

RECORD OF PROCEEDINGS

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Minutes of PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held NOVEMBER 5, 1992

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MEMBERS PRESENT: BUTZ-VOSS, DANIELS, SUTLIFF, YOUNG, COTESWORTH

OTHER OFFICIALS: D. MARKOWITZ, D. HOCEVAR

GUESTS: S. SIMON, J. BISHOP, S. MILLER, M. FISHER,

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

Chairman Daniels asked for corrections to the October minutes. Daniels stated the following spelling errors should be corrected, in the 4th line, "corrections" should be "correction", on second page, second paragraph, "state" should be "stated", on the last page, eight lines from the bottom, the word "sighted" should read "cited". Markowitz stated some language was left out of the motion regarding Emerald Lakes II, on page 57. In the seventh line of the last paragraph, following "\$402,000", it should read "and the Village retain the sum of \$37,500". Eight lines down from this, following "the" and before "Bellflower" add "Escrow Agreement of Block B, Envelope #25, #26, #27 and #28 and". There being no further corrections, Cotesworth moved to approve minutes as amended, Butz-Voss 2nd. Roll call, all ayes.

Jerry Bishop, Fox Run Subdivision, presented a revised preliminary plan for the Commission review. Plan shows 23 lots with three cul de sacs and a pond for storm water detention. Mr. Bishop stated they have surveyed their property and it matches with all the pins of the surrounding property and everything closes. Mr. Bishop stated he has made the corrections requested at the last meeting. Commission reviewed the plans.

Mr. Markowitz stated there appears to be a problem with the location of the entrance road, it does not appear to be far enough away from Maple Springs. The regulation requires 400 feet between any other local street intersection and it appears there is only about 300 feet from Maple Springs and the entrance of the proposed development. Mr. Markowitz advised Mr. Bishop that if this is the case, he would have to apply for a variance, which would be heard before the Planning Commission. Mr. Bishop asked the secretary to send him the necessary application and information to apply for a variance.

Commission discussed the storm sewer easement that goes through the middle of this property. Commission stated their concern regarding this sewer being sufficient to handle the run-off. Mr. Bishop stated their plan will accommodate whatever is necessary. Commission stated the Village Engineer will have to make sure whatever is proposed, will be sufficient.

Mr. Bishop stated as far as water, once he can get approval on his preliminary plat, the very next step is to have the existing well plugged, as per Dr. Eckstein's request and then two new test wells will be drilled to determine whether there is sufficient water to support this development.

Mr. Bishop stated he already has approval for the sanitary sewer tap-ins from the Geauga County Sanitary Engineer. Markowitz stated Mr. Bishop's approval from

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Zane Lee was dated August 18, 1992. Since that date there has been a moratorium imposed by the County Commissioners on tie-ins to the sewer. Markowitz stated he has a letter stating such from the County and the lots for Mr. Bishop's development are not included in those which are part of the South Russell allocation still remaining. Markowitz stated what the Village needs is for Mr. Bishop to go back to the County and get a new letter verifying that these lots will have sewer tie-ins. Mr. Bishop stated he will do this and submit to the Village.

Mr. Markowitz stated another item that Mr. Bishop will have to address following the preliminary plat process is the setting up of the homeowners association and all the documents needed must be reviewed and approved by the Village Solicitor.

Following further discussion, Mr. Sutliff stated the items to be worked on are, the writing of the necessary documents for the homeowners association, the verification of sufficient water, the variance for the distance between the intersections of Maple Springs and entrance of the new development, the approval of the storm water sewers by the Village Engineer, verification from the County regarding the sanitary sewer tie-ins.

Mr. Markowitz asked if there was sufficient green space? Mr. Bishop stated yes he thought there was, but he will have it checked. Markowitz stated he would like to have the Village Engineer check these figures.

Following a lengthy discussion, Sutliff moved to approve the preliminary plat application and plat for Fox Run Subdivision contingent upon the granting of a variance for the road distance, approval from the Geauga County Sanitary Engineer on the sewer tie-ins, proof of sufficient water availability for this development from the Village Hydrologist, and determination of adequate open space, Butz-Voss 2nd. Roll call, all ayes.

Commission agreed to hold a public hearing on January 7, 1992 for the variance request of Mr. Bishop, subject to all forms and fees being filed.

Don Barr, Snavelly Bldg. Co., Whitetail Run II, presented the preliminary plan for phase two of Whitetail Run as was presented at the last meeting. Commission reviewed the plan. Sutliff asked if an agreement had been reached regarding the sanitary sewer easement between Simon and Snavelly. Mr. Barr stated there is a verbal agreement, but nothing is signed yet.

Markowitz stated the Village Engineer could not be at tonight's meeting because of a bad case of the flu, however he did speak with him to get his comments on the proposed plan. Markowitz stated Voldrich stated drainage on this property is a very important consideration because of the creek that goes through the property and there will be drainage easements on a lot of properties and he would like to meet with Snavelly's engineer to go over these issues.

Voldrich reported to Markowitz these drainage easements will be the responsibility of the Homeowner's

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Association, it will be a private system like that found in Emerald Lakes II.

Voldrich commented on Sublots #12 and #13. There is a lake shown on both of these lots and it is his suggestion that the lot lines be adjusted so that the lake is all on one lot.

Another item that needs to be addressed is the water, the Village needs verification that there is sufficient water.

Following a lengthy discussion, Cotesworth moved to accept the preliminary plat for Whitetail Run II, contingent upon approval from Geauga County Sanitary Engineer to tie-in to the sanitary sewers, upon providing proof of sufficient water, upon re-aligning the lot lines of subplot #12 and #13, and upon the final plat providing for common easements to the association in the area where the surface water drainage will be, Sutliff 2nd. Roll call, all ayes.

Sid Simon, Emerald Lakes II, stated he is before the Commission to request permission to begin to develop some of the cul de sacs. Simon stated they want to be able to begin to install the utilities in the first four cul de sacs. Markowitz stated he spoke with the Village Engineer and he stated he had no problem with allowing them to do this.

Markowitz stated under the development review process, when Mr. Simon wants to develop the spur road he will have to submit plans for each envelope for review by the Commission and the Village Engineer will look at improvement plans, grading plans, landscape plans for the spur road.

Commission discussed this at length. Markowitz stated the Village Engineer needs direction from the Planning Commission, stating he is allowed to review the improvement plans for the spur roads. This is not the way the Commission has usually done this, because Simon is only asking to put in the sanitary and storm sewer and nothing else at this time. Mr. Simon stated he is also asking permission to pave the spur roads, when he paves the main road.

