



Village of South Russell

5205 Chillicothe Road
South Russell, Ohio 44022
440-338-6700

PLANNING COMMISSION MEETING MINUTES SEPTEMBER 8, 2022, at 7:30PM

Members Present: Steve Latkovic, Chairman, James Flaiz, Mark Porter, Mayor William Koons, Ph.D., Elisa Budoff

Other Officials: Bridey Matheney, Solicitor; Dave Hocevar, Building Official; Eric Haibach, Village Engineer; Ruth Griswold, Board Secretary

Visitors: James Nace, 400 East Washington; Liz Manchester, 106 Manor Brook; Gene Seminaro, 110 Manor Brook; Brian Monroe, 100 Manor Brook; Nancy Moran, 115 Manor Brook; Donald Yert, 5197 Chillicothe Road, Randy Klammer, 7482 Center Street, Mentor 44060; Timothy Covert, 8829 Mayfield Road, Chesterland 44026; Patrick Holtz, 31 Garden Park; Bob Darden, 708 Bell; Greg Bruhn, 169 Chestnut Ln; Ray Schloss, 114 Mapleridge; Bill Miller, 20 E Bel Meadow Ln.

Meeting called to order by Mr. Latkovic at 7:30pm.

Ruth Griswold conducted roll call.

Mr. Flaiz motioned to approve the minutes from the Special Planning Commission Meeting on June 29, 2022. Mr. Porter seconded. On roll call vote, motion carried unanimously.

Mr. Latkovic acknowledged the visitors and provided an overview of the agenda items. He asked the first applicant to proceed with his presentation.

Agenda Item 1: 1155 Bell Road

PC Case # 22-08: Mr. James Nace, representative for Gurney School, is seeking approval for the replacement of an existing 5 X 6 poly shed with an 8 X 8 wooden shed in the same location at Gurney School.

Mr. Nace presented on behalf of Gurney Elementary School, and said they are requesting permission to replace the existing shed on the property with one that is slightly larger. He said it will not be permanently affixed to the ground and will be a wooden shed with dimensional shingles. It will be used for playground and sports equipment and will be in an area with woods on all sides. Mr. Flaiz said the existing shed does need replacing.

Mr. Nace said they are respectfully requesting that all fees for the submission be waived for Gurney School.

Mr. Porter motioned to approve the application for the shed and waive all fees. Mayor Koons seconded. On roll call vote, motion carried unanimously.

Agenda Item 2: Manor Brook Landscape Plan

PC Case #22-03-A: Review of the Preliminary Landscape Plan for Manor Brook per the Special Planning Commission Meeting held on February 23, 2022.

Mr. Latkovic gave a summary for the visitors present for the discussion on the Manor Brook landscaping plan, saying the Planning Commission had first reviewed this in February, and asked Mr. Haibach to provide an update on the progress of the plan.

Mr. Haibach said he had been asked by the Planning Commission to prepare a conceptual landscape screening plan, since the necessary but substantial clearing of the Manor Brook area would open up views of the nearby residents. He said it became more obvious what the needs would be after Mr. Excavator actually cleared the area, and he had the landscape architect, Rich Washington, walk the site to determine what could be seen from different areas. He found that the clearing did not have the impact on the sight lines that they had feared it might, which was a good thing, but he did find an area that was presently low and open on the current privacy mound that parallels Rt. 306. His recommendation was to raise that section of the mound by 2-3', and plant seven evergreen trees on top of the newly raised area of the landscape mound. He said Mr. Washington felt, in his field-verified sight lines, that would be enough to block the views of Rt. 306 and help to mitigate the views that were opened up due to the clearing. Mr. Haibach went on to say that having the mound brought up to that level will cost the Village about \$6,000.00, and the seven trees, 6' to 8' tall, purchased and planted, will be about \$600.00 per tree, or \$4,200.00, bringing the total cost to the Village to about \$10,000.00. This reflects where the Village stands now, with the preliminary plan submitted to Council and the Planning Commission, for discussion and review.

Mr. Haibach referred to a large satellite view photo of the project depicting the entire site, including the roads, condos, and townhomes, and said he is prepared to mark up the photograph as the discussion continues. He said he would like to hear concerns of the residents and is open to suggestions. He said, as mentioned, the preliminary plan as it is now will probably run about \$10,000.00, and each additional tree will run about \$600.00 for a 6-8' tall evergreen.

