

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

PHONE: (440) 338-7843
FAX: (440) 338-8776

PLANNING COMMISSION MEETING
JANUARY 21, 1999
7:30 P.M.

1. ROLL CALL:
2. MINUTES: 10-22-1998. APPROVED
3. GUESTS:

STEVE HEINTZELMAN. FORMAL DISCUSSION
CONCERNING HLAVIN'S PROPERTY, 1360 BELL RD.

INFORMAL DISCUSSION HELD 3-24-1998
FORMAL DISCUSSION HELD 6-11-1998. NO ACTION.
7-6-1998, LETTER WRITTEN TO HEINTZELMAN/HLAVIN
7-23-1998, POLICE CHIEF LADERER WROTE TO THE
PLANNING COMMISSION. GAVE APPROVAL OF THE
PROPOSED DRIVEWAY PLACEMENT.

**ALL ISSUES ADRESSED WITHOUT THE NEED FOR
VARIANCES IE. THE BARN, SHED, & FENCE WILL BE
TAKEN DOWN. THE POND WILL BE REMOVED. NEW
PLAN MEETS ZONING REGS.**

**CONDITIONAL APPROVAL. THE CONDITIONS: (1).
THE SOLICITOR WILL REVIEW & ANSWER WHETHER
SEWERS RATHER THEN SEPTIC ARE TO BE
IMPLEMENTED. (2). THE SOLICITOR WILL
DETERMINE IF AN EASEMENT IS REQUIRED. (3). THE
ENGINEER'S ISSUES IN HIS MEMO, "HLAVIN LOT
SPLIT", DATED 1-21-1999 ARE TO BE ADDRESSED &
IMPLEMENTED. (MEMO IS ATTACHED).**

SUPERINTENDENT OF CHAGRIN FALLS SCHOOLS, DR.
PLATE & ARCHITECTS FROM BURGESS & NIPLE. THEY
WILL PROVIDE AN UPDATE OF THE GURNEY PLAYING
FIELDS.

CONDITIONAL APPROVAL. CONDITIONS TO FOLLOW.

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PC
Pp. 2
1-21-99

ANN YAN, RESIDENT, AT 29 ANNADALE DR. WISHES TO
DISCUSS FENCE SETBACKS.

FENCE SETBACK ZONING AMENDMENT.
DISAPPROVAL.

MIKE CHESLER OF PROSPECT DEVELOPMENT.
INFORMAL DISCUSSION CONCERNING THE MEZI
PROPERTY, 5230 CHILLICOTHE RD.
NO ACTION.

- 4 OLD BUSINESS:
5. NEW BUSINESS: NEXT MEETING: 2-18-1999
6. ADJOURN: 9:20 P.M.

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**RECORD OF PROCEEDINGS
MINUTES OF PLANNING COMMISSION MEETING
JANUARY 21, 1999
7:30 P.M.**

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Cathy Male, Marilyn Cotesworth, Ruth McIlrath

OTHER OFFICIALS: David Hocesvar, Building Inspector, David Ondrey, Solicitor, Ned Foley, Engineer

ABSENT: no one

GUESTS: Superintendent of C.F. Schools, Dr. Ruth Ann Plate
C.F. High School Principal, David Axner
C.F. School Board members: Pres. Jack Schron jr., Melinda Smith
C.F. CAA Rep. Bill Koval
Secretary of C.F. Dad's Club, Patrick Frazer
Architect, Rick Demarco of Burgess & Niple
Jim Butz, Bill Dunagan, Jeff Widmar, Bob Stancik, Dave Withrow,
Mary Fisher, Chagrin Valley Times
Ann Fisher Yan, Re. fence ordinance
Michael Chesler, Re. Mezi property, 5230 Chillicothe Rd.
Steve Heintzelman, Re. Hlavin property, 1360 Bell Rd.

Chairman Sutliff called the meeting to order at 7:30P.M.

Steve Heintzelman held a formal discussion with the PC regarding Hlavin's property at 1360 Bell Rd. He hoped to get approval for a lot split so he can proceed with the project.

Since Mr. Heintzelman appeared before the P C on 6-11-1998, he has made changes to the plans. The barn, fence & shed will be taken down. The pond will be removed. He reconfigured the lots. A new house will be built. The farmhouse will be sold.

Hocesvar said, "There were a number of things that needed variances to make this happen. Steve has answered all the questions without seeking variances. This fits our zoning."

The placement of the driveway was approved by Chief Laderer in his letter dated 7-6-1998. McIlrath disagrees with the driveway placement.

Sutliff asked if the new house would be on a septic. "All homes are on septic," answered Heintzelman. The mayor asked Hovevar, "How close is the Bellwood sewer line to these properties?" Hovevar said, "I think it is in the middle of subplot 1 & subplot 2, across the street." The Mayor reported, "A person came to the last Council meeting who wanted to develop two lots on 306. He wanted septic instead of sanitary sewers. That person felt there was a hardship due to the distance involved. The Village has an ordinance. If sanitary is reasonably available, then it is required. I'm wondering here whether sanitary is reasonably available to the lots."

Heintzelman said, "I have no problem tying into the sanitary system. The only problem I have is there is already a septic system there." The Mayor said, "We need to understand where the sanitary sewer ends & whether or not it's reasonable for these properties to be connected."

McIlrath asked, "How would they hook up?" Hovevar said, "You have to cross Bell." The Mayor said, "There is some limited additional capacity in that facility that's being placed there." Foley added, "Because of the distance involved, relative to the connection, you'd have to go down Bell. I don't know what the County's regulations are. Normally, if you tie in, you tie in the frontage."

After looking at the drawing, Hovevar said, "I don't think that sewer line crosses Leaview. It goes down Leaview & then crosses underneath Leaview. To get to the sewer, you have to come down Bell & get an easement to cross the properties going down Leaview. It doesn't come across Leaview." The Mayor said, "We need to review that."

Ned Foley reviewed his memo; "Hlavin Lot Split" dated 1-21-1999. (attached to the minutes)

McIlrath made a motion to conditionally approve the lot split. The approval is contingent on the Solicitor's review & response whether sewers rather than septic are to be implemented & the Solicitor's approval of a proposed easement. Last, the Engineer's issues in his memo, "Hlavin Lot Split" of 1-21-1999 are to be met.

Cotesworth second. Roll call. All ayes.

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**MINUTES OF THE PLANNING COMMISSION MEETING
JANUARY 21, 1999
7:30 P.M.**

Superintendent of the Chagrin Falls Schools, Dr. Plate and Rick Demarco, Architect from Burgess & Niple presented a new plan for playing fields at Gurney School on Bell Rd.

Dr. Plate initiated the topic. She said, "One year ago a draft of the master plan was shared with the Planning Commission. A topography study has been completed since then. The plan works."

Mr. Demarco took the floor. Since then, there has been new construction at Gurney. The T-Ball field & the Pee-Wee field behind Gurney have been eliminated. At the Sands School property on East Washington St., construction is currently underway. Upon completion, a baseball field will be eliminated. To compensate for the 3 lost fields in the school district, Mr. Demarco pointed to a drawing (which the PC members referred to as Plan A) & proposed additional fields to be built at Gurney. Currently at the north end, there is a soccer field. In the new plan, the soccer field remains. Ball fields would be built over the soccer field.

A proposed comfort station is on the drawing. "There is no plans to complete this at this time. It's shown because the concept has received community support," reported Mr. Demarco.

Mr. Demarco explained, "There are no soccer fields added, just reoriented. (3 of them exist at Gurney.) In addition, there has been an increase in parking."

Mr. Demarco said, The fields are separated "far enough apart that you could have 3 baseball games going on. The fourth field would not be able to be played at the same time. So, you would not have 4 baseball games going on at one time. The most you would ever have is 3 baseball games."

The Village Engineer, Ned Foley, reviewed Plan A prior to the PC meeting. He wrote a memorandum titled, "Gurney School Athletic Field Expansion" dated 1-21-99. He expressed his concerns about the plan. (The memo is part of this record).

Mr. Demarco reported that he & Ned Foley talked prior to this meeting. He said, "I am aware of Ned's concerns about the site clearing & some of the grading that we're doing up in the northern half. Because of those concerns, we've come up with a second option that would not impact that wooded tree line so much. We would cut less." (referred to by PC members as Plan B)

Mr. Demarco showed a drawing of Plan B. He said, "Two of the fields have been reduced in size." He explained, "The initial plan (A), showed fields based on regulation size which are very large fields in comparison to what was at Gurney prior to the new addition. We worked back & asked, What's the minimum that we can have a baseball game & still function properly? We took the reduced fields & superimposed them over the current soccer field. We're not going up to that northern half & cutting out any trees."

Cotesworth asked, "What's the difference in footage between this field (B) & the other one (A) into the trees?" Demarco said, "We had initially 190 (A) & we reduced it down to 150 (B)." Cotesworth responded, "I mean from the boundary up to the woods." Demarco answered, "Approximately between 80 – 100 feet." Demarco said, "They can still play Pee-Wee & T-Ball on both of those fields."

McIlrath asked CAA member, Bill Koval for his comments about Plan B. He said, "I prefer Plan A. I'd rather have fields as big as possible for competitive purposes. Plan B is minimally adequate."

McIlrath asked, "Who is going to be playing back here?" Koval answered, "The northern most field would be mostly Pee-Wee. The field directly south of that would be strictly T-Ball. The field to the west of the T-Ball field could be used for minors & majors."

Male asked, "Of all the kids who sign up for CAA, how many are able to play on the smaller fields & how many do you need the large fields for?" Koval answered, "About 20% play T-Ball, 20-25% play Pee-Wee & 25 % play in the Minors. Ponies, maybe 10%."

Cotesworth asked, "If you had Plan A, would you be using those 2 fields the same way?" "Yes" answered Koval.

McIlrath asked if there are still 2 fields behind Sands. Koval said, "There are no fields behind Sands. There are 2 baseball fields behind the high school. There used to be 3."

Koval said, "Right now CAA is experiencing 10 to 15% growth annually. The two most popular sports are basketball & baseball. With regard to baseball fields, we lost 3 fields. This will replace the fields we lost, but doesn't account for the growth we've had for the last two years. Last year, because of fields lost, we played about a 60% schedule. On a team, you want to put 14 kids. Last year we put 20 kids on a team & played 60% of the games."

McIlrath asked, "With Plan B, could you still do the caddie corner game thing?" Demarco replied, "Yes. Both these fields are separated."

Sutliff asked, "In Plan B, is the only difference that the Pee-Wee field is smaller?" Demarco said, "T-Ball & Pee-Wee are smaller. We've reduced both fields down."

Sutliff asked, "Does the softball field stay the same under any scenario?" "Yes." said Demarco. Sutliff continued, "And of course, they would never play T-Ball while they

are playing softball.” “Right.” answered Demarco. He elaborated. “That’s what I touched on earlier. The most you could ever have is Pee-Wee, softball or Pee-Wee.”

The Mayor asked, “In the softball field, what is the arc distance?” “250 feet out to out,” said Demarco. Someone else said, “The arc is 250. The base line, the foul line is 250.” The Mayor said, “This would not be adult softball. This would be softball normally played by girls.” “Yes,” answered Demarco.

The Mayor referred to Demarco’s earlier comments about parking. Demarco said, “We added 12 spots to the west. Last fall we added 30 spaces. So we can hold roughly 120.”

The Mayor asked if Plan A & Plan B call for approximately the same amount of fill. Demarco said, “Actually, no. Plan A would have a little additional fill on the north side.” The Mayor said, “Help me understand how much fill we’re talking about. Where is the fill coming from?” Demarco said, “Currently, over at the high school site, we have approximately 5,000 cubic yards of excess dirt which will be great fill on the soccer field. We figure 8,000 yards of fill is what we need. So, we are approximately 3,000 yards short.”

McIlrath said, “The yardage means nothing to me. How many trucks full?” Demarco said, “400 truck loads.” The Mayor said, “I am concerned about 400 truck loads of dirt cruising up & down Bell Rd. You were a part of it & the Village was a part of a big mess up there (at Gurney) for awhile. I sure wouldn’t want to see that again. I’m supportive of Plan B. I had no idea we’re talking about hauling that much dirt up there. If it needs to be hauled up there, then we need to be very careful about how that is done.”

Demarco said, “This is a preliminary # and as we get further into the design, we’ll be able to refine that; actually give you a better # of what we’re actually bringing up there.”

The Mayor asked if we have a load limit. Foley answered, “Assuming they would use Triax which would probably be reasonable & below the limit – 15 to 20 yards of material. Certainly Bell Rd. is capable of handling that. I don’t see any reason to reduce the load limit. Normal construction trucks would be able to stay within the law.”

Sutliff asked Foley to review his memo of January 21, 1999. Ned said:

#1. “The first item is already addressed.” Re. how much of the wooded area to the north would be eliminated.

#2. “The preliminary plan I saw didn’t have any erosion control devices & obviously, we require the things under #2.” (refer to memo)

#3. Clearing of debris. “What are they going to do with the debris?”

#4. “The volume of traffic has been dealt with.”

#5. “What’s the time table? If it’s a short period of time, the impact of weather & everything else could have detrimental effects. The biggest issue is in & out of the site. We’re probably going to have mud tracked out. The Village would require some level of a mud bond.”

#6. “We touched briefly on parking.”

#7. "The issue of site drainage is the most satisfactory to me. From what I can tell, there is nothing here that will increase added flow. Basically, they are making the surface more level. Nothing is being re-routed here. Nothing of any significance is being added to this system."

Foley summed up his comments saying, "The issues of greatest concern are: the aesthetic features, the impact of this added development on adjacent properties. And the impact of the construction period could be devastating if it's not monitored & controlled."

Demarco responded, "The siltation control; Of course we'll comply with all the rules & regulations. There was not a siltation control plan included with this because they are preliminary drawings. Once we go ahead with the design, we'll certainly include that. As far as clearing debris & stumps; Yes. We're not going to leave a pile of debris. That'll be taken off site. The amount of dirt that will be moved; As we progress further along, our construction manager will work with the sequence of that & he can address the time table for the duration of the work."

Sutliff asked, "What is the proposed time table?" Dr. Plate said, "There is a sense of urgency represented by the members of the community here that we need more playing fields for our youngsters. Our thought was since we have the topsoil on site, that we utilize it where the need was. Bear in mind, we knew you'd be concerned about the drainage & try to speak to that in the plan. There is a Board meeting February 1, 1999. If you would give approval tonight, we would have discussion. The Board may make the commitment to go forward if the funds are available."

The Mayor asked if there is a cost estimate for the plan - for both of the options. (Plan A & B) Demarco answered, "A very preliminary one that our office has generated." The Mayor said, "Clearly, Option 1 would cost more than Option 2 because of the clearing of how many additional feet that you'd be going into the woods."

The Mayor said, "The comfort station is not currently planned for." Demarco said, "No, not currently in the design. The idea has resurfaced." Dr. Plate said, "There's strong support. It's probably an additional \$70,000.00 for the comfort station." The Mayor wondered if an addition could be attached to the bus garage, entrance from the outside. "Then you wouldn't have to construct a brand new building with a sewer tie in." Someone responded that the concern was for safety. They don't want the children crossing the bus line.

The Mayor asked for the optimal time line. He said, "If the Board approves something in early February, when does this commence & when will the fields be playable?" Demarco said, "If you give us the go ahead & the Board gives approval in February, construction can occur later spring, early summer. The fields would be seeded this summer (1999) & playable by next summer. (2000)

The Mayor asked if the trees covered with poison ivy will be removed. Demarco answered, "Yes, they would."

Sutliff said, "Under plan A, What's the buffer?" Demarco said, "Approximately 100 feet." Male asked if that is a dense woods. Demarco said, "Yes, for the most part. As you get closer to the field, it gets shaggy. Closer to the homes; those are more mature." Sutliff said, "Plan A is 100 feet. Under Plan B, what is it?" Demarco said, "about 170 to 180 feet."

The Mayor drove through the cul-de-sac tonight abutting the north border. He saw lights posted on the school property through the trees in the north. He said, "There has been discussion that if you move this back 80 to 100 feet, there is fear some of the trees that are there will be subject to conditions that may be difficult for their survival. We have received complaints from some of the residents --in the past- about noise from the bus garage. I'm a little concerned about removing much, if any of this barrier."

Sutliff asked, "Is Plan B workable? Is there such a thing as Plan C which is a combination of A & B? Clear one acre instead of two acres." Demarco said, "Yes. We could generate a B (he meant C) which would come up in the north say, half the distance that Plan A had. The layout around the field would be more generous. We would have less impact up into the tree line."

The Mayor asked, "If you went to Plan C, would the school board consider some sort of noise barrier there like Arbor Vitae or some sort of planting that might help screen & or hold the noise down? Plant a few trees." Dr. Plate said, "We haven't talked about that, but that is something we can take a look at."

Someone spoke from the audience. "Maybe with Plan C, to get a few feet up in that north end, would help us. If we do play 2 ball games, less overlap." McIlrath said, "With Plan B you need 80 feet. So, with Plan C you need 40 feet." "Correct." answered someone.

A man from the audience asked, "What is Plan C?" Demarco answered, "Take ½ the distance."

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**ACTION TAKEN AT THE PLANNING COMMISSION MEETING
January 21, 1999**

The mayor made a motion to grant preliminary conditional approval of Plan C. Plan C is a compromise between the submitted Plan A & a Plan B which would compress the proposed Softball, Pee-Wee & T-Ball fields and would require no additional clearing to the north. The movement in the north would be 40 feet under Plan C.

Conditions of approval:

1. The requirements set forth in the Engineer's memo, "Gurney School Athletic Field Expansion" dated 1-21-1999, are included in the motion.
2. Erosion control measures must be approved by the Engineer and such measures must be in place prior to commencement of work.
3. All debris/stumps to be removed from site, per Village ordinance.
4. An approved timetable must be in place prior to commencement of work.
5. Parking; Chagrin Falls Board of Education will encourage parking on the paved parking areas, including in front of Gurney School.
6. Chagrin Falls School Board must deposit a mud bond of \$5,000.00.
7. All construction traffic, including trucks hauling material to the site, will access Gurney School from the East. Any day that dirt is to be hauled to the site, the South Russell Building Department is to be advised in advance. Dirt should not be hauled when weather conditions might increase the possibility of dirt & mud on streets.
8. Baseball backstops in excess of 15 feet are not permitted.
9. Well location must be at least 10 feet from any structure.
10. There will be no illumination of these fields.
11. Engineer must approve final plans, including drainage.
12. If possible, work should be staged so that the ground is not disturbed all at once.
13. Consideration to provide a noise buffer which could include the planting of trees.

McIllrath second the motion. Roll call. All ayes.

Ann Yan of 29 Annadale Dr. held an informal discussion about the proposed fence setback zoning amendment. The amendment would allow fences to be moved from three feet to one foot from the property line.

Mrs. Yan explained her unique circumstances to the P C. Currently, her fence is three feet from the property line. Mowing & maintaining it is difficult. If one foot were enacted, she would have additional troubles. She cited the purchase of a mower one-foot wide as an additional expense she would have to assume.

Mrs. Yan asked the P C to reconsider the amendment. She proposed that fences be allowed right on the property line.

Mrs. Yan was told that she could apply for a variance regarding placement of her fence on the lot line. The ZBA would make a decision to grant a variance or not.

A discussion occurred about the "Fence Setback Zoning Amendment."
(attached to the minutes) The Mayor explained that, "Council member Gary Brockett introduced this for consideration. Council passed the ordinance & asked the PC to look at it." The Solicitor, Ondrey, said, "The PC can take no action, make its own proposal & send it back to Council or disapprove the amendment."

The PC members talked about it. The Mayor said, "Council really believes in the status quo."

The Mayor made a motion that, "We reviewed the proposed ordinance sent by Council & we recommend disapproval." Cotesworth second. Roll call. All ayes.

Michael Chesler of Prospect Development held an informal discussion concerning the Mezi property at 5230 Chillicothe Rd.

It is zoned residential, R-1. Mr. Chesler does not own the land. He would like to buy it & build a 15,000 square foot office structure. It would resemble a Victorian mansion.

Mr. Chesler said he is curious as to what the position of the PC is regarding an office structure. Cotesworth said, "I don't see an office structure there." The Mayor told Mr. Chesler, "We haven't rezoned property in the Village in a long time."

OLD BUSINESS: The minutes from 10-22-98 were approved.

P C
Pp.10
1-21-99

NEW BUSINESS: Next meeting, 2-18-1999, at 7:30 P.M.

In March, the meeting will be 3-18-1999 at 7:00P.M.


At 7:00P.M. there will be a Forfeiture Hearing. Hocevar explained, "We've got money in our accounts. After two years, the Village can hold a Forfeiture Meeting. We do it for construction deposits through Council & grade deposits through Planning Commission. We hold a public hearing, hear the cases & decide what to do with the money." People are notified who deposited the money. There are 5 or 6.

April 15, 1999 will be the date for the April P C meeting. 7:30 P.M.

There was a motion to adjourn. The meeting ended at 9:20 P.M.



Walter Sutliff, Chairman



Maggie Tomaro, Secretary

**RECORD OF PROCEEDINGS
MINUTES OF PLANNING COMMISSION MEETING
JANUARY 21, 1999
7:30 P.M.**

I called Rick Demarco for clarification. On 1-25-99 he called back. Below is his understanding of the action taken by the PC on 1-21-99.

Plan A is the original plan; clear 100 feet to the north of trees

Plan C, not clearing anything; current soccer field would be moved.

NOTE: My minutes don't reflect his comments above about Plan C.

Rick said we gave approval for Plan B. (My minutes show we conditionally approved Plan C.) He said the plan includes $\frac{1}{2}$ of the original distance of 100 feet to be cleared. So, this is reduced to 50 feet of clearing of trees in the north. The existing soccer field remains. The ball fields go on top of the soccer field. To be added: a softball field – Rick called it a girl's high school softball field, not to be confused with a boy's high school baseball field. 250 feet to the foul line. Also added, a T-Ball field & a Pee-Wee field. At no time will more than two ball fields be used at the same time. I.e. Softball & Pee-Wee or Softball & T-Ball. Soccer is played in the fall & spring.

Maggie Tomaro

Memorandum

To: South Russell Village Planning Commission

From: Ned F. Foley, P.E., Village Engineer *NFF*

Subject: Gurney School Athletic Field Expansion

Date: January 21, 1999

Having reviewed the plan for the expansion of the athletic fields at Gurney School, I have the following comments/concerns:

1. Approximately two (2) acres of wooded area will be eliminated including about 120 feet of the 220 feet along the north line. Depending on the type and condition of the remaining trees, that remaining buffer may not sufficiently buffer noise and sight over time. Some permanence to the visual/noise barrier needs to be guaranteed.
2. No provisions for adequate site erosion control are shown on the plan. Obviously much will be needed including but not limited to the following:
 - a) Silt fence adjacent to fill perimeter.
 - b) Straw bales at existing inlets.
 - c) Limit fill area to about 3 to 4 acres at a time without permanent/temporary ground cover.
 - d) Minimize proposed clearing limits.
3. All clearing debris/slumps must be disposed of off site.
4. Concern exists as to the volume of material to be trucked to the site relative to traffic, load limits, and mud on or along Bell Road. Certainly a "mud bond" will be required.
time table
5. The timetable for and the duration of the work need to be outlined.
6. The added fields represent added parking needs. No additional area is reflected on the plan.
7. Generally the site drainage does not appear to be a problem. The new grades are consistent with existing topography and little, if any, hard surface area is being created. Actually the soccer fields will be flatter thus slowing run off plus the underdrain system should also improve site runoff.

MEMORANDUM TO S. RUSSELL VILLAGE

January 21, 1999

Page Two

The principal concerns are the "during construction" impact as well as the effect this work will have on the long-term aesthetics of the bordering residential area.

NFF:crf

cc. Mayor William Young, S. Russell Village
File

HA\1999\99036\MEMO\9901NFF.DOC

ORDINANCE NO. _____
INTRODUCED BY: _____

PLANNING COMMISSION
RECOMMENDATION _____
FIRST READING _____
SECOND READING _____
THIRD READING _____

ORDINANCE AMENDING SECTION 4.01(b)(4) OF THE ZONING CODE OF THE VILLAGE OF SOUTH RUSSELL SO AS TO REDUCE THE REQUIRED SETBACK FOR FENCES FROM THREE FEET TO ONE FOOT FROM THE ACTUAL BOUNDARY LINE.

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

SECTION 1. Section 4.01(b)(4) of the Zoning Code of the Village of South Russell shall be amended by changing the first sentence of said section to read as follows:

Fences may be permitted along the side or rear lot lines (set back at least one foot from the actual boundary line), provided at least 25% of the vertical surface is open to light and air.

SECTION 2. The current first sentence of Section 4.01(b)(4), the full text of which follows, is hereby repealed:

Fences may be permitted along the side or rear lot lines (set back at least three feet from the actual boundary line), provided at least 25% of the vertical surface is open to light and air.

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 actions, 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 and be in full force at the earliest time allowed by law.

Passed this _____ day of _____, 1998.

Mayor - President of Council

Attest:

Clerk

I certify that Ordinance No. _____ was duly enacted on the _____ day of _____, 1998 by the Council of the Village of South Russell and posted in accordance with the Ordinances of the Village.

Clerk

Please Print your Name
Planning Commission Meeting
1-21-99
7:30 P.M.

1. STORA HENRIKSSON
2. Melinda Smith
3. Patricia Fraser
4. JEFF WIDMAR
5. RUTH ANN PLATE
6. DAVE AKNER
7. RICK DEMARLO
8. Mary Fisher
9. Bill Koval
10. MIKE CHESLER
11. JACK SCHRON, Jr
12. BOB STANCIE
13. JACK WITROW
14. Jim Butz
15. BILL DUNAGAN
16. Ann Fisher - Jan

17.

18.

19.

20.

Memorandum

To: South Russell Village Planning Commission
From: Ned F. Foley, P.E., Village Engineer
Subject: *Gurney School Athletic Field Expansion
Revised Drawings dated 3/15/99*
Date: March 18, 1999

Having reviewed the revised plan for the expansion of the athletic fields at Gurney School, it is my opinion that the conditions and stipulations outlined at the January meeting have been addressed and are reflected on the plans.

1. The wooded area noted for removal is considerably less than originally proposes and consistent with the dimensions discussed. 140 feet to the North and 120 ft minimum toward the West.
2. Provisions for adequate site erosion control are shown on the plan.
 - a) Silt fence is proposed adjacent to fill perimeter.
 - b) Straw bales at all inlets.
 - c) The maximum area exposed at one time is half the site.
 - d) All clearing debris/slumps must be disposed of off site.
3. The issue regarding the hauling of fill to the site remains and a \$5000 Mud Bond ,as noted at the meeting, will be required from the Contractor. The timetable for and the duration of the work is not currently specific but would need to be defined .
4. No additional ^{parking} area is reflected on the plan.
5. As noted before, the site drainage does not appear to be a problem. The new grades are consistent with existing typography and little, if any, hard surface area is being created. Actually the soccer fields will be flatter thus slowing run off plus the underdrain system should also improve site runoff.
6. Backstops are proposed to be 10 feet high maximum.
7. No illumination is proposed.

MEMORANDUM TO S. RUSSELL VILLAGE

January 21, 1999

Page Two

In summary, the plans meet the conditions stipulated and as such are approvable.

NFF:crf

cc: Mayor William Young, S. Russell Village
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VILLAGE OF SOUTH RUSSELL

5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843

FAX: (440) 338-8776

PLANNING COMMISSION MEETING

FEBRUARY 18, 1999

7:30 P.M.

1. ROLL CALL: Young, Sutliff, Cotesworth, McIlrath
2. MINUTES: 1-21-1999, amended & approved
3. GUESTS:

BOB FLESHER OF 533 MANORBROOK DR. HE BUILT A HOUSE AT 534 MANORBROOK DR. (SUBLOT 65). HE WISHES TO DISCUSS HIS CONCERNS ABOUT A PIPE & WHETHER HE NEEDS TO COVER IT.

MR. FLESHER APPEARED BEFORE THE PC ON 8-19-97 & 2-19-98.

Determination: No action. Continued to 3-18-99.

4. OLD BUSINESS:
5. NEW BUSINESS: NEXT MEETING: 3-18-99 AT 7:00 P.M.
FORFEITURE HEARING
6. ADJOURN: 8:20 P.M.

VILLAGE OF SOUTH RUSSELL

5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843

FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION MEETING
FEBRUARY 18, 1999
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Marilyn Cotesworth, Ruth McIlrath

OTHER OFFICIALS: Dave Hocesvar, Building Inspector, Todd Hicks, Solicitor, Ned Foley, Engineer

ABSENT: Cathy Male

GUESTS: Bob Flesher of 533 Manorbrook Dr.

Chairman Sutliff called the meeting to order at 7: 30 P.M.

The minutes from the Planning Commission meeting of January 21, 1999 were amended & approved.

Mayor Bill Young attended the Chagrin Falls Board of Education meeting on February 17, 1999. The proposed Gurney ball fields were discussed. A modification was made to the plan since the school appeared at the PC meeting on 1-21-1999. The Mayor reported that the change is favorable. Plan C, which was conditionally approved by the PC, calls for 50 feet of cutting into the trees. That remains the same. The school has added a notch. Don Brown, the Manorbrook Homeowner's Association President, was also at the school board meeting. According to the Mayor, Mr. Brown seemed pleased with the proposed plan.

Hocesvar asked whether the school has to come back to the PC. The Mayor answered, "They do not have to return to the PC."

Bob Flesher of 533 Manorbrook Drive built a house at 534 Manorbrook Dr. (Sublot 65). He wishes to discuss his concerns about a pipe & whether he needs to cover it. Mr. Flesher appeared before the PC on 8-19-97 & 2-19-98.

Mr. Flesher explained that the storm water pipe is 36 inches in diameter, about 100 feet long. A trash grate to cover the northern end of the pipe was recommended by the Village Engineer. Mr. Flesher hasn't added the storm grate. He is concerned that children might go inside the open end of the pipe & get trapped at the closed end. He'd like a waiver on the grate for practical & safety reasons.

The southern end of the pipe is on private property owned by Tom Harvey. The pipe is opened at Mr. Harvey's end.

In the course of the discussion, Ned Foley, the Village Engineer, made several comments. He explained that the purpose of the trash rack is, "to keep debris out. It's effective for that reason. We do it more often than not. It keeps debris from getting into the culvert. Anytime they put one in, it's not for children's safety, it's to keep trash out."