Following a lengthy discussion, Sutliff moved to approve the development review for the four spur roads, Buttonbush, Teaberry Circle, Woodrush Circle and Bellflower Circle, but not for any individual envelopes, with the proviso that Bellflower Circle is done after the money is exchanged in escrow, upon the sale of any envelope, #'s 25 through 28 and the spur road, and title to the spur road is transferred back to the developer, pursuant to the escrow agreement with the Village and R. E. Services, Inc. and approval is further subject to the Engineer approving the improvement plans, upon the Engineer determining the performance bond amount and the bond form being acceptable to the Solicitor, and the Engineer determining timing of when the improvements have to be completed, Sutliff 2nd. Roll call, all ayes.

Markowitz stated there has not been any application filed for this development review request, for the spur roads.

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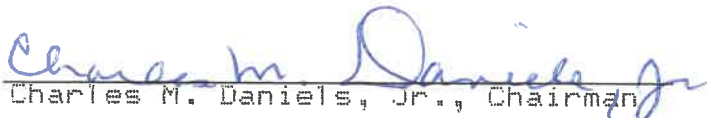
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Mr. Markowitz stated Mr. Simon needs to submit \$250.00 and an application for this request. Markowitz stated the only thing that was approved tonight was the installation of the utilities and pavement for the four spur roads. None of the envelopes have been reviewed for placement of the homes, drainage, etc. This must be done individually. Mr. Markowitz stated each envelope must be approved for development review approval and the deposit will be \$250.00 per envelope. Commission and developer discussed this at great length and the Commission determined \$250.00 must be submitted for each envelope to be reviewed.

Markowitz stated he wants Mr. Simon to understand the landscape plans must be also submitted for approval with the improvement plans on the spur roads

Commission reviewed the requirements and procedure for development review of the envelopes and what steps the developer has to take to be able to begin construction.

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


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

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Minutes of PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held OCTOBER 8, 1992

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MEMBERS PRESENT: BUTZ-VOSS, SUTLIFF, DANIELS, YOUNG

OTHERS OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: S. Simon, D. Barr, T. Grindell, S. O'Bryan, M. Orazen, G. Stanek, W. Driemiller, E. Sachs, S. Miller

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

Chairman Daniels asked for any corrections to the September 6, 1992 minutes. Secretary stated the minutes reflect that Sally Butz-Voss was present at this meeting, she was not present and this corrections has been made. Solicitor Markowitz stated he has the following typographical corrections: on the second page, second to last paragraph, second line, the word "work" should be "worked", last paragraph on the 2nd page, the word "started" should be corrected to "stated". On third page, top paragraph, the phrase "it needs to be fixed and they are fixing it" should be changed to "and they are fixing the area around the borrow pit". There being no further corrections, Young moved to approve the minutes as corrected, Sutliff 2nd. Roll call, all ayes.

Solicitor Markowitz stated for the record he would like to state this meeting was originally scheduled for October 1st and then rescheduled for September 30, 1992. Markowitz stated the Commission received a letter in writing from Mr. Simon's attorney, Mr. O'Bryan, authorizing an extension of ten days to act on the Emerald Lakes II final plat, which extends the time limit of acting on this application until October 8, 1992.

Mr. Steve O'Bryan, attorney for Sid Simon, Emerald Lakes II, stated they had agreed to an extension for the approval of the final plat for the purpose of finalizing certain documents that would in effect confirm agreements that had to do with the inter-connect road. Mr. O'Bryan stated Mr. Simon has agreed to install to the border, with the reservation of a strip, the future dedicated road within three years of the final plat approval with the understanding that the reserve strip would go to the Village and the Village could inter-connect those roads upon the occurrence of 80% of the homes in Whitetail Run II being occupied and/or 5 years, whichever is sooner. This has been put in writing, in a revised form of an escrow agreement. Mr. O'Bryan stated with this agreement and the final plat, they are requesting final approval in order to be able to proceed with the Emerald Lakes II development.

Mr. Markowitz stated he feels it is important that the Planning Commission take the time now to read the Escrow Agreement that has been passed out prior to tonight's meeting. Markowitz stated before this agreement can be effective, Council has to give their approval. In addition, Council has to give their approval to amend the judgment entry, which will have to be done as part of the overall resolution and approval of the plat.

Markowitz stated as far as what documents they have in hand and what still has to be reviewed, they have just received the final plat tonight with corrections that

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were asked for on Tuesday. In addition to the plat, they need a title commitment for the plat, which has been ordered but not submitted. The insurance is in place. The performance bond is not ready yet, it should be ready within the next two days. There is a deed to the trustee, as part of the pledge agreement, that has to be drafted. There is a deed of the common areas to the association, that has to be prepared. In addition, they need a title commitment for Block B, the four envelopes and the street Bellflower. The Associations Articles of Incorporation have been sent down to the Secretary of State for filing. The Declarations of Covenants, Conditions and Restrictions are in final form and acceptable. The Code of Regulations have been changed as requested and approved. The ordinance, Exhibit A, is complete. The legal description for Bellflower has been submitted. Assuming the agreement is acceptable to the Planning Commission, they will submit this to Council on Monday night. All these documents are within two or three days away from final form and acceptable.

Markowitz state Planning Commission has to review the Escrow Agreement and determine whether or not it is acceptable.

Commission agreed to read aloud the "meat" of the Escrow Agreement. Mr. Markowitz stated to preface the reading of the Escrow Agreement, the purpose of this document is to insure to the Village, and to the residents in Whitetail and in the area in general, as well as those living in Emerald Lakes, that there will be financial incentives to the developer to put in a road that will connect from Alderwood Trail to the northeast, to a road constructed by Snively Bldg. Co., in phase III of their development. The Village is asking Mr. Simon to give guarantees that he will put in this inter-connect, and what the Village is being given is Block B, a seven acre parcel; and the Bellflower spur road with four envelope lots.

Solicitor Markowitz read the escrow agreement aloud for the Commission and audience.

Commission discussed the escrow agreement at great length.

Markowitz stated the Commission has to make a recommendation to Council regarding the Escrow Agreement and in addition, take action on the Final Plat Application for Emerald Lakes II.

Mr. Barr, Snively Bldg. Co., Whitetail Run II, stated they have an informal agreement with Mr. Simon as far as being able to tie into the Emerald Lakes sanitary sewer. Mr. Barr stated he would ask the Commission to make as a condition to an approval of the final plat, that there be a formal agreement, signed by both Snively and Simon, agreeing on an easement which will allow Snively to tie into the sanitary sewer. Mr. Simon stated he did not think the Village should become involved in this matter and it should not become a condition of the approval. Mr. O'Bryan stated they will provide a copy of an easement document, regarding this sanitary sewer.