Mr. Latkovic asked Mr. Haibach to indicate the location of the preliminary landscape plan on the large photo. Mr. Haibach pinpointed the area as requested. He said later this year or early 2023, the 18" culvert under 306 will be replaced, and any mound enhancement and landscape planting will be done after the replacement of the culvert. Ms. Budoff asked if that would be right by the entrance. Mr. Haibach said it is just north of the Manor Brook entrance.

Mr. Porter asked if the culvert replacement was still scheduled for July of 2023. Mr. Haibach said he wants to start earlier than that, he's thinking late fall or early winter of this year, with the completion in Spring of 2023. Ms. Budoff asked if the trees would be set back far enough so as not to impede traffic exiting Manor Brook. Mr. Haibach said there are already many trees in that area and the added landscaping will not block views any more than the trees that are there now.

Mr. Flaiz said after reviewing the minutes from the Planning Commission meeting in February, he feels they were remiss in not requesting a pre-meeting where feedback could be given during the planning phase, since at the February meeting, he talked about having fifty trees, and he thinks seven trees and a little mound is woefully inadequate. Mr. Haibach said it depends on what you are looking to screen. Mr. Flaiz said he is concerned for the residents, and when the leaves come down in a couple of months, it will not be a good situation. He said that concern was expressed in February; the views for the residents once the area was clear-cut, and the fact that all the trees are deciduous outside of the mounding. He said he can already see the condos from 306, and north where the mound ends, all the way up to where the small tree line ends. Mr. Haibach pointed out the area that must be kept clear due to the culvert replacement portion of the project. Mr. Flaiz said he would then envision putting some screening at the far end. Mr. Haibach confirmed the location he was referring to on the map and said that as part of the terms of the grant from the EPA, landscape screening cannot be planted in the project area, but on the edge of the lawn areas, where it would be most effective, absolutely. He said he welcomes the feedback.

Mr. Flaiz noted that the retention pond would be visible from 306, but that isn't much of a concern. Mr. Haibach said there will be about 234 trees planted in that area around the retention pond, although they will be small, and it will take years before they mature enough to replace the natural screening that was there.

Mr. Flaiz said the blue house to the north is very impacted by this project. Mr. Haibach said he believes the Village has reached out to them and has heard nothing back. Ms. Budoff said her understanding is that the residents in Manor Brook do not want to see the blue house. Mr. Haibach expressed surprise that no feedback has been received from the blue house, but he is aware that Manor Brook residents do not like seeing the blue house that they never really saw much of before.

Mr. Porter asked how many trees it would take on the western edge of the project to effectively screen 306 and the blue house. Mr. Haibach said it would depend on where you are and what you don't want to see. After clarifying which area of the condos have the concerns about the visual of the blue house, discussion followed about possible solutions, both short-term and long-term, as well as the viability of types of trees in various locations.

Brian Monroe of 100 Manor Brook said his exposure to the noise from 306 has increased greatly, and he can now see straight through to 306. Mr. Haibach asked if having trees planted west of the pond would be helpful. Mr. Monroe said unfortunately they are trying to clean up the pond, because they like the look of the pond. He suggested at the west end of the project, installing a culvert for pond overflow that would then be mounded over, which would be ideal and take care of both noise from 306 and also screen views. Mr. Haibach said the project area comes so close to the end of the pond, leaving only about six feet to work with, which would not be sufficient. Mr. Monroe pointed out an area on the west end that is about 75'-100' wide that would be appropriate for screening. He said this would help his views, but he cannot see what Gene Seminero sees from his property, including the blue house.

Mr. Seminero said his house is also at least 10' higher, and they can see all the houses and traffic on 306. Discussion followed.

Mr. Latkovic referred to the large screen, indicating the properties that need the benefit of screening. He provided an overview of the project and potential screening solutions, within the limitations of viability and

practicality. Mr. Monroe said if he knew what the finished product in the excavated area would look like, it may not be a big deal, as long as he gets sound protection and screening from 306. Mr. Haibach suggested planting more trees at the back end of the mound. Nancy Moran asked if there could be a density of layered pines, which would help with both sound and visuals. She said at a minimum, this could be done at the line on 306, and then also address the concerns voiced by Gene and Brian.