The Mayor asked about the size of the grate. Foley said, "Six inch X twelve inch holes." The Mayor asked whose responsible for cleaning the culvert if it gets clogged. Foley answered, "In this case, it's the homeowner's responsibility because of that easement." The Mayor commented that the southern end is on Harvey's property, private property. "It's not within the Village's right-of-way. We'd need to get their permission. We can't mandate it unless it's a major safety hazard." Foley responded, "From a practical standpoint, it's been there long enough to determine if debris posed a problem. Culverts are usually short. Risk is less. This is a long one with a bend in it. Maybe it's a safety issue."

Hocevar contacted the current homeowner at the northern end of the pipe. Her name is Beth Crew. He reported that she wants the pipe closed. She regards it as a hazard.

McIlrath said, "I think both should be opened or both closed." Cotesworth agreed. Foley said, "You don't want to do that. If you put one on the down stream end, you're absolutely going to create a restriction there."

Sutliff asked Hicks if there is a liability to the Village even though one end is on private property. Hicks said, "There is potential for liability because it's a drainage system the Village set up, whether it's on private property or not."

The Mayor said, "The original plan should be fulfilled." Sutliff agreed, adding "The Engineer & the current homeowner at the northern end support the

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PC
2-18-99

original plan." Hocevar said, "If you stop the flow of water through the trash rack, her (Mrs. Crew) backyard is susceptible to flooding."

Foley offered, "We can design an optimal grate with safety features. One option is to put it a couple of feet high. The top portion is open, so you can climb over it." The Mayor asked Foley to design a grate before the next meeting that would have safety features.

Members of the PC will go to the property & look at it before the next meeting. This discussion will continue at the next PC meeting on 3-18-99.


Determination: No action. Continued to 3-18-99.

OLD BUSINESS: None.

NEW BUSINESS:

Hocevar reported that certified notices have been sent about the Forfeiture Hearing. It is scheduled for 3-18-99 at 7:00P.M. The PC meeting will start immediately afterwards.

There was a motion to adjourn. The meeting ended at 8:20 P.M.


Walter Sutliff, Chairman
Maggie Tomaro, Secretary

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

PHONE: (440) 338-7843

FAX: (440) 338-8776

RECORD OF PROCEEDINGS
PLANNING COMMISSION FORFEITURE HEARING
MARCH 18, 1999
7:00 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Marilyn Cotesworth, Ruth McIlrath, Cathy Male

OTHE OFFICIALS: Dave Hocevar, Building Inspector, David Ondrey, Solicitor, Ned Foley, Engineer.

GUESTS: Charlie Daniels, 1168 Bell Road

Chairman Sutliff called the meeting to order at 7:00 P.M.

Charlie Daniels voiced concerns about the people who do as built. He wondered what the qualifications are of the people who do as built. Foley said, "They are certified surveyors." Mr. Daniels stated that the people who do as built are not qualified. He said, "They don't know how to read the transit or to shoot levels."

Hocevar explained that the Building Department hands out a sheet with the specifications and the requirements that the Village wants back. The as built shows things like finished floors, adjacent houses, elevations, the inlets of catch basins, the certification stamp of the as built showing it's from a professional engineer.

Sutliff asked, "Who will do the as built?" Hocevar answered, "The Building Department will select a surveyor. It won't be Ned's (Foley) office. Ned's office will review them."

The sheet, **SOUTH RUSSELL VILLAGE PLANNING COMMISSION FORFEITURE HEARING, THURSDAY, MARCH 18, 1999** was made part of the permanent record.

Vikon Construction: #1, #2, #3, #4

Hocevar referred to #4, 154 Sundew Lane. This was a construction deposit heard at the Council Forfeiture Hearing on November 9, 1998. Hocevar wants to get the as built so that he can clear the deposit. He explained that Council forfeited part of the deposit to the Village & returned some money to the homeowner with the following condition: the deck encroachment.

VILLAGE OF SOUTH RUSSELL

5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843

FAX: (440) 338-8776

PLANNING COMMISSION MEETING

MARCH 18, 1999

7:00 P.M.

1. ROLL CALL: Young, Sutliff, Cotesworth, McIlrath, Male
Hocevar, Foley, Ondrey
2. MINUTES: 2-18-1999 **approved**
3. GUESTS:

FORFEITURE HEARING.

BOB FLESHER OF 533 MANORBROOK DR. HE BUILT A HOUSE AT 534 MANORBROOK DR. (SUBLOT 65). HE WISHES TO DISCUSS CONCERNS ABOUT A TRASH RACK THAT IS TO COVER A STORM PIPE. THIS DISCUSSION IS CONTINUED FROM THE PLANNING COMMISSION MEETING OF 2-18-99.

No action. Continued until next meeting, 4-15-99 at 7:30 P.M.

HLAVIN PROPERTY; 1360 BELL ROAD. NEED SIGNATURES ON MILAR. **No action. Ondrey wants to review the milar before it's signed.**

4. OLD BUSINESS: **Foley wrote a memo, "Gurney School Athletic Field Expansion, Revised Drawings dated 3-15-99." "The plans meet the conditions stipulated & as such are approvable." Refer to PC minutes of 1-21-1999 for conditions.**
5. NEW BUSINESS: **Next meeting 4-15-99 at 7:30 P.M.**
6. ADJOURN: **8:10 P.M.**

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

PHONE: (440) 338-7843
FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION MEETING
MARCH 18, 1999
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Marilyn Cotesworth, Ruth McIlrath, Cathy Male

OTHER OFFICIALS: Dace Hovevar, Building Inspector, David Ondrey, Solicitor, Ned Foley, Engineer

GUESTS: Bob Flesher of 533 Manorbrook Dr.

Chairman Sutliff called the meeting to order at 7:30 P.M.

The minutes of the Planning Commission meeting of February 18, 1999 were approved.

The Gurney playing fields were discussed. Engineer Foley wrote a memorandum titled, "Gurney School Athletic Field Expansion Revised Drawings dated 3-15-99" (attached to the minutes). Foley wrote, "Having reviewed the revised plan for the expansion of the athletic fields at Gurney School, it is my opinion that the conditions & stipulations outlined at the January meeting have been addressed and are reflected on the plans."

Foley added, "We still require a mud bond." Sutliff asked about the timetable for hauling. The Mayor said he suggested to Dr. Plate that Spring break would be a good time to haul dirt.

Hlavin milar: The Solicitor took it with him to review. It will be signed after Ondrey approves it.

Bob Flesher of 533 Manorbrook Dr. returned to the PC to discuss a trash grate to cover a storm pipe at 534 Manorbrook Dr.

Foley said that a trash grate without bars across the top would collect debris & a child could get out if he were in the pipe. The entire diameter would

be covered. It's a semi-circular shape. The top is not restricted. It's twice the diameter. It's 6 feet wide. Normally, bars are put across the top. The price is \$400.00 or so. Foley said the trash grate would go on at the north end. He's never seen one at the discharge end.

The Mayor asked Ondrey what the liability is to the Village if we waived the requirement to have a trash grate. Ondrey said, "You would probably enjoy immunity for the same reason that we argued in the Maple Hills situation. The risk to the Village is low."

The Mayor said, "If there is no trash rack & someone gets stuck in there, the culverts get plugged, property is flooded, property damaged; is there liability to the Village?" Ondrey said his first response referred to a child. He continued, "If there is evidence that the Village is aware of plugged culverts & potential for property damage & didn't take appropriate measures to correct the situation, then, yes. There is potential for liability."

Cotesworth & McIlrath support the trash rack that allows children an escape.

The Mayor reported that he left a message for Beth Crew, the homeowner at the north end of the pipe. (534 Manorbrook Dr.) Mr. David Crew called him back. The Mayor invited them to tonight's meeting. They were unavailable. The Mayor is uncertain whether the Crew's "understand what we're talking about here." The Mayor would like to invite the Crew's to a meeting & explain the risks. He'd like something in writing from them regarding a waiver.

Sutliff asked, "Do they want this?" Flesher answered, "From the aspect that it'll collect the trash before it goes into the pipe – yes. From the aspect of potentially trapping a child at one end of the pipe – no."

Someone asked Foley what his thoughts are. Foley answered, "At the bend, there may be a build up. Most culverts don't have a bend. That's one major factor for putting up a trash rack. That is potentially a higher maintenance issue for a property owner."

The Mayor said to send a copy of Foley's trash grate & a letter inviting the Crew's to the next meeting.

Determination. No action. Continued to 4-15-99.

OLD BUSINESS: None.

NEW BUSINESS: Sutliff commented that on the south side of Bell Street, the ditches are really deep. He expressed concern if a car ended up in one of those ditches. The Mayor said, "It's the street committee's responsibility. We need to allocate money to deal with it." The Mayor supports a ditch enclosure program.

There was a motion to adjourn. The meeting ended at 8:10 P.M.
The next meeting will be 4-15-99 at 7:30 P.M.


Walter Sutliff, Chairman


Maggie Tomaro, Secretary

Memorandum

To: South Russell Village Planning Commission

From: Ned F. Foley, P.E., Village Engineer

Subject: *Gurney School Athletic Field Expansion*
Revised Drawings dated 3/15/99

Date: March 18, 1999

Having reviewed the revised plan for the expansion of the athletic fields at Gurney School, it is my opinion that the conditions and stipulations outlined at the January meeting have been addressed and are reflected on the plans.

1. The wooded area noted for removal is considerably less than originally proposes and consistent with the dimensions discussed. 140 feet to the North and 120 ft minimum toward the West.
2. Provisions for adequate site erosion control are shown on the plan.
 - a) Silt fence is proposed adjacent to fill perimeter.
 - b) Straw bales at all inlets.
 - c) The maximum area exposed at one time is half the site.
 - d) All clearing debris/slumps must be disposed of off site.
3. The issue regarding the hauling of fill to the site remains and a \$5000 Mud Bond ,as noted at the meeting, will be required from the Contractor. The timetable for and the duration of the work is not currently specific but would need to be defined .
4. No additional ^{parking} area is reflected on the plan.
5. As noted before, the site drainage does not appear to be a problem. The new grades are consistent with existing typography and little, if any, hard surface area is being created. Actually the soccer fields will be flatter thus slowing run off plus the underdrain system should also improve site runoff.
6. Backstops are proposed to be 10 feet high maximum.
7. No illumination is proposed.

MEMORANDUM TO S. RUSSELL VILLAGE

January 21, 1999

Page Two

In summary, the plans meet the conditions stipulated and as such are approvable.

NFF:crf

cc: Mayor William Young, S. Russell Village
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SOUTH RUSSELL VILLAGE PLANNING COMMISSION FORFEITURE HEARING
THURSDAY MARCH 18, 1999

VIKON CONSTRUCTION

- 1.FINAL PLOT 845-96 dated 4/23/96 @ \$449.02-170 Sundew/Truch**
NON COMPLIANCE OF CORRECT FINAL AS BUILT SUBMITTAL BY VIKON.
VIKON CONSTRUCTION HAS LEFT TOWN.

Vikon rerouted an "improvement" drainage ditch.-Correction required.

11/6/97: Drainage ditch enclosure rejected by engineer.

1/11/98: Revised calculations rejected by engineer.

3/13/98: Revised calculations approved by engineer.with contingencies.

3/28/98: Revised calculations approved by engineer.

NOTE; VIKON WOULD NOT CONTRACT TO HAVE WORK DONE.

8/01/98: Homeowners, and adjoining lot owner contracted to do work.

8/01/98: Drainage correction work started on site.

8/21/98: Engineer on site to review work.

9/1/98: Engineer on site with surveyor and homeowners.

- 2.FINAL PLOT 765-95 dated 6/28/95 @ \$436.70-168 Sundew /Christianson**
3.PERMANENT VEGETATION(Erosion Control) 811-95 dated 12/19/95 @\$1,000.00
NON COMPLIANCE OF CORRECT FINAL AS BUILT SUBMITTAL BY VIKON.
SAME FORFEITURE NOTATIONS AS 170 SUNDEW LANE ABOVE.
- 4. FINAL PLOT 673-94 dated 9/1/94 @ \$428.19 -154 Sundew/Loftus.**
NON COMPLIANCE OF CORRECT FINAL AS BUILT SUBMITTAL BY VIKON.
SAME FORFEITURE NOTATIONS AS 170 SUNDEW LANE ABOVE.

EMERALD LAKE DEVELOPMENT, INC.

- 5.FINAL PLOT 665-94 dated 8/18/94 @\$500.00-117 Waverly/Model**
6.PERMANENT VEGETATION(Erosion Control)722-95 dated 3/1/95 @\$500.00
NON COMPLIANCE OF CORRECT FINAL AS BUILT SUBMITTAL SITE PLANS.
8/19/94:Notification to submit final as built site plans upon completion of grading.
3/1/95: Temporary Occupancy notice with request to submit Final As Built site plans.
3/3/95: Third notice to submit Final As Built site plans.
3/20/95: Fourth notice to submit Final As Built site plans.
10/16/95: Fifth notice to submit Final As Built site plans.
6/18/97: Sixth notice to submit Final as Built site plans or forfeiture of deposit request.
11/29/98: Final as built submitted to avoid Council's forfeiture of construction deposit.
Final as built submittals rejected by engineer's office for non-compliance.
- 7.FINAL PLOT 725-95 dated 3/22/95 @\$500.00-527 Manor Brook/Masseria**
8.PERMANENT VEGETATION(Erosion Control)796-95 dated 10/25/95 @\$500.00
NON COMPLIANCE OF CORRECT FINAL AS BUILT SUBMITTAL SITE PLANS.
3/27/95:Notification to submit final as built site plans upon completion of grading.
10/27/95:Temporary Occupancy notice with request to submit Final As Built site plans.
3/18/96: Reminder notice to submit Final As Built site plans.
3/25/96: Violation notice to clear requirements-final as built site plans.
3/14/97: Letter to comply sent.
6/18/97: Final as built submittals rejected by SRV due to non-compliance.
6/30/98: Letter of violation and non-compliance sent.
11/29/98: Final as built submitted to avoid Council's forfeiture of construction deposit.
Final as built submitted rejected by engineer's office for non-compliance.

**SOUTH RUSSELL VILLAGE PLANNING COMMISSION FORFEITURE HEARING
THURSDAY MARCH 18, 1999
PAGE 2**

EMERALD LAKE DEVELOPMENT, INC.

9.FINAL PLOT 664-94 dated 8/18/94 @\$500.00-109 Waverly/Model

10.PERMANENT VEGETATION (Erosion Control) #724-95 dated 3/20/95 @\$500.00

NON COMPLIANCE OF CORRECT FINAL AS BUILT SUBMITTAL SITE PLANS.

8/19/94: Notification to submit final as built site plans upon completion of grading.

3/20/95: Temporary Occupancy notice with request to submit Final As Built site plans.

10/10/95: Reminder notice to submit required paper work including final as built.

6/16/96: Violation notice to submit required paper work.

6/17/97: Final violation notice sent to submit required paper work.

11/29/98: Final as built submitted to avoid Council's forfeiture of construction deposit.

Final as built submittals rejected by engineer's office for non-compliance.

11.FINAL PLOT 670-94 dated 8/30/94 @\$500.00-115 Waverly/Grueber

12.PERMANENT VEGETATION (Erosion Control) #769-95 dated 3/31/95 @\$500.00

NON COMPLIANCE OF CORRECT FINAL AS BUILT SUBMITTAL SITE PLANS.

8/30/94: Notification to submit final as built site plans upon completion of grading.

4/3/95: Temporary Occupancy notice with request to submit Final As Built site plans.

10/16/95: Reminder notice to submit required paper work including final as built.

6/16/96: Second reminder notice to submit required paper work.

6/17/97: Violation notice of forfeiture proceeding if requirements not met.

11/29/98: Final as built submitted to avoid Council's forfeiture of construction deposit.

Final as built submittals rejected by engineer's office for non-compliance.

13.FINAL PLOT 587-94 dated 3/21/94 @\$500.00-15 Kimberwick/Forrester

NON COMPLIANCE OF SUBMITTAL OF FINAL AS BUILT SITE PLANS.

3/21/94: Notification to submit final as built site plans upon completion of grading.

5/19/95: Temporary Occupancy notice with request to submit Final As Built site plans.

5/24/95: Reminder notice to submit required paper work including final as built.

3/27/96: Violation notice of failure to clear on site items, and paper work.

7/17/97: Notice of forfeiture proceedings if requirements not met.

12/4/97: Second notice of forfeiture proceeding if requirements not met.

11/9/98: Construction deposit forfeited by Council for failure to meet requirements.

PATWIL HOMES, INC.

14.FINAL PLOT 609-94 dated 4/20/94 @\$500.00-5141 Chillicothe/McKay

NON COMPLIANCE TO CLEAR REQUIRED SUBMITTALS.

4/20/94: Notification to submit final as built site plans upon completion of grading.

12/14/94: Temporary Occupancy notice with request to clear requirements.

1/11/95: Violation notice of failure to clear on site items and paper work.

3/16/95: Second violation reminder notice.

4/26/95: Reminder notice to submit requirements.

5/5/95: Third violation notice to submit requirements.

JEFF HENRY, INC.

15.FINAL PLOT 477-91 DATED 5/29/92 @\$500.00-115 Chamapion/Ehlert

NON COMPLIANCE OF SUBMITTAL OF FINAL AS BUILT SITE PLANS.

5/29/91: Notification to submit required paper work, including final as built site plans.

2/11/92: Temporary Occupancy notice with request to clear requirements/paper work.

2/25/92: Reminder notice to submit requirements to clear permit.

4/13/92: Third notice to submit requirements to clear permit.

7/11/94: Council forfeited construction deposit for failure to clear requirements.

**SOUTH RUSSELL VILLAGE PLANNING COMMISSION FORFEITURE HEARING
THURSDAY MARCH 18, 1999
PAGE 3**

TOM STANLEY BUILDERS, INC.

- 16.FINAL PLOT 513-92 dated 8/16/92 @\$500.00-106 Leaview/Carson**
17.PERMANENT VEGETATION (Erosion Control) 525-93 dated 1/8/93 @\$500.00
NON COMPLIANCE OF REQUIRED SUBMITTALS INCLUDING FINAL AS BUILTS.
8/7/92:Notification to submit final as built site plans upon completion of grading.
2/1/93:Temporary occupancy granted with required submittals and inspections notice.
7/7/93:Violation notice forwarded with requirements to clear including final as built.
2/16/99:Notice of due process for forfeiture hearing for failure to comply to code.

RENAISSANCE CONSTRUCTION, INC.

- 18.FINAL PLOT 516-92 dated 9/14/92 @\$500.00-110 Champion/Bergman**
NON COMPLIANCE OF SUBMITTAL OF FINAL AS BUILT SITE PLANS.
9/14/92:Notification to submit final as built site plans upon completion of grading.
6/11/93:Temporary occupancy granted with notice of required submittals & inspections.
10/14/93:Occupancy update notice of required submittals and inspections to clear permit.
2/10/94:Letter outlining requirements needed to clear permit and refund deposits.
4/17/95:Notice of due process for forfeiture of deposits for failure to comply to code.
5/24/95:Reminder notice of failure to comply to code.

N.B.S. HOMES, INC.

- 19.FINAL PLOT 817-96 dated 1/22/96 @\$500.00-536 Manor Brook/Adelson**
NON COMPLIANCE OF SUBMITTAL OF FINAL AS BUILT SITE PLANS.
1/22/96:Notification to submit final as built site plans upon completion of grading.
8/23/96:Temporary occupancy granted with notice of required submittals & inspections.
9/10/96:Final as built site rejected by engineer's office for non-compliance.
10/24/96:CTConsultants engineer on site to review problems of grading/drainage.
3/31/97: Reminder to clear temporary occupancy requirement list of non-compliance.
6/11/97:Violation notice with pending forfeiture hearing if no compliance.
8/26/97:Letter regarding requirements of grading on site & inspections to clear.
2/24/98:Final notice that forfeiture process would proceed if non compliance.
- 20.FINAL PLOT 772-95 dated 7/18/95 @\$500.00-538 Manor Brook/Luby**
NON COMPLIANCE OF SUBMITTAL OF FINAL AS BUILT SITE PLANS.
7/22/95:Notification to submit final as built site plans upon completion of grading.
12/21/95:Temporary occupancy granted with notice of required submittals & inspections.
12/28/95:Reminder notice of required submittals & inspections.
1/5/96:Reminder notice to submit final as built site plans.
8/14/96:Engineer rejected final as built site plans for non-compliance.
8/23/96:Reminder notice to submit revised paper work & clear non-compliance items.
10/29/96:Engineer on site regarding grading problems.
3/26/97:Follow up reminder letter to 10/29/96 letter of grading problems.
4/9/97: Follow up reminder letter regarding grading problems.
5/28/97:Engineer on site again regarding grading with additional follow up letter.
7/21/97:Violation notice to contractor to meet code, clear violations.
8/26/97:Notice to contractor to clear violations.
12/29/97:Letter requesting compliance.
2/25/98:Violation notice-clear or due process of forfeiture would proceed.

**SOUTH RUSSELL VILLAGE PLANNING COMMISSION FORFEITURE HEARING
THURSDAY MARCH 18, 1999
PAGE 4**

N.B.S. HOMES, INC.

22.FINAL PLOT 823-96 dated 2/26/96 @\$500.00-540 Manor Brook/Smith

23.PERMANENT VEGETATION(Erosion Control) 912-97 dated 2/11/97 @\$1,000.00

NON COMPLIANCE OF SUBMITTAL OF FINAL AS BUILT SITE PLANS.

2/28/96:Notification to submit final as built site plans upon completion of grading.

9/9/96:C.T.Consultants engineer rejected final as built site plans for non-compliance.

10/29/96:Engineer on site regarding grading problems.

2/11/97:Temporary occupancy notice with request to submit all paper work.

3/10/97:Temporary occupancy reminder notice to clear violations.

3/26/97:Letter requesting grading of lot per engineers on site visit of 10/26/96.

5/8/97:Letter requesting correction of grading per engineer's office.

5/28/97:Engineer again on site regarding grading problems + letter follow up.

6/11/97:Violation notice concerning possible forfeiture proceedings re:non-compliance.

7/17/97:Violation notice for Final as Built submittals.

8/26/97:Letter requesting violations be cleared.

2/24/98:Follow up letter stating process of forfeiture proceeding if not cleared.

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

February 16, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Forfeiture of Final Plot Deposit
 Codified Ordinance Section 1446.07 ©
Reason: Failure to clear required submittals.

Depositor: Vikon Construction
 Keith Vertes
 P.O. Box 331377
 Solon, OH 44139

Homeowner: David & Wendy Truch
Location: 170 Sundew Lane

Deposit Type: Final Plot
Deposit #: 845-96
Amount: \$449.02 Balance
Receipt: 4/23/96 #7744

Sincerely,


David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road

South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

February 16, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Forfeiture of Final Plot Deposit
Codified Ordinance Section 1446.07 ©

Reason: Failure to clear required submittals.

Depositor: Vikon Construction
Keith Vertes
P.O. Box 331377
Solon, OH 44139

Homeowner: William & Luann Christianson
Location: 168 Sundew Lane

Deposit Type: Final Plot
Deposit #: 765-95
Amount: \$500.00 - 63³⁰ = 436.70
Receipt: 6/28/95 #7269

Sincerely,


David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

February 16, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022


RE: Forfeiture of Final Plot Deposit
 Codified Ordinance Section 1446.07 (c)
Reason: Failure to clear required submittals.

Depositor: Vikon Construction
 Keith Vertes
 P.O. Box 331377
 Solon, OH 44139

Homeowner: Patrick & Lauren Loftus
Location: 154 Sundew Lane

Deposit Type: Final Plot
Deposit #: 673-94
Amount: \$428.19
Receipt: 9/1/94 #4990

Sincerely,


David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

February 16, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Forfeiture of Final Plot Deposit
Codified Ordinance Section 1446.07 (c)
Reason: Failure to clear required submittals.

Depositor: Emerald Lake Development, Inc.
Sidney Simon
4635 Richmond Rd., Ste 105
Warrensville Hts., OH 44128

Homeowner: Model
Location: 117 Waverly Lane

Deposit Type: Final Plot
Deposit #: 665-94
Amount: \$500.00
Receipt: 8/18/94 #4957

Sincerely,



David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

February 16, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Forfeiture of Permanent Vegetation Deposit
Codified Ordinance Section 1446.07 (b)
Reason: Failure to clear required submittals.

Depositor: Emerald Lake Development, Inc.
Sidney Simon
4635 Richmond Rd., Ste 105
Warrensville Hts., OH 44128

Homeowner: Model
Location: 117 Waverly Lane

Deposit Type: Permanent Vegetation/Erosion Control
Deposit #: 722-95
Amount: \$500.00
Receipt: 3/1/95 #5381

Sincerely,



David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

February 16, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Forfeiture of Final Plot Deposit
Codified Ordinance Section 1446.07 (c)
Reason: Failure to clear required submittals.
Depositor: Emerald Lake Development, Inc.
Sidney Simon
4635 Richmond Rd., Ste 105
Warrensville Hts., OH 44128
Homeowner: Joseph Masseria
Location: 527 Manor Brook Dr.
Deposit Type: Final Plot
Deposit #: 725-95
Amount: \$500.00
Receipt: 3/22/95 #7111

Sincerely,



David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

February 16, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Forfeiture of Permanent Vegetation Deposit
Codified Ordinance Section 1446.07 (b)
Reason: Failure to clear required submittals.

Depositor: Emerald Lake Development, Inc.
Sidney Simon
4635 Richmond Rd., Ste 105
Warrensville Hts., OH 44128

Homeowner: Joseph Masseria
Location: 527 Manor Brook Dr.

Deposit Type: Permanent Vegetation
Deposit #: 796-95
Amount: \$500.00
Receipt: 10/25/95 #7446

Sincerely,


David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

February 16, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Forfeiture of Final Plot Deposit
Codified Ordinance Section 1446.07 (c)
Reason: Failure to clear required submittals.

Depositor: Emerald Lake Development, Inc.
Sidney Simon
4635 Richmond Rd., Ste 105
Warrensville Hts., OH 44128

Homeowner: Marjorie Simon
Location: 109 Waverly Lane

Deposit Type: Final Plot
Deposit #: 664-94
Amount: \$500.00
Receipt: 8/18/94 #4956

Sincerely,


David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

February 16, 1999

Certified & Regular Mail

7 529 583 357

Emerald Lake Development, Inc.
Sidney Simon
4635 Richmond Rd., Ste 105
Warrensville Hts., OH 44128

RE: Forfeiture of Permanent Vegetation Deposit
724-95 dated 3/20/95
109 Waverly-Marjorie Simon

Gentlemen:

On January 21, 1999 I requested the Village Planning Commission to hold a public hearing to consider the forfeiture of your permanent vegetation deposit in the amount of \$500.00, deposited March 20, 1995, for failure to comply with Chapter 1446.07 (b) of the Codified Ordinances of the Village of South Russell. At this hearing you will have an opportunity to show cause why the deposit should not be forfeited. The hearing will be held before the South Russell Village Planning Commission on Thursday March 18, 1999 at 7:00 P.M., Council chambers, South Russell Village Hall.

Sincerely,



David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606


David T. Hocevar

Building Commissioner

February 16, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Forfeiture of Final Plot Deposit
Codified Ordinance Section 1446.07 (c)
Reason: Failure to clear required submittals.
Depositor: Emerald Lake Development, Inc.
Sidney Simon
4635 Richmond Rd., Ste 105
Warrensville Hts., OH 44128
Homeowner: Perry & Judy Grueber
Location: 115 Waverly Lane
Deposit Type: Final Plot
Deposit #: 670-94
Amount: \$500.00
Receipt: 8/30/94 #4983

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

February 16, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Forfeiture of Permanent Vegetation Deposit
Codified Ordinance Section 1446.07 (b)
Reason: Failure to clear required submittals.
Depositor: Emerald Lake Development, Inc.
Sidney Simon
4635 Richmond Rd., Ste 105
Warrensville Hts., OH 44128
Homeowner: Perry & Judy Grueber
Location: 115 Waverly Lane
Deposit Type: Permanent Vegetation
Deposit #: 769-95
Amount: \$500.00
Receipt: 3/31/95 #7123

Sincerely,


David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

February 16, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Forfeiture of Final Plot Deposit
Codified Ordinance Section 1446.07 (c)
Reason: Failure to clear required submittals.

Depositor: Emerald Lake Development, Inc.
Sidney Simon
4635 Richmond Rd., Ste 105
Warrensville Hts., OH 44128

Homeowner: Forrester
Location: 15 Kimberwick Court

Deposit Type: Final Plot
Deposit #: 587-94
Amount: \$500.00
Receipt: 3/21/94 #4628

Sincerely,



David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

February 16, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Forfeiture of Final Plot Deposit
Codified Ordinance Section 1446.07 (c)
Reason: Failure to clear required submittals.

Depositor: Patwil Homes, Inc.
Robert J. Belvin
2562 S. Arlington Rd.
Akron, OH 44319

Homeowner: McKay
Location: 5141 Chillicothe Rd.

Deposit Type: Final Plot
Deposit #: 609-94
Amount: \$500.00
Receipt: 4/20/94 #4695

Sincerely,



David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

February 16, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

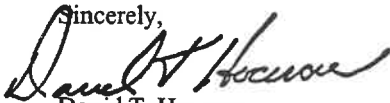
RE: Forfeiture of Final Plot Deposit
 Codified Ordinance Section 1446.07 (c)
Reason: Failure to clear required submittals.

Depositor: Jeff Henry, Inc.
 6227 Promler Ave., N.W.
 North Canton, OH 44720

Homeowner: Ehlert
Location: 115 Champion Lane

Deposit Type: Final Plot
Deposit #: 477-91
Amount: \$500.00
Receipt: 5/29/92 #3031

Sincerely,



David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

February 16, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

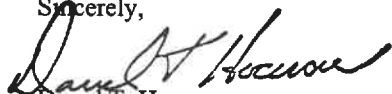
RE: Forfeiture of Final Plot Deposit
Codified Ordinance Section 1446.07 (c)
Reason: Failure to clear required submittals.

Depositor: Tom Stanley Builders, Inc.
38695 Gaelic Glen
Solon, OH 44139

Homeowner: Carson
Location: 106 Leaview Lane

Deposit Type: Final Plot
Deposit #: 513-92
Amount: \$500.00
Receipt: 8/16/92 #3697

Sincerely,



David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

February 16, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Forfeiture of Permanent Vegetation Deposit
Codified Ordinance Section 1446.07 (b)
Reason: Failure to clear required submittals.