Mr. Steve O'Bryan stated he would like to ask the

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Commission to approve the final plat subject to necessary documents being filed and approved as previously discussed.

Mr. Mike Orazen, Southwyck Lake, stated he would like to go on record, as representative of the Southwyck Lake Homeowners Assoc., as to continue to oppose the final approval, of Emerald Lakes II, due to the lack of responsibility the developer has shown regarding the damage done to the Southwyck Lake.

Following lengthy discussion, Sutliff moved to recommend to Council to approve the escrow agreement as presented, Butz-Voss 2nd. Roll call, nays, Young; ayes, Butz-Voss, Sutliff, Daniels.

Mr. Bill Driemiller, engineer for Emerald Lakes II, presented the plan for the Final Plat. The Commission and audience reviewed the plan presented.

Following lengthy discussion, Sutliff moved to approve the final plat for Emerald Lakes Subdivision No. 2, conditioned upon the delivery and approval of a title commitment in the sum of \$1,000.00 for the street shown on the plat in a form acceptable to the Village Solicitor, upon the Developer filing the Performance Bond in the amount of \$402,500.00 which is already on deposit with the Village for the erosion control bond previously delivered to the Village on June 2, 1992, and the Developer delivering the Pledge Agreement signed by Security Federal Savings Loan in the amount of \$402,500.00 in a form acceptable to the Solicitor, upon the delivery of and approval of the Deed from the Developer to R. E. Services, Inc., as Trustee, pursuant to the Bellflower Circle spur road, upon approval of the Deed from the Developer to the Homeowners Association conveying the common areas in Blocks A and C and upon the delivery of a title commitment in a form approved by the Solicitor in the amount of \$1,000.00 showing title in the name of the Association for Blocks A and C (minus the spur roads) and title in the name of R. E. Services, Inc. as Trustee for Block B, Envelope Nos., 25, 26, 27, and 28 and Bellflower Circle spur road, upon the filing of the Homeowners Association's Articles of Incorporation with the Secretary of State by the Developer, upon the recording with the Geauga County Recorder of The Declarations of Covenants, Conditions and Restrictions in a form approved previously by the Planning Commission, upon the execution of the Code of Regulations by the Developer in a form previously approved by the Planning Commission, upon the Council of the Village adopting an Ordinance authorizing the Mayor and Clerk to enter into an Escrow Agreement attached to and made a part of such Ordinance, in a form acceptable to the Village Solicitor and the filing of a Third Amendment to the Judgment Entry of Stipulation in the case of Emerald Lakes, Inc. v. Planning Commission of South Russell Village, et al., Case No. 81 M 189 in the Court of Common Pleas of Geauga County, and the agreement of the Developer to provide a sanitary sewer easement to adjacent properties situated northeast to the subdivision owned by the Reserve at Whitetail Run Limited Partnership and known as the proposed Reserve at Whitetail Run Development, upon the terms set forth in a letter dated September 14, 1992 from John P. Snavey to Sidney Simon, Butz-Voss 2nd.

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Roll call, ayes, Sutliff, Daniels, Butz-voss; nays, Young.

Mr. Don Barr, Shavelly Development Co., Whitetail Run II, stated he is filing a revised preliminary plat for Phase II, Whitetail Run. The plan is basically the same as the one filed last month, with two exceptions. First, is a change to align the inter-connect roads and second, extended the cul de sac to provide for the inter-connect. Mr. Barr stated they anticipate this project to take five years to complete. Commission reviewed and discussed plan at length.

Mr. Barr stated what he would like the Commission to give them tonight is their input as far as whether they like the plan and what items need to be further addressed.

Commission stated they like the concept and layout of this plan, especially the fact that there are larger lot sizes.

Markowitz stated as far as the length of the road and the possible need for a variance from the 2,500 foot maximum, it is his opinion that there would be no need for a variance for the street extensions in Phase II as long as they have made provision for an inter-connect road and it is shown on the final plans.

Jerry Bishop, developer for the Milstein property, Fox Run Development, at the northwest corner of Bell and Rte. 306, presented a preliminary plan showing 23 lots. Commission reviewed the plan as presented.

Following a brief review, Commission stated it appears that the setbacks are not sufficient and there are no dimensions shown on the plan. Commission stated the plan does not have enough information, they asked that a revised plan be submitted at the next meeting with all the necessary information.

Markowitz stated the natural features should also be shown on the preliminary plat, and this plan does not have that information. Mr. Bishop stated he would include this on the revised plan.

Mr. Bishop stated he will attend the next Planning Commission in November with a revised set of drawings.

Mr. Markowitz stated he has checked into the issue of political signs and he has found that the Code does not permit political signs. Markowitz stated it is his opinion, if the signs are put up in the right-of-way, the Village can remove them and any sign that an individual wants to put on their lot won't be sighted, even though it is technically not permitted, until the Village decides to take up the issue and adopt some regulation. Mayor Young stated this issue was precipitated by a phone call from an individual wanting to put up a sign in support of a specific issue on the lot across the street from the Village Hall. Commission agreed not to take any action as far as drafting regulations at this time.

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

CHARLES M. DANIELS, JR., CHAIRMAN

Cathy Male, SECRETARY

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PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held SEPTEMBER 3, 1992

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Members Present: _____, Sutliff, Daniels,
Cotesworth, Young

Other Officials: D. Markowitz, T. Voldrich, D. Hoveyar

Guests: S. Simon, D. Barr, M. Drazen, G. Stanek, E. Buchanan, K. McClintock, J. Stanek, M. Stanek, L. Mighdoll, D. Kiffner, R. Labinka, D. Eshelman, A. Shirkman, J. Roberts, S. Goldstein, C. Porter, J. Teagro, H. Peller, S. Nielsen, J. Buch, E. Peller, A. Catani, D. Howell, L. Lovell, J. Manning, P. Bryan, M. Esposito, J. Singer, M. Garvin, W. Driemileer, E. Sachs, S. D'Bryan, T. Grindell

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

Chairman Daniels asked for any corrections to the August minutes. Following several spelling and typographical corrections, Cotesworth moved to approve the minutes of August 6, 1992 as corrected, Sutliff 2nd. Roll call, all ayes.