Mr. Monroe said he feels if the height of the mound is increased it would be very beneficial to deflecting the noise, and trees planted on a higher mound would also help the views. Mr. Haibach said the width of the mound would have to be increased as well as the height, to be able to keep the area mowed. Mr. Monroe said he also feels that seven pine trees will not be sufficient and agrees with Nancy about having two or three rows of pine trees, and to concentrate the efforts at the 306 line, and then to separately address Gene's concern.

Mr. Flaiz asked if this was a Fall or Spring project. Mr. Haibach said the screening is a Spring project because they can't start planting the screening until the project is concluded to ensure there would be no question that landscape screening is not connected to the EPA project. He said they must be very strict about not having the projects overlap.

Mayor Koons clarified that the project would be completed by October 31, 2022, and indicated the green area on the photo was where planting would begin this Fall. Mr. Haibach said that is correct. Mayor Koons addressed the residents of Manor Brook and asked them to tough it out until next Spring, because if the culvert has to be torn out, there won't be any screening for the winter, and added that the cost of the screening is entirely on the Village, and the intent is to make things right for the residents whose views have changed and are experiencing excessive noise. He went on to say that it may be a year before they get relief. Mr. Monroe asked if the culvert pipe was part of the grant. Mr. Haibach said no, that is also costing the Village and the EPA project has to be completely finished before the culvert pipe project begins.

Mr. Flaiz asked when the culvert pipe would be going in. Mr. Haibach said they're bidding for a late Fall or early Winter start. Mr. Flaiz said the Planning Commission should approve the project before the end of the year, so that it could be bid out and be ready to go in Spring. He suggested, after a lot of the leaves have fallen and the EPA project is finished, that the Planning Commission meet at the site and walk around with some of the residents to determine what should be done. Mr. Latkovic said he likes that idea. Ms. Budoff said she would also like to have the landscape architect speak with the residents.

Mr. Latkovic said that a site visit makes a lot of sense. Mr. Flaiz pointed out that the timeline would not be impacted as long as something is decided before the end of the year. Mayor Koons suggested that the Planning Commission meeting on December 8th be held on site. Mr. Haibach said he likes the idea as well; he welcomes the feedback and can begin some preliminary design work.

Mr. Monroe said the site visit is an awesome suggestion and will go a long way in helping to reach decisions. He said he has heard from Village official a number of times that their intention is to make them as whole as they can, and he takes that as a very good sign. He is very appreciative that their concerns are being taken into consideration.

Discussion followed regarding the best time of the day to hold the Planning Commission meeting at the Manor Brook site on December 8, 2022. Ms. Matheney said they could also schedule a Special Planning Commission meeting. Mr. Porter said they can begin the meeting at the site, then continue the meeting back in Council

Chambers. It was determined that the meeting would be considered a Special Planning Commission meeting due to the change in time from 7:30pm to **9:00am, on December 8, 2022**. Mr. Porter asked Mr. Haibach if the culvert would have been replaced by then. Mr. Haibach said he believes the contractor will be chosen in late November or early December, then from there it depends on the schedule of the contractor, but it will most likely not be completed by December 8. He said the job itself will take about a week.

Mr. Flaiz motioned to schedule a Special Planning Commission meeting on December 8, 2022, at 9:00am, and table the matter until then. Mr. Porter seconded. On roll call vote, motion passed unanimously.

Ms. Moran asked about the point of assembly. Mr. Monroe suggested beginning at 100 Manor Brook and walk the area from there. Mr. Latkovic asked Mayor Koons to keep in touch with Liz Manchester of 106 Manor Brook Manor as to the location, which will be confirmed as the time gets closer.

Agenda Item 3: 1225 Bell Road

PC Case # 22-07-A: Mr. Donald Yert, applicant and owner of 1225 Bell Road, is seeking approval on a resubmission of a ground sign for Red Barn Commons. **Resubmission from meeting on June 29, 2022.**

Mr. Latkovic said he has spent some time researching the history of this project, and he provided a recap of the Red Barn to date. He said what is before the board tonight is the sign, but the Planning Commission first looked at the project in 2017, and a development review was done specifically for the proposed office use. He said part of what this sign represents is the Planning Commission then seeing what was in the development review of 2017 become what it is today, which is a very different project. Within the context of the sign itself, he believes the development review remains open because of the changes and additions.