Depositor: Tom Stanley Builders, Inc.
38695 Gaelic Glen
Solon, OH 44139

Homeowner: Carson
Location: 106 Leaview Lane

Deposit Type: Permanent Vegetation/Erosion Control
Deposit #: 525-93
Amount: \$500.00
Receipt: 1/8/93 #3978

Sincerely,



David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

February 16, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

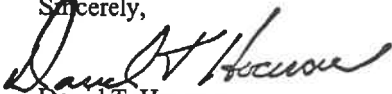
RE: Forfeiture of Final Plot Deposit
Codified Ordinance Section 1446.07 (c)
Reason: Failure to clear required submittals.

Depositor: Renaissance Construction, Inc.
19121 Ravenna Rd.
Mantua, OH 44255

Homeowner: Bergman
Location: 110 Champion Lane

Deposit Type: Final Plot
Deposit #: 516-92
Amount: \$500.00
Receipt: 9/14/92 #3747

Sincerely,



David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

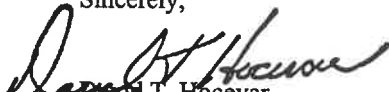
Building Commissioner

February 16, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Forfeiture of Final Plot Deposit
Codified Ordinance Section 1446.07 (c)
Reason: Failure to clear required submittals.
Depositor: N. B. S. Homes, Inc.
2355 Beachwood Blv'd.
Beachwood, OH 44122
Homeowner: Adelson
Location: 536 Manor Brook Drive
Deposit Type: Final Plot
Deposit #: 817-96
Amount: \$500.00
Receipt: 1/22/96 #7624

Sincerely,


David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar


Building Commissioner

February 16, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Forfeiture of Final Plot Deposit
Codified Ordinance Section 1446.07 (c)
Reason: Failure to clear required submittals.
Depositor: N. B. S. Homes, Inc.
2355 Beachwood Blv'd.
Beachwood, OH 44122
Homeowner: Luby
Location: 538 Manor Brook Drive
Deposit Type: Final Plot
Deposit #: 772-95
Amount: \$500.00
Receipt: 7/18/95 #7292

Sincerely,


David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

February 16, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Forfeiture of Final Plot Deposit
 Codified Ordinance Section 1446.07 (c)
Reason: Failure to clear required submittals.

Depositor: N. B. S. Homes, Inc.
 2355 Beachwood Blv'd.
 Beachwood, OH 44122

Homeowner: Smith
Location: 540 Manor Brook Drive

Deposit Type: Final Plot
Deposit #: 823-96
Amount: \$500.00
Receipt: 2/26/96 #7657

Sincerely,



David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

February 16, 1999

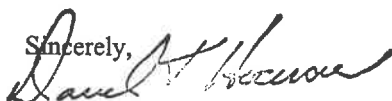
South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Forfeiture of Permanent Vegetation Deposit
Codified Ordinance Section 1446.07 (b)
Reason: Failure to clear required submittals.

Depositor: N. B. S. Homes, Inc.
2355 Beachwood Blv'd.
Beachwood, OH 44122

Homeowner: Smith
Location: 540 Manor Brook Drive

Deposit Type: Permanent Vegetation/Erosion Control
Deposit #: 912-97
Amount: \$1,000.00
Receipt: 2/11/97 #8274

Sincerely,


David T. Hocevar
Chief Building Official

DTH/dlk

must be corrected within 8 months or the entire deposit is to be forfeited to the Village. There was general agreement with the decision concerning 154 Sundew Lane. McIlrath made a motion to forfeit to the Village items #1, #2, #3, #4. Cotesworth seconded. Roll call. All ayes.

Emerald Lake Development, Inc. #5, #6, #7, #8, #9, #10, #11, #12, #13.

The Mayor made a motion to forfeit to the Village items #5 - #13. McIlrath seconded. Roll call. All ayes.

Patwil Homes, Inc. #14.

Cotesworth made a motion to forfeit to the Village item #14. McIlrath seconded. Roll call. All ayes.

Jeff Henry, Inc. #15.

McIlrath made a motion to forfeit to the Village item #15. Young seconded. Roll call. All ayes.

Tom Stanley Builders, Inc. #16, #17.

Cotesworth made a motion to forfeit to the Village items #16 & #17. McIlrath seconded. Roll call. All ayes.

Renaissance Construction, Inc. #18.

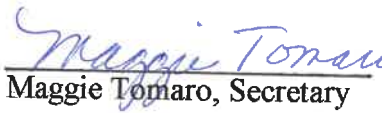
McIlrath made a motion to forfeit to the Village item #18. Young seconded. Roll call. All ayes.

N.B.S. Homes, Inc. #19, #20, #21, #22.

Cotesworth made a motion to forfeit items #19, #20, #21, #22. McIlrath seconded. Roll call. All ayes.

There being no further business, the Forfeiture Hearing adjourned at 7:20 P.M.


Walter Sutliff, Chairman


Maggie Tomaro, Secretary

VILLAGE OF SOUTH RUSSELL

5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843

FAX: (440) 338-8776

PLANNING COMMISSION MEETING

APRIL 15, 1999

7:30 P.M.

1. ROLL CALL: Young, Sutliff, McIlrath, Male, Hocevar, Foley, Ondrey
2. MINUTES: 3-18-99, **approved**
3. GUESTS:
 1. Bob Flesher of 533 Manor Brook Dr. & Beth Krew of 534 Manor Brook Dr. Discuss trash racks. Cont. from 2-18-99 & 3-18-99. A trash rack to cover the northern end of the pipe (which is on the Krew's property) was recommended by the Village Engineer on 8-19-97.
According to Beth Krew, she, Tom & Judy Harvey, who reside at 537 Manor Brook Drive, will split the cost of a trash rack at the southern end of the pipe. They desire trash racks at both ends to prevent children from going into the pipe.
Conditional approval of a trash rack to be placed at the north end of the pipe on the Krew's property at 534 Manor Brook Drive & a trash rack to be placed at the south end of the pipe on the Harvey's property at 537 Manor Brook Drive.
The conditions are as follows: 1. Subject to drawings of trash racks that Bob Flesher will prepare & give to the Engineer for his & the Building Department's approval, 2. Bar grids are to be no smaller than six inches, 3. It is the responsibility of the Krew's to maintain the trash racks & clean the culvert if it gets clogged.
 2. Snavely Co. for 401 Reserve Trail. SL# 30. Height variance. "The topography of the lot slopes down in the backyard causing the basement to be exposed. Thus, raising the height over the allowed 33 feet." The variance request is for 1.8 feet. Height of the house is 34 feet, 8 inches. **Approved.**
 3. Steve Heintzelman for Hlavin property, 1360 Bell Street. Sign the Milar. **Milar signed.**

PC
4-15-99
Pp. 2

4. Steve Ciciretto & Carmelo Oppedisano. Development Review for 540 East Washington Street (presently Rosie's Restaurant) to be renamed, The Roman Villa. Addition: approximately 20' X 46' & interior alterations.
Conditional approval. The conditions are: 1. Back parking lot to be paved with asphalt, 2. Surface drainage plan to be presented to & approved by the Village Engineer, 3. The porch is to remain as it is & not converted to year round dining.

5. Tim Olland and David Cosetino, Development Review for 504 East Washington Street, Chagtown Restaurant
Requests: A 6' lattice fence from the rear of the building to enclose a new outdoor court for dining & a fenced trash enclosure, 35' X 6'
Conditional Approval. The conditions are: 1. The patio & party room cannot be used simultaneously, 2. The parking lot is to be sealed & restriped, 3. The owner's need to get a fence permit.

4. OLD BUSINESS:
5. NEW BUSINESS: The next meeting is scheduled for May 20, 1999
At 7:30 P.M.
6. ADJOURN: 8:50 P.M.

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

PHONE: (440) 338-7843
FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION MEETING
APRIL 15, 1999
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Ruth McIlrath, Cathy Male

OTHER OFFICIALS: Dave Hocevar, Building Inspector, David Ondrey, Solicitor, Ned Foley, Engineer

ABSENT: Marilyn Cotesworth

GUESTS: - Paul O'Neil, 17 Chelsea Court & Bill Porter of the Snively Co.
- Carmelo Oppedisano, 540 East Washington St. (presently Rosie's) to be renamed The Roman Villa & Architect, Steve Ciciretto
- Dave Cosentino & Len Cosentino, 504 East Washington Street, Chagtown Restaurant & Architect, Tim Olland
- Beth Krew, 534 Manor Brook Dr. & Bob Flesher, 533 Manor Brook Dr.

Chairman Sutliff called the meeting to order at 7:30 P.M.

The minutes from the Planning Commission meeting of March 18, 1999 were approved.

Bob Flesher & Beth Krew discussed trash racks to cover a pipe on Manor Brook Dr. This topic is continued from Planning Commission meetings on 2-18-99 & 3-18-99. A trash rack to cover the northern end of the pipe – which is on the Krew's property – was recommended by the Village Engineer on 8-19-97.

Beth Krew reported that she & Tom & Judy Harvey, who reside at 537 Manor Brook Drive, will split the cost of a trash rack at the southern end of the pipe. They desire a trash rack at both ends to prevent children from going into the pipe. She requested small grids (6inches) that are flush with the pipe like the one on Chelsea Court.

The Engineer said, "Having a trash rack on both ends requires more maintenance. If the bar grids are smaller than six inches, you will increase the potential for debris to clog."

The Mayor asked about liability. Ondrey, said, "We did impose maintenance on property owners."

Discussion occurred about design of the trash rack & who will design it. Flesher will have a fabricator make a drawing.

McIlrath made a motion to **conditionally approve a trash rack to be placed at the north end of the pipe on the Krew's property at 534 Manor Brook Drive & a trash rack to be placed at the south end of the pipe on the Harvey's property at 537 Manor Brook Drive. The conditions are: 1. Subject to drawings of trash racks that Bob Flesher will prepare & give to the Engineer for his & the Building Department's approval, 2. Bar grids are to be no smaller than six inches, 3. It is the responsibility of the Krew's to maintain the trash racks & clean the culvert if it gets clogged.**

Male second. Roll call. All ayes.

Bill Porter of the Snively Building Company requested a height variance for a house to be built at 401 Reserve Trail, S.L. 30. The homeowner is Paul O'Neil. The topography of the lot slopes down in the backyard causing the basement to be exposed, raising the height over the allowed 33 feet. The variance is for 1.8 feet. Height of the house is 34 feet, 8 inches.

Porter explained that 4 other houses in this development requested & received height variances. Hovevar said he had no problem with this request due to the topography. The plans were reviewed.

McIlrath made a motion to approve the height variance. Male second. Roll call. All ayes.

The miller for the Hlavin property located at 1360 Bell Street was approved by Solicitor Ondrey & signed.

Architect Steve Ciciretto & Carmelo Oppedisano appeared before the PC for a Development Review. They request an addition approximately 20' X 46' for 540 East Washington Street. At the present time, it is known as Rosie's. The name will be changed to the Roman Villa Restaurant.

Ciciretto presented plans & explained the renovations he hopes to make. Currently, the restaurant sits 80 people. He intends to reduce that to 65 people. PC members reviewed the plans, discussed drainage, the porch & the parking lot. The back building is about 1,500 square feet & will be used for storage.

PC
Pp. 3
4-15-99

Hocevar commented that the screened-in porch had come before the PC in 1980. The request to enclose it & put a roof on it was denied. Over the years, a roof was put on it. Male said, "The sitting was approved. Somewhere along the lines, it was enclosed."

Male made a motion to conditionally approve the addition. The conditions are: 1. Back parking lot to be paved with asphalt, 2. Surface drainage plan to be presented to & approved by the Village Engineer, 3. The porch is to remain as it is & not converted to year round dining. McIlrath second. Roll call. All ayes.

Architect Tim Olland & David Cosentino, Development Review for 504 East Washington Street, Chagtown Restaurant. They request a six foot lattice fence from the rear of the building to enclose a new outdoor court for dining & a fenced trash enclosure, 35' X 6'.

~~Plans were reviewed. Discussion occurred. The restaurant accommodates~~ 94 seats. The front area holds 36. The main Dining Room holds 32. In the summer, the current party room, which seats 26, will be closed. The 26 seats will be moved to the newly established outdoor dining court. Vice versa in the fall & winter. There is no roof over the outdoor dining court. Parking will be on one side of the building. The other side of the building will be the new outdoor dining court.

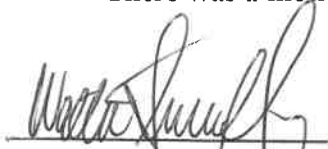
Sutliff asked about sideyard. Hocevar said, "It's not encroaching." There is room for snow removal. The owner's need to apply for a fence permit.


McIlrath made a motion to conditionally approve the request. The conditions are: 1. The patio & party room cannot be used simultaneously, 2. The parking lot is to be sealed & restriped, 3. The owner's need to get a fence permit. Male second. Roll call. All ayes.

OLD BUSINESS: The Planning Commission will look into zoning. Ondrey will bring newly passed legislation from Chardon for the PC to review.

NEW BUSINESS: The next PC meeting is scheduled for May 20, 1999 at 7:30 P.M.

There was a motion to adjourn. The meeting ended at 8: 50 P.M.


Walter Sutliff, Chairman


Maggie Tomaro, Secretary

Please Print Your NAME
Planning Commission Meeting
4-15-99
7:30 P.M.

1. PAUL O'NEIL
2. BILL PORTER
3. Beth Krew
4. CARMELO OPPEDISANO
5. STEPHEN CICIRETTO
6. Tim Olland
7. DAVE COSENTINO
8. Len Crantano
- 9.
- 10.
- 11.
- 12.
- 13.



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

PHONE: (440) 338-7843
FAX: (440) 338-8776

~~PLANNING COMMISSION MEETING~~
MAY 20, 1999
7:30 P.M.

1. ROLL CALL: YOUNG, SUTLIFF, MCILRATH, MALE
2. MINUTES: 4-15-99, AMENDED & APPROVED
3. GUESTS: ED KRIZ OF WHEELER LANDSCAPING &
BARBARA BLAKE, PRESIDENT OF KENSINGTON
GREEN HOMEOWNER'S ASSOCIATION

~~INFORMAL DISCUSSION ABOUT A NEW~~
ENTRANCE PLAN FOR THE KENSINGTON GREEN
SUBDIVISION
**DETERMINATION: NO ACTION. THEY WILL
RETURN MONDAY JUNE 7, 99 AT 7:30 P.M.**

4. OLD BUSINESS:
5. NEW BUSINESS:
MARILYN COTESWORTH RESIGNED FROM THE
PLANNING COMMISSION, EFFECTIVE 5-20-99.

NEXT MEETING: FORFEITURE HEARING MONDAY,
JUNE 7, 99 AT 7:15 P.M.
PLANNING COMMISSIN MEETING TO FOLLOW.

6. ~~ADJOURN: 8:30 P.M.~~

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

PHONE: (440) 338-7843
FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION MEETING
MAY 20, 1999
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Ruth McIlrath, Cathy Male

OTHER OFFICIALS: Dave Hocevar, Building Inspector,

ABSENT: Marilyn Cotesworth, Ned Foley, Engineer, David Ondrey, Solicitor

GUESTS: Ed Kriz of Wheeler Landscaping
Barbara Blake, President of the Kensington Green Association

Chairman Sutliff called the meeting to order at 7:30 P.M.

The minutes from the Planning Commission meeting of April 15, 1999 were amended & approved.

Ed Kriz & Barbara Blake held an informal discussion about a new entrance plan for the Kensington Green subdivision.

Plans were reviewed & discussed. Mr. Kriz described the plan as understated & classic. Sutliff asked if the grade is changing. Kriz said it would be the same. The fence may change; make it more simple.

The drawings show a light fixture on a pillar that has a gabled roof. PC members wondered whether this is in the right-of-way. Hocevar provided history. He said eight years ago Emerald Lakes wanted to build something in the right-of-way. The Solicitor denied the request because someone might run into it. The Mayor remarked that last winter a pizza delivery person ran into brick pillars at the entrance of the Maple Hill subdivision. Close to the pillars is a gas meter. It was not hit, but it could have been a problem had it been hit.

PC
Pp. 2
5-20-99

subdivision. Close to the pillars is a gas meter. It was not hit, but it could have been a problem had it been hit.

The Mayor said the Solicitor cautioned us against knowingly approving something in the future that would put the Village at risk. Hocevar said the entire island (at Kensington) is in the right-of-way.

Discussion about the size of the structure occurred. The large pillar is 36 X 36 X 96; eight feet to the top of the gable. The small pillar is 30 X 30 X 66. There will be no door. The pillars are composed of natural stone on all four sides.

The Mayor verbalized his thoughts: 1. He wants the Police Chief to approve this before PC takes action. He is concerned whether the pillars might have a negative impact on traffic. 2. He wondered if ABR has to approve the pillars. ABR reviews structures with roofs. 3. He wants to revisit the liability issue. 4. He requires that the Village be indemnified. He requests that the Village be named on the subdivision insurance policy. He said, "We were for one year."

McIlrath said she wants Ondrey to give his opinion before she gives her approval.

The utility easement is 10 feet outside the-right-of-way. The Mayor asked Hocevar to give Kriz a copy of the Plat & figure out what's there.

The Mayor asked Hocevar if this requires ZBA involvement. If the bushes exceed three feet, then ZBA is involved.

To Summarize: 1 through 4 items that the Mayor identified are to be addressed. 5. The Solicitor's opinion is requested. 6. If the grade changes, the Engineer's approval is required. 7. Clarification as to the utility easement is needed.

Determination: No action.

Mr. Kriz & Barbara Blake will return to the next PC meeting scheduled for Monday, June 7, 1999 at 7:30 P.M.

OLD BUSINESS: Bob Flesher has not given the Engineer a drawing of the trash grates to cover the pipe at 537 Manor Brook Drive & 534 Manor Brook Drive. Hocevar will call Flesher.

June 1, 1999

To: Planning Commission Members:

From: Maggie Tomaro

Greetings,

Enclosed is the minutes from the PC meeting of May 20, 1999.

The next meeting is scheduled for **MONDAY, June 7, 1999**. A Forfeiture Hearing will begin at 7:15 P.M. The regular PC meeting will start at 7:30 P.M.

The only agenda item for the PC is Wheeler Landscaping. Mr. Kriz will return to discuss the revised entrance plans at Kensington Green.

Please call me if you can not attend this meeting. Home: 338-1807,
Office: 338-3859. Thanks.

Sincerely,



Maggie

PC
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5-20-99

NEW BUSINESS: Chairman Sutliff accepts, with regret, the resignation of Planning Commission member, Marilyn Cotesworth.

The next Meeting:

- (1). Forfeiture Hearing, Monday, June 7, 1999 at 7:15P.M.
- (2.) Planning Commission meeting, Monday June 7, 1999 at 7:30 P.M.

There was a motion to adjourn. The meeting ended at 8:30 P.M.


Walter Sutliff, Chairman


Maggie Tomaro, Secretary

11

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

PHONE: (440) 338-7843
FAX: (440) 338-8776

RECORD OF PROCEEDINGS
SOUTH RUSSELL PLANNING COMMISSION FORFEITURE HEARING
JUNE 7, 1999
7:15 P. M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Ruth McIlrath, Cathy Male

OTHER OFFICIALS: Dave Hocesvar, Building Inspector, David Ondrey, Solicitor

ABSENT: Ned Foley, Engineer

RIVERVIEW HOME BUILDERS FOR 312 FOX WAY/GREG QUAST
NON COMPLIANCE OF CORRECTED GRADING ON SITE.

1. FINAL PLOT DEPOSIT #899-96 DATED 10-30-96, REC. # 8035
@ \$500.00
2. PERMANENT VEGETATION DEPOSIT #930-97 DATED 4-8-97,
REC. #8344 @ \$ 3,000.00

Mr. Greg Quast of 312 Fox Way was present. Hocesvar explained that there is a water problem. Water runs from Mr. Quast's property onto the adjoining neighbor's property. Hocesvar has contacted the builder numerous times & asked that the water problem be corrected. There has been no action on the builder's part to remedy the situation. Mr. Quast said that the builder does not return his calls. He has received two estimates to rectify the problem. One is for \$7,300.00.

Hocesvar reported that Council had forfeited a Construction Deposit of \$1000.00 to Mr. Quast. To date, the money hasn't been released.

The total amount being discussed at the Forfeiture Hearing is \$3,500.00. The as built will cost \$200.00. Young made a motion to pay Mr. Quast \$3,300.00 of the \$3,500.00. The remaining \$200.00 will go toward the as built. It will be paid after the work is completed. McIlrath second. Roll call. All ayes.

FORFEITURE HEARING

6-7-99

Pp. 2

**N.B.S. HOMES INC. FOR 117 ALDERWOOD TRAIL/GLEASON
NON COMPLIANCE OF CORRECTED GRADING ON SITE & FINAL
AS BUILTS.**

- 1. FINAL PLOT DEPOSIT #928-98 DATED 4-8-97, REC. # 8342
@ \$500.00**

The builder went out of business. There is no as built. The Mayor made a motion to forfeit to the Village \$500.00. McIlrath second. Roll call. All ayes.

**N.B.S. HOMES, INC. FOR 115 ALDERWOOD TRAIL/WEISBERG
NON COMPLIANCE OF CORRECTED GRADING ON SITE & FINAL
AS BUILTS.**

- 1. FINAL PLOT DEPOSIT #929-97 DATED 4-8-97, REC. #8343
@ \$500.00**

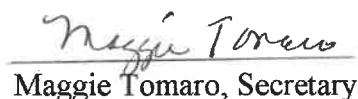
The builder went out of business. There is no as built. McIlrath made a motion to forfeit to the Village \$500.00. Male second. Roll call. All ayes.

There being no further business, the Forfeiture Hearing adjourned at 7:35 P.M.

John Curva of Riverview Homes arrived after the Forfeiture Hearing had adjourned. He expressed dissatisfaction with the action that the Planning Commission took.



Walter Sutliff, Chairman



Maggie Tomaro, Secretary

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

PHONE: (440) 338-7843
FAX: (440) 338-8776

PLANNING COMMISSION MEETING
JUNE 7, 1999
7:30 P.M.

1. ROLL CALL:
2. MINUTES:
3. GUESTS:

INFORMAL DISCUSSION WITH CHARLIE DANIELS ABOUT A LOT
SPLIT ON BELL ROAD. **NO ACTION.**

GURNEY SCHOOL, PROPOSE CHANGE TO BUILDING. **APPROVED.**

4. OLD BUSINESS: TRASH RACKS ON MANOR BROOK DR. HOCEVAR
TO CONTACT BOB FLESHER.
5. NEW BUSINESS: NEXT MEETING 7-15-99 AT 7:30 P.M.
6. ADJOURN: **8:10 P.M.**

VILLAGE OF SOUTH RUSSELL

5205 CHILlicoTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843

FAX: (440) 338-8776

RECORD OF PROCEEDINGS

MINUTES OF THE PLANNING COMMISSION MEETING

JUNE 7, 1999

7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Sutliff, Ruth McIlrath, Cathy Male

OTHER MEMBERS: Dave Hocevar, Building Inspector, David Ondrey, Solicitor

ABSENT: Ned Foley, Engineer

GUESTS: Charles Daniels Jr., Steven Heintzelman, Rick DeMarco for Gurney School, John Curva

Chairman Sutliff called the meeting to order at 7:35 P.M.

The minutes from the Planning Commission meeting of May 20, 1999 were approved.

Charlie Daniels of Bell Road held an informal discussion with the Planning Commission. He is considering splitting lots on Bell Road. Discussion occurred about the # of horses that are housed currently on the property. 2 ½ acres is required if there is one horse. The #'s change if there are more horses. Topics reviewed: frontage, sewer connection, how many lots were platted in the 1960's. **No action.**

Rick DeMarco discussed modifications to Gurney School. A preschool will be part of the school curriculum as of August 1999. Two classrooms will be converted into space for the preschool. A restroom will be added. DeMarco requested a wooden fence to enclose the preschool play area. It will be filled with Little Tikes play equipment. McIlrath made a motion to approve the request subject to the Engineer's approval. Male second. Roll call. All ayes.

PC
6-7-99
Pp. 2


OLD BUSINESS:

Sutliff inquired about the trash racks on Manor Brook Drive that were approved in April 1999. Bob Flesher, who initiated the action in February 1999, agreed to prepare a drawing of a trash rack. The trashracks are to be approved by the Village Engineer before they are installed. Hocevar reported that he called Mr. Flesher, but he has not called back. Sutliff asked Hocevar to contact Flesher again.

NEW BUSINESS: None.

There was a motion to adjourn. The meeting ended at 8:10 P.M. The next meeting will be July 15, 1999 at 7:30 P.M.


Walter Sutliff, Chairman


Maggie Tomaro, Secretary

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road

South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

May 20, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Forfeiture of Final Plot Deposit
Codified Ordinance Section 1446.07 ©

Reason: Failure to clear required submittals.

Depositor: Riverview Home Builders
Robert Votruba
C/o North American Homes, Inc.
5222 Richmond Rd.
Bedford Hts., OH 44146

Homeowner: Gary Quast
Location: 312 Fox Way;

Deposit Type: Final Plot
Deposit #: 899-96
Amount: 500.00
Receipt: 10/30/96 #8035

Sincerely,



David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

May 20, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Foreiture of Permanent Vegetation Deposit
Codified Ordinance Section 1446.07 (b)

Reason: Failure to clear required submittals.

Depositor: River Home Builders
Robert Votruba
C/o North American Homes
5222 Richmond Rd.
Bedford Hts., OH 44146

Homeowner: Gary Quast
Location: 312 Fox Way

Deposit Type: Permanent Vegetation/Erosion Control
Deposit #: 930-97
Amount: \$3,000.00
Receipt: 4/8/97 BD8344

Sincerely,



David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

May 20, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Forfeiture of Final Plot Deposit
Codified Ordinance Section 1446.07 ©

Reason: Failure to clear required submittals.

Depositor: N.B.S. Homes, Inc.
Sam Roth
2355 Beachwood Blv'd.
Beachwood, OH 44122

Homeowner: David Weisberg
Location: 115 Alderwood Trail

Deposit Type: Final Plot
Deposit #: 929-97
Amount: 500.00
Receipt: 4/8/97 #8343

Sincerely,



David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
(440)338-1312 Fax:338-1606

David T. Hocevar

Building Commissioner

May 20, 1999

South Russell Village
Members of Planning Commission
Chairman Walter Sutliff
5205 Chillicothe Rd.
South Russell, OH 44022

RE: Forfeiture of Final Plot Deposit
Codified Ordinance Section 1446.07 ©

Reason: Failure to clear required submittals.

Depositor: N.B.S. Homes, Inc.
Sam Roth
2355 Beachwood Blv'd.
Beachwood, OH 44122

Homeowner: Tim Gleason
Location: 117 Alderwood Trail

Deposit Type: Final Plot
Deposit #: 928-97
Amount: 500.00
Receipt: 4/8/97 #8342

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Please Print your NAME

6-7-99

Forfeiture Hearing 7:15 P.m.

Planning Commission meeting 7:30 P.m.

1. Charles W. Daniels, Jr.
2. STEVEN HARTZMAN
3. GREG QUAST
4. RICK DEMARCO
5. JOHN CURUA
- 6.
- 7.
- 8.
- 9.
- 10.

Please Print your NAME
6-7-99

Forfeiture Hearing 7:15 P.m.

Planning Commission meeting 7:30 P.m.

1. Charles W. Daniels, Jr.
2. STEVEN HEATZMAN
3. GREG QUAST
4. RICK DEMARCO
5. JOHN CURVA
- 6.
- 7.
- 8.
- 9.
- 10

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

PHONE: (440) 338-7843
FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION MEETING
JULY 15, 1999
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Sutliff, Ruth McIlrath, Cathy Male

OTHER MEMBERS: Dave Hocesvar, Building Inspector, David Ondrey, Solicitor

ABSENT: Ned Foley, Engineer

GUESTS: Ron Jurcak of the Chagrin Valley Optometrists Inc., Mike Cipriani, Building Representative for 5201 Chillicothe Road, Charles M. Daniels Jr.

Chairman Sutliff called the meeting to order at 7:30 P.M.

The minutes from the Forfeiture Hearing on June 7, 1999 were approved. The minutes from the Planning Commission meeting on June 7, 1999 were approved.

Ron Jurcak of the Chagrin Valley Optometrists & Mike Cipriani, rep for the commercial building located at 5201 Chillicothe Road, engaged in a Development Review with the PC. Mr. Jurcak hopes to establish his practice in Unit B of the above-mentioned building. There is 1,800 square feet. Mr. Jurcak currently operates his business in Chagrin Falls Village.

Sutliff asked Hocesvar if this business is a permitted use. Hocesvar answered, "Yes". There will be 2 restrooms. One will be a unisex restroom. The other will also be a unisex restroom & meet ADA regulations. Mr. Jurack currently has one full time & one part time employee.

McIlrath moved to approve the Development Review. Male second. Roll call.
All ayes.

Charlie Daniels held an informal discussion with the PC concerning a lot split at 1168 Bell Road. Daniels had a new drawing since his last visit on June 7, 99. Ondrey asked who owns the two lots in question. Charlie answered, "Bob & Diane Craig & Nancy." (Johnson - Charlie's daughter)

Daniels explained that he has four acres roughly & hopes to split this property into three lots.

Discussion occurred. Variances would be needed due to: the size of the property, horses are lodged on the property, location & size of a barn on the property.

VILLAGE OF SOUTH RUSSELL

5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843

FAX: (440) 338-8776

PLANNING COMMISSION MEETING

JULY 15, 1999

7:30 P.M.

1. ROLL CALL:
2. MINUTES: JUNE 7, 1999
3. GUESTS:

DEVELOPMENT REVIEW FOR CHAGRIN VALLEY
OPTOMETRISTS INC. THE OPTOMETRIST'S WANT TO RENT
SPACE PREVIOUSLY OCCUPIED BY THE COMPUTER STORE.
THE ADDRESS IS 5201 CHILLICOTHE ROAD, UNIT B. (1,800
SQUARE FEET). **APPROVED.**

INFORMAL DISCUSSION WITH CHARLIE DANIELS ABOUT A
LOT SPLIT AT 1168 BELL ROAD. **NO ACTION.**

4. OLD BUSINESS:
5. NEW BUSINESS:-- NEXT MEETING IS SCHEDULED FOR 8-19-99.

REFER TO NEWSPAPER ARTICLE, "ACTIVIST TAKES MISSION
TO REDUCE GLARE ON ROAD". MR. JOHN GORKA
TELEPHONED & ASKED TO BE ON THE AGENDA.
THE PLANNING COMMISSION IS NOT INTERESTED.