Mike Drazen, 130 Southwyck Drive, stated he is before the Commission because they have a problem with Southwyck Lake. Mr. Drazen stated when Emerald Lakes II looked like it was going to become a reality, they came before the Commission asked for their help in protecting their lake during this construction. Members of the Southwyck community attended meetings and felt assured that the Village would protect their environmental area. Mr. Drazen stated the reason they are before the Commission at this time is because they feel that the Commission has failed Southwyck Lake, the events of the past week have indicated an apparent disregard on the part of the developer to follow the directives of the Village. As proof of this disregard, Mr. George Stanek, resident of Southwyck Lake, will present the evidence they have gathered.

Mr. George Stanek, 100 Southwyck Drive, presented a map that illustrated the location of the Emerald Lakes II development in relation to Southwyck Lake subdivision. Mr. Stanek stated the source of the problem that he wants to discuss is a connector road to a new excavation, a borrow pit area that has had totally no protection for siltation. Mr. Stanek presented photos showing the quality of the water in the lake prior to the big rain storm and terrible flow of muddy waters on the following day. Mr. Stanek then presented photos of waters flowing from the area of the borrow pit, where there was not one ounce of protection. There was not a silt fence or a straw bale, and it wasn't even graded or drained properly in order to protect the down stream area. Mr. Stanek presented photos of different areas of the Emerald Lake excavation and stated these photos demonstrate the lack of any siltation controls and he and the Southwyck residents are very angry about the condition of their lake and want something done about lack of controls on the excavation of the Emerald Lakes development.

Mr. Drazen stated now that the evidence has been

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presented as far as the damage done to Southwyck Lake, he would like to raise some questions to the Commission. There are three questions, first, is the Village of South Russell able and willing to protect the residents of Southwyck Lake from temporary or permanent damage to their lake as a result of the development of Emerald Lakes; second, how can the Village assure themselves and the residents of Southwyck Lake that the developer is taking the proper containment measures in a pro-active fashion rather than simply recognizing the lack of performance after the events which can not easily or totally be reversed; and third, what can the Village do or require be done by the developer, to assure themselves and the residents that all the damages to Southwyck Lake will be remedied by the developer in a timely fashion, in total, without any constraints to his financial condition at the time.

Several residents stated their concern with the condition of the lake and felt there has not been any time in the past that the lake has been in such terrible condition. Residents stated they felt betrayed that this situation could have occurred with all the assurances from both the Village and Mr. Simon.

Mr. Jim Manning stated he has lived in Southwyck Lake for the past nine years and he has been involved in many meetings with Mr. Simon and the Village regarding Emerald Lake I, talking about all the issues that are being discussed tonight. Mr. Manning stated he is extremely disappointed that these same issues are being once again discussed, they sought legal council during the building of phase I, and they will again seek legal council if it is the only way they can be assured that their lake can be protected.

Mr. Sid Simon stated he has engaged a company that would give him information and guidance as to how to develop the property and not negatively affect the downstream properties. The ACRT Company has been hired by Mr. Simon to monitor the waters of both Emerald Lakes and Southwyck Lake. Mr. Simon introduce Dr. Elizabeth Buchanan and asked her to report on the current situation as she sees it.

Dr. Buchanan stated all the measures for erosion control that they have had Mr. Simon put in place have worked very well up until this last rain storm. Dr. Buchanan presented the report that she prepared and discussed at great length. Report hereto attached. Buchanan explained that turbidity measurement is an indirect method of measuring sediment in water, but it is very effective in measuring high sediment load and low sediment load. Dr. Buchanan explained where they took the samples and how they documented the samples with photos as well as taking a video of the waters.

Dr. Buchanan reviewed the report she had prepared and referred to the conclusions and recommendations. Buchanan stated from June, July and August and up until the past storm on Thursday and Friday, there really was no problem that they could detect through their measurements and problems they did find with the silt fences were reported to Mr. Simon's people and they were corrected very quickly. The storm on the 27th and 28th

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of August was absolutely extraordinary, she has never seen the sediment load like that which was being carried by the streams flowing from properties to the north as well as from the borrow pit area flowing into the wetlands, on to the beaver dam and then into Southwyck Lake. Buchanan stated the NTU readings of sedimentation coming from the borrow pit were extremely high and very alarming, over 1,000. They immediately notified Mr. Simon that the sedimentation basin needed to be enlarged to handle the sedimentation. The readings at the Beaver Dam were 46 and the readings at the lake were 46. Buchanan stated the wetlands and the beaver dam are working incredibly well to hold the sedimentation. What the goal is, is to see NTU readings in the surrounding streams of being between 5 and 15. Buchanan stated she is not saying that there was not an impact on Southwyck Lake, there certainly was, and it needs to be fixed and they are fixing ~~it~~ ^{the area around borrow pit}. On Tuesday, the basin was being enlarged, the area needs to be seeded as soon as they can get a hydro-seeder and straw in there and get it done, this is critical.

When asked if the beaver dam was intact, she responded that the force of the storm cut an opening in the dam. Southwyck residents disagreed however no one actually saw someone cut the dam and the Mayor stated no one in the Village gave permission to the developer to disturb the beaver dam.

Mike Drazen asked if the borrow pit and haul road were excavated without any soil erosion protection, he walked that area and there was not one straw bale or silt fence to protect from soil erosion. How can they be assured from now on that the developer will take a pro-active approach and not wait until the problem occurs.

Dr. Buchanan presented a video showing the borrow pit and haul road area between the time of 8-24 and 8-28, including the streams flowing into the area. Commission, residents and developer discussed the lack of sedimentation controls as it exists around the borrow pit. Dr. Buchanan stated there is a problem but they are addressing those issues at this time. The residents stated their anger at the issue that nothing was done until there was a major problem. Mr. Simon stated he is doing everything he possibly can and everything that has been asked of him.

Mayor Young ~~stated~~ ^{started} to address the questions presented by Mr. Drazen on behalf of the Southwyck residents, the answer to the first question, is the Village of South Russell able and willing to protect the residents of Southwyck Lake from temporary and permanent damage as a result of the development of Emerald Lakes II, is yes to the extent they can legally and to the extent they have the resources to back up whatever demands are present. The Village is very concerned and committed to working with the residents and the developer and all the consultants to see that this situation can be resolved.