Mr. Latkovic asked who was in attendance to present this case. Mr. Randy Klammer introduced himself as Mr. Yert's attorney, and along with Mr. Yert being in attendance, Mr. Timothy Covert of Electolite was also there. Mr. Latkovic asked which sign the Planning Commission would be reviewing tonight, since there were two resubmissions to the board. Mr. Klammer said after he reviewed the minutes from the last meeting and gained an understanding of the concerns of the board regarding the first sign submission, they revised the sign to have not so much red, and the white sign is also very consistent with the sign for Mr. Yert's insurance agency. He said the additional design is indicative of their efforts to get ahead of schedule and receive a conceptual plan review and get feedback from the board. He said it remains important for Mr. Yert to have a sign that is backlit, and the sign meets all zoning criteria, is harmonious to the sign next door and compatible with the improvements to the barn itself.

Mr. Klammer said he is also aware of the concerns regarding providing buffering for the residential home to the east, and Mr. Yert is prepared to make sure that concern is addressed. He said they are here tonight to answer any questions the board may have.

Mr. Flaiz said there has been a focus on how the proposed Red Barn Commons sign is very similar to the insurance sign. He said since he did not recall reviewing that sign at the Planning Commission, he researched it and confirmed that the insurance sign on the corner did not appear before, nor receive approval from, the Planning Commission as it should have. He said he appreciates that the applicants feel they are now presenting a similar sign, so it should be approved, but the one on the corner did not go through the proper procedures for approval. He said there was a period of time when the permitting through the Village was not being done as it should have been. Mr. Yert said they did receive Architectural Review Board approval for the insurance sign.

Mr. Flaiz said yes, he understands that, but through no fault of the applicant, it did not appear before the Planning Commission as it should have.

Mr. Latkovic said the problem is that the entire corner is really lit up, and the Planning Commission would not have been comfortable with that lighted insurance sign on the corner. He said he is not sure how Mr. Yert is allowed to continue lighting the area as he has been, since ground signs and illumination are addressed in the Zoning Code. He noted the area has been clear-cut and wants the board to gain an understanding of the final project. He asked the applicant about his intentions for future landscaping. Mr. Yert said they will be doing some mounding for the neighbor and adding pine trees. Mr. Flaiz quoted from the Zoning Code, *"Maximum privacy for multi-family dwellings and surrounding residential properties shall be provided through appropriate design and the use of proper materials and landscaping. Visual privacy shall be provided through structural screening and landscaping. Auditory privacy in multi-family dwellings shall be provided through soundproofing. A landscaping plan shall be submitted and approved by the Planning Commission and the applicant shall provide a plan providing for visual and auditory screening where the area to be developed abuts any R-1 Single-family Residential District and the development is not consisting of R-1, Single-family Development."* He said the Village has never received, and in all fairness, never asked for, a landscaping plan for this project as part of the development review. Mr. Yert asked if the buffer only has to be next to the residential house abutting the property. Mr. Flaiz said he must present a comprehensive landscaping plan and that the buffering requirement is not necessarily limited to the east end of the property. He said to Steve's point, the corner has been clear-cut, and there is an incredible amount of illumination that has generated numerous complaints. He then quoted the Code, *"Illumination: Parking and loading areas shall be illuminated whenever necessary to protect the public safety. Such illumination shall comply with applicable development regulations of this Code and be located so that light sources are shielded from adjoining property and streets. The source of illumination shall be designed to provide indirect lighting and thereby avoid excessive brightness, glare or hazard to pedestrians and traffic."*

Mr. Yert said at the gas station across from his property, there are seventeen LED lights in the canopy alone, and they have twenty-five lights round the whole building. He said the insurance sign has three lights at the front of his building; two on the ground and one that illuminates the flag. He said the gas station lighting reaches the edge of his property. Mr. Flaiz said he does not believe anyone could objectively say that the gas station produces more light than his corner property.