6. ADJOURN: 8:29 P.M.

September 3, 1999

To: Planning Commission Members

From : Maggie Tomaro

Greetings,

Enclosed are the minutes from the PC Meeting of July 15, 1999.

Also enclosed is a zoning map & information about outdoor play areas given to me by the Building Department.

The next Planning Commission meeting is scheduled for **Wednesday**, September 8, 1999 at 7:30 P.M

The agenda includes:

An informal discussion with Rob Meyer about the Mezzi property.

Review zoning issues; look at potential development along Route 306 & its impact on the Village

Discuss residential outdoor play areas. I.e. swing sets, play houses

Please call me if you can not attend this meeting. Home: 338-1807.

Thanks.

SOUTH RUSSELL VILLAGE
5205 CHILICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

Please Print Your Name

7-15-99

Planning Commission

7:30

1. Ron Turcak
2. Mike Cipriani
3. Charles M. Daniels, Jr.
- 4.

Activist takes mission to reduce glare on road

By JOAN DEMIRJIAN

John Gorka, of Chester, is asking townships in Geauga County to consider strengthening their zoning guidelines for lighting at commercial, parking lots and retail developments.

Mr. Gorka told the Bainbridge zoning commission recently he would like to see all townships in the county consider ways to reduce unsafe glare from lighting.

He was involved in a recent effort to persuade the Burger King restaurant in Chester to confine its lighting to its own property on Mayfield Road. Burger King agreed to replace some of its light-

ing fixtures. "It has made a dramatic difference," he said.

Through his involvement with the lighting issue, Mr. Gorka is serving as Chester's lighting coordinator.

In connection with the Burger King issue, Chester is considering ways to improve its lighting requirements.

Mr. Gorka said he moved to semi-rural Geauga County to get away from the "clutter" of the city. Some of that clutter is caused by the glaring light of commercial parking lots and buildings, he said.

As an amateur astronomer, he values the darker rural skies, which allow him to view the constellations, Mr. Gorka

said. He said he believes others do too.

But he has seen great changes in the county in the last few years. He said there are more streetlights and brighter, more intrusive lighting in commercial areas.

Mr. Gorka is visiting township officials throughout the county, asking them to review their zoning regarding lighting and possibly add new guidelines. The guidelines would pertain to new commercial development only. "We're not concerned with residential areas," he said. "By and large, the commercial areas are of concern."

Township zoning must be based on safety and health, and lighting affects

safety, he said. Glare never improves visibility, Mr. Gorka said. "Vision can actually be impacted to the point where you can't see." He called it "disability glare."

"If you can eliminate glare, you can improve visibility at night, plus it looks better," Mr. Gorka said.

The goal is to put the lighting just where it is needed, he said. "There are many good fixtures out there."

Bainbridge zoning commission members said they will take Mr. Gorka's comments under advisement and will study Chester's zoning regulations for ideas.

Councilman might focus on state Senator's seat

By BARBARA CHRISTIAN

Supporters of Chagrin Falls councilman Dr. Randall Jotte will gather July 4 to hear him announce "candidacy for his next political office."

This week, Dr. Jotte refused to discuss what office he will be seeking, choosing to wait for the announced date, he said.

However, last year the emergency medicine physician expressed interest in the state Senate seat after incumbent

Grace Drake decided to run for U.S. Congress.

Mrs. Drake lost her bid for that job to Democrat Sherrod Brown and will remain in the state Senate until January 2002.

Dr. Jotte announced he would run for another two-year term on Village Council this November. The end of that council term will coincide with Mrs. Drake's departure from the state Senate. Invitations to an 11 a.m. July 4 fami-

ly picnic at Chagrin Falls Township Hall were sent to Dr. Jotte's supporters and news media last week.

The red, white and blue invitations were noted paid for by "the Committee to Elect Randy Jotte" with no office specified.

His wife, Susan A. Jotte, is listed as treasurer of the committee and whose address is the Jotte home on South Franklin Street.



Dr. Randall Jotte, candidate for office. But which office?

Resident to present views on fire station project

Sutliff asked if this could be grandfathered. Ondrey responded, "If they were platted lots, then he (Daniels) could build on them." These are not platted lots.

Hocevar explained that houses in the Village must be a minimum of 2,600 square feet.

The Mayor wondered if Daniels would consider leaving the property lines the way they are. Then he could apply for just one variance regarding the frontage. If the variance was granted, there could be two, 125-foot lots or a 130-foot lot & a 120-foot lot.

The procedure was explained; make a formal application to the Building Department. If it is rejected, seek approval through the ZBA. If approved, Mr. Daniels would make a formal application for a lot split with the PC. Mr. Daniels was told the Craig's & his daughter would have to be part of the application process.

OLD BUSINESS:

Bob Flesher, trash racks. Hocevar left 2 messages for Flesher. His calls were not returned. The Village is holding \$4000.00 of Flesher's money. (an erosion control bond & construction deposit) For the trash racks, Flesher put up a performance deposit. Hocevar will send a letter to Flesher indicating he has 30 days to install the trash racks or the Village will forfeit the money. NOTE: Flesher needs the Engineer's approval before they are installed.

Charlie Daniels asked if a ball field were installed in the common area of Emerald Lakes II. There is no ball field.

NEW BUSINESS:

The Mayor requests that the PC review zoning issues at the next meeting. He wants to look at potential development along Route 306 & its impact on the Village. Hocevar will give Maggie a zoning map. She will send it with a copy of the minutes.

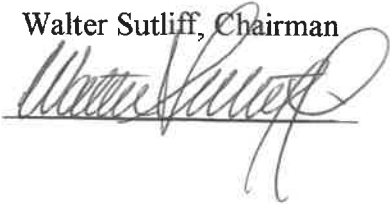
John Gorka is visiting municipalities to discuss lights. An article about him was in the Chagrin Valley Times, July 1, 1999. (Pp. 16) He would like to appear before the PC. PC is not interested.

Hocevar has seen the preliminary drawings for the building formally owned by Holzheimer. (1184 Bell Road). An orthodontist & oral surgeon plan to open a practice there. There will be a new addition, a courtyard, a breezeway. The parking lot looks good. The plan met zoning according to Hocevar.

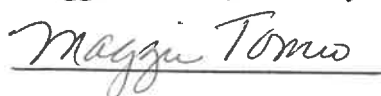
Hocevar initiated a discussion about outdoor play areas. I.e. Swing sets, play houses. They are made of wood & are cemented into the ground. Fifty have already gone up in the Village. Hocevar said these are structures. He asked if these should be regulated or should we let it go until we get a complaint. The Mayor answered, "We can take a closer look at it."

There was a motion to adjourn. The meeting ended at 8:29 P.M. The next meeting is scheduled for 8-19-1999 at 7:30 P.m.

Walter Sutliff, Chairman



Maggie Tomaro, Secretary



**RECORD OF PROCEEDINGS
MINUTES OF PLANNING COMMISSION MEETING
SEPTEMBER 8, 1999
7:30 P.M.**

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff,
Cathy Male

OTHER MEMBERS: Dave Hocevar, Building Inspector, David Ondrey,
Solicitor, Ned Foley, Engineer

ABSENT: Ruth McIlrath

GUESTS: Rob Myers, 66 Morning Side of RHM Builder's
David Hartt of D.B. Hartt, a Planner
Barb Martien, resident, 1229 Bell Rd.

Chairman Sutliff called the meeting to order at 7:50P.M. Roll call. All
Ayes.

The minutes from the Planning Commission meeting of July 15, 1999
were approved.

Mr. Myers wasn't present at the outset of the meeting. Other business was
addressed.

Hocevar reported that Bob Flesher had installed two trash racks as ordered
at the previous PC meeting on 7-15-99.

Hocevar said the new sign at Dairy Mart doesn't conform. It's too high –
16 feet. It is not to exceed 15 feet. ABR has to approve all commercial signs.

**Rob Myers held an informal discussion regarding the Mezi property
located at permanent parcel # 29-062800 (AKA 5230 Chillicothe Rd.) &
property located at 5244 Chillicothe Road, which is owned by Roger &
Barbara Wilber.**

Mr. Myers provided some history. He is a resident of South Russell. His
business is in South Russell. Three years ago he had the opportunity to build a
few houses in South Russell. One year ago he began to look for office space in
South Russell. The Mezi property is for sale. He hopes to build his office on this

property. He has tentatively secured the Mezi & Wilber properties on Chillicothe Rd. He will buy them if he can build an office building.

Mr. Myers said, "Everytime I build a single family home, I take money out of the school district that I build it in. In Chagrin Falls schools, typically a house I build has 2& 3 kids. Those 2 or 3 kids cost between \$11,000.00 & \$16,000.00 for the school district. The people will only pay about \$3,000.00 to \$5,000.00 a year property taxes. While a bulk of that goes to the school district, not all of it does. That's part of the reason school districts keep coming back to their population for more money. It's demographics. The more kids come into the school, the property taxes don't keep pace with the cost to educate these kids. And they have to keep coming back to the population for more money.

Cities should be run, more or less, like a corporation. Cities should recognize where the revenues come from, identify where it can be enhanced & try to do that for the "good of" this corporation or city. Cities in financial difficulty, like Hudson or Shaker Heights, tax rolls & tax costs have sky rocketed over the last 7 - 8 years.

He proposes building four, two-story buildings, each 25,000 square feet. Each would have a center atrium with skylights, decorative stairs & elevators. The proposed tenants to be professionals I.e. Attorneys & Engineers.

Myers rejected the idea of multi-family homes on this property. He said there would be an impact on water. He rejects retail due to the increased amount of traffic. He reported that he has done a traffic study & hydrogeologic study to see what the impact would be. He said, "If we do office buildings, the difference in the impact environmentally- traffic wise- is fairly negligible as compared to building single family homes there. But, the impact on us as a community can be a lot greater, mostly in a positive way."

Myers showed a preliminary design. It showed a divided entry lane going from Rte. 306. There are two ways into the property & two ways out of the property. The buildings are turned so the short part of the building face the residential area to the south. There is one house that will be demolished. There would be landscaping.

The Chagrin Lakes Development is behind this property. Sutliff asked, "Is the entire left property line, is that all of Chagrin Lakes public area"? Myers answered, "I think it is. I'm not sure exactly." Members looked at drawing.

Myers explained that the buildings are 35 feet high. There is no need for a variance. He intends to have 315 parking spaces. Male asked if this meets side & rear yard setback regs. "Yes," said Myers.

Myers reported that the traffic study showed that at the intersection of Bell Road & Rte. 306, "There were 12,800 cars a day. The impact of this - pointing

to the drawing – was negligible. The intersection was ranked a C which is about as good as you find for any intersection. There are no unreasonable delays and we're not going to change that by building this."

The Mayor commented. "I don't believe that for a second. I think it will add significant congestion. People will come in & out more than once a day for sure. There's a potential for significant, additional traffic congestion." Myers said he'd agree if it were retail, but he believes people will come in the morning & leave in the evening. "According to the traffic study, they aren't showing any significant delays or impact to congestion in the intersection."

The Mayor said, "People leave at lunch to go to restaurants, banks, run errands. There's going to be an awful lot of in & out in my opinion. If you draw professionals, their customers, clients will be coming in & going out."

David Hartt, a Planning Consultant from the firm, D.B. Hartt said, "Typically, the in & out traffic that occurs during the day – the deliveries, casual leaving, going to lunch, going home- is occurring at the time when there is less general traffic on the street. The key issue, Can you accommodate peak hour traffic, which is exiting traffic in the afternoon when the road is being used to its maximum? That is probably one car during the peak hour for each parking space. You're talking 250 – 300 cars hitting 306 at the peak hour in the P.M."

The Mayor said, "People have complained about the extra traffic on Bell due to Gurney's extra classrooms. It's higher than we thought & most people thought." He continued, "Why do most people move to South Russell? They didn't move to move next door to an office building. They want to get away from office buildings. They want to get away from a Shaker or a Lyndhurst. Or, they were attracted because we were borderline country. It's changing a lot & many people who have moved here are not necessarily pleased with the changes. I can not in good conscience say that's great & happily look at 250 – 300 cars showing up here in the morning & leaving at night & all the ins & outs. People who drive through the community aren't going to notice that congestion at the light? I flat out don't believe it."

Sutliff asked Ondrey, "What are the alternatives, other than rezoning?" Ondrey answered, "A property owner can rezone by getting a variance- believing that the permitted uses aren't appropriate for the property. Rezoning is one way to make a change. You'd go before the ZBA & seek a variance based on hardship." The Mayor added, "Planning Commission could recommend to Council that the property be rezoned. That'll take a majority of this Board to recommend that. The Council takes action on that recommendation."

Hartt said, "This plan being proposed is less development than what's permitted under the Alternative Zoning Classification". He referred to zoning regs.

"Some configurations allow 25 % building coverage. This project is 12% building coverage", Hartt reported.

Myers asked if he got a variance, "Am I or future owners restricted? Is a variance more restrictive then a zoning amendment? He stated, "With a variance, they'd have to come back to the city & ask for another variance if they wanted to knock it down & build a hotel or something." Ondrey said, "A variance is granted for a specific site plan. Depending on how thick & heavy the regulations are on the new zoning, your point is probably correct. A variance would restrict the property owner to exactly what's proposed."

Sutliff asked, "If you were to conform to R-1 zoning here, would it be practical to have 9 single family homes or would it be cluster housing?" Myers answered, "It would be nothing because you can't build homes on a state highway that has the traffic that 306 does. It's a sure recipe for disaster. It's impractical to expect to build anything other then rentals there; 10 to an acre garden apartments. I rejected that because I'd have to bring water lines to it. The only way I can bring water to it is up Bell past Muggleton Farm or up 306 from Washington which I don't want to do."

The Mayor asked, "Can you envision a restaurant?" Myers said, "I can envision a restaurant located in one of these buildings."

Sutliff said, "We have been very conscience about not rezoning, about setting a precedent. What do we tell property owners on the East Side of Bell who come before the Board & want to rezone?" Myers said, "I'd tell them that 306 is a state highway & that traffic counts are high. As a Village, we should find uses that recognize that. We can't hide from that."

Male commented that she has seen some of the houses that Myers has built. "They are wonderful. I wouldn't have a question with aesthetics. As Wally said, this board has been very consistent about not changing zoning along 306." Myers responded, "I don't want us to become Hudson where people can't afford their tax bills." Male said, "You're proposing purchasing a lot that has a house on it & removing it. We don't want a domino effect."

Hartt said, "This is a less intense development plan. In addition to the use transition, you can use the site development to make sure there is adequate protection between the Southern portion of the property & the remaining single family homes, which abuts this property. There's a use issue & a site development issue."

Barb Martien of 1229 Bell Road joined the meeting. She lives on property that abuts the commercial property at the corner of 306 & Bell Road. (The house & barn that's for sale.) She asked, "If you were approached by someone that wanted to purchase that property with a plan, is there any way that I could be aware of that meeting happening?" Sutliff responded, "Assuming it goes to

rezoning, you'd be notified." Male added, "Call the Village once a month & find out when the Planning Commission meeting is." The rumor is that the property is for sale for \$800,000.00.

Sutliff said, "This being an informal discussion, are you trying to get a read on the Commission or what our next move is"? Myers said, "Pretty much all of that. I'd like to get some reaction & see what you want us to do from here. Do you want us to go through the ZBA or do you want us to submit for a zoning change?" Sutliff said, "My personal opinion is, I don't think it's a bad use of the property. The traffic issue bothers me. I would have to be convinced that this is not a problem. I don't think residential is appropriate."

Ondrey said, "Under our regulations, they have a right to submit a request for zoning change. Within a certain time frame, the PC has to give a response. You can create a district with restrictions."

Hartt asked if a variance would be easier than creating a whole new district. Ondrey answered, "It can be & it can't be. You've got to have the evidence to support whether you are entitled to a variance. Neighbors have a right to appeal. You're looking at delays. The variance can be granted with conditions. Variances are more confrontational."

Myers asked Sutliff what he thinks about a new district. Sutliff responded, "I like the idea, but I'm also concerned about the precedent & spot zoning that we want to be careful about."

The Mayor commented. "For information, you could take a look & see what kinds of conditions were attached to the assisted-living zoning. There was 15 acres. An ordinance was passed to allow it to be rezoned."

Male said, "If there's going to be a change, I can't envision doing it through variances. There are too many issues to address. Sutliff said, "Rezoning is probably the best thing to do. The idea of something other than residential has been turned down like Mueller tire store & cluster housing." The Mayor said, "From what I see here, it is more attractive than what I've seen in other proposals."

The Mayor asked Maggie Tomaro to get a copy of the ordinance for assisted-living & send it to Rob Myers. (It was sent September 10, 1999).

Rob Myers & David Hartt left the meeting.

Male asked, "What do you feel as far as the need for taxes to be put into the Village vs. maintaining residential areas?" The Mayor said, "12.7% of the property tax goes to the Village. Approximately, 70% of property taxes goes to biggest expense is to maintain the roads. I'm sure the schools would like to have more tax revenue. But do residents want a trade off? I

moved in 18 years ago. The Village taxes haven't changed except for external; the library, maybe the health district or the school. We're O.K as long as the economy is good & people pay their taxes. The Village is generally O.K.

Sutliff said, "It's remote for residential development unless it's multi-family, like condo's. A project like this- if it can be done right & also produce an income for the Village- I think that's more attractive then putting condominiums back there.

Male said, "Could a church be built within the zoning?" Ondrey said, "Yes. They'd have to get conditional use." Regarding the Lutheran Church; A rep of the church told the Mayor today that he's been calling the Mezi's & someone tells him they'll get back to him. They are also looking elsewhere.

Sutliff asked Foley, "Off the top of your head, what type of impact does 300 cars have?" Foley said, "Based on the volume on 306 now, I don't think you'd notice it. What you're going to face is an increase of traffic from outside the community. What's happening on Washington Street is going to be more of an impact. The concern is ingress/egress from this site & the intersection modification at Bell Rd. From a pure # standpoint, it's not that noticeable."

The Mayor said, "If we had 200 jobs (at the new site) & they pay an average of \$30,000.00 a year, that would be \$60,000.00 income tax a year."

Sutliff said, "Perhaps you'd like something like this more than a church. What are your thoughts about multi-family housing?" The Mayor answered, "That scares me because of the pressure on the aquifer."

Ondrey commented, "If we think the amount of traffic inhibits residential development & property owners think they can't sell as currently zoned, they'd be more successful by changing the zoning."

Bob Buddenhagen of 5177 Chillicothe Rd.- was identified as the second person on tonight's agenda- did not show up for the meeting.

OLD BUSINESS: None.

NEW BUSINESS:

Hocevar brought up "Recreation Structures." Beachwood dismissed the idea of getting a building permit for these structures. He showed the Shaker Heights guidelines. Male asked if there were any complaints. Hocevar said, "There have been no complaints." Ondrey asked if they are fixed to the ground or put on footers. "Both," answered Hocevar. Ondrey said, "The ones that are

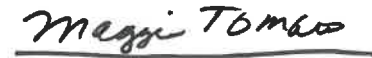
fixed, we could classify as an accessory structure. The Mayor said, "I think we should think about some sort of regulation or where they're placed on the lot. We ought to think about some sort of setback. We require fences to be three feet off the property line." Sutliff asked Ondrey to draft something & bring it back to the PC.

Hocevar asked for clarification on the fee scale for a Home Occupation Permit. It was his impression that we charge a \$25.00 zoning permit. There is a place in the fee schedule- in the back of the book- that says occupancy permit, no fee. The Mayor said, "There's a difference between occupancy permit & a Home Occupation Permit. "But, not in the book," said Hocevar. Sutliff said, "Charge \$25.00 for the Occupation Permit."

There being no further business, the meeting adjourned at 9:45P.M. The Next meeting is scheduled for 10-21-1999 at 7:30 P.M.



Walter Sutliff, Chairman



Maggie Tomaro, Secretary

VILLAGE OF SOUTH RUSSELL

5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843

FAX: (440) 338-8776

PLANNING COMMISSION MEETING

OCTOBER 30, 1999

10:00 A.M.

1. ROLL CALL:
2. MINUTES: 9-8-99 **APPROVED**
3. GUESTS:
ROB MYERS OF RHM HOMES CORP. FORMAL DISCUSSION
ABOUT CHANGING THE WILBER/MEZI PROPERTY FROM
RESIDENTIAL TO OFFICE DISTRICT. **NO ACTION.**
4. OLD BUSINESS:
5. NEW BUSINESS: NEXT MEETING, NOVEMBER 18, 1999, 7:30
6. ADJOURN: NOON

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

PHONE: (440) 338-7843
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RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION MEETING
10-30 1999
10:00A.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff,
Ruth McIlrath

OTHER MEMBERS: Dave Hocevar, Building Inspector, David Ondrey,
Solicitor, Ned Foley, Engineer

GUESTS: Matt Brett, Sally Butz-Voss, Council Members
Larry Lechman, Treasurer
Matt Benes, local builder, Barry Winovich, new homeowner on
Rte. 306, Don Winovich, 1433 Bell Rd.
Robert Myers, RHM Homes Corp.,
Ted Galuscuk, Traff-Pro Consultants
David Hartt, a Planner, John Wheeler, Landscaper
Robert Montanari, Architect at Westwood Co. for Myers
Betsy & Don Latore, 32460 Wintergreen Dr.
Steve Novak, reporter, West Geauga Sun, wrote an article about
proposed office district on 11-11-99

Chairman Sutliff called the meeting to order at 10:05 A.M.

The minutes from the Planning Commission meeting of 9-8-99 were
approved.

Rob Myers initiated the discussion. The reasons he wants to develop this
property include: (1). As a resident of South Russell, he'd like to have office
space in South Russell. Currently, there is none. (2). If his office is outside South
Russell, he pays taxes to another community. He'd rather pay taxes in the
community that he resides in. (3). Some of the commercial development in South
Russell, he thinks, is not of top quality. He & his team have an attitude to do
things first rate. (4). He wants to do something good for the Village; bring tax
money into the Village & the school district. Myers said, "In general, schools are
subsidized by commercial & industrial development. In South Russell, they are
not. As a consequence, the school district has to continuously go back & ask for
more money."

The Mezi property has been available for sale. Myers approached the Wilber's & asked to purchase their property. Together these properties are referred to as an office campus. The plan is for Class A, professional office buildings. Each has an atrium, elevator, decorative stairs, landscaping all around the exterior. Target tenants: Lawyers, Engineers, Accountants. Perhaps a restaurant will be in one of the buildings.

Myers said, "I think this provides the least impact negatively on the Village & the best bang for the buck for the Village & the schools."

Myers reported, "The traffic study indicated approximately 13,000 cars a day go through the intersection of 306 & Bell." They did a study using a computer model & it shows this type of development will have a negligible impact on the intersection of Bell & 306. An additional study was done at Stock Equipment Co. located at 16490 Chillicothe Road. Stock has approximately 120-150 cars that go in & out of the property a day. The study showed that Stock has a negligible impact on traffic on 306. This second study reinforced the results of the first study.

Myers hopes to rezone the property, "Professional Office District." He wants to keep the density down, allow (brimming?) near residential areas & have no direct views of the buildings from the back. The short side of the buildings faces the residential area next door to the campus.

Sutliff said, "For the benefit of the Board, Dave (Ondrey) could you run through this process?" Ondrey explained the procedure. Under South Russell regulations, a property owner or someone who has an interest in the property, has a right to make application for a zoning change. They could insist upon the Planning Commission voting on their specific proposal or if the Planning Commission decides to make modifications – with their consent – that final proposal could be voted on. According to regulations, a vote is to occur within 45 days after the filing date. The Planning Commission has an option to hold a public hearing, but doesn't have to. Once it's voted on, whether it's approved or disapproved, the applicant has a right to continue to Council. Council must hold a public hearing. Council can approve or disapprove. If Council goes against the Planning Commission's recommendations, Council must have a $\frac{3}{4}$ vote of the Council members.

At this point, submission has been made. Planning Commission may make changes to it or not. Mr. Myers decides whether he accepts the changes & wants it voted on. Regarding the 45 days, there was a passive consent to extend that time because of Mr. Myers being out of town. Ondrey said, "If you are not prepared to vote on it today, (Planning Commission members) we would want your (Myers) consent to continue to review it."

The Mayor commented. He said, "Specifically, we are here only to vote on the proposed zoning change. That is legally what we need to address today, either a vote or some sort of agreed upon referral." Ondrey said, "Clearly, that's the purpose of the meeting, to discuss their proposal & decide whether you are ready to vote or not."

The Mayor said, "What the property might or might not look like – this plan or any other plan – is only informational at this point. There's no requirement of the person proposing the zoning – if the zoning is approved – that the property looks like that or anything else." Ondrey, said, "Right. The only thing you'd be voting on is the paper proposal." The Mayor added, "If it were approved & Mr. Myers decided to sell the property, it would be sold based on the new zoning. Somebody else could come in or Mr. Myers himself, could change it." Ondrey responded, "That's correct." The Mayor added, "The point of this meeting is whether or not the property is to be rezoned."

Ondrey said, "I'm familiar with communities who are interested in a specific proposal. They have entered into an agreement that – in the event a zoning change has been approved – this specific proposal is the one that's going to be constructed. What we can't do legally, we can't agree to rezone so long as that is the plan. That's called Contract Zoning & we can't do it that way. But, we could enter into an agreement that says, if we rezone, this is the proposal that you would build which is not a commitment that we're going to rezone. It's a commitment from their side – that is what they're going to build."

Ondrey clarified, "We can't enter into an agreement that says, we will rezone your property in exchange for you building a specific proposal. We could enter into an agreement that says, if we rezone the property, this is the proposal that you'll put up."

Myers said, "The way we drafted the zone was to button down tightly what could be done in a professional office district."

David Hartt said, "In terms of the zoning request, there's two components. One is how this type of project could be incorporated into the regulations. The adoption would be approval of the text & a separate action to amend the map."

Hartt continued, "The new district has been drafted so that the intensity of development can not exceed this plan in terms of the level of development, parking spaces & basic setbacks. The two key things are: There's a 15% building coverage & this is slightly under the 15% & there's a 55% total site coverage which is buildings & parking. This development is slightly under 55%. There's not much room for someone to modify this plan."

Myers said, "Bill. You're right. The site plan we ultimately come up with might differ from this. But, in general, the intent can't differ to much from this."

Hartt said, "Let me compare this district to "a normal" office district like Chagrin Blvd. or Landerhaven. The building floor area can be 60 or 70% higher than this. The total site coverage is closer to 80-85% compared to 55% we are talking about here."

Ondrey said, "The Planning Commission wouldn't be looking at four separate buildings configured in that shape. For example, those four buildings could be combined -under the regulations - into one large building & put right in the middle of that property. That wouldn't have the same aesthetic feel at all. You could still meet your minimum requirements." Hartt answered, "Yes. That's true." Ondrey said, "I want the Planning Commission to understand that other things could be developed." The Mayor added, "It could be a building like the Chagrin Valley Medical Center." Hocevar guessed that the CVMC might be 50,000 square feet.

McIlrath asked Myers if there were other sites. Myers referred to a site in Chagrin Falls. Traffic is an issue in Chagrin Falls.

Myers presented a tax analysis. A summary of his figures is attached to the minutes labeled "Tax Analysis of Rte. 306 Property When Completed" dated October 19, 1999.

McIlrath asked, "What is the frontage?" Hartt answered, "Over 600 feet. Total acreage is about 9 1/4 acres." McIlrath wondered about mounds. They will be similar to the mounds at Manor Brook.

A Hydrogeologic Study was done by EDP Consultants, Inc. for Myers. A summary of the study is attached to the minutes. It is labeled "Commercial Development - Bell & 306, Preliminary Hydrogeologic Evaluation South Russell, Ohio EDP #99264E dated August 4, 1999. Also enclosed is a review of the study by Yoram Eckstein, Ph.D. of Eckstein & Associates, Inc. Consulting Geologists & Hydrologists dated November 9, 1999.

Myers provided a brief overview of the water. He said, "The impact on the aquifer is minimal in comparison to a single family home. Multi-family requires a lot more water. In general, the aquifer can more than supply the water needs to a project like this."

Sutliff asked if these buildings require fire protection. Hocevar answered, "That depends on type of construction, means of egress, the fire wall separation." Sutliff asked Myers if he plans on putting a sprinkler system in these buildings. Myers said, "We've been discussing whether or not we have to do it. Because there is water wells & not city water, we do have to provide some sprinkling. We're going to try to keep it limited to certain areas where we would provide a tank & then the sprinkler system will have its own system. If we can design it without the sprinklers, we will."

A traffic study was completed by Traff-Pro. The report is attached to the minutes. Ted Galuscuk, a traffic Engineer, provided an overview. The methodology used on this study is accepted by ODOT & The Institute of Traffic Engineers. The computer simulation study that was used is the exact one used by ODOT. The study was conducted at the intersection of Bell & 306. The times were: 7:00A.M. to 10:00A.M.; 11:00A.M. to 2:00P.M.; 3:00P.M. to 6:00P.M. They collect data by counting the # of vehicles that pass through the intersection. They determine the efficiency of the intersection – how it operates. Projection is based on square footage; the square foot of the land use. They look at how this development will impact the adjunct street system. They look at the existing case & look at the future case after the offices are built. Rating the intersection is “A” through “F” & equals the average delay per vehicle at the intersection. “A” is the most efficient. “C” is acceptable level of service for peak hours.

The level service for the existing traffic at Bell & 306 is Level “C” in the morning & evening. In the morning, it takes 17.2 seconds per vehicle & 16.2 seconds per vehicle in the P.M. The traffic study in the future case registered 18.7 seconds delay in the morning, still a “C” (increase by 1 ½ seconds). In the evening, the future case measured 16.9 (increase by 0.7 of a second). Overall, the intersection grade is a “C” which is acceptable. Conclusion: Some minimal impact on the adjacent street system, under two seconds per vehicle. Methodology accepted by ODOT. Computer simulation model is used throughout the U.S. & accepted by ODOT.

