Solicitor asked the Commission to please review the facts of finding that he has drafted and given copies to everyone. The Commission will have to adopt facts of finding at the next meeting along with approving the Minutes of the Public Hearing.

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

Charles M Daniels Jr

CHARLES M. DANIELS, JR., CHAIRMAN

Cathy Male

CATHY MALE, SECRETARY

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

RECORD OF PROCEEDINGS

Minutes of *Meeting*

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Held *19*