Mr. Klammer said he would like to have a list of the specific concerns of the Planning Commission, so they could address each one. Mr. Latkovic said the problem is that what the barn has become is a very different project than what was approved by the Planning Commission. Mr. Yert asked what was different. Mr. Latkovic said everything from the color of the barn to the ramp is different than what was approved. Mr. Yert said the ramp is original in size, length, and width, and was approved by the Architectural Review Board.

Mr. Klammer said rather than have an emotional argument ensue, he would like to continue with having the board compile a list of concerns. Mr. Latkovic asked board members for other concerns in addition to the already mentioned landscaping and lighting.

Mr. Porter said he has a hard time believing that the ramp that is there now is the same size as the original ramp. Mr. Yert assured him that it is identical to the original size. He said the grass ramp had issues with groundhogs and beehives, and he was told that the landscaped ramp would not support the required 42" handrails. Mr. Flaiz said the plans that he submitted and were approved showed a grass ramp. Mr. Yert questioned why the

Architectural Review Board approved the ramp. Mr. Klammer said he would like to be able to answer all the board's questions and address any areas of concern prior to the next meeting. He said he feels the barn has been transformed into a remarkable building, and much better than what was there.

Mr. Flaiz said everyone is entitled to their opinion of the project, but what needs to be discussed is what the Planning Commission approved vs what was actually built, and that there are a number of areas of the Zoning Code that are not being complied with.

Mr. Latkovic asked Mr. Yert when he submitted a lighting plan to the Village, and to what board. Mr. Klammer said Mr. Yert may not know the answer to that question, but in his experience, feedback from CT Consultants or the Building Department is provided when plans are lacking. Mr. Haibach of CT said if plans don't show lighting or landscaping, they have to assume it is not going to be there. Mr. Klammer said having not received any feedback regarding the lack of lighting or landscaping plans, it implies they were not required for plan approval. He said it now seems unfair to bring it up years later.

Mr. Latkovic said no lighting plans were ever submitted to the Planning Commission in 2017, nor to the Architectural Review Board, so how did the lighting at the site end up being what it is. Mr. Klammer asked what kind of lighting they feel should be there. Mr. Flaiz said he doesn't think there should be any lighting. Mr. Yert said he didn't know there was a lighting ordinance. Mr. Covert said there is no ordinance prohibiting certain lighting, it is only addressed in generalities. He said the revised sign would be only 75 watts. Mr. Flaiz said it is the same sign that was rejected by two different boards.

Mr. Porter asked Mr. Yert what the purpose of the ramp is. He replied that it will be used for entering and exiting for the second-floor tenants. Mr. Flaiz asked Mr. Hocevar if the ramp meets code. Mr. Hocevar said it is not ADA compliant, but is needed for loading purposes, and could also be used for ingress and egress for tenants.

Mr. Latkovic asked Mr. Yert if the proposed back-lit sign would be lit all night. Mr. Yert said yes, that is his intent. Mr. Latkovic asked why it would need to be lit all night. Mr. Yert said the tenants in the office building may be there as late as 11:00pm, and for the ability of businesses to be able to be located. He added that the sign could be turned off at midnight. Mr. Latkovic asked if he had any tenants yet, Mr. Yert responded no, but he has professionals such as doctors and lawyers who are interested. Mr. Latkovic said they were told that the offices would be used for back-office space. Mr. Yert said that is not true, he plans to have high end tenants.

Mayor Koons asked Mr. Yert if he would be willing to come back before the board with a landscaping plan and a lighting plan that shows a reduction in brightness at the corner from 10:00pm-6:00am, so it would not be too bright during the overnight hours. Mr. Flaiz said it is always too bright.

Mr. Klammer said their intent is to provide the information to address the concerns of the board. Mr. Flaiz said there are too many parking lot lights, and they are not shielded at all. He said the light from Mr. Yert's property is currently lighting up the dentist's office building next to him, which violates the zoning.

Mr. Flaiz addressed Mr. Hocevar and said, separate from this development review, he hopes the Village will look at the illumination provisions and enforce the issues at the corner property accordingly.