Village Engineer, Tom Voldrich, stated there has been plenty of correspondence and on-site direction given to the developer to prevent this type of situation from happening and as was reported earlier, up until August, 27th there has been few problems. Voldrich stated they

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have had erosion protection plans provided to them, for most of the excavating work however they have not had any plans provided for the borrow pit and haul road. Currently, they are putting together an entire erosion control plan for the whole development. Voldrich reviewed the process and stated he did not receive proper notification of doing the work on the haul road and borrow pit. Voldrich stated as soon as the system of soil erosion control broke down, the Village took immediate, severe action, the project was shut down the same day, within hours of the complaint. Voldrich stated he felt there should absolutely be no further work, until all available resources that the developer had were put forth to control the erosion. Voldrich read letter sent to Mr. Simon, 8-27-93, stating stop work order and measures to be taken to get area under control.

Mayor Young stated after listening to this conversation, he feels he needs to clarify one thing. What he thinks he is hearing is the Village was not notified by the developer prior to the road being cut to the borrow pit, is this true?

Voldrich stated yes, they were not given notice prior to the work being done.

Young stated the Village was not told the road was being cut and had we been told before it happened, we would have reminded the developer for the need of erosion controls. Voldrich stated this is correct.

Solicitor Markowitz stated the Village has a performance bond which is required of the developer in the amount of \$37,500. If in fact the Village believes there has been a violation of the plan approval, they have the right to take the money and fix a problem the developer is not willing to fix. Second, if the Village determines that there is construction going on and it is not in compliance with the plan approval and it might cause a problem in the future, the Village can require immediate compliance if it is determined to be an emergency, if not, they have 30 days to comply.

Markowitz stated the reason the Village has not called in the bond is because it is the opinion of the Village Engineer, that every time the Village has asked the developer to do something, he has taken the efforts that can be made to correct the problem. Markowitz stated it is evident that there has been work done without getting prior plan approval, this is a problem we are dealing with currently but if the Village Engineer determines that the developer is not doing what is being required, he will not hesitate to call in the bond.

There being no further discussion, Mr. Stanek stated he would like to encourage the Commission to make sure, before approving the final plat, that all the "i's" are dotted and "t's" are crossed and make sure all the necessary bonding is in place, what has happened to Southwyck Lake should never have happened and they are depending on the Village to protect them from any further damage.

Mr. Don Barr, Snavelly Bldg. Co., stated he is filing his preliminary plat for phase II of Whitetail Run. Mr. Barr

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stated he is submitting a preliminary plat and a conceptual plan. The plan is totally different from the first plan submitted and approved several years ago. This plan shows 47 single family lots, lots are a minimum of one acre and there are eight "estate" lots of 1 1/2 acres and larger. This plan shows an interconnect road, as requested by the Village which will connect Whitetail with Emerald Lakes II.

Mr. Barr stated they plan on using ground water, Dr. Eckstein stated a few years ago that the area would support 58 units, they will be requesting an updated report but do not expect any problems.

Mr. Barr stated he is before the Commission for input as to the concept of this plan.

Commission reviewed and discussed the plan at length. Following this discussion, Mr. Barr stated he would like to come back at the next meeting to further discuss this plan and get the Commission's comments after they have had time to review it. Markowitz stated the one issue that is still unresolved is the inter-connect road. Mr. Barr stated he understands that issue is still yet to be resolved.

Mr. Steve O'Bryan, attorney for Sid Simon, Emerald Lakes II stated they have filed their final plat application, fee and plat for Emerald Lakes II and are requesting approval from the Planning Commission. Mr. O'Bryan presented a letter to the Commission which he stated will delineate their intent, copy hereto attached.

Mr. O'Bryan stated he has received a letter from Mr. Markowitz and all the comments Mr. Markowitz made regarding the application and plat, with the exception of the inter-connect road, will be noted on their final plat. Mr. O'Bryan stated the first phase will consist of Alderwood Trail development. The second phase will consist, when economics dictate, a future inter-connect road, at a time that is economically feasible for Mr. Simon however no later than 5 years from the beginning of construction. Mr. Simon has agreed to put in this inter-connect road, however Mr. Simon feels if and when the Snively development is begun, they should use their entrance off of Rte. 306 for their construction traffic, not an entrance off of Bell and through the Emerald Lakes development.

Chairman Daniels asked if the easement for the sanitary sewer has been shown on this plat? Mr. Sy Weiss stated there is not an easement shown, due to the fact the exact placement has not been decided, but there will be one at the time a location is agreed upon.

Commission and Mr. Simon discussed the inter-connect road at great length.

Mr. Grindell, attorney for Snively Bldg. Co., gave a brief history of the past three Commission meetings and his interpretation of what exactly was agreed upon as far as the inter-connect road and escrow agreement. Mr. Grindell stated that to make sure everyone understands the Snively commitment, if the inter-connect road goes in today, they will advance half the cost of the

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inter-connect road and recover that amount out of the sales of the lots on that inter-connect road and on the Simon property. Another concern is the concept of working out the placement of the sewer easement. The availability of the sewer is important to not only Snavelly but to the Village in order to maintain an integrated sewer system for the Village. Mr. Grindell stated he is concerned with the concept of "working out the details between the two developers". They have not been able to work out the inter-connect, he doubts the sewer will get worked out either. Based on these issues, he would like to state the Snavelly Bldg. Co. objects to the proposal as presented tonight.

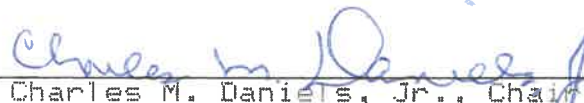
Several Village residents voiced their concerns as far as the Commission approving this plan tonight and asked the Commission to take their time to review these plans and make sure all requirements have been fulfilled.


Mr. Markowitz asked Mr. Simon if he would be willing to meet with Mr. Snavelly and try one last time to work out an agreement. Mr. Simon stated he would be willing to meet with Mr. Snavelly and Mr. Barr stated Mr. Snavelly would be willing to meet and he will have Mr. Snavelly call Mr. Simon.

Mr. Daniels stated the Commission is accepting the Final Plat Application for filing tonight and will take the 30 days to review the envelope plat layout.

Mayor Young stated he is asking the Village Engineer to be vigilant in inspecting the erosion controls that are being installed and no other work is to be done, other than erosion control work, until the Engineer is satisfied and have signed off in writing. Engineer agreed and stated he will follow the Mayor's requests.