The computer assimilation study was conducted at Stock Equipment Co. located at 16490 Chillicothe Rd. on 6-9-99, a Wednesday. Same time frame. 67% of the traffic that goes in & out of Stock comes from the south & goes to the south. 33% comes from the north & goes to the north.

Sutliff asked if this model looked at physically exiting this campus at 5:00P.M. **NOTE:** Mr. Galuscuk changed the #'s & directions when providing this part of the overview. Refer to the study for accurate data.

Galuscuk reported that in the morning, going into the campus from the south (left turn into campus) showed a level service “B”, 5.7 second delay for left turning vehicles & in the afternoon, a level service “A”, a 4.3 second delay turning left from 306 into the campus. This is without a turning lane, assuming existing conditions.

Coming out of the campus, there will be two lanes exiting the property; one left turn, one right turn. Making a left turn from the campus onto 306 measured a level service “E”, a 30 second delay. He said to remember 1/3 will be going north & 2/3 will be going south according to the Stock Equipment Study. The model reflects the current posted speed.

Myers said if a request for a turning lane on 306 is made, it can be accommodated.

Don Winowich, a resident of South Russell, said there was a reference made to a restaurant & retail sales. He asked if there's a limit as to how much retail. The Mayor referred to Myers report & said, "They would be allowed to have 10% & Hartt interjected, "There are 2 controlling factors. One is 10% of the gross floor area of the development completely. The second is no more than 50% of any one building." The Mayor read from Myers application & said, "No direct retail sale of a tangible product would be allowed. So, there will be no retail." Hartt said, "That's for the office portion." The Mayor commented, "A portion as proposed could be a restaurant. But, in the rest of the buildings there would be no retail sales. I have a question, Could there be wholesale sales on site?" The Mayor continued, "Supporting business services including restaurants. I don't know what the definition of supporting business service is other than a restaurant. I'd like some clarification." Hartt answered, "We were assuming an Optician would meet that definition. A pharmacy might meet that definition. A little card shop, a candy store or sundry things that you could pick up, could fit that definition." Myers added, "Specifically, what caused us to write that was in the case of an Optometrist & he sold frames. What we don't intend is for there to be store fronts. The restaurant is a supporting use. The pharmacy would be if there's a doctor's office that would take a building. They would have a little pharmacy, but not a franchise pharmacy that would need its own building. It has to be in support of the office used. That was the intent."

Sutliff referred to Myers material. He said, "You've got a rear yard setback of 30 feet abutting a residential area. He asked, Am I right?" Hartt answered, "Yes." Sutliff said, "That would be a big impact on property which I believe would be Chagrin Lakes." Hartt said, "The building is 30 as well as the parking. In all cases, it's a minimum landscaped area of 30 feet." The Mayor added, "It's a lot more than 30 feet based on the drawing that we see." Myers said, "It's a building setback. I'm not sure where the 30 feet came from. On the plan, we have a 50-foot building setback. I think the 30 foot is a side yard." The Mayor said, "If your intent is to guarantee that design, you might want to change these #'s to reflect your intent."

The Mayor said, "Another issue had to do with the parking. Current parking for restaurants is 1 space for 2 seats. You have 1 space for 4 seats. Why did you choose 4 when we currently have 2?" Hartt answered, "We used the 4 assuming when the office building is being used, sufficient # of customers would be employees of the building. When the office building is not being used, there would be adequate space to park."

The Mayor said, "Your estimate of the financial impact on schools & the Village, I would tell you that we ought to look at the financial piece. I believe

that some of your assumptions may be flawed. There is a bill that's been proposed in Columbus to eliminate income tax except for residents in a given area. A non- resident working in South Russell or Cleveland or wherever, would not pay taxes to that particular municipality. Today, there would be some positive impact. If that bill is passed, it would have a negative impact on South Russell. Your income tax issue can always change based on the law."

The Mayor said, "The property tax side of it, I believe the state provides the school district X number of dollars times the student population. I'm not sure whether or not the \$7,000 is already adjusted in the neighborhood of \$3,500 the state provides for each student. If it's not, then the marginal increase per student would be half the number you cited as opposed to the \$7,000. We need to have audited figures."

The Mayor commented on parking & traffic. "There are computer models & assumptions that are inaccurate. One recent example that could have a negative impact on South Russell was the development of the Federated Church's Family Life Center. Their architects & engineers developed conclusions based on computer models that the run off from rain or snow melt – after the building was built with all the hard surfaces associated with it & the parking lot – would be 40% less after the development than pre development. That defies logic. When you build a lot of roofs & have a parking lot, suddenly that 40% reduction in water makes absolutely no sense."

The Mayor remarked, "I think that there will be additional traffic whether there's one car, two cars whether you have to wait 3 ½ seconds to turn out or in. I also believe that what happens around us is going to influence the traffic & we have no control over that. There is a proposal of a 70,000 square foot building just north of Heinens. Who knows whether that will be built & what sort of impact it could have on South Russell."

The Mayor said, "Some years ago, we felt we needed left hand turn lanes at the intersection of Bell & 306. ODOT did a study & said it's not necessary. Would you know on today's traffic whether ODOT would say that we need a left hand turn lane?" Foley answered, "I don't know for sure. But, judging by what he (Galuscuk) was saying before, that the intersection is operating at a service level "C", I'd say ODOT would still say it's operating adequately." The Mayor said, "ODOT said we didn't need left hand turn lanes. We put them in & it's improved the flow of traffic through the intersection."

Galuscuk said, "With left turn lanes, look at volume. They say a lead of 20%, one out of five. If you have 100 vehicles, 20 will turn left. The average delay per vehicle will increase somewhat once the office district is built."

Sutliff asked for time to digest the information. He wants some input back from Ned on the traffic study & he wants information from Dr. Eckstein on the water study. He referred to the importance of the project. He'd like to have more than three Planning Commission members voting on it. He asked Myers if he'd be willing to extend this so the engineers & consultants can get back to the Planning Commission. Myers answered, "Absolutely & I'd be more than happy to provide the water study to Ned. I'll bring it in on Monday." It will be forwarded to Dr. Eckstein.

Hartt commented, "The issue of wholesale. There's no intention of allowing wholesale. That's a physical delivery of a product from an office building. The intention is to avoid that. If it were phone sales & distribution of phones were off site, that's OK." The Mayor referred to an office building off Washington St. A man took volatile materials, put them into smaller containers & wholesaled them from the office building. "There could have been an explosion. We need to tightly control that anywhere," the Mayor said.

Sutliff wants to take a look at rear yard setbacks. The Mayor would like to see a definition of "Supporting Businesses." The Mayor said, "We need to take a look at the sign ordinance." Hartt commented, "The free standing ground sign is a single identification sign. We'd like the option of each building having an additional ground sign within 20 feet of the front entrance & not add to the clutter at the street." The Mayor said, "It's not part of the sign ordinance." Hartt replied, "That's an addition."

Sutliff asked if there were designated wetlands on the property. Myers said, "There are some wetlands on the property." Sutliff asked, "Is this a Corp of Engineer issue?" Myers said, "It's not really much of an issue Wally." Sutliff asked, "What is the intent? Not to disturb them?" Myers said, "The intent is to mitigate it. Basically, what it means is to create another wetland in another location & mitigate the impact so there is no net loss of wetlands. It is the intent of the law."

The Mayor asked Myers if he has ever built an office building. Myers said has never built an office building. The Mayor wondered how long the project would take to complete. Myers said it depends on when he can start. If he can move dirt in the spring, they'd probably build a building or two. They'd build it in stages. He wouldn't put all four buildings on the market at the same time. He thinks it might take 2 - 3 years.

Council meets 11-8, 11-22 & 12-13-99. Ondrey said Council has to give 30 days notice of a public hearing. There's no time frame of how soon they have to have a public hearing. It goes on first reading as an ordinance. Typically, you have three readings, which normally would take three meetings. At some point in the process is a public hearing. The Mayor added, "We could be into January before Council could take any action."

Sutliff wondered about the desirability of new residential real estate on 306. Matt Benes, local builder, is building a couple of homes on 306 across from the proposed office project. Benes referred to Myers comment that some day that property will be zoned commercial. He said he disagrees. Barry Winovich is one of Benes clients. His new home is 350 feet back from 306. He said, "I don't want to see it (the office project) across the street from me. 250 cars coming out of there at 5:00P.M. I can only imagine."

Benes said he's done his own informal traffic study which is leaving the job site everyday for the past 5 months at 5:00P.M. He said, "I always wait. I can only imagine what 280 people trying to get out will be like."

Sutliff announced that the next meeting will be November 18, 1999 at 7:30P.M. He asked Myers, "Would that be acceptable to you?" Myers said, "That's fine." Ondrey said, "Rob, you're consenting to us that we're not voting on this issue for 45 days." Myers said, "Yes."


OLD BUSINESS: None.

NEW BUSINESS: None.

There was a motion to adjourn. The meeting ended at noon. The next meeting will be November 18, 1999 at 7:30P.M.



Walter Sutliff, Chairman



Maggie Tomaro, Secretary

VILLAGE OF SOUTH RUSSELL

5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843

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PLANNING COMMISSION MEETING
NOVEMBER 18, 1999
7:30 P.M.

1. ROLL CALL: **YOUNG, SUTLIFF, MALE, MCILRATH, TRIPP**
2. MINUTES: 10-30-1999 **APPROVED.**
3. GUESTS:

ROSEY'S RESTAURANT LOCATED AT 540 EAST WASHINGTON ST. IS BEFORE THE BOARD FOR A FORMAL COMMERCIAL DEVELOPMENT REVIEW. THE RESTAURANT WILL BE CONVERTED TO PANINI'S BAR & GRILLE. ADDITION TO THE LEFT SIDE & REAR OF THE BUILDING & INTERIOR ALTERATIONS.

CONDITIONAL APPROVAL. THE CONDITIONS ARE: (1.) THE WHOLE PARKING LOT IS TO BE PAVED WITH ASPHALT & STRIPED. (2). SURFACE DRAINAGE PLAN TO BE PRESENTED TO & APPROVED BY THE VILLAGE ENGINEER. (3). OUTDOOR EXISTING PATIO CAN REMAIN AS IS & NOT CONVERTED TO YEAR ROUND DINING. (4). WHEN THE OUTDOOR PATIO IS IN USE, THE PROPOSED ADDITION WOULD BE CLOSED & VICE VERSA. (5). EXISTING STORAGE BUILDING IN THE BACK PARKING LOT IS TO BE REPAIRED & BROUGHT UP TO CODE OR DEMOLISHED.

ROB MYERS OF RHM HOMES CORP. CONTINUE DISCUSSION ABOUT MEZI/WILBER PROPERTIES.

MOTION MADE TO REJECT THE APPLICATION MADE TO HAVE THE PROPERTY IN QUESTION REZONED. FOUR MEMBERS VOTED AGAINST REZONING; ONE MEMBER VOTED FOR REZONING.

4. OLD BUSINESS: **NONE**
5. NEW BUSINESS: **NEXT MEETING DECEMBER 9, 99 AT 7:30 P.M.**
6. ADJOURN: **9:45 P.M.**

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RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION MEETING
NOVEMBER 18, 1999
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff,
Ruth McIlrath, Cathy Male, Ike Tripp

OTHER OFFICIALS: Dave Hocesvar, Building Inspector, Ned Foley, Engineer,
David Ondrey, Solicitor, Larry Lechman, Treasurer

GUESTS:

Steve Ciciretto, Architect for Rosey's, 540 East Washington St. to be
converted to Panini's Bar & Grille

Rob Myers, of RHM Homes, 66 Morningside Trail

David Hartt of D.B. Hartt, Inc. Planning & Development Consultants,

1382 West Ninth St. #320, Crittenden Building, Cleveland, Ohio 44113

John Garvey, EDP Consultants, Inc. 9375 Chillicothe Rd., Kirtland, Ohio
44094-8501

Ted Galuschik, Traff-Pro Consultants, Inc.

**GUESTS WHO ARE RESIDENT'S OF SO. RUSSELL THAT SPOKE
DURING THE MEETING:**

Don Winovich, 1433 Bell Rd.

Mark N. Rood, MD 113 Silver Springs Tr. (h); 5192 Chillicothe Rd. is
his business – The So. Russell Medical Center

George Stanek, 100 Southwyck Dr.

Bill Richards, 6000 Parkland Dr.; Board Member of the Chagrin Lakes
Community

Bebe Ober, Realtor & resident, 129 Manor Brook Dr.

Barry Winovich, homeowner of new house on Chillicothe Rd.

Tom Harvey, 537 Manor Brook Dr.

Betty Lmogh, 5248 Chillicothe Rd.

Anne VanWagoner, 1158 Sheerbrook Dr.

Alan Novish, 111 Silver Springs

Bill Murschel, 5240 Maple Springs, Pres. of Chagrin Lakes Homeowner's
Assoc.

46 guests signed in. Refer to attached sheet.

Prior to the meeting the PC members received:

PROPOSED ZONING DISTRICT for Village of South Russell. Revised
November 15, 1999

Yoram Eckstein, Ph.D. Review of "Preliminary Hydrogeologic
Evaluation" done by EDP for Myers

A copy of the water study done by EDP

A copy of the Traffic Impact Study done by Traff-Pro for Myers

A summary of the Tax Analysis that Myers presented on 10-30-99

Handout on 11-18-99: MEMORANDUM, Rezoning Requested by RHM
Homes, Inc. (from R-1-A to a Newly Proposed Professional Office District)
November 18, 1999

Chairman Sutliff called the meeting to order at 7:30P.M.

The minutes from the Planning Commission Meeting on October 30, 1999
were amended & approved.

**Steve Ciciretto, Architect, presented a formal Commercial
Development Review for Rosey's Restaurant located at 540 East Washington
St. The restaurant will be converted to Panini's Bar & Grille franchise.**

Mr. Ciciretto previously brought plans to the PC for this building &
property on 4-15-99. The owner of Rosey's - Joe Lombardo- chose not to follow
through with those plans. At the present time, he intends to go into partnership
with Panini's.

Ciciretto commented that Panini's is a "family oriented, upscale sandwich
type atmosphere with somewhat of a night crowd." He explained that there are 57
total parking spaces. That allows 114 seats in the restaurant. The current seating
is inadequate. There is a patio that is used for summer dining only. (32 seats).
The year round dining room seats 82. He would like to redesign the current year
round dining room; move walls, add a bar & an additional space to the East Side
& rear of the building. This could accommodate 32 seats - those that are lost
when the patio is closed.

The PC looked at a drawing. No variances are required. The addition is
within the setback. Current number of bathrooms is adequate. One handicap
parking space is required for 114 seats. Drainage, paving & stripping of the
parking lot were discussed.

It was made very clear that when the patio is open during the summer, the
new interior additional space is to be closed. Vice versa. Both can not be used
simultaneously.

Discussion focused on the storage building in the back parking lot. Either it is to be repaired & brought up to code or demolished.

Tripp made a motion to **conditionally approve the construction plans. The conditions are: (1). The whole parking lot is to be paved with asphalt & striped. (2). Surface drainage plan to be presented to & approved by the Village Engineer. (3). Outdoor existing patio can remain as is & not converted to year round dining. (4). When the outdoor patio is in use, the proposed addition would be closed & vice versa. (5). Existing storage building in the back parking lot is to be repaired & brought up to code or demolished.**

McIlrath second. Roll call. All ayes.

Rob Myers of RHM Homes held a formal discussion with the Planning Commission. He hopes to change the zoning of the Wilber/Mezi properties from Residential R-1-A to Professional Office District. (Cont. from 10-30-99)

Sutliff told the audience that this issue would ultimately be decided by Council. Council will have a Public Hearing. He said, "If time permits, we may open up to some questions."

Sutliff asked Ondrey to summarize the process. Ondrey said, "Under our zoning regulations, a land owner or someone with sufficient interest in the property has the right to submit a request for a zoning amendment which is what Mr. Myers has done. It comes to the Planning Commission. Planning Commission acts in a role of making a recommendation. The applicant could insist on the proposal being voted upon as he or she has presented it. Or if the Planning Commission asks for modification to the proposal – and it's agreed upon by the applicant- ultimately that is the proposal that could be voted on."

Ondrey continued, "The proposal was submitted. There have been several meetings already with Planning Commission. There's been a specific proposed zoning district amendment submitted which set out the regulations for what is being termed, A Professional Office District. There have been some suggestions, made in prior discussions, about concerns or questions about what the initial proposal was.

Planning Commission's already received a modified proposal back from Mr. Myers in an attempt to address some of the issues that have been raised (11-15-99). Ultimately, this Planning Commission will take a vote on it. If it is a yes recommendation, it would take a $\frac{3}{4}$ majority of Council, who will consider it as an ordinance, to override it or modify it. If it is disapproved by Planning Commission, it still will go to Council & still take a $\frac{3}{4}$ majority to override the

recommendation of the Planning Commission. Once it goes to Council, our regulations require a Public Hearing. So, there will be three readings for the ordinance & somewhere we would schedule a Public Hearing on it, which requires newspaper notice 30 days in advance."

Sutliff referred to the last meeting & several issues that were addressed like water & traffic. He turned the floor over to Myers.

Myers said, "We revised the proposed district language to reflect the concerns that we heard from the Planning Commission. The questions pointed out that we were still too general with our language. The new district language more fully defines what our goals are for the development of the property & gives you better means to tie us to those goals."

Myers commented that his hydrogeologist, John Garvey, is present tonight. He explained that Mr. Garvey has had contact with Yoram Eickstein, Ph.D. (consulting Geologist & Hydrologist for South Russell) Myers mentioned that Dr. Eickstein reviewed his study & requested supporting calculations for his conclusions. He explained that Mr. Garvey has done that.

Regarding the traffic study, Myers reported that Ted Galuschik of Traff-Pro Consultants & Ned Foley, the Village Engineer, have talked since the last PC meeting on 10-30-99.

Myers read a narrative titled, "Presentation of Rezoning November 18th 1999, Re Cap". (Exhibit I) Attached to the minutes.

Sutliff had a question for Hartt. "On your schedule, you modified the rear yard setback from 30 feet to 50 feet. But on the parking, it looks like you struck out 30 feet & inserted 20 feet." Hartt answered, "That's correct." Sutliff said, "That wasn't my understanding at our last meeting. I thought it was always to be a 30 feet landscaped area between the parking area & the property line." Hartt said, "I thought the concern was more for the building." Sutliff said, "Actually, the concern was for the building & the parking." Hartt said, "I don't think that's a problem. There's still flexibility in the design of the project so that could be 30 feet." Sutliff said, "With mounding & landscaping, 20 feet doesn't give you a lot of room."

Sutliff referred to the revised proposal dated 11-15-99 section 5A.02 Area, Yard & Height Regulations item, (B). "Office buildings shall be designed & arranged on the site so that no building has a ground floor area greater, or has the appearance of being greater than, 15,000 square feet." Sutliff said, "I'm confused on that." Hartt said, "I remembered the last discussion that we talked about no greater than 15,000 square feet. I frankly took the liberty of adding this additional provision to provide a little more flexibility in the design of the site. If two of those buildings wanted to be connected by an atrium or a walkway or sitting area on the first floor, it would, in fact, be one building but still have the appearance of two. I'm relying on the architectural review to make sure we're breaking up the masses into 15,000 square feet segments. It doesn't look like a single building."

The Mayor said, "That may be a response to a concern with the rezoning; the way it was stated before. The design that he provided is not necessarily what will be built there. He could actually have one enormous building as opposed to four buildings." Hartt said, "Right. This is an attempt to get a scale issue without being too restricted."

Sutliff referred to the prior meeting when the Mayor asked for a definition of Supporting Businesses. Section 5A.07 of the revised proposal defines Supporting Businesses. Part (d) reads, "The floor area of Supporting Business shall not exceed 10% of the total floor area of the project." Part (e) reads, "Supporting Businesses shall not exceed 50% of the gross floor area of any single building." The Mayor said, "I had a couple of concerns. Are you thinking of limiting the restaurant to a maximum of 10,000 square feet & not exceed half of one of the buildings?" Hartt said, "That's correct; ten percent of the floor area & no more than 50% of any single building. That's for the entire Supporting Business." The Mayor said, "When you define Supporting Businesses to include restaurants & coffee shops –How many restaurants & or coffee shops could be a part of the proposal?" "One, two, three?" Myers responded, "The intent is that there would be a restaurant. There's no intention to have multiple coffee shops. I think what David (Hartt) was trying to do is give us a little flexibility. My intent is to limit it to one sit down restaurant. There is a possibility that an Optometrist may want to sell eyeglasses. We're not looking to have a drive up strip center feel to it. We want people accessing it from the building lobby, not from outside."

The Mayor said, "You also used the word, "sundries" (5A.07 (a)). In some parts of the country, a sundry store is a drug store. A drug store would be a significant, retail condition to that particular area." Hartt said, "That was not my intention. Actually, we tried to find a word that would shorten the list & allow flexibility."

The Mayor asked, "Would you consider an office supply store a Supporting Business to the people who have offices there?" "No," said Hartt. Myers said, "Typically, Bill office supply stores have either been wholesale or they are truly retail." The Mayor responded, "So that's not considered Supporting Business in your mind." The Mayor said, "I also noticed neon had been added." Hartt said, "As a prohibition."

Sutliff asked, "Would you consider a pharmacy as a Supporting Business?" Myers said, "I don't really know. Some doctor's practices are dispensing some drugs. What I would not consider a Supporting Business is a CVS or Dairy Mart. If a large enough practice took one of the whole buildings & they dispense drugs, I could perceive something like that." Myers added, "Dave (Hartt) had a good suggestion. One way to deal with these concerns are to permit these Supporting Businesses as a conditional use & not as a permitted."

Every time we would start that, we would have to come back to Planning Commission & go through the conditional use permit process.” Hartt added, “The location, size & type of goods would have to be judged by you to meet this definition.” Myers said, “We could take it on a case by case basis. The only one I’m after is the restaurant. The rest of the stuff is down the road & I have no problem coming back to the Planning Commission to discuss it.” Sutliff said, “So any Supporting Business, other than a restaurant, would require a conditional use permit.” “Sure,” said Myers.

McIlrath had a question about 5A.07 (d) & (e). She said, “They either say the same or exclude each other.” Hartt said, “The intention is to make sure that retail is not a stand alone facility in the project. It has to comply with the 10% limitations. It could never be more than 10% of the floor area. And, in addition, depending on the arrangement of the building, it can’t exceed more than 50% of the floor area of any one building. Presently, it could be 100% of one, two story building.

Myers said, “What we’re trying to do is limit what somebody else can ever do with the property. What we’re trying to exclude by saying, no Supporting Business can exceed 50% of the gross floor area of any building. For example, no franchise, fast food place. If a restaurant is a permitted use, we don’t want a restaurant to have a whole building. Our intent is for a restaurant to be in part of a building, but it could be a certain type of restaurant. What Dave (Hartt) tried to do is draft language that limits us. So, no single supporting use for example – a pharmacy- can’t take a whole building.”

McIlrath read 5A.07(e). “Supporting Business shall not exceed 50% of the gross floor area of any single building.” She asked, “You could have the whole bottom floor be the Supporting Business of one building?” Myers answered, “Potentially, true.” Tripp added, “As long as it doesn’t exceed 10% of both floors. If you’re anticipating 100,000 square foot of building, it can’t exceed 10,000 square feet.” Hartt added, “A further requirement is that the entrance is through the office building. Even if retail is on the first floor of one building, there’s still going to be an office entrance with stairways to get to the second floor. Entrance to retail must be off the back, central access point.” Myers said, “For example, the chances that a restaurant would take an entire ground floor of one of these buildings is probably pretty slim. The way we have these divided into 2/3 & 1/3, it’s not conceivable that a restaurant could take a ground floor of a 2/3 side. The way David (Hartt) has this written, it’s really limiting what could be done in the future. As Bill (the Mayor) suggested, if this plan were to change, we’re trying to limit it to just what we really intend to do with it.”

Tripp addressed lighting. He referred to the concern communities have in regard to light pollution. Tripp said, “The way this is drafted, it’s going to be on

ground signs. But, it goes on to say signs in a number of other areas- on buildings & the like. I wonder if you could explain what your anticipation is. Hartt said, "We have taken the lighting standards that you have used in your districts & included them here. We have not tampered with that."

McIlrath addressed her comments to John Garvey, a Hydrogeologist hired by Myers. "You've used well logs that were from the 1950's. I wondered why you used 40 year old well logs." Garvey answered, "In general that is what the ODNR (Ohio Dept. of Natural Resources) has readily available. We use those & additional references. Two of them were thesis done by Eckstein's students in the 1980's. In a more recent report that Dr. Eckstein has, but you folks don't have, we looked at what Dr. Eckstein wanted us to. We looked at the effects of a pumping well on this commercial property, on water levels in the area. The conclusion was that the calculations bear it out. We estimate that the pumping rate of this site, on the average, over the long term, will be about 3 1/2 gallons per minute on a conditional basis. Although that isn't what's really going to happen when the office shuts down obviously. What we end up with is a net effect on the ground water level of about a foot change at a distance of 200 feet from the pumping well; that is if we're pumping at 3 1/2 gallons per minute continuously for 10 years. That's using the most conservative permeability transitivity value that was presented in the thesis. Given the size of the site, there should be no measurable effect on the water level of the property."

The Mayor asked a clarifying question to the Solicitor. "While it is important for us to know about how much water is there today, the aquifer & how it might be effected by this particular development, would not those conditions be attached if they were here for formal developmental approval? Whether or not the study is valid or invalid doesn't necessarily even mean that's the last time it's ever addressed." Ondrey said, "Right. Our history & tradition has been - since we became sensitive to the water issues in the Village - when residential or commercial developments come before you, we made it a condition of Planning Commission's approval that the development demonstrate adequate water supply." The Mayor said, "It's good to know that there may be enough water there & may not be any negative impact on surrounding wells. However, we really can require more evidence at the time of development." Ondrey added, "You could include in the zoning provisions that there would be a demonstration of adequate water supply. We have it in our subdivision regulations already. So, it's built in. If you want to, have them get a zoning permit if you rezone the property." The Mayor asked, "Would you object to something of that sort?" Myers said, "No." The Mayor said, "You would not." "Not at all," said Myers.

Tripp said, "I note the storm water run-off. You've got to anticipate there's going to be appreciable ground water recharge from that." Garvey said, "The difference in ground water recharge shouldn't be too appreciable. It'll go to detention & infiltration from there. It's not uniform across the site. But the

recharge shouldn't change significantly." Tripp said, "No appreciable change on the recharge rate. You wouldn't change the face of the building?" Garvey said, "That's right because the storm water is not being diverted to sewers & going off site. It's been diverted to the detention basins." Tripp said, "So there is no drainage for the storm water?" "No", said Garvey.

Sutliff changed the subject to traffic. He said, "In your analysis on future traffic, you show at A.M. peak hours 137 cars entering & 124 exiting at P.M. peak hours. Our zoning requires one parking space per 300 square feet of floor area. Theoretically, we've got 300 plus cars coming in there & going out regularly." Myers said, "I think the way these models work is that they don't assume that they come all at the same time or they don't leave all at the same time." Sutliff said, "How did you come up with 137 cars entering the project at A.M. peak hours?" Galuschik said, "They studied a variety of offices all over the country. We've done studies in the Cleveland, Geauga & Lake areas. There is a trip rate in the morning, coming in & a trip rate for people coming out in the evening. It's different in the morning than in the afternoon."

Galuschik continued. "It's a universal average unit trip rate per 1,000 square feet. We used the worst case scenario as being a general office rather than a corporate type office because corporate type offices have a lower traffic density. We used a national rate because it's higher than the greater Cleveland area."

Sutliff said, "You studied the impact of traffic at the intersection of Bell & 306. And you also studied the entrance into the development on 306?" Galuschik answered, "Yes. Any analysis, we look at all the approaches to & from the intersection." (Refer to Pp.11 of traffic study) Galuschik said, "The first box shows the level of service (LOS) for the entire intersection. The second box shows left turn from Chillicothe into the site. That's where the majority of vehicles are traveling & this is where the biggest impact would be - going into. I didn't show you coming out because they are inside the site. They are not blocking traffic on Chillicothe Rd. They have to wait for a gap in traffic to make a left or right."

Galuschik said, "Go to the last page of the report. It shows the P.M. peak. A left turn going out of the site onto 306 is LOS -E- a 30-second delay. There is a 6 second delay for those going out of the site & making a right turn." Myers said, "That's why we put 2 lanes in & 2 lanes out."

Sutliff asked for Foley's comments. Foley said, "We thoroughly reviewed the report. Our perspective is that it is straightforward. We looked at the assumptions & evaluations. We used the same software that they used for the projections. The data's conclusions seem reasonable. We reached the same conclusions in terms of the impact. We went one step further & had them evaluate if the speed limit on 306 were 25 mph, whether that would have an impact on the intersection. Basically, that was a nominal increase as well. The only concern was that potentially, at full development, there may be a need for a

slip lane or third lane to deal with the morning traffic turning in from 306. That was the only concern. In essence, the data is clear & pretty much we have the same conclusions.”

The Mayor asked, “The term slip lane; people going north would move into a third lane to the right?” Foley answered, “Creating a left turn lane.” The Mayor asked, “Being a State Highway, what sort of process is involved to put in a slip lane or any modifications?” Foley said, “We’d have to do it according to their standards. Basically, that’s under the control of the state. The Mayor said, “If we ask ODOT to do it, Lord knows when that might happen.” Foley said, “I doubt they would finance it.” The Mayor asked, “Do you think if the developer agreed to finance it, that ODOT would be agreeable?” Foley answered, “That’s my experience.” The Mayor asked, “How long would that process take?” Foley said, “I don’t think it would take very long to approve a plan that was submitted to them. You’re not talking about requiring any funding source. They would look at it like any site plan. They’d receive a request & a proposal to add a third lane; it’ll probably take a month or two.” The Mayor said, “To widen that, we have no estimate of the length of the slip lane. We don’t know if that would cost \$5,000.- \$10,000.” Myers said “Two-thirds of the traffic comes up 306 from the south & one-third of the traffic travels from the north. Entry is designed far enough into the site, so if in the future, it is necessary to do a deceleration lane, we would be able to do that. I don’t anticipate that will be a necessity. And probably it’s no more money to do a slip lane than a deceleration lane. The developments I’ve been involved in, the deceleration lane is the obligation of the developer. I would expect to pay for that as long as we could work on the design of it with you & ODOT.”