Mr. Latkovic said this property is located right next to a residential house and is situated on Bell Road, not Rt. 306. He reminded Mr. Yert that the Bell Road gas station was not rubber stamped in the slightest. He said Mr. Yert has a commercial building that has to fit into a Village that doesn't want super-bright and super-busy office buildings. He said the board's concern is addressing something that Mr. Yert wants to make money from, and have it still be harmonious, being situated next to somebody's house. He said the gas station is quite a distance from any residents and has a lot of landscaping, and he would encourage them to think about what harmonious means in this context. He went on to say that the proposed sign is very bright, and the changes to the property are very different than what was approved in 2017; the color was a quaint, dull brick red, and the grass ramp had rounded edges with brush on the sides. He said the barn has been transformed into a very modern commercial building, and what was approved was something in between an old barn and this super modern building. He said they are trying to find the outline to allowing Mr. Yert to run his business in a commercial zone, with people living literally next door.

Mr. Klammer said that is very helpful, and they will figure out the best way to respond to the concerns.

Mr. Flaiz said it is important to note that the gas station is a different animal in this town, many things there were grandfathered in, and it has been there since the 1920s and shouldn't be compared to the Red Barn, which is not a business on 306, but a business on Bell Road which abuts residential and is treated differently under the Zoning Code.

Mr. Latkovic said as a Planning Commission member and understanding the requirements of the zoning and development reviews, he puts himself in the shoes of the person living next door, and in the shoes of the individual seeking to run a business. He encourages Mr. Yert to put himself in the shoes of that resident having to live so close to a commercial building, that stays lit up all night. Mr. Klammer said he has had conversations with Mr. Yert about this, and he has expressed genuine concern toward the neighbors and doesn't want anyone to think otherwise. Mr. Yert said he has never had a complaint from the neighbor.

Mr. Flaiz said the Planning Commission needs to see a landscaping plan, an illumination plan, and a parking plan. Mr. Latkovic said the parking layout with 20 spaces was on the initial development plan. Mr. Flaiz said there seems to be some changes made to the lot since then.

Ms. Budoff asked for clarification about the proposed materials being used on the sign, and what areas would be lit. Discussion followed. Mr. Flaiz and Ms. Budoff said they felt the white sign would be even brighter than the red sign. Mr. Latkovic said he appreciates the clarification on the materials and lighting of the proposed sign; it cleared up some confusion from the first presentation. Ms. Budoff said the white sign would look like a very large light bulb. Mr. Klammer said they were attempting to dial back on the red, thinking that was a concern of the board. Ms. Budoff said the board denied the very bright sign at the gas station and her concerns are the same as far as being distracting to traffic.

Mr. Latkovic asked why Mr. Yert preferred back-lighting. Mr. Yert said it is better controlled, and can be easily dimmed, which is why many signs are back-lit. Mr. Latkovic said a back-lit sign projects directly out, and a spot-lit sign, at the right level, directly lights only the sign. Mr. Flaiz said in reading the Zoning Code, he's not even sure if the Village allows back-lit signs, and the ones we have are grandfathered in. Discussion followed regarding existing signs throughout the Village.

Mr. Flaiz said if the barn is still considered a historic barn, a wood sign that is spot lit with changeable tenant plates would go over very well. Mr. Klammer asked if a ground lit metal type sign would work. Mr. Flaiz said, speaking for himself, that may be helpful.

Discussion followed regarding the general lighting of the corner and the brightness of various areas.

Mr. Latkovic told the applicants to consider that having commercial and residential next to each other, providing the minimum size and lighting for signage is important, since the unique barn itself is impossible to miss, even unlit. Mr. Klammer said they will try to find a balance.

Discussion followed regarding the parking plan and ramp that was approved in 2017.

Mr. Flaiz motioned to table the submittal pending the submission of a lighting plan, landscaping plan, a more detailed ground sign plan, and, if the applicant wishes, a parking plan. Mr. Latkovic seconded. On roll call vote, motion carried unanimously.

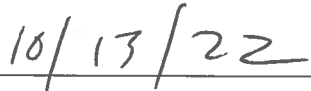
Old Business: None

New Business: None

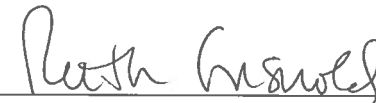
There being no further business, Mr. Latkovic adjourned the meeting at 9:07pm.



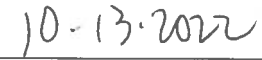
Steve Latkovic, Chairman



Date



Ruth Griswold, Board Secretary



Date