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


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

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PLANNING COMMISSION

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DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held AUGUST 6,

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MEMBERS PRESENT: COTESWORTH, DANIELS, SUTLIFF, YOUNG, BUTZ-VOSS

OTHER OFFICIALS: T. VOLDRICH, D. MARKOWITZ,

GUESTS: S. SIMON, D. BARR, P. Bammel, L. BUTLER, H. BUTLER, H. STAMM, K. ELLISON, G. STANEK, J. GOEGER, H. ADELSTEIN, J. TEAGRO, J. FOLEY, H. ROTH, J. ROBERTS, P. CADOO, T. GRENDALL, D. BARR, S. O'BRYAN, S. WEISS, S. MILLER, R. MILLER, W. DRIEMILLER, J. BISHOP

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

Chairman Daniels asked for additions or corrections to the July 3, 1992 minutes. Cotesworth stated on page 37, delete the word "to" in the third sentence, before the word "appreciate" and on page 38, third paragraph, change "improvements" to "improvement". There being no further corrections, Butz-Voss moved to approve the 7-3-92 minutes as corrected, Cotesworth 2nd. Roll call, all ayes.

Chairman Daniels asked for additions or corrections to the July 14, 1992 minutes. There being none, Butz-Voss moved to approve the 7-14-92 minutes as recorded, Cotesworth 2nd. Roll call, all ayes.

Pat Bammel, representative from Kensington Green Homeowners Association, presented a request to amend their Homeowner Association's deed restrictions which would allow for the installation of concrete driveways. Ms. Bammel stated the revised restriction would read, "all driveways shall be asphaltic type, black top or concrete with iron oxide pigment, black concrete, and shall be installed within 6 months" Commission briefly discussed the proposed amendment. Following this brief discussion, Young moved to approve the amendment to the Kensington Green Homeowners deed restriction as presented, Cotesworth 2nd. Roll call, all ayes.

Mr. Paul Snavelly presented an application and plan requesting to reconfigure property located at 1625 Bell Road into three lots. Commission reviewed the plan and application. Markowitz stated one item the Commission needs to consider, is whether or not they want to have the building line set backs put on the the plat for the rear lots so the Zoning Inspector will know the reference point from which the house is to be set back. Mr. Snavelly stated this property is already divided into three lots, what he is doing is reconfiguring the lots as shown on the plan.

Commission discussed the plan as presented. Mr. Snavelly presented a two letters, one from Dr. Eckstein stating there is sufficient water to support this plan and second from the Geauga County General Heath District stating Snavelly has a permit to install a sewage disposal system.

Following a lengthy discussion, Cotesworth moved to accept the minor lot split conditioned upon the building line shown as 75 feet back, the rear line of subplot 3 and rear line of subplot 2 are deemed to be the front lines of set back on subplot 2 and subplot 1, Sutliff 2nd. Roll "

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call, ayes.

Hal Stahn, Stahn Contracting and John Fortney, Medical Consultants Imaging Co., representing Chagrin Valley Medical Center, stated they are requesting permission to put in a doorway on the east side of the building and modify the parking area to allow for a medical imaging piece of equipment to be brought in and parked next to the building. Mr. Stahn stated the trailer will move in and out during the middle of the night, this piece of equipment services several other medical facilities during the week.

Mr. Stahn stated they will be lowering the parking area approximately four feet, installing a retaining wall and also adding a canopy. Commission reviewed the plan and development review application.

Following some discussion, Butz-Voss moved to approve the development review for the building and parking lot modifications needed for the MRI unit to be used at the Chagrin Valley Medical Center, Cotesworth 2nd. Roll call, all ayes.

Mr. Don Barr, Snavelly Building Co., stated he is withdrawing his request to be placed on the agenda for informal discussion on Whitetail Run, phase II.

Mr. Sid Simon, Emerald Lakes II, stated he is before the Commission tonight to proceed with his development. Simon stated he is ready to post the bond, the final plat is currently being reviewed and all the rest of the documents are almost in final form and he would like to get conditional approval, subject to the Solicitor and Engineer, so he can proceed with the improvements. Simon stated Dr. Eckstein has written his report and he has stated there is sufficient water for this development.

Tom Voldrich, Village Engineer, stated they have finished their review of the improvement plans and they are in the process of setting the bond amount.

Mr. Markowitz stated he received a copy of the final plat and he has not had a chance to review it in total. The final plat needs to be reviewed by the Commission because it contains the envelopes and as part of the ordinance that the Commission adopted, it requires the Commission to review it on the Final Plat. Markowitz stated what he understands Mr. Simon is requesting is seeking approval tonight to proceed with his improvement plans, in order to get his road in. In the interim, the finalization of the association documents and the final plat language and layout of the envelopes can be completed, with the one big issue of the inter-connect road still to be resolved.

Mr. Simon stated he is willing to put in an emergency access road when there are residents ready to move into the Snavelly phase II, what he is not able to do is put in a dedicated road with 11 lots, the economy is too risky to make that commitment at this time.

Mr. Simon stated he will commit to putting in the inter-connect road within the next five years, possibly sooner if his development is successful.

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Markowitz stated he would ask the Commission to allow anyone who wishes to speak on the issues before them regarding Emerald Lakes II to speak and following that discussion he would ask the Commission to adjourn into executive session, there are some implications on the existing litigation as well as the fact that there is also threatened litigation.

Tim Grindell, attorney for Snavely Development Co., stated Snavely is ready and willing to sit down and try and come to an agreement on the inter-connect road, anytime Mr. Simon is ready. Mr. Grindell state it is their opinion that the reason Mr. Simon does not want to give Snavely access through his property, via the inter-connect, for five years, is it will increase competition on the sale of the lots.

Mr. Grindell stated another concern he and the Snavely's have is the escrow agreement that is being proposed. One problem is it will make the Village the developer of that portion of Mr. Simon's property containing the inter-connect road and eleven lots. A second problem is the agreement never really finalizes a date that the inter-connect must be constructed. Mr. Grindell stated he does not feel the escrow agreement protects the rights of the tax payers of the Village and they feel it puts the Village in the wrong light vis a vis, how to deal with developers.

Mr. Grindell stated the Snavely's currently have a preliminary plan that is almost complete, showing major access off of Bell Road, as previously discussed at the last meeting. They do not intend to have any plans showing access from Rte. 306, unless access from Bell Road is denied by Mr. Simon.

Steve O'Bryan, attorney for Mr. Simon, stated it is clear the plan, as it is developing, that there will not be an interconnect road through the CEI lines, there will be cul de sac developments. In this case, each developer has to bear the burden of his own development. Mr. Simon is willing to still put in an emergency access road at the time when Snavely begins construction and then put in a permanent road within the next five years.

Commission, audience, developers and attorneys discussed at great length concerns, questions and ideas on the proposed developments. Following this lengthy discussion, Cotesworth moved to adjourn into executive session to discuss pending and threatened litigation regarding Emerald Lakes development, Young 2nd. Roll call, all ayes. Meeting adjourned at 9:57P.M.