Tripp noted, “If you look at the data going south, there are two quasi-slip lanes within ¼ of a mile; one at the entrance of Chagrin Lakes off 306 & another one at Stock equipment Co. There’s also one on the right, entering Lake-in-the-Woods Development.”

Tripp said, “Some of the concerns of the community is that people who commonly travel along 306 & East Washington – where they’ve just completed an extensive addition of a third lane- a center lane – at night typically, from 3:30 P.M. on, the traffic backs up past Sears. ODOT did an extensive study & said, “This will be great. Forgive me if I’m slightly (Mag couldn’t make out what word was used) what ODOT approves or may not approve. As to the issue of a 60 – 40 split whether it’s going to come from north or south, have you done a study of demographics of the target occupants for your building? And are you prepared to bring that forward to show that it’ll match what currently is going on at Stock Equipment relative to traffic flow?” Myers said, “At this point, we have not studied where they live yet. What we wanted to do at this point is try to get

the zoning worked out. The issue is that Stock Equipment is representative. A lot of the traffic in the morning from South Russell is going south down to 422. This is running opposite to that. It's not adding to that burden."

Sutliff summarized. (Refer to Pp. 13 of traffic report) "Now the wait at peak hours in the morning at the intersection of Bell & 306 is 17.5 seconds. "Average per vehicle," added Galuschik. Sutliff continued, "At full development, he would expect to wait for 18.7 seconds (average per vehicle) in the morning. Currently, in the evening, at peak hours, he'd expect to wait 16.2 seconds. (average per vehicle) At full development, he would expect to wait 16.9 seconds. (average per vehicle)"

Sutliff opened the discussion to the audience.

Don Winovich, a South Russell resident, asked, "Did he (Galuschik) include what's going to happen with the traffic after the property at 306 & Bell is developed?" The Mayor said, "I would say no because no one knows for sure what's going to happen on that corner. It is zoned commercial. It may be developed. We have no idea." Galuschik said, "In that situation, if the area is developed, the analysis will have to include any approved development."

Dr. Mark Rood, a resident of South Russell since 1988 & developer of the South Russell Medical Center. (1996). He said, "My first impression seeing the newspaper reports is that this is a huge project. University Hospitals has their cornerstone landmark mega center in Chagrin Highlands. It is proposing a 100,000 square foot medical building in Chagrin Highlands. My impression was that this kind of development belonged more with Chagrin Highlands where Landerbrook is, than this area.

My second thoughts were comparing relative square footage of South Russell Medical Center which is 5,000 square feet, to this project which is 100,000 square feet. This project could hold 20 South Russell Medical Center's as proposed.

My third concern; there was banter in the newspaper that medical would be a reasonable use for the facility, that doctor's may be interested in this facility. I'd like to bring the committee up to date on changes that have occurred in medicine in the past three years since the South Russell Medical Center was constructed. Back in 1996, before construction of the Medical Center, most of the 37 hospitals in the Greater Cleveland Hospital Association were independent. There were seven strong hospital systems. Now, in 1999, there are two healthy hospital systems. Most physicians were in private practice. Now, most new physicians are joining practices that are owned by the Cleveland Clinic or University Hospital. Very few are going into private practice. And very, very few are starting their own practice from scratch.

Back in 1996, there were no medical centers in South Russell or Bainbridge that were owned by one of these hospital systems. Now we have two. The former Chagrin Valley Medical Center is owned by the Cleveland Clinic & the Bainbridge Health Center of University Hospitals owns, what was formerly Kids Sport. Both of these facilities are more than 50% unoccupied. University Hospital & the Cleveland Clinic have very large facilities that are unoccupied. And it is very likely that with them being the major developer of the new physicians of the area, that they are more likely to fill their own facilities first before venturing out into a facility of this type.

I believe that the market is substantially different in three years from the point of view of medicine. I believe this project, if there were a retail equivalent, it would be like a Walmart coming next door to a retail mom & pop grocery shop. That's how I feel as the owner of the South Russell Medical Center about this kind of professional office being considered."

George Stanek, resident of South Russell, said, "It seems to me that we spent a lot of money in South Russell on a master plan to develop our zoning. We firmed it up. We should abide by it. In order to change it, I think there should be a real compelling need or demand for a change in zoning. That's a major change. From what I hear tonight, I don't see that. I don't see the issue being addressed as a crying need for something like this. It's an opportunity for somebody to come in & do this. I think this runs contrary to our zoning principles. I would urge the Board to consider what's being presented to it in the form of - What's the demand? Is there really a need for it? I fail to see the need. The other thing is a comment was made about the residential use. I see a very nice house being built on the Eastside of 306. With the setback involved, perhaps it will alleviate some of the noise. And I think it (Mezi/ Wilber Properties) could be a very nice residential area."

Bill Richards, resident of South Russell & board member of the Chagrin Lakes Development said, "I'd appreciate it if the picture of Campus Glen could be shown to the rest of the audience. Where is it situated, as far as Chillicothe Road? And the back side, how does it abut to the Chagrin Lakes Community?" Myers said, "It backs onto your recreational area. That's one reason why we designed this the way we have. The general business district would allow much higher density than what we're proposing for this office district. We're trying to lower the density; split this up so we don't create a large parking lot that sheds a lot of water your way. The first thing that we will design before we design any of the main structures is the detention basin. I know that this is something that the Village Engineer is going to make sure we do properly. As I do. I don't want to have any problems with you in Chagrin Lakes. We'd like to be a good neighbor. The whole idea of this thing is to get the office views there without creating a

density that is typical of some of the other office districts in South Russell, where you pave everything or put a building over everything. We want some of it for buffering." Richards said, "So your plan is 30 feet from the property line to pavement." Sutliff added, "Or 50 feet from building."

Richards asked if there would be a mound like Fox Run. Myers said, "It won't be anything like that. It'll be more like Whitetail." Richards asked about lighting in the back. Myers said, "The lighting that is proposed is essentially mostly ground lighting & illuminated signage; other lights on the building. We're not intending any security lights. There's a requirement for landscaping. There's a further provision allowing Planning Commission to require a fence to help screen it. Myers said, "I don't know if you know it, but I tried to initiate some meetings between us, but it never took place."

Sutliff said, "I'd like to recognize our resident real estate expert, Bebe Ober. Ober said, "I'm not an expert at all on commercial or office development. I come to you as a new resident in an area that has long held on to its zoning through law suits, through their desire. It held on to its zoning. It is increasingly attractive to residential buyers. I don't have any doubt about that at all.

My first appraisal course, the instructor said, Do any of you kids know what really makes money in real estate? Ober answered, Rezoning makes money for owners of real estate. And sometimes it's at the expense of the community where it is done. So, if there's not a real need to change South Russell's zoning, then you ought to give it a whole lot of thought before you would make a change. A lot of study went into the zoning & it's been very successful. South Russell has also increased in value tremendously in its residential projects & that could continue. People are attracted to it because it is what it is. This (pointing to drawing of proposed office district) is so out of scale with South Russell."

Sutliff asked Ober, "What are your comments about real estate on 306? Would you live on Chillicothe Rd.?" Ober responded, "If it were setback. I just bought a house that's setback off 306. I bought a condominium in Manor Brook. It's on 306. But, it has a setback. I think if there is a setback & you're off 306, then you're O.K. There is such a development in Russell now that's just starting. It's off the highway. The houses are protected from the highway both with growth & the manner in which the road is put in. Foxwood, which is one of Thomas & Thomas' very successful developments, north of Fairmount, is off 306. There is a buffer.

Is there is a need for all of this? I came here because of what it is & I think that's why a lot of other people came here because of what it is. To change it to this extent, Is this for South Russell's benefit? Does this help this community? I don't see it from a residential persons point of view at all."

Sutliff said, "We haven't discussed facts & figures; what type of income is generated for the Village by this project." Looking at the Mayor, Sutliff asked, "Were you able to verify any of those?" The Mayor answered, "In fact I did. There's no question that the Village would derive more income & the school district would derive more income if the property were developed as a professional office district as opposed to nine residential homes. I personally feel that the numbers we heard before were overstated. I had a conversation with the Treasurer of the school district & Dr. Plate. Dr. Platt's quote to me was, "71% of the school budget is funded by the residents". There are other moneys that come to the school district from the state, the feds., some from grants & investments' income.

We heard before that it could make a \$350,000 difference if we used the assumptions that we heard at the last meeting. The fact is if we use those assumptions & make a minor adjustment in the value of homes; there's no question that it'll result in additional moneys for the Village. It could result to the school system about \$100,000 more a year as opposed to residential development. Some of the money would go to the state. Some would go to the county. Some would come to South Russell.

The whole question of additional income tax dollars is up in the air. Right now a commercial development there would produce more income tax revenues to the Village, considerably more than a residential development. But, there are several bills before the State Legislature that could conceivably change that. Yes, I believe a commercial development could generate more income to the Village & about \$100,000 extra a year to the school which is significant, but a relatively small percentage of our budget & the budget of the school."

Barry Winovich, a man who is building a house in South Russell on 306, reported that, "Matt Benes (a builder) came to me 8 months ago. There were four acres. I am building on two acres. The old farmhouse adjacent to my property is being renovated. The day we walked the property, 8 months ago, there were four deer. I welcome anybody to come sit on my front porch or what will be my back deck & see what a beautiful yard I will have. Certainly this (office project) is going to be an incredible impact on my house, my life. I don't want to see this development go through. The 16-second wait in & out of my driveway, I can only imagine what it's going to be like for me if there are 20 cars backed up turning into the development. I wonder about your traffic study. If that 16-second delay is the first person waiting in line to make a turn, What happens if you're the 5th. or 6th. person? Is that going to be a three-minute wait? Does it escalate? Pretty soon, it'll be in my driveway. I don't want to see the project at all. I welcome you to come & see what a 350 foot setback can do."

Tom Harvey, a South Russell resident, former Councilman, former Mayor said, "No matter where you end a commercial zone & begin a residential zone,

you have a line. We tried to draw that line at one point where it is. That line got expanded. If you expand that line, Where do you transition it? Or, how do you differentiate between residential & what you've got as far as commercial or office building? I think no matter where the line is, it's always going to be a hardship for somebody. No matter how far you push it. But, you have to accommodate both sides. What we tried to do in the past is to have a transition zone, transition building. What you would do with this proposal is set up a definite line again. But, heaven help the people next to it." McIlrath asked Harvey to tell the audience how he has this knowledge. Harvey said, "I came on Council in 1969. I was Mayor for a number of years."

Betty Mog, resident of South Russell. She said, "The development would be next to me. My concerns are the buffer to the side, lighting issues & traffic. Sometimes it takes me 3, 4 or 5 minutes to get out of the driveway now. I have concerns over that."

Anne VanWagoner, resident of South Russell, Chagrin Lakes Development. She said, "My biggest concern is the precedent that this sets. If we're going to change zoning for this sort of development, what does it really say about who we are & what our plan is? I strongly want to thank Dr. Rood & Bebe Ober for the things they said. I feel very strongly about the green space & the traffic & the light pollution."

Alan Novish, South Russell resident. He said, "My question is, How does this benefit the constituents of South Russell? Basically, South Russell has a balanced budget. So, we don't need the income. And you've got increased services you have to take into consideration: increased safety, police, fire protection. Another thing, a Dairy Mart, a day care center, it's a convenience, a service. There's no service coming out of this (office project) to the people here." Sutliff said, "Unless you're a South Russell resident whose going to work in this building."

Bill Murschel, South Russell resident. He said, "I am the President of the Chagrin Lakes Association. There are two or three trustees here tonight. And I see a number of my neighbor's. We're probably one of the most active Home Owner's Association in the area. We had our annual meeting in this very room four days ago."

I want to say for the record, I am not aware of any communication that we've had with the developers at all on this. It strikes me that it would have been a very good idea to do that. I'm not aware of any whatsoever. I can't speak for my neighbor's, but I would suspect that we would be very concerned with the impact of the parking lot adjacent to our swimming area. And we would want to look very carefully at the aquifer issue that Bill (The Mayor) brought up. I'm relatively new, but I've become keenly aware that the way the water moves

around the properties here, is a very significant environmental issue. We'd be happy to be a part of this process if we're asked to be."

Tripp said, "It's a nice segue to the discussion of water. Refer to figure 2, USGS Topographic map." (EDP Consultants, Inc. 6-17-1999) Tripp said, "There is an ephemeral stream that runs, it would appear, right along the edge of that site, where it appears you would have your detention basin. That flows, on the Topo map, into one of the lakes at The Chagrin Lakes. Obviously, changing a wetland of that nature, there are significant issues relative to the Corps that have to be addressed. I'm wondering if your firm -EDP - has had a biologist walk over it & had a complete wetlands survey done yet?" Myers answered, "Yes. That wasn't EDP. That was the Flickinger group & they're still working on it. They've done the study & they're in contact with the Corps. We're very cognizant of that."

Tripp said, "I've walked the site. There are two actual depressions. One is more slight than that one near the ephemeral stream. It's up near the Wilber's & that one right next to the Overview & Longlook Building (5216 Chillicothe). It would appear you have a fairly significant portion of upland wetlands that you're going to have to address." Myers said, "Exactly & that's one of the reasons why we've got a lower density of buildings. We split the parking." Tripp said, "You anticipate a mitigation bank off site?" Myers said, "Partly yes. And partly not."

The Mayor asked, "Would that off site mitigation be in South Russell?" Myers said, "Bill, I'm not sure how that works. That's what Eric is working on with the Corps of Engineers. My understanding is that they have these scattered throughout Ohio & other parts of the country for other states. They take it on a case by case basis." The Mayor said, "I can only imagine that we would prefer to see our aquifer replenished instead of somebody else's." Ondrey said, "I know a lot of them in the county are at the Geauga Park District." Tripp said, "The Corps encourages the mitigation wetlands bank to be in Geauga County. Ideally, in the same water shed, but, certainly in the county."

The Mayor made a few comments. He said, "There are three messages that were received by the Village Clerk. All three people are opposed to any change in zoning. I have four letters here, one from Dr. Rood, one from Don Winovich & a couple of other residents who are against any change in zoning. Yesterday I was stopped three times in the community & received phone calls directly. I have yet to receive a phone call or direct comment from anybody who is supportive of the change in zoning. I think that the potential of negative impact both short & long term to South Russell is great."

One example might be the fact that Mr. Myers told us at the last meeting that he expected the project to take 2 to 3 years. There was an individual who

Please Print Your Name + Address
 PLANNING COMMISSION MEETING
 11-18-99

- 1 Patricia Eden 7:30 Chillicothe Rd.
- 2 James Eden 5197 Chillicothe Rd.
- 3 J. Aveni 1300 E. 9TH ST. Cleveland, OH 44114
- 4 ALAN Novish 111 SILVER SPRING TRL.
- 5 Newman 66 Morning Side Dr.
- 6 John Garvey EDP Consultants
- 7 K. MONTANARI WESTWORK ARCH.
- 8 David Hart D.B. Hart, Inc.
- 9 Rob Myers RHM Humes Corp
- 10 TED GALUSCHIK TRAFF-PRO CONSULTANTS, INC.
- 11 STEVE CICIRETTO ARCHITECT / PANINI'S
- 12 Newley C.T. (Nancy Remley, article in CVT, 11-26-99 pp. 7)
- 13 Mary Hennes 5189 Chillicothe Rd.
- 14 MARSHALL J. KIRO 5189 Chillicothe Rd. Chain Pk. Ohio
- 15 Lynda Core 5243 Maple Springs Drive, S. Russell
- 16 FLORENCE OLSON 52 DAISY LANE
- 17 Roger Weber 5244 Chillicothe
- 18 Barb Weber 5244 Chillicothe
- 19 MATT BRETT 158 LAKEVIEW LANE
- 20 GAIL BARRY 174 LAKEVIEW LANE
- 21 BEBA 129 Manner Block
- 22 GEORGE STANEK 106 Southwyck Dr
- 23 ADAM LECHMAN 64 MAPLE HILL DR.
- 24 Jack Zilly 5231 Maple Springs Dr.
- 25 Joe Zilly 5231 Maple Springs Dr.
- 26 BORDELL BORTKOWSKI 35 W Belmont Ln
- 27 Dennis & LOWABA 49 CASCADES DR.
- 28 Mary Ann Keesler 37 CASCADES DR.
- 29 ROCKA MILLS 33 CASCADES DR.

CONT. ON NEXT PAGE

Please Print Your Name + Address

Cont. of Planning Commission Meeting
11-18-99

7:30 P.M.

30. STEVE PANDY 48 E. BELMEADOW LN.
31. LAUREL HEATER 263 HIGH ST.
32. DON WINOVICH 1433 BELL RD.
33. Barry Winovich CHILlicothe RD New const.
34. C.K. TWEEDY 308 FOX WAY
35. RICHARD W. VOSS 800 BELL
36. William Richards 6000 Parkland Drive
37. James ^{& Betty} Pimob 5248 CHILlicothe RD
38. Kelley Winovich Chillicothe (New construction)
39. BLAKE & Mindy CWA 29 E. BEL-MEADOW LANE.
40. Anne Van Wagner 1158 Steerbrook Dr.
41. Matt Benes 107 Champion Ln.
42. Mike Chapin 10660 Bell Rd
43. Bill Murschel 5240 Maple Springs (Chagrin Lakes Assoc Board)
44. Doug Butters Bell
45. Mark R. Good 113 Silver Springs Trl
46. Tom Harvege 537 MANOR BROOK DR.

EXHIBIT I

Read to the
PC 11-18-99
by Rob Myers.

Presentation of Rezoning November 18th, 1999

ReCap:

1. First, I would just like to recap several things since the last meeting. Over the past several weeks my team and I have worked to respond and follow up on some of the suggestions brought up to us by the planning commission at the last meeting. Accordingly, we re-drafted the proposed district language to more fully define what our goals were for the development of this property and to give you, the Planning Commission, the means to tie us to them. Copies of this redrafted document have been distributed for your review. Also, our hydrogeologist, John Garvey, has been in contact with Yoram Eckstein regarding calculations requested by Dr. Eckstein supporting the conclusions we reached in our report. My understanding is that those calculations were provided by Dr. Garvey, who is here tonight to answer your questions. That's what we have been working on for the last several weeks. During that time, I have also been giving our last meeting a great deal of thought.
2. When I started the process of studying the uses for this property over eight months ago, I assembled a professional team of people expert in the various fields that I felt would need to be studied prior to any development of this property. Like you-I am also a resident in South Russell. And like you, I had certain questions regarding impacts of a project like this. So we studied all the same issues that you have raised in our meetings. And when issues were raised that we hadn't considered, we studied those. As I told you from the outset-I am looking to build a high quality project that we can all be proud of. Don't forget, I live here too. That was one of our design criteria from the beginning, and is still an overriding goal. Because these parcels are in the very center of our village, I wanted to make sure

that, whatever gets built there would reflect my view of South Russell as a great place to live and work, and would adhere to a high standard of quality that has been representative of other projects I have worked on.

3. When I met with you the first time, I told you that one of the reasons I am pursuing this project is that I know, no matter what we do here tonight, that this property will be sold to someone for something. How do I know that? Let's look a bit at this property and its history. The parcels I am asking you to re-zone were originally owned by the Wilbur family. The Wilbur family is one of South Russell's pioneering families. Back when State Route 306 was a dirt road-which wasn't really all that long ago-the Wilbur family owned property on both sides of SR306. Their holdings included the land and century home on the east side of SR306, and property on the west side of 306 which is now a large part of Chagrin Lakes. Roger Wilbur, descendant of these pioneers, still lives on SR306 in a home which originally served as an army barracks during WWII, and which his family moved up here and situated at 5244 Chillicothe. In 1973 the Wilbur family sold a little over 5 acres of land in the center of town to Marvin Mezi who was, and whose family still is, in the lumber business. Marvin bought the property to use as a lumber yard. This never materialized. So for over 25 years, the Mezi family-now into the next generation sitting with this property- has been stuck with this property, smack in the middle of our village, and has been trying to sell it for almost the entire time of their ownership. In over two decades of being on the market, this property has been the centerpiece of commercial idea after commercial idea. Never once did anyone offer to purchase it for a residential use of any sort-not even multi-family. And no one has ever got past the talking stage with any of these ideas, until now. For the Mezis, they have decided that it is time for them to move this property-and no matter what we do here tonight, they will. This year alone, and before I

ever got involved in this project there was a discussion regarding building some sort of office structure on this property. At the same time there was also a suggestion that a church group would buy these and several neighboring properties to relocate their church and learning center out to 306. I have been told as recently as last week that there are still these groups waiting in the wings to see what we can accomplish here tonight. Bear in mind, that that type of use is allowable without changing the zoning at all. That is when I got involved in all this-I personally think that there is a much better use for this property-for many reasons. So, as we consider the proposal I have made here, let's try to keep in mind that these properties will be developed- by someone- in the very near future. The question here tonight is really not whether or not these properties will be developed, because no matter what we do here tonight-they will be. It is unfair to expect that the Mezis will be comfortable sitting with this vacant parcel for another two decades or another generation, or that the Wilburs will be content to live out their lives on SR306. The true question here tonight is whether or not you envision that we have an opportunity here to do something exciting. We can take the last large parcel, in the center of our Village, on this main roadway through our village, and build something outstanding here-something that will be a benefit to the community without being a drag on its services. A place for people, now merely driving through our village, to come and work, and where we who live here can derive some benefit from their being in our Village. While we can debate exact numbers for taxes and schools, there is no debating that the financial impact of our concept is far and away more positive than anything possible under current zoning. No matter what anyone in this room wants, the issue of the development of these parcels is not going to go away.

4. Since the last meeting there has been some discussion regarding the wisdom of developing this property in the manner we've suggested. I do have some things to say about that. To those in our village that have complained that they bought homes in South Russell because of its rural character and the "bedroom community" nature of the Village and that this development will somehow change that, I have some thoughts. From the perspective of the Wilbur family-all of us in this room are guilty of changing South Russell. Those that live in Chagrin Lakes where the Wilbur family farmed, those that came and paved over SR306, or that now use State Route 422-we have all been a part of the changes in South Russell. Older families move on, new families move in. The nature of a community is not something set in stone, but something that-like everything else in our world-changes and evolves over time. And don't forget- change isn't by definition a negative. When South Russell was truly rural, we used to have an airport. When South Russell was truly rural, we used to have a light gauge train line that ran from points east, through our Village and into Chagrin Falls. Up until fairly recently, we didn't even have a building department here. These changes represent the evolution of South Russell from a truly rural community to where we live today. Things change. But one thing that can't change is the residential nature of South Russell as a whole. That is already set. We aren't like Bainbridge or Auburn or Solon 15 years ago. We don't have thousands of developable acres here in South Russell. We are already a residential community. The developments ensuring that we remain a residential community are already built out. Our development can not change that. Let's not forget, first of all, that this is our village center. This isn't out of town in some undeveloped area. Rather, we are proposing this new district next to already existing retail and commercial zones, and abutting a recreational district. Professional office districts in other areas are often used to buffer

denser and more intensive uses, such as retail, from neighboring residential zones, which is our exact situation on the south of this property. In fact, there was a story in today's paper in which this concept was confirmed and embraced by a zoning board member in a community facing a similar situation. I think they were glad to see an office, rather than a retail, proposal. The nature of the area that this district is proposed for is already commercial. It lies next to a small, one story, office building with some sort of nautical feature, and a strip center. It is abutted to the north by a bank, insurance office, and what is soon to be a dentist's office. It is on a state highway with approximately 13,000 cars a day passing by. It is across from, among other things, the village salt storage beehive and Village Hall. It is located a similar distance south from the corner of Bell and SR306 as the commercial area featuring the day care center is to the north of Bell. This development is designed to complement the center of our Village. Rather than any negative impact on parts of the Village nowhere near this site, if anything, this development might act as a prod to the other property owners on this corner to beautify their properties to keep up with it.

5. When we are speaking of the residential nature of South Russell, there are areas that aren't residential already here. Is this parcel, located in the center of the Village, and next to business districts, really a good residential area? Having built homes in South Russell, I am already fairly familiar with the home sales market here. But, even so, when I started the study of this site last spring, I did some research regarding the market in South Russell and on this part of Chillicothe Road in particular. I apologize that my information comes from the MLS that realtors use and may not have every transaction. But since 1991-over an eight year period- there have been only seven homes sold on SR306-one twice. The average sales price has been \$129,000 with a high price paid of \$174,000. Meanwhile, in the rest of

South Russell, the average sales price of homes in 1999 has been \$311,000.00, with a high price paid of over \$640,000.00. This represents a 150% difference in average prices!! Although several have been offered, not one home has been sold and transferred on SR306 to this point in 1999, while almost 60 homes have been sold and transferred throughout the rest of South Russell. While we can discuss the suitability of a particular site for a particular family with particular circumstances, there can be no misunderstanding of the implication of the numbers I just cited. It is a stretch of reasonableness to deny that this isn't much of a single family area any more. If anyone wants to argue this point, I would merely say that none of us has lived here as long as the Wilburs, and surely none of us has lived on SR306 as long as the Wilburs. And between the noise of the roadway 24 hours a day, seven days a week, and the noise they get from the recreation area behind them during the summer, they want off of 306. Their view is confirmed by the homebuying public, which is many of us, actually, which bought homes out of the center of the village and off of State Route 306 in a 60 to zero ratio this year, and in a 509 to 7 ratio over the last 9 years. At the last meeting, when I gave you numbers regarding what I thought I would be able to sell new homes for on this site under the current zoning, this analysis is where those figures come from. This is one of the reasons why I say that this area is already not a residential area. By this proposal, I am not suggesting that we change the nature of South Russell. That nature is already set. Nor am I truthfully changing the character of the area in question. That change has already taken place. The Wilburs will tell you that SR306 hasn't held quiet enjoyment for them in years, but for sure not since the opening of SR 422. That the area has already changed is confirmed in the numbers I just gave you.

6. By formally submitting my proposal for this new Professional Office District to you I am following up on the past 25 years of discussion

regarding these properties which has, as far as I know, been to develop some sort of commercial use here. I am submitting to you that we should make lemonade out of the lemon that the change to our community has already brought. And out of the change that is inevitably coming our way. And, no matter what we do in South Russell, is going to continue to change the intensity of use of SR 306 over the next decade. By designing this project, and submitting this new district to you for your consideration, I have put my money and effort where my mouth is when I say that what my proposal truly represents is my suggestion that we don't waste time, energy, and money fighting the inevitable. We in South Russell only control a very small piece of SR 306, and can't stop the changes in other towns and cities from coming about. Instead of putting our heads in the sand and hoping that change won't run us over, or trying to pretend that we can somehow fossilize South Russell in the year 1999 and freeze it the way it is right at this moment, let's put our best efforts into doing something outstanding, that we'll look back on with pride in future years and know that we made the right choices. We have a unique opportunity, on a unique site, to do something creative together. I hope that, as you consider the alternatives, and weigh the information I and my team have made available to you, you will share my idea that it is better to be proactive and forward looking rather than reactive, and always trying to make up lost ground. That it is better to jump in and to try to work for a common goal, than to sit on the sidelines and hope that someone else will do it for you. That the great things that have been done in America have been done by people willing to put themselves into their work and take some risks, never by people sitting back and saying "we can't do it". That it is time to admit the obvious, that these parcels, which we have assembled together to form this project, should properly be zoned for a non-residential use, and that the time to do this is now. I want to thank you all

for your consideration, and hope that you will allow us to continue working on this project with you by approving our request to rezone this parcel from single family residential to Professional Office District. I would be happy to answer any questions that you might have now.

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

PHONE: (440) 338-7843
FAX: (440) 338-8776

11-15-99

To: The Planning Commission Members

From: Maggie Tomaro, Secretary of the Planning Commission

Greetings,

Enclosed is information that pertains to the Mezi/Wilber properties:

1. Today a revised proposal for the office district from D.B. Hartt arrived.
2. Yoram Eckstein, PhD. reviewed the "Preliminary Hydrogeologic Evaluation" done by EDP for Myers
3. A copy of the water study done by EDP
4. A copy of the Traffic Impact Study
5. A summary of the Tax Analysis that Myers presented on 10-30-99.

The minutes from the meeting on 10-30-99 are not enclosed. To follow.

The next Planning Commission meeting is November 18, 99 at 7:30P.M. See you then.

1-14-2000

To: The Planning Commission Members

From: Maggie Tomaro, Secretary

Greetings! Happy New Year!

Enclosed is a copy of the minutes from 11-18-99. Prepare yourself. They are very, very long.

The next PC meeting is scheduled for Thursday, January 20, 2000 at 7:30 P.M. Council Member, Kathleen O'Donnell will join the PC on this day. Council Member, Ruth McIlrath, retires from the PC on this day.

At this time, there is one item on the agenda. Ann Dunning, Architect, will hold a formal discussion concerning an addition to a building located at 1184 Bell Rd. This is formerly the Holzheimer building.

If you are unable to attend the meeting, please call me & let me know. My home # is 338-1807. Thanks.

Maggie

Please Print Your Name + Address
 PLANNING COMMISSION MEETING
 11-18-99

- 1 Patricia Eden 7:30 Chillicothe Rd.
- 2 James Eden 5197 Chillicothe Rd.
- 3 J. Aveni 1300 E. 9TH ST. Cleveland, OH 44114
- 4 ALAN Novish 111 SILVER SPRING TRL.
- 5 J. Neuman 66 Morning Side Dr.
- 6 John Garvey EDP Consultants
- 7 E. MONTANA WESTWARK ARCH.
- 8 David Hart D.B. Hart, Inc.
- 9 Rob Myers RTHM Humes Corp
- 10 TED GALUSCHIK TRAFF-PRO CONSULTANTS, INC.
- 11 STEVE CICIRETTO ARCHITECT / PANINIS
- 12 Noleney C.T. (Nancy Remley, article in CVT, 11-26-99 Pg. 7)
- 13 Mary ~~Neuman~~ 5189 Chillicothe Rd.
- 14 MARSHALL J. KIRK 5189 Chillicothe Rd. Charles Park Dr.
- 15 Lynda CORE 5243 Maple Springs Drive, So. Russell
- 16 FLORENCE OLSON 52 DAISY LANE
- 17 Roger Wiber 5244 Chillicothe
- 18 Barb Wiber 5244 Chillicothe
- 19 MATT BRETT 158 LAKEVIEW LANE
- 20 GAIL BARRY 174 LAKEVIEW LANE
- 21 BEBA ~~Olson~~ 129 Manner Block
- 22 GEORGE STANEK 106 Southwyck Dr.
- 23 ADAM LECHMAN 64 MAPLE HILL DR.
- 24 Jack Zilly 5231 Maple Springs Dr.
- 25 Gail Zilly 5231 Maple Springs Dr.
- 26 DORRILL BORTKOWSKI 35 W. Bolmar Ln.
- 27 Dennis & LOWABA ~~Conan~~ 49 CASCADES DR.
- 28 Mary Ann Keesler 37 CASCADES DR.
- 29 ROXA Mills 33 CASCADES DR.

CONT. ON NEXT PAGE

Please Print Your Name + Address

Cont. of Planning Commission Meeting
11-18-99

7:30 P.M.

30. STEVE PANDY 48 E. BELMEADOW LN.
31. LAUREL HEATER 263 HIGH ST.
32. DON WINOVICH 1433 BELL RD
33. BARRY WINGOULT CHILlicoTHE RD NEW const.
34. C.K. TWEEDY 308 FOX WAY
35. RICHARD W. VOSS 800 BELL
36. William Richards 6000 Parkland Drive
37. James ^{& Betty} GIMOG 5248 CHILlicoTHE RD
38. Kelley Winovich Chillicothe (new construction)
39. BLAKE & Mindy CWA 2A E. BEL-MEADOW LANE.
40. Anne Van Wagner 1158 Sheerbrook Dr.
41. Matt Benes 107 Champion Ln.
42. ~~MURK~~ Chapin 10660 BELL RD
43. Bill Murschel 5240 Maple Springs (Chagrin Lakes Assoc Board)
44. Sony Butters Bell
45. Mark M. Good md 113 Silver Springs Trl
46. Tom Harveg 537 MANOR BROOK DR.

built in South Russell the closest thing to Mr. Myers' project. It was built by Mr. Burns. He built something in the neighborhood of 30,000 square feet. From the day he got Planning Board approval, which was 7-10-86 for the first building & when the last building was occupied on 9-30-98, it was 12 years. It took that long to finish a project of 30,000 square feet. I can only imagine that this project might out live me. I don't think the property needs to be rezoned. I have publicly stated to the Board & to others in the past that I'm generally against rezoning. I definitely am when it comes to a vote. My vote will be no for rezoning."

McIlrath said, "I got a lot of calls on this. I did get two calls for the project. I got 20 calls against the project. And people that said I could quote them were James Rann who bought the old Wilber property. He has made a large commitment to updating the house & wants to keep it residential. Both Don & Barry Winovich obviously with the new house, want to keep it residential. The last person was Ann Malmquist who said she'd do anything to keep it residential. She couldn't come because she was ill."

Male said, "I was secretary for the Planning Commission for 19 years before I was put on the Board. I watched the Planning Commission, very diligently, as the commercial area of the Village was being developed & expanded. They worked very hard to make sure the transition was as close too residential as possible, but still maintain office space. As you go in each direction, you can see how they are really successful. I look at this project; I see the size as not really being an easy transition from commercial to residential. And that's the piece I have the biggest problem with. It's just much too big of a jump."

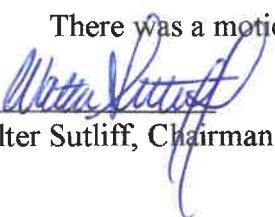
The Mayor made a motion to reject the application made to have the property in question rezoned. McIlrath second. Sutliff said, "A yea vote is a recommendation to not approve the rezoning change to Council." Roll call. Tripp - Yea; McIlrath - Yes; Young - Yes; Sutliff - No; Male - Yes

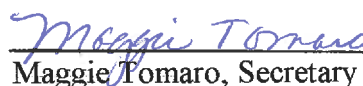
Sutliff said, "Your (to Myers) next move will be to Council. They will have the Public Hearing & go from there."

OLD BUSINESS: None.

NEW BUSINESS: The next PC meeting is scheduled for December 9, 1999 at 7:30 P.M.

There was a motion to adjourn. The meeting ended at 9:45 P.M.


Walter Sutliff, Chairman


Maggie Tomaro, Secretary

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

PHONE: (440) 338-7843
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PLANNING COMMISSION MEETING
NOVEMBER 18, 1999
7:30 P.M.

1. ROLL CALL: **YOUNG, SUTLIFF, MALE, MCILRATH, TRIPP**
2. MINUTES: 10-30-1999 **APPROVED.**
3. GUESTS:

ROSEY'S RESTAURANT LOCATED AT 540 EAST WASHINGTON ST. IS BEFORE THE BOARD FOR A FORMAL COMMERCIAL DEVELOPMENT REVIEW. THE RESTAURANT WILL BE CONVERTED TO PANINI'S BAR & GRILLE. ADDITION TO THE LEFT SIDE & REAR OF THE BUILDING & INTERIOR ALTERATIONS.

CONDITIONAL APPROVAL. THE CONDITIONS ARE: (1.) THE WHOLE PARKING LOT IS TO BE PAVED WITH ASPHALT & STRIPED. (2.) SURFACE DRAINAGE PLAN TO BE PRESENTED TO & APPROVED BY THE VILLAGE ENGINEER. (3.) OUTDOOR EXISTING PATIO CAN REMAIN AS IS & NOT CONVERTED TO YEAR ROUND DINING. (4.) WHEN THE OUTDOOR PATIO IS IN USE, THE PROPOSED ADDITION WOULD BE CLOSED & VICE VERSA. (5.) EXISTING STORAGE BUILDING IN THE BACK PARKING LOT IS TO BE REPAIRED & BROUGHT UP TO CODE OR DEMOLISHED.

ROB MYERS OF RHM HOMES CORP. CONTINUE DISCUSSION ABOUT MEZI/WILBER PROPERTIES.

MOTION MADE TO REJECT THE APPLICATION MADE TO HAVE THE PROPERTY IN QUESTION REZONED. FOUR MEMBERS VOTED AGAINST REZONING; ONE MEMBER VOTED FOR REZONING.

4. OLD BUSINESS: **NONE**
5. NEW BUSINESS: **NEXT MEETING DECEMBER 9, 99 AT 7:30 P.M.**
6. ADJOURN: **9:45 P.M.**

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

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RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION MEETING
NOVEMBER 18, 1999
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff.
Ruth McIlrath, Cathy Male, Ike Tripp

OTHER OFFICIALS: Dave Hocesvar, Building Inspector, Ned Foley, Engineer,
David Ondrey, Solicitor, Larry Lechman, Treasurer

GUESTS:

Steve Ciciretto, Architect for Rosey's, 540 East Washington St. to be
converted to Panini's Bar & Grille

Rob Myers, of RHM Homes, 66 Morningside Trail
David Hartt of D.B. Hartt, Inc. Planning & Development Consultants,
1382 West Ninth St. #320, Crittenden Building, Cleveland, Ohio 44113
John Garvey, EDP Consultants, Inc. 9375 Chillicothe Rd., Kirtland, Ohio
44094-8501
Ted Galuschik, Traff-Pro Consultants, Inc.

**GUESTS WHO ARE RESIDENT'S OF SO. RUSSELL THAT SPOKE
DURING THE MEETING:**

Don Winovich, 1433 Bell Rd.
Mark N. Rood, MD 113 Silver Springs Tr. (h); 5192 Chillicothe Rd. is
his business – The So. Russell Medical Center
George Stanek, 100 Southwyck Dr.
Bill Richards, 6000 Parkland Dr.; Board Member of the Chagrin Lakes
Community
Bebe Ober, Realtor & resident, 129 Manor Brook Dr.
Barry Winovich, homeowner of new house on Chillicothe Rd.
Tom Harvey, 537 Manor Brook Dr.
Betty Lmog, 5248 Chillicothe Rd.
Anne VanWagoner, 1158 Sheerbrook Dr.
Alan Novish, 111 Silver Springs
Bill Murschel, 5240 Maple Springs, Pres. of Chagrin Lakes Homeowner's
Assoc.
46 guests signed in. Refer to attached sheet.

Prior to the meeting the PC members received:

PROPOSED ZONING DISTRICT for Village of South Russell. Revised
November 15, 1999

Yoram Eckstein, Ph.D. Review of "Preliminary Hydrogeologic
Evaluation" done by EDP for Myers

A copy of the water study done by EDP

A copy of the Traffic Impact Study done by Traff-Pro for Myers

A summary of the Tax Analysis that Myers presented on 10-30-99

**Handout on 11-18-99: MEMORANDUM, Rezoning Requested by RHM
Homes, Inc. (from R-1-A to a Newly Proposed Professional Office District)
November 18, 1999**

Chairman Sutliff called the meeting to order at 7:30P.M.

The minutes from the Planning Commission Meeting on October 30, 1999
were amended & approved.

**Steve Ciciretto, Architect, presented a formal Commercial
Development Review for Rosey's Restaurant located at 540 East Washington
St. The restaurant will be converted to Panini's Bar & Grille franchise.**

Mr. Ciciretto previously brought plans to the PC for this building &
property on 4-15-99. The owner of Rosey's - Joe Lombardo- chose not to follow
through with those plans. At the present time, he intends to go into partnership
with Panini's.

Ciciretto commented that Panini's is a "family oriented, upscale sandwich
type atmosphere with somewhat of a night crowd." He explained that there are 57
total parking spaces. That allows 114 seats in the restaurant. The current seating
is inadequate. There is a patio that is used for summer dining only. (32 seats).
The year round dining room seats 82. He would like to redesign the current year
round dining room; move walls, add a bar & an additional space to the East Side
& rear of the building. This could accommodate 32 seats - those that are lost
when the patio is closed.

The PC looked at a drawing. No variances are required. The addition is
within the setback. Current number of bathrooms is adequate. One handicap
parking space is required for 114 seats. Drainage, paving & stripping of the
parking lot were discussed.

It was made very clear that when the patio is open during the summer, the
new interior additional space is to be closed. Vice versa. Both can not be used
simultaneously.

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parking lot were discussed.

It was made very clear that when the patio is open during the summer, the
new interior additional space is to be closed. Vice versa. Both can not be used
simultaneously.

Discussion focused on the storage building in the back parking lot. Either it is to be repaired & brought up to code or demolished.

Tripp made a motion to **conditionally approve the construction plans. The conditions are: (1). The whole parking lot is to be paved with asphalt & striped. (2). Surface drainage plan to be presented to & approved by the Village Engineer. (3). Outdoor existing patio can remain as is & not converted to year round dining. (4). When the outdoor patio is in use, the proposed addition would be closed & vice versa. (5). Existing storage building in the back parking lot is to be repaired & brought up to code or demolished.**

McIlrath second. Roll call. All ayes.

Rob Myers of RHM Homes held a formal discussion with the Planning Commission. He hopes to change the zoning of the Wilber/Mezi properties from Residential R-1-A to Professional Office District. (Cont. from 10-30-99)

Sutliff told the audience that this issue would ultimately be decided by Council. Council will have a Public Hearing. He said, "If time permits, we may open up to some questions."

Sutliff asked Ondrey to summarize the process. Ondrey said, "Under our zoning regulations, a land owner or someone with sufficient interest in the property has the right to submit a request for a zoning amendment which is what Mr. Myers has done. It comes to the Planning Commission. Planning Commission acts in a role of making a recommendation. The applicant could insist on the proposal being voted upon as he or she has presented it. Or if the Planning Commission asks for modification to the proposal – and it's agreed upon by the applicant- ultimately that is the proposal that could be voted on."

Ondrey continued, "The proposal was submitted. There have been several meetings already with Planning Commission. There's been a specific proposed zoning district submitted which set out the regulations for what is being termed, A Professional Office District. There have been some suggestions, made in prior discussions, about concerns or questions about what the initial proposal was.

Planning Commission's already received a modified proposal back from Mr. Myers in an attempt to address some of the issues that have been raised (11-15-99). Ultimately, this Planning Commission will take a vote on it. If it is a yes recommendation, it would take a $\frac{3}{4}$ majority of Council, who will consider it as an ordinance, to override it or modify it. If it is disapproved by Planning Commission, it still will go to Council & still take a $\frac{3}{4}$ majority to override the recommendation of the Planning Commission. Once it goes to Council, our regulations require a Public Hearing. So, there will be three readings for the

ordinance & somewhere we would schedule a Public Hearing on it, which requires newspaper notice 30 days in advance."

Sutliff referred to the last meeting & several issues that were addressed like water & traffic. He turned the floor over to Myers.

Myers said, "We revised the proposed district language to reflect the concerns that we heard from the Planning Commission. The questions pointed out that we were still too general with our language. The new district language more fully defines what our goals are for the development of the property & gives you better means to tie us to those goals."

Myers commented that his hydrogeologist, John Garvey, is present tonight. He explained that Mr. Garvey has had contact with Yoram Eickstein, Ph.D. (consulting Geologist & Hydrologist for South Russell) Myers mentioned that Dr. Eickstein reviewed his study & requested supporting calculations for his conclusions. He explained that Mr. Garvey has done that.

Regarding the traffic study, Myers reported that Ted Galuschik of Traff-Pro Consultants & Ned Foley, the Village Engineer, have talked since the last PC meeting on 10-30-99.

Myers read a narrative titled, "Presentation of Rezoning November 18th, 1999, Re Cap". (Exhibit I) Attached to the minutes.

Sutliff had a question for Hartt. "On your schedule, you modified the rear yard setback from 30 feet to 50 feet. But on the parking, it looks like you struck out 30 feet & inserted 20 feet." Hartt answered, "That's correct." Sutliff said, "That wasn't my understanding at our last meeting. I thought it was always to be a 30 feet landscaped area between the parking area & the property line." Hartt said, "I thought the concern was more for the building." Sutliff said, "Actually, the concern was for the building & the parking." Hartt said, "I don't think that's a problem. There's still flexibility in the design of the project so that could be 30 feet." Sutliff said, "With mounding & landscaping, 20 feet doesn't give you a lot of room."

Sutliff referred to the revised proposal dated 11-15-99 section 5A.02 Area, Yard & Height Regulations item, (B). "Office buildings shall be designed & arranged on the site so that no building has a ground floor area greater, or has the appearance of being greater than, 15,000 square feet." Sutliff said, "I'm confused on that." Hartt said, "I remembered the last discussion that we talked about no greater than 15,000 square feet. I frankly took the liberty of adding this additional provision to provide a little more flexibility in the design of the site. If two of those buildings wanted to be connected by an atrium or a walkway or sitting area on the first floor, it would, in fact, be one building but still have the appearance of two. I'm relying on the architectural review to make sure we're breaking up the masses into 15,000 square feet segments. It doesn't look like a single building."

The Mayor said, "That may be a response to a concern with the rezoning; the way it was stated before. The design that he provided is not necessarily what will be built there. He could actually have one enormous building as opposed to four buildings." Hartt said, "Right. This is an attempt to get a scale issue without being too restricted."

Sutliff referred to the prior meeting when the Mayor asked for a definition of Supporting Businesses. Section 5A.07 of the revised proposal defines Supporting Businesses. Part (d) reads, "The floor area of Supporting Business shall not exceed 10% of the total floor area of the project." Part (e) reads, "Supporting Businesses shall not exceed 50% of the gross floor area of any single building." The Mayor said, "I had a couple of concerns. Are you thinking of limiting the restaurant to a maximum of 10,000 square feet & not exceed half of one of the buildings?" Hartt said, "That's correct; ten percent of the floor area & no more than 50% of any single building. That's for the entire Supporting Business." The Mayor said, "When you define Supporting Businesses to include restaurants & coffee shops - How many restaurants & or coffee shops could be a part of the proposal?" "One, two, three?" Myers responded, "The intent is that there would be a restaurant. There's no intention to have multiple coffee shops. I think what David (Hartt) was trying to do is give us a little flexibility. My intent is to limit it to one sit down restaurant. There is a possibility that an Optometrist may want to sell eyeglasses. We're not looking to have a drive up strip center feel to it. We want people accessing it from the building lobby, not from outside."

The Mayor said, "You also used the word, 'sundries' (5A.07 (a)). In some parts of the country, a sundry store is a drug store. A drug store would be a significant, retail condition to that particular area." Hartt said, "That was not my intention. Actually, we tried to find a word that would shorten the list & allow flexibility."

The Mayor asked, "Would you consider an office supply store a Supporting Business to the people who have offices there?" "No," said Hartt. Myers said, "Typically, Bill office supply stores have either been wholesale or they are truly retail." The Mayor responded, "So that's not considered Supporting Business in your mind." The Mayor said, "I also noticed neon had been added." Hartt said, "As a prohibition."

Sutliff asked, "Would you consider a pharmacy as a Supporting Business?" Myers said, "I don't really know. Some doctor's practices are dispensing some drugs. What I would not consider a Supporting Business is a CVX or Dairy Mart. If a large enough practice took one of the whole buildings & they dispense drugs, I could perceive something like that." Myers added, "Dave (Hartt) had a good suggestion. One way to deal with these concerns are to permit these Supporting Businesses as a conditional use & not as a permitted."

Every time we would start that, we would have to come back to Planning Commission & go through the conditional use permit process.” Hartt added, “The location, size & type of goods would have to be judged by you to meet this definition.” Myers said, “We could take it on a case by case basis. The only one I’m after is the restaurant. The rest of the stuff is down the road & I have no problem coming back to the Planning Commission to discuss it.” Sutliff said, “So any Supporting Business, other than a restaurant, would require a conditional use permit.” “Sure,” said Myers.

McIlrath had a question about 5A.07 (d) & (e). She said, “They either say the same or exclude each other.” Hartt said, “The intention is to make sure that retail is not a stand alone facility in the project. It has to comply with the 10% limitations. It could never be more than 10% of the floor area. And, in addition, depending on the arrangement of the building, it can’t exceed more than 50% of the floor area of any one building. Presently, it could be 100% of one, two story building.

Myers said, “What we’re trying to do is limit what somebody else can ever do with the property. What we’re trying to exclude by saying, no Supporting Business can exceed 50% of the gross floor area of any building. For example, no franchise, fast food place. If a restaurant is a permitted use, we don’t want a restaurant to have a whole building. Our intent is for a restaurant to be in part of a building, but it could be a certain type of restaurant. What Dave (Hartt) tried to do is draft language that limits us. So, no single supporting use for example – a pharmacy- can’t take a whole building.”

McIlrath read 5A.07(e). “Supporting Business shall not exceed 50% of the gross floor area of any single building.” She asked, “You could have the whole bottom floor be the Supporting Business of one building?” Myers answered, “Potentially, true.” Tripp added, “As long as it doesn’t exceed 10% of both floors. If you’re anticipating 100,000 square foot of building, it can’t exceed 10,000 square feet.” Hartt added, “A further requirement is that the entrance is through the office building. Even if retail is on the first floor of one building, there’s still going to be an office entrance with stairways to get to the second floor. Entrance to retail must be off the back, central access point.” Myers said, “For example, the chances that a restaurant would take an entire ground floor of one of these buildings is probably pretty slim. The way we have these divided into 2/3 & 1/3, it’s not conceivable that a restaurant could take a ground floor of a 2/3 side. The way David (Hartt) has this written, it’s really limiting what could be done in the future. As Bill (the Mayor) suggested, if this plan were to change, we’re trying to limit it to just what we really intend to do with it.”

Tripp addressed lighting. He referred to the concern communities have in regard to light pollution. Tripp said, “The way this is drafted, it’s going to be on ground signs. But, it goes on to say signs in a number of other areas- on buildings & the like. I wonder if you could explain what your anticipation is. Hartt said,

"We have taken the lighting standards that you have used in your districts & included them here. We have not tampered with that."

McIlrath addressed her comments to John Garvey, a Hydrogeologist hired by Myers. "You've used well logs that were from the 1950's. I wondered why you used 40 year old well logs." Garvey answered, "In general that is what the ODNR (Ohio Dept. of Natural Resources) has readily available. We use those & additional references. Two of them were thesis done by Eckstein's students in the 1980's. In a more recent report that Dr. Eckstein has, but you folks don't have, we looked at what Dr. Eckstein wanted us to. We looked at the effects of a pumping well on this commercial property, on water levels in the area. The conclusion was that the calculations bear it out. We estimate that the pumping rate of this site, on the average, over the long term, will be about 3 1/2 gallons per minute on a conditional basis. Although that isn't what's really going to happen when the office shuts down obviously. What we end up with is a net effect on the ground water level of about a foot change at a distance of 200 feet from the pumping well; that is if we're pumping at 3 1/2 gallons per minute continuously for 10 years. That's using the most conservative permeability transitivity value that was presented in the thesis. Given the size of the site, there should be no measurable effect on the water level of the property."

The Mayor asked a clarifying question to the Solicitor. "While it is important for us to know about how much water is there today, the aquifer & how it might be effected by this particular development, would not those conditions be attached if they were here for formal developmental approval? Whether or not the study is valid or invalid doesn't necessarily even mean that's the last time it's ever addressed." Ondrey said, "Right. Our history & tradition has been - since we became sensitive to the water issues in the Village - when residential or commercial developments come before you, we made it a condition of Planning Commission's approval that the development demonstrate adequate water supply." The Mayor said, "It's good to know that there may be enough water there & may not be any negative impact on surrounding wells. However, we really can require more evidence at the time of development." Ondrey added, "You could include in the zoning provisions that there would be a demonstration of adequate water supply. We have it in our subdivision regulations already. So, it's built in. If you want to, have them get a zoning permit if you rezone the property." The Mayor asked, "Would you object to something of that sort?" Myers said, "No." The Mayor said, "You would not." "Not at all," said Myers.

Tripp said, "I note the storm water run-off. You've got to anticipate there's going to be appreciable ground water recharge from that." Garvey said, "The difference in ground water recharge shouldn't be too appreciable. It'll go to detention & infiltration from there. It's not uniform across the site. But the recharge shouldn't change significantly." Tripp said, "No appreciable change on the recharge rate. You wouldn't change the face of the building?" Garvey said,

"That's right because the storm water is not being diverted to sewers & going off site. It's been converted to the detention basins." Tripp said, "So there is no drainage for the storm water?" "No", said Garvey.

Sutliff changed the subject to traffic. He said, "In your analysis on future traffic, you show at A.M. peak hours 137 cars entering & 124 exiting at P.M. peak hours. Our zoning requires one parking space per 300 square feet of floor area. Theoretically, we've got 300 plus cars coming in there & going out regularly." Myers said, "I think the way these models work is that they don't assume that they come all at the same time or they don't leave all at the same time." Sutliff said, "How did you come up with 137 cars entering the project at A.M. peak hours?" Galuschik said, "They studied a variety of offices all over the country. We've done studies in the Cleveland, Geauga & Lake areas. There is a trip rate in the morning, coming in & a trip rate for people coming out in the evening. It's different in the morning than in the afternoon."

Galuschik continued. "It's a universal average unit trip rate per 1,000 square feet. We used the worst case scenario as being a general office rather than a corporate type office because corporate type offices have a lower traffic density. We used a national rate because it's higher than the greater Cleveland area."

Sutliff said, "You studied the impact of traffic at the intersection of Bell & 306. And you also studied the entrance into the development on 306?" Galuschik answered, "Yes. Any analysis, we look at all the approaches to & from the intersection." (Refer to Pp.11 of traffic study) Galuschik said, "The first box shows the level of service (LOS) for the entire intersection. The second box shows left turn from Chillicothe into the site. That's where the majority of vehicles are traveling & this is where the biggest impact would be - going into. I didn't show you coming out because they are inside the site. They are not blocking traffic on Chillicothe Rd. They have to wait for a gap in traffic to make a left or right."

Galuschik said, "Go to the last page of the report. It shows the P.M. peak. A left turn going out of the site onto 306 is LOS -E- a 30-second delay. There is a 6 second delay for those going out of the site & making a right turn." Myers said, "That's why we put 2 lanes in & 2 lanes out."

Sutliff asked for Foley's comments. Foley said, "We thoroughly reviewed the report. Our perspective is that it is straightforward. We looked at the assumptions & evaluations. We used the same software that they used for the projections. The data's conclusions seem reasonable. We reached the same conclusions in terms of the impact. We went one step further & had them evaluate if the speed limit on 306 were 25 mph, whether that would have an impact on the intersection. Basically, that was a nominal increase as well. The only concern was that potentially, at full development, there may be a need for a

slip lane or third lane to deal with the morning traffic turning in from 306. That was the only concern. In essence, the data is clear & pretty much we have the same conclusions."

The Mayor asked, "The term slip lane; people going north would move into a third lane to the right?" Foley answered, "Creating a left turn lane." The Mayor asked, "Being a State Highway, what sort of process is involved to put in a slip lane or any modifications?" Foley said, "We'd have to do it according to their standards. Basically, that's under the control of the state. The Mayor said, "If we ask ODOT to do it, Lord knows when that might happen." Foley said, "I doubt they would finance it." The Mayor asked, "Do you think if the developer agreed to finance it, that ODOT would be agreeable?" Foley answered, "That's my experience." The Mayor asked, "How long would that process take?" Foley said, "I don't think it would take very long to approve a plan that was submitted to them. You're not talking about requiring any funding source. They would look at it like any site plan. They'd receive a request & a proposal to add a third lane; it'll probably take a month or two." The Mayor said, "To widen that, we have no estimate of the length of the slip lane. We don't know if that would cost \$5,000.- \$10,000." Myers said "Two-thirds of the traffic comes up 306 from the south & one-third of the traffic travels from the north. Entry is designed far enough into the site, so if in the future, it is necessary to do a deceleration lane, we would be able to do that. I don't anticipate that will be a necessity. And probably it's no more money to do a slip lane than a deceleration lane. The developments I've been involved in, the deceleration lane is the obligation of the developer. I would expect to pay for that as long as we could work on the design of it with you & ODOT."

Tripp noted, "If you look at the data going south, there are two quasi-slip lanes within ¼ of a mile; one at the entrance of Chagrin Lakes off 306 & another one at Stock equipment Co. There's also one on the right, entering Lake-in-the-Woods Development."

Tripp said, "Some of the concerns of the community is that people who commonly travel along 306 & East Washington – where they've just completed an extensive addition of a third lane- a center lane – at night typically, from 3:30 P.M. on, the traffic backs up past Sears. ODOT did an extensive study & said, "This will be great. Forgive me if I'm slightly (Mag couldn't make out what word was used) what ODOT approves or may not approve. As to the issue of a 60 – 40 split whether it's going to come from north or south, have you done a study of demographics of the target occupants for your building? And are you prepared to bring that forward to show that it'll match what currently is going on at Stock Equipment relative to traffic flow?" Myers said, "At this point, we have not studied where they live yet. What we wanted to do at this point is try to get

the zoning worked out. The issue is that Stock Equipment is representative. A lot of the traffic in the morning from South Russell is going south down to 422. This is running opposite to that. It's not adding to that burden."

Sutliff summarized. (Refer to Pp. 13 of traffic report) "Now the wait at peak hours in the morning at the intersection of Bell & 306 is 17.5 seconds. "Average per vehicle," added Galuschik. Sutliff continued, "At full development, he would expect to wait for 18.7 seconds (average per vehicle) in the morning. Currently, in the evening, at peak hours, he'd expect to wait 16.2 seconds. (average per vehicle) At full development, he would expect to wait 16.9 seconds. (average per vehicle)"

Sutliff opened the discussion to the audience.

Don Winovich, a South Russell resident, asked, "Did he (Galuschik) include what's going to happen with the traffic after the property at 306 & Bell is developed?" The Mayor said, "I would say no because no one knows for sure what's going to happen on that corner. It is zoned commercial. It may be developed. We have no idea." Galuschik said, "In that situation, if the area is developed, the analysis will have to include any approved development."

Dr. Mark Rood, a resident of South Russell since 1988 & developer of the South Russell Medical Center. (1996). He said, "My first impression seeing the newspaper reports is that this is a huge project. University Hospitals has their cornerstone landmark mega center in Chagrin Highlands. It is proposing a 100,000 square foot medical building in Chagrin Highlands. My impression was that this kind of development belonged more with Chagrin Highlands where Landerbrook is, than this area.

My second thoughts were comparing relative square footage of South Russell Medical Center which is 5,000 square feet, to this project which is 100,000 square feet. This project could hold 20 South Russell Medical Center's as proposed.

My third concern; there was banter in the newspaper that medical would be a reasonable use for the facility, that doctor's may be interested in this facility. I'd like to bring the committee up to date on changes that have occurred in medicine in the past three years since the South Russell Medical Center was constructed. Back in 1996, before construction of the Medical Center, most of the 37 hospitals in the Greater Cleveland Hospital Association were independent. There were seven strong hospital systems. Now, in 1999, there are two healthy hospital systems. Most physicians were in private practice. Now, most new physicians are joining practices that are owned by the Cleveland Clinic or University Hospital. Very few are going into private practice. And very, very few are starting their own practice from scratch.

Back in 1996, there were no medical centers in South Russell or Bainbridge that were owned by one of these hospital systems. Now we have two. The former Chagrin Valley Medical Center is owned by the Cleveland Clinic & the Bainbridge Health Center of University Hospitals owns, what was formerly Kids Sport. Both of these facilities are more than 50% unoccupied. University Hospital & the Cleveland Clinic have very large facilities that are unoccupied. And it is very likely that with them being the major developer of the new physicians of the area, that they are more likely to fill their own facilities first before venturing out into a facility of this type.

I believe that the market is substantially different in three years from the point of view of medicine. I believe this project, if there were a retail equivalent, it would be like a Walmart coming next door to a retail mom & pop grocery shop. That's how I feel as the owner of the South Russell Medical Center about this kind of professional office being considered."

George Stanek, resident of South Russell, said, "It seems to me that we spent a lot of money in South Russell on a master plan to develop our zoning. We firmed it up. We should abide by it. In order to change it, I think there should be a real compelling need or demand for a change in zoning. That's a major change. From what I hear tonight, I don't see that. I don't see the issue being addressed as a crying need for something like this. It's an opportunity for somebody to come in & do this. I think this runs contrary to our zoning principles. I would urge the Board to consider what's being presented to it in the form of - What's the demand? Is there really a need for it? I fail to see the need. The other thing is a comment was made about the residential use. I see a very nice house being built on the Eastside of 306. With the setback involved, perhaps it will alleviate some of the noise. And I think it (Mezi/ Wilber Properties) could be a very nice residential area."