Chairman Daniels reconvened the meeting at 11:00 P.M.

Markowitz stated as he understands, the Commission has been requested by Mr. Simon to grant permission to proceed with the remainder of the subdivision improvements so that he can install the road and utilities and then complete the review on the deed restrictions, the performance bond, the final plat, and the envelope layout.

Markowitz stated the discussion the Planning Commission had downstairs was to deal with that issue as well as the

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other issue which was, will we require a through road to be constructed as the Snavelly property has requested, which would be next spring or within a period of time not to exceed five years as Mr. Simon has requested, with an emergency road to be constructed by the time construction starts on houses in Snavelly's development so that there would be access.

Markowitz explained the Planning Commission considered the impact of the existing judgment entry and the order that is effected from that and has come to the view that that judgment entry does not affect or impair the ability of the Planning Commission to act on those requests or obligate them to act upon those requests.

The Planning Commission also discussed the fact that there has been threatened litigation against the Village in the event that we were to compel the Emerald lakes property to put in the road at a time before the developer is ready to commence that phase.

It is the view of the Planning Commission that they will not be taking any type of official vote or a straw vote tonight on either issue. The Commission has determined that there will be further review of the final plat when it's presented to them along with a review of the envelope layout before they are willing to give approval on allowing the completion of the improvements to go in. The reason for that is primarily that the Planning Commission has never seen the actual layout of the envelopes and there has not been a submission of any plan until tonight. As of tonight there is still no official submission of a final plat that lays out the envelopes.

Markowitz stated it is the view of the Planning Commission that it would not be in the best interest of either the developer or the Village to allow the improvements to go in without the Planning Commission having made the determination that the layout of the spur roads and the envelopes and the common area is in keeping with the ordinance that was adopted earlier this year to allow envelope zoning.

For this reason, the Commission is not willing to allow Mr. Simon to proceed with the improvement plan development which is a requirement of the subdivision rules that the Planning Commission review that and approve that before the road goes in.

The Commission has also determined from a review by CT Consultants of the condition of the road that it is possible that the road may not be able to go in this year, even if Planning Commission were to give approval tonight, due to the extreme wet condition of the property, partially due to the fact that there has been a lot of rain this year.

The Commission has also considered all of the implications of what decision should be made regarding the through road, and it has substantial impact, obviously on the people who live in Whitetail and Manor Brook.

It is the view of the Planning Commission, although no official action will be taken tonight, that a five year

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period of time to put in the through road is not in the health, safety and welfare of the South Russell Village residents that exist today or may exist in the future in either the Emerald Lakes development or in the Snavelly Development.

This view is the result of a number of implications, first: the consideration of not having a through road through Whitetail Run property and also on the concern for the safety of the people who would be working or living in the Snavelly development as well as the impact that it has on the Emerald Lakes property, and in consideration of the fact that there has been a variance granted by the Village to allow for the construction of additional lots, and the fact that Snavelly has offered to pay up front for half of the road costs, and due to the fact that the subdivision regulations require the road to go in to the boundary of the property and to provide for the inter-connect.

The Planning Commission is of the view that a five-year period of time to do so is not a reasonable proposal and it is not willing to accept that at this time. The Planning Commission is willing to continue to meet with both developers as well as the residents of Whitetail and try to come to some resolution of this problem.

Markowitz stated the Commission is willing to continue to review the final plat of Emerald Lakes II when it's submitted and to look very carefully at the envelope layout, the spur road layout and to resolve those issues. The Commission will continue to try and work with both developers, to the extent that we can go try and work out some coordinated development of the properties.

Commission asked Mr. Simon to supply the Village with enough copies of the final plat when it is ready so the members will be able to review it prior to the next meeting.

Mr. Simon stated he will supply enough copies of the final plat for the Commission to review prior to the next meeting.

Mr. Jerry Bishop stated he is before the Commission to informally discuss the possibility of developing the Milstein property, located on the northwest corner of Bell and Rte. 306. Mr. Bishop presented a letter from Mr. Milstein stating he is representing Mr. Milstein in developing this property.

Mr. Bishop asked the Commission where he should entrance this property? Commission stated without any plan at all before them it is difficult to give an answer but it would be their thought it would be best to come off of Bell Road. Commission stated Mr. Bishop would have to get a report from the Village Hydrologist as well as permission from the County to tie into the sanitary sewers. Commission also reviewed the Subdivision Regulations and the Zoning Code as they relate to the Milstein property. Mr. Bishop stated he would hope to back at the next meeting with some plan to present.

There being no further business, meeting adjourned at

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11:45 P.M.

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

Cathy Male
Cathy Male, Secretary

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Minutes of SPECIAL PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held July 14, 1992

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Members present: Daniels, Young, Sutliff, Rutz-VossOther officials: D. Markowitz, T. VoldrichGuests: S. Simon, D. Barr, F. Leonetti, G. Smith, L. Brown

Chairman Daniels called the special Planning Commission Meeting to order at 7:30 P.M. Roll call, Cotesworth absent.

Chairman Daniels stated tonight's meeting was for the purpose to further discuss the inter-connect road between the Emerald Lakes II and the second phase of the Snavelly development.

Markowitz stated at the last Planning Commission meeting, 7-2-92, they were reviewing the Emerald Lakes subdivision and in particular the question of the inter-connect between Emerald Lakes II and the final phase of the Snavelly Whitetail property, which would be to the west of the power lines. At that meeting, Mr. Simon requested to allow the main dedicated road to proceed for improvements to be installed and to enter into an agreement whereby the Village would agree the land for an inter-connect road would be held in escrow and at a certain specific time, the road would be put in. At that meeting, there was a discussion initiated by one of the residents of Whitetail Run, that the Village should consider running the inter-connect road through Emerald Lakes and through the final phase of Whitetail but end it with a cul de sac just west of the CEI easement. Mr. Simon, Emerald Lakes and Mr. Barr, Snavelly Whitetail, did discuss the possibility, and indicated to the Commission they would need additional time to review this idea. They both requested this special meeting to further discuss this issue.

Mayor Young stated as a part of Mr. Simon's responsibility, according to the Subdivision Rules, if he develops his land, he must provide for an inter-connect between his land and the property to the north, the Snavelly land. The strong feeling of Council and Planning Commission is there should be an inter-connect. There has been an alternative suggestion as explained by Mr. Markowitz. Young stated at last night's Council meeting, there was unanimous consent for a resolution which said, in effect, that Council supported the concept of a road connecting Bell and Rte. 306.