Bill Richards, resident of South Russell & board member of the Chagrin Lakes Development said, "I'd appreciate it if the picture of Campus Glen could be shown to the rest of the audience. Where is it situated, as far as Chillicothe Road? And the back side, how does it abut to the Chagrin Lakes Community?" Myers said, "It backs onto your recreational area. That's one reason why we designed this the way we have. The general business district would allow much higher density than what we're proposing for this office district. We're trying to lower the density; split this up so we don't create a large parking lot that sheds a lot of water your way. The first thing that we will design before we design any of the main structures is the detention basin. I know that this is something that the Village Engineer is going to make sure we do properly. As I do. I don't want to have any problems with you in Chagrin Lakes. We'd like to be a good neighbor. The whole idea of this thing is to get the office views there without creating a

density that is typical of some of the other office districts in South Russell, where you pave everything or put a building over everything. We want some of it for buffering." Richards said, "So your plan is 30 feet from the property line to pavement." Sutliff added, "Or 50 feet from building."

Richards asked if there would be a mound like Fox Run. Myers said, "It won't be anything like that. It'll be more like Whitetail." Richards asked about lighting in the back. Myers said, "The lighting that is proposed is essentially mostly ground lighting & illuminated signage; other lights on the building. We're not intending any security lights. There's a requirement for landscaping. There's a further provision allowing Planning Commission to require a fence to help screen it. Myers said, "I don't know if you know it, but I tried to initiate some meetings between us, but it never took place."

Sutliff said, "I'd like to recognize our resident real estate expert, Bebe Ober. Ober said, "I'm not an expert at all on commercial or office development. I come to you as a new resident in an area that has long held on to its zoning through law suits, through their desire. It held on to its zoning. It is increasingly attractive to residential buyers. I don't have any doubt about that at all.

My first appraisal course, the instructor said, Do any of you kids know what really makes money in real estate? Ober answered, Rezoning makes money for owners of real estate. And sometimes it's at the expense of the community where it is done. So, if there's not a real need to change South Russell's zoning, then you ought to give it a whole lot of thought before you would make a change. A lot of study went into the zoning & it's been very successful. South Russell has also increased in value tremendously in its residential projects & that could continue. People are attracted to it because it is what it is. This (pointing to drawing of proposed office district) is so out of scale with South Russell."

Sutliff asked Ober, "What are your comments about real estate on 306? Would you live on Chillicothe Rd.?" Ober responded, "If it were setback. I just bought a house that's setback off 306. I bought a condominium in Manor Brook. It's on 306. But, it has a setback. I think if there is a setback & you're off 306, then you're O.K. There is such a development in Russell now that's just starting. It's off the highway. The houses are protected from the highway both with growth & the manner in which the road is put in. Foxwood, which is one of Thomas & Thomas' very successful developments, north of Fairmount, is off 306. There is a buffer.

Is there is a need for all of this? I came here because of what it is & I think that's why a lot of other people came here because of what it is. To change it to this extent, Is this for South Russell's benefit? Does this help this community? I don't see it from a residential persons point of view at all."

Sutliff said, "We haven't discussed facts & figures; what type of income is generated for the Village by this project." Looking at the Mayor, Sutliff asked, "Were you able to verify any of those?" The Mayor answered, "In fact I did. There's no question that the Village would derive more income & the school district would derive more income if the property were developed as a professional office district as opposed to nine residential homes. I personally feel that the numbers we heard before were overstated. I had a conversation with the Treasurer of the school district & Dr. Platt. Dr. Platt's quote to me was, "71% of the school budget is funded by the residents". There are other moneys that come to the school district from the state, the feds., some from grants & investments' income.

We heard before that it could make a \$350,000 difference if we used the assumptions that we heard at the last meeting. The fact is if we use those assumptions & make a minor adjustment in the value of homes; there's no question that it'll result in additional moneys for the Village. It could result to the school system about \$100,000 more a year as opposed to residential development. Some of the money would go to the state. Some would go to the county. Some would come to South Russell.

The whole question of additional income tax dollars is up in the air. Right now a commercial development there would produce more income tax revenues to the Village, considerably more than a residential development. But, there are several bills before the State Legislature that could conceivably change that. Yes, I believe a commercial development could generate more income to the Village & about \$100,000 extra a year to the school which is significant, but a relatively small percentage of our budget & the budget of the school."

Barry Winovich, a man who is building a house in South Russell on 306, reported that, "Matt Benes (a builder) came to me 8 months ago. There were four acres. I am building on two acres. The old farmhouse adjacent to my property is being renovated. The day we walked the property, 8 months ago, there were four deer. I welcome anybody to come sit on my front porch or what will be my back deck & see what a beautiful yard I will have. Certainly this (office project) is going to be an incredible impact on my house, my life. I don't want to see this development go through. The 16-second wait in & out of my driveway, I can only imagine what it's going to be like for me if there are 20 cars backed up turning into the development. I wonder about your traffic study. If that 16-second delay is the first person waiting in line to make a turn, What happens if you're the 5th. or 6th. person? Is that going to be a three-minute wait? Does it escalate? Pretty soon, it'll be in my driveway. I don't want to see the project at all. I welcome you to come & see what a 350 foot setback can do."

Tom Harvey, a South Russell resident, former Councilman, former Mayor said, "No matter where you end a commercial zone & begin a residential zone,

you have a line. We tried to draw that line at one point where it is. That line got expanded. If you expand that line, Where do you transition it? Or, how do you differentiate between residential & what you've got as far as commercial or office building? I think no matter where the line is, it's always going to be a hardship for somebody. No matter how far you push it. But, you have to accommodate both sides. What we tried to do in the past is to have a transition zone, transition building. What you would do with this proposal is set up a definite line again. But, heaven help the people next to it." McIlrath asked Harvey to tell the audience how he has this knowledge. Harvey said, "I came on Council in 1969. I was Mayor for a number of years."

Betty Mog, resident of South Russell. She said, "The development would be next to me. My concerns are the buffer to the side, lighting issues & traffic. Sometimes it takes me 3, 4 or 5 minutes to get out of the driveway now. I have concerns over that."

Anne VanWagoner, resident of South Russell, Chagrin Lakes Development. She said, "My biggest concern is the precedent that this sets. If we're going to change zoning for this sort of development, what does it really say about who we are & what our plan is? I strongly want to thank Dr. Rood & Bebe Ober for the things they said. I feel very strongly about the green space & the traffic & the light pollution."

Alan Novish, South Russell resident. He said, "My question is, How does this benefit the constituents of South Russell? Basically, South Russell has a balanced budget. So, we don't need the income. And you've got increased services you have to take into consideration: increased safety, police, fire protection. Another thing, a Dairy Mart, a day care center, it's a convenience, a service. There's no service coming out of this (office project) to the people here." Sutliff said, "Unless you're a South Russell resident whose going to work in this building."

Bill Murschel, South Russell resident. He said, "I am the President of the Chagrin Lakes Association. There are two or three trustees here tonight. And I see a number of my neighbor's. We're probably one of the most active Home Owner's Association in the area. We had our annual meeting in this very room four days ago."

I want to say for the record, I am not aware of any communication that we've had with the developers at all on this. It strikes me that it would have been a very good idea to do that. I'm not aware of any whatsoever. I can't speak for my neighbor's, but I would suspect that we would be very concerned with the impact of the parking lot adjacent to our swimming area. And we would want to look very carefully at the aquifer issue that Bill (The Mayor) brought up. I'm relatively new, but I've become keenly aware that the way the water moves

around the properties here, is a very significant environmental issue. We'd be happy to be a part of this process if we're asked to be."

Tripp said, "It's a nice segue to the discussion of water. Refer to figure 2, USGS Topographic map." (EDP Consultants, Inc. 6-17-1999) Tripp said, "There is an ephemeral stream that runs, it would appear, right along the edge of that site, where it appears you would have your detention basin. That flows, on the Topo map, into one of the lakes at The Chagrin Lakes. Obviously, changing a wetland of that nature, there are significant issues relative to the Corps that have to be addressed. I'm wondering if your firm -EDP- has had a biologist walk over it & had a complete wetlands survey done yet?" Myers answered, "Yes. That wasn't EDP. That was the Flickinger group & their still working on it. They've done the study & they're in contact with the Corps. We're very cognizant of that."

Tripp said, "I've walked the site. There are two actual depressions. One is more slight than that one near the ephemeral stream. It's up near the Wilber's & that one right next to the Overview & Longlook Building (5216 Chillicothe). It would appear you have a fairly significant portion of _____ (did't get the word) wetlands that you're going to have to address." Myers said, "Exactly & that's one of the reasons why we've got a lower density of buildings. We split the parking." Tripp said, "You anticipate a mitigation bank off site?" Myers said, "Partly yes. And partly not."

The Mayor asked, "Would that off site mitigation be in South Russell?" Myers said, "Bill, I'm not sure how that works. That's what Eric is working on with the Corps of Engineers. My understanding is that they have these scattered throughout Ohio & other parts of the country for other states. They take it on a case by case basis." The Mayor said, "I can only imagine that we would prefer to see our aquifer replenished instead of somebody else's." Ondrey said, "I know a lot of them in the county are at the Geauga Park District." Tripp said, "The Corps encourages the mitigation wetlands bank to be in Geauga County. Ideally, in the same water shed, but, certainly in the county."

The Mayor made a few comments. He said, "There are three messages that were received by the Village Clerk. All three people are opposed to any change in zoning. I have four letters here, one from Dr. Rood, one from Don Winovich & a couple of other residents who are against any change in zoning. Yesterday I was stopped three times in the community & received phone calls directly. I have yet to receive a phone call or direct comment from anybody who is supportive of the change in zoning. I think that the potential of negative impact both short & long term to South Russell is great."

One example might be the fact that Mr. Myers told us at the last meeting that he expected the project to take 2 to 3 years. There was an individual who

built in South Russell the closest thing to Mr. Myers' project. It was built by Mr. Burns. He built something in the neighborhood of 30,000 square feet. From the day he got Planning Board approval, which was 7-10-86 for the first building & when the last building was occupied on 9-30-98, it was 12 years. It took that long to finish a project of 30,000 square feet. I can only imagine that this project might out live me. I don't think the property needs to be rezoned. I have publicly stated to the Board & to others in the past that I'm generally against rezoning. I definitely am when it comes to a vote. My vote will be no for rezoning."

McIlrath said, "I got a lot of calls on this. I did get two calls for the project. I got 20 calls against the project. And people that said I could quote them were James Rann who bought the old Wilber property. He has made a large commitment to updating the house & wants to keep it residential. Both Don & Barry Winovich obviously with the new house, want to keep it residential. The last person was Ann Malmquist who said she'd do anything to keep it residential. She couldn't come because she was ill."

Male said, "I was secretary for the Planning Commission for 19 years before I was put on the Board. I watched the Planning Commission, very diligently, as the commercial area of the Village was being developed & expanded. They worked very hard to make sure the transition was as close to residential as possible, but still maintain office space. As you go in each direction, you can see how they are really successful. I look at this project; I see the size as not really being an easy transition from commercial to residential. And that's the piece I have the biggest problem with. It's just much too big of a jump."

The Mayor made a motion to reject the application made to have the property in question rezoned. McIlrath second. Sutliff said, "A yea vote is a recommendation to not approve the rezoning change to Council." Roll call. Tripp - Yea; McIlrath - Yes; Young - Yes; Sutliff - No; Male - Yes

Sutliff said, "Your (to Myers) next move will be to Council. They will have the Public Hearing & go from there."

OLD BUSINESS: None.

NEW BUSINESS: The next PC meeting is scheduled for December 9, 1999 at 7:30 P.M.

There was a motion to adjourn. The meeting ended at 9:45 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

Please Print Your Name + Address
 PLANNING COMMISSION MEETING
 11-18-99

- 1 Patricia Eden 5197 Chillicothe Rd.
- 2 James Eden 5197 Chillicothe Rd.
- 3 J. Aveni 1300 E. 9TH ST. Cleveland, OH 44114
- 4 ALAN Novish 111 SILVER SPRINGS TRL.
- 5 J. Neuman 66 MorningSide Dr.
- 6 John Garvey EDP Consultants
- 7 E. MONTANARI WESTWARK ARCH.
- 8 David Hart D.B. Hart, Inc.
- 9 Rob Myers RHM Times Corp
- 10 TED GALUSCHIK TRAFF-PRO CONSULTANTS, INC.
- 11 STEVE CICIRETTO ARCHITECT / PANINIS
- 12 Noleny C.T. (Nancy Remley, article in CVT, 11-26-99 p. 7)
- 13 Mary Neuman 5189 Chillicothe Rd.
- 14 MARSHALL J. Kimo 5189 Chillicothe Rd. Chas. P. & Chas. P.
- 15 Lynda Core 5243 Maple Springs Drive, S. Russell
- 16 FLORENCE OLSON 52 DAISY LANE
- 17 Roger Wiebe 5244 Chillicothe
- 18 Barb Wiebe 5244 Chillicothe
- 19 MATT BRETT 158 LAKEVIEW LANE
- 20 GAIL BARRY 174 LAKEVIEW LANE
- 21 BEBE OH 129 Manor Black
- 22 GEORGE STANEK 106 Southwyck Dr
- 23 ADAM LECHMAN 64 MAPLE HILL DR.
- 24 Jack Zilly 5231 Maple Springs Dr.
- 25 Gail Zilly 5231 Maple Springs Dr.
- 26 DARRELL BONTKOWSKI 35 W. Bolmar Ln
- 27 Dennis & LOWABA 49 CASCADES DR.
- 28 Mary Ann Keesler 37 CASCADES DR.
- 29 ROSE MILLS 33 CASCADES DR.

CONT. ON NEXT PAGE

Please Print Your Name + Address

Cont. of Planning Commission Meeting
11-18-99

7:30 P.M.

30. STEVE PANDY 48 E. BELMEADOW LN.
31. LAUREL HEATER 263 HIGH ST.
32. DON WINOVICH 1433 BELL RD
33. Barry Winovich CHILlicoTHE RD New const.
34. C.K. TWEEDY 308 FOX WAY
35. RICHARD W. VOSS 800 BELL
36. William Richards 6000 Parkland Drive
37. James ^{& Betty} Pimob 5248 CHILlicoTHE RD
38. Kelley Winovich Chillicothe (new construction)
39. Blake & Mindy QUA 21 E. BEL-MEADOW LANE.
40. Anne Van Wagner 1158 Sheerbrook Dr.
41. Matt Benes 107 Champion Ln.
42. Mark Chapin 10660 Bell Rd
43. Bill Murschel 5240 Maple Springs (Chagrin Lakes Assoc Board)
44. Jerry Butters Bell
45. Mark W. Hood 113 Silver Springs Trl
46. Tom Harvey 537 MANOR BROOK DR.

Rosie's

4. Steve Ciciretto & Carmelo Oppedisano. Development Review for 540 East Washington Street (presently Rosie's Restaurant) to be renamed, The Roman Villa. Addition: approximately 20' X 46' & interior alterations.

Conditional approval. The conditions are: 1. Back parking lot to be paved with asphalt, 2. Surface drainage plan to be presented to & approved by the Village Engineer, 3. The porch is to remain as it is & not converted to year round dining.

5. Tim Olland and David Cosetino, Development Review for 504 East Washington Street, Chagtown Restaurant
Requests: A 6' lattice fence from the rear of the building to enclose a new outdoor court for dining & a fenced trash enclosure, 35' X 6'
Conditional Approval. The conditions are: 1. The patio & party room cannot be used simultaneously, 2, The parking lot is to be sealed & restriped, 3. The owner's need to get a fence permit.

4. OLD BUSINESS:

5. NEW BUSINESS: The next meeting is scheduled for May 20, 1999
At 7:30 P.M.

6. ADJOURN: 8:50 P.M.

The Engineer said, "Having a trash rack on both ends requires more maintenance. If the bar grids are smaller than six inches, you will increase the potential for debris to clog."

The Mayor asked about liability. Ondrey, said, "We did impose maintenance on property owners."

Discussion occurred about design of the trash rack & who will design it. Flesher will have a fabricator make a drawing.

McIlrath made a motion to **conditionally approve a trash rack to be placed at the north end of the pipe on the Krew's property at 534 Manor Brook Drive & a trash rack to be placed at the south end of the pipe on the Harvey's property at 537 Manor Brook Drive. The conditions are: 1. Subject to drawings of trash racks that Bob Flesher will prepare & give to the Engineer for his & the Building Department's approval, 2. Bar grids are to be no smaller than six inches, 3. It is the responsibility of the Krew's to maintain the trash racks & clean the culvert if it gets clogged.**

Male second. Roll call. All ayes.

Bill Porter of the Snavely Building Company requested a height variance for a house to be built at 401 Reserve Trail, S.L. 30. The homeowner is Paul O'Neil. The topography of the lot slopes down in the backyard causing the basement to be exposed, raising the height over the allowed 33 feet. The variance is for 1.8 feet. Height of the house is 34 feet, 8 inches.

Porter explained that 4 other houses in this development requested & received height variances. Hovevar said he had no problem with this request due to the topography. The plans were reviewed.

McIlrath made a motion to approve the height variance. Male second. Roll call. All ayes.

The milar for the Hlavin property located at 1360 Bell Street was approved by Solicitor Ondrey & signed.

Rosie's { **Architect Steve Ciciretto & Carmelo Oppedisano appeared before the PC for a Development Review. They request an addition approximately 20' X 46' for 540 East Washington Street. At the present time, it is known as Rosie's. The name will be changed to the Roman Villa Restaurant.**

Ciciretto presented plans & explained the renovations he hopes to make. Currently, the restaurant sits 80 people. He intends to reduce that to 65 people. PC members reviewed the plans, discussed drainage, the porch & the parking lot. The back building is about 1,500 square feet & will be used for storage.

Rosie's

Hocevar commented that the screened-in porch had come before the PC in 1980. The request to enclose it & put a roof on it was denied. Over the years, a roof was put on it. Male said, "The sitting was approved. Somewhere along the lines, it was enclosed."

Male made a motion to conditionally approve the addition. The conditions are: 1. Back parking lot to be paved with asphalt, 2. Surface drainage plan to be presented to & approved by the Village Engineer, 3. The porch is to remain as it is & not converted to year round dining. McIlrath second. Roll call. All ayes.

Architect Tim Olland & David Cosentino, Development Review for 504 East Washington Street, Chagtown Restaurant. They request a six foot lattice fence from the rear of the building to enclose a new outdoor court for dining & a fenced trash enclosure, 35' X 6'.

~~Plans were reviewed. Discussion occurred. The restaurant accommodates~~ 94 seats. The front area holds 36. The main Dining Room holds 32. In the summer, the current party room, which seats 26, will be closed. The 26 seats will be moved to the newly established outdoor dining court. Vice versa in the fall & winter. There is no roof over the outdoor dining court. Parking will be on one side of the building. The other side of the building will be the new outdoor dining court.

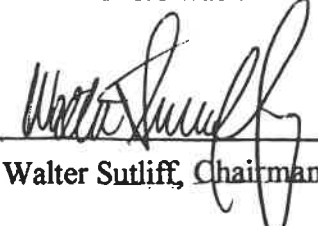
Sutliff asked about sideyard. Hocevar said, "It's not encroaching." There is room for snow removal. The owner's need to apply for a fence permit.

McIlrath made a motion to conditionally approve the request. The conditions are: 1. The patio & party room cannot be used simultaneously, 2. The parking lot is to be sealed & restriped, 3. The owner's need to get a fence permit. Male second. Roll call. All ayes.

OLD BUSINESS: The Planning Commission will look into zoning. Ondrey will bring newly passed legislation from Chardon for the PC to review.

NEW BUSINESS: The next PC meeting is scheduled for May 20, 1999 at 7:30 P.M.

There was a motion to adjourn. The meeting ended at 8: 50 P.M.


Walter Sutliff, Chairman



Maggie Tomaro, Secretary

EXHIBIT I

Read to The
PC 11-18-99
by Rob Myers.

Presentation of Rezoning November 18th, 1999

ReCap:

1. First, I would just like to recap several things since the last meeting. Over the past several weeks my team and I have worked to respond and follow up on some of the suggestions brought up to us by the planning commission at the last meeting. Accordingly, we re-drafted the proposed district language to more fully define what our goals were for the development of this property and to give you, the Planning Commission, the means to tie us to them. Copies of this redrafted document have been distributed for your review. Also, our hydrogeologist, John Garvey, has been in contact with Yoram Eckstein regarding calculations requested by Dr. Eckstein supporting the conclusions we reached in our report. My understanding is that those calculations were provided by Dr. Garvey, who is here tonight to answer your questions. That's what we have been working on for the last several weeks. During that time, I have also been giving our last meeting a great deal of thought.
2. When I started the process of studying the uses for this property over eight months ago, I assembled a professional team of people expert in the various fields that I felt would need to be studied prior to any development of this property. Like you-I am also a resident in South Russell. And like you, I had certain questions regarding impacts of a project like this. So we studied all the same issues that you have raised in our meetings. And when issues were raised that we hadn't considered, we studied those. As I told you from the outset-I am looking to build a high quality project that we can all be proud of. Don't forget, I live here too. That was one of our design criteria from the beginning, and is still an overriding goal. Because these parcels are in the very center of our village, I wanted to make sure

that, whatever gets built there would reflect my view of South Russell as a great place to live and work, and would adhere to a high standard of quality that has been representative of other projects I have worked on.

3. When I met with you the first time, I told you that one of the reasons I am pursuing this project is that I know, no matter what we do here tonight, that this property will be sold to someone for something. How do I know that? Let's look a bit at this property and its history. The parcels I am asking you to re-zone were originally owned by the Wilbur family. The Wilbur family is one of South Russell's pioneering families. Back when State Route 306 was a dirt road-which wasn't really all that long ago-the Wilbur family owned property on both sides of SR306. Their holdings included the land and century home on the east side of SR306, and property on the west side of 306 which is now a large part of Chagrin Lakes. Roger Wilbur, descendant of these pioneers, still lives on SR306 in a home which originally served as an army barracks during WWII, and which his family moved up here and situated at 5244 Chillicothe. In 1973 the Wilbur family sold a little over 5 acres of land in the center of town to Marvin Mezi who was, and whose family still is, in the lumber business. Marvin bought the property to use as a lumber yard. This never materialized. So for over 25 years, the Mezi family-now into the next generation sitting with this property- has been stuck with this property, smack in the middle of our village, and has been trying to sell it for almost the entire time of their ownership. In over two decades of being on the market, this property has been the centerpiece of commercial idea after commercial idea. Never once did anyone offer to purchase it for a residential use of any sort-not even multi-family. And no one has ever got past the talking stage with any of these ideas, until now. For the Mezis, they have decided that it is time for them to move this property-and no matter what we do here tonight, they will. This year alone, and before I

ever got involved in this project there was a discussion regarding building some sort of office structure on this property. At the same time there was also a suggestion that a church group would buy these and several neighboring properties to relocate their church and learning center out to 306. I have been told as recently as last week that there are still these groups waiting in the wings to see what we can accomplish here tonight. Bear in mind, that that type of use is allowable without changing the zoning at all. That is when I got involved in all this-I personally think that there is a much better use for this property-for many reasons. So, as we consider the proposal I have made here, let's try to keep in mind that these properties will be developed- by someone- in the very near future. The question here tonight is really not whether or not these properties will be developed, because no matter what we do here tonight-they will be. It is unfair to expect that the Mezis will be comfortable sitting with this vacant parcel for another two decades or another generation, or that the Wilburs will be content to live out their lives on SR306. The true question here tonight is whether or not you envision that we have an opportunity here to do something exciting. We can take the last large parcel, in the center of our Village, on this main roadway through our village, and build something outstanding here-something that will be a benefit to the community without being a drag on its services. A place for people, now merely driving through our village, to come and work, and where we who live here can derive some benefit from their being in our Village. While we can debate exact numbers for taxes and schools, there is no debating that the financial impact of our concept is far and away more positive than anything possible under current zoning. No matter what anyone in this room wants, the issue of the development of these parcels is not going to go away.

4. Since the last meeting there has been some discussion regarding the wisdom of developing this property in the manner we've suggested. I do have some things to say about that. To those in our village that have complained that they bought homes in South Russell because of its rural character and the "bedroom community" nature of the Village and that this development will somehow change that, I have some thoughts. From the perspective of the Wilbur family-all of us in this room are guilty of changing South Russell. Those that live in Chagrin Lakes where the Wilbur family farmed, those that came and paved over SR306, or that now use State Route 422-we have all been a part of the changes in South Russell. Older families move on, new families move in. The nature of a community is not something set in stone, but something that-like everything else in our world-changes and evolves over time. And don't forget- change isn't by definition a negative. When South Russell was truly rural, we used to have an airport. When South Russell was truly rural, we used to have a light gauge train line that ran from points east, through our Village and into Chagrin Falls. Up until fairly recently, we didn't even have a building department here. These changes represent the evolution of South Russell from a truly rural community to where we live today. Things change. But one thing that can't change is the residential nature of South Russell as a whole. That is already set. We aren't like Bainbridge or Auburn or Solon 15 years ago. We don't have thousands of developable acres here in South Russell. We are already a residential community. The developments ensuring that we remain a residential community are already built out. Our development can not change that. Let's not forget, first of all, that this is our village center. This isn't out of town in some undeveloped area. Rather, we are proposing this new district next to already existing retail and commercial zones, and abutting a recreational district. Professional office districts in other areas are often used to buffer

denser and more intensive uses, such as retail, from neighboring residential zones, which is our exact situation on the south of this property. In fact, there was a story in today's paper in which this concept was confirmed and embraced by a zoning board member in a community facing a similar situation. I think they were glad to see an office, rather than a retail, proposal. The nature of the area that this district is proposed for is already commercial. It lies next to a small, one story, office building with some sort of nautical feature, and a strip center. It is abutted to the north by a bank, insurance office, and what is soon to be a dentist's office. It is on a state highway with approximately 13,000 cars a day passing by. It is across from, among other things, the village salt storage beehive and Village Hall. It is located a similar distance south from the corner of Bell and SR306 as the commercial area featuring the day care center is to the north of Bell. This development is designed to complement the center of our Village. Rather than any negative impact on parts of the Village nowhere near this site, if anything, this development might act as a prod to the other property owners on this corner to beautify their properties to keep up with it.

5. When we are speaking of the residential nature of South Russell, there are areas that aren't residential already here. Is this parcel, located in the center of the Village, and next to business districts, really a good residential area? Having built homes in South Russell, I am already fairly familiar with the home sales market here. But, even so, when I started the study of this site last spring, I did some research regarding the market in South Russell and on this part of Chillicothe Road in particular. I apologize that my information comes from the MLS that realtors use and may not have every transaction. But since 1991-over an eight year period- there have been only seven homes sold on SR306-one twice. The average sales price has been \$129,000 with a high price paid of \$174,000. Meanwhile, in the rest of

South Russell, the average sales price of homes in 1999 has been \$311,000.00, with a high price paid of over \$640,000.00. This represents a 150% difference in average prices!! Although several have been offered, not one home has been sold and transferred on SR306 to this point in 1999, while almost 60 homes have been sold and transferred throughout the rest of South Russell. While we can discuss the suitability of a particular site for a particular family with particular circumstances, there can be no misunderstanding of the implication of the numbers I just cited. It is a stretch of reasonableness to deny that this isn't much of a single family area any more. If anyone wants to argue this point, I would merely say that none of us has lived here as long as the Wilburs, and surely none of us has lived on SR306 as long as the Wilburs. And between the noise of the roadway 24 hours a day, seven days a week, and the noise they get from the recreation area behind them during the summer, they want off of 306. Their view is confirmed by the homebuying public, which is many of us, actually, which bought homes out of the center of the village and off of State Route 306 in a 60 to zero ratio this year, and in a 509 to 7 ratio over the last 9 years. At the last meeting, when I gave you numbers regarding what I thought I would be able to sell new homes for on this site under the current zoning, this analysis is where those figures come from. This is one of the reasons why I say that this area is already not a residential area. By this proposal, I am not suggesting that we change the nature of South Russell. That nature is already set. Nor am I truthfully changing the character of the area in question. That change has already taken place. The Wilburs will tell you that SR306 hasn't held quiet enjoyment for them in years, but for sure not since the opening of SR 422. That the area has already changed is confirmed in the numbers I just gave you.

6. By formally submitting my proposal for this new Professional Office District to you I am following up on the past 25 years of discussion

regarding these properties which has, as far as I know, been to develop some sort of commercial use here. I am submitting to you that we should make lemonade out of the lemon that the change to our community has already brought. And out of the change that is inevitably coming our way. And, no matter what we do in South Russell, is going to continue to change the intensity of use of SR 306 over the next decade. By designing this project, and submitting this new district to you for your consideration, I have put my money and effort where my mouth is when I say that what my proposal truly represents is my suggestion that we don't waste time, energy, and money fighting the inevitable. We in South Russell only control a very small piece of SR 306, and can't stop the changes in other towns and cities from coming about. Instead of putting our heads in the sand and hoping that change won't run us over, or trying to pretend that we can somehow fossilize South Russell in the year 1999 and freeze it the way it is right at this moment, let's put our best efforts into doing something outstanding, that we'll look back on with pride in future years and know that we made the right choices. We have a unique opportunity, on a unique site, to do something creative together. I hope that, as you consider the alternatives, and weigh the information I and my team have made available to you, you will share my idea that it is better to be proactive and forward looking rather than reactive, and always trying to make up lost ground. That it is better to jump in and to try to work for a common goal, than to sit on the sidelines and hope that someone else will do it for you. That the great things that have been done in America have been done by people willing to put themselves into their work and take some risks, never by people sitting back and saying "we can't do it". That it is time to admit the obvious, that these parcels, which we have assembled together to form this project, should properly be zoned for a non-residential use, and that the time to do this is now. I want to thank you all

for your consideration, and hope that you will allow us to continue working on this project with you by approving our request to rezone this parcel from single family residential to Professional Office District. I would be happy to answer any questions that you might have now.

1-14-2000

To: The Planning Commission Members

From: Maggie Tomaro, Secretary

Greetings! Happy New Year!

Enclosed is a copy of the minutes from 11-18-99. Prepare yourself. They are very, very long.

The next PC meeting is scheduled for Thursday, January 20, 2000 at 7:30 P.M. Council Member, Kathleen O'Donnell will join the PC on this day. Council Member, Ruth McIlrath, retires from the PC on this day.

At this time, there is one item on the agenda. Ann Dunning, Architect, will hold a formal discussion concerning an addition to a building located at 1184 Bell Rd. This is formerly the Holzheimer building.

If you are unable to attend the meeting, please call me & let me know. My home # is 338-1807. Thanks.

Maggie