Young stated the Commission, at their last meeting, asked Snavelly and Simon to meet and try and resolve the inter-connect issue and present their plan back to the Commission.

Mr. Frank Leonetti, resident of Whitetail Run, stated he does not understand why the Village is requiring the inter-connect when no one wants it, the developer does not want it, the residents do not want it, so why would the Village require it. He does not agree with the safety issue as previously discussed.

Mr. Barr, Snavelly Bldg. Co., stated he comes to the meeting tonight in support of the concept that the road begin at Bell Road, go through the Emerald Lakes

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development, enter Snavelly Development and end in a cul de sac on the west side of the power lines.

Mr. Simon stated he has met with the Snavelly group, he feels they are very close to an agreement, but when they found out that Council made a resolution in support of the inter-connect, they decided to wait and see how Planning Commission acts on this concept.

Mr. Barr stated he does not feel they are as close to an agreement as Mr. Simon does, but they still are working at it.

Mr. Simon reviewed the various negotiations that have occurred between Snavelly and Simon.

Mr. Simon, Mr. Barr, and Mr. Grindell discussed the past and current negotiations between Snavelly and Simon regarding this inter-connect road.

Following this discussion, Mayor Young moved to adjourn into executive session to discuss existing and threatening litigation, Sutliff 2nd. Roll call, all ayes.

Chairman Daniels reconvened the meeting at 8:45 P. M.

Mr. Grindell stated he, Mr. Barr and Mr. Simon spoke and they have made some progress and what they suggest is they will continue to meet and when the Planning Commission meets again they will have something in writing that shows the two adjacent properties have reached an agreement.

Mr. Young stated they have four of the five members of Planning Commission here tonight and there is a majority of the members that are willing to forgo paved access road under the power lines. They do feel if there are two cul de sacs, one on either side of the power lines, that there should be some provision for some type of gravel road that could be used for emergency vehicles, if ever necessary. It is the hope of the Commission that with this decision, if Snavelly and Simon can agree on the specifics of the inter-connect between their two properties, that a resolution can be agreed upon.

Mr. Markowitz stated it is their view that assuming the majority of Planning Commission wants to grant the ultimate variance of there not being a through road to Rte 306 from Bell Road, it is his advice to the Commission that he does not feel they have the legal ability to force Emerald Lakes to have the inter-connect road put in this year, as part of the overall final plat approval process, as long as we receive adequate assurances that the road will be put in. Mr. Markowitz stated he and Mr. Rosner have been working on the escrow agreement and if these terms are satisfactory to the Commission, then we can allow the final plat to be approved and the improvement plans to be approved and for Emerald Lakes II to proceed. Markowitz stated he is saying this so everyone understands the spirit under which we think the two sides ought to be operating. On the other hand, there have been alot of special meetings and we are willing to keep meeting but we expect the developers to continue their negotiations in the proper

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Held JULY 14, 1992

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spirit so they can come back to the Commission with something definitive.

Mr. Markowitz stated he needs to get the sense of Planning Commission on two conceptual issues. First, in phase one and phase two of the Emerald Lakes Subdivision, there is a substantial amount of common area in phase two that will be maintained by the phase two property owners and the question is whether the Commission require or desire that the phase one property owners have the right to participate in and vice versa have the duty to maintain the common areas of phase two. In the documents for phase one, there is no clear requirement that the two phases have to be tied in, in terms of responsibility of the common area. Mr. Simon stated the members of phase one association have stated they do not want to the responsibility for the substantial common area in phase two. The only question is if the Commission is in agreement with this, would you want the phase one people to have the right to use that common area of Phase two. Mayor Young asked that a letter be sent to phase one association asking if they wish to participate financially and be a part of Emerald Lakes II, then it will be on record and the Commission can make an informed decision.

The second issue is the single family lots that are proposed on the inter-connect road, should these 12 lots be part of the association that includes the condominium envelopes. Will the lot owners be willing to pay for the maintenance of the condominium areas? Commission discussed this issue at length. Commission agreed that the 12 lot owners should pay part of the maintenance costs of the development but not for the specific envelope maintenance, this could be accomplished in the deed restrictions.

Issues that have to be addressed in the escrow agreement are first, the timing of when the inter-connect would have to be put in, presently the language reads that the road must be put in within 5 years or when 10 families occupy their homes. Markowitz stated this issue may need to be amended due to there possibly not being an inter-connect road through the DEI lines. Commission agreed to further discuss this item at the next Planning Commission meeting.

The last issue on the escrow agreement is if the Village has to take the land back, Mr. Simon would like the agreement to read, that if the Village takes the land back, two things can happen, one is the Village can sell the land off, and if that is the case it would have to go out for bids, and who ever bought it would buy it with the condition that the road would have to be put in. Second, if the Village puts in the road, Mr. Simon would like to purchase the lots from the Village and he would reimburse the Village for the cost of the road, administrative costs and 15% overhead costs. Markowitz asked the Commission their opinion of this concept. Mayor Young stated he does not feel 15% is sufficient.

Mr. Simon and Mr. Barr stated they are in hopes they will have an agreement worked out by the next Planning Commission meeting, August 6, 1992.

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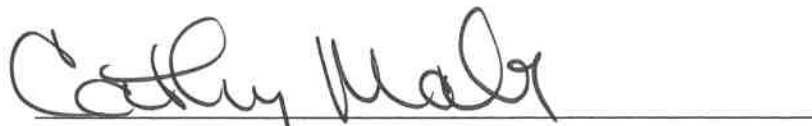
DAYTON LEGAL BLANK CO., FORM NO. 10148

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


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

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Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held JULY 2, 1992

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Members present: Daniels, Sutliff, Cotesworth, Young, Butz-Voss

Other officials: D. Markowitz, D. Hocesvar, T. Voldrich

Guests: S. Simon, D. Barr, R. Rosner, L. Brown, J. Teagro, A. Savage, J. Groger, L. Bully

Chairman Daniels called the meeting to order at 7:30 P.M. Roll call, all members present. Daniels asked for any additions or corrections to the June 11, 1992 minutes. Cotesworth stated on the first page, following "change" the word "to" should read "the" and on the last page, following "Markowitz" the word "ask" should read "asked". There be no further additions or corrections, Cotesworth moved to approve the minutes as corrected, Sutliff 2nd. Roll call, all ayes.

Daniels asked for any additions or corrections to the June 17, 1992 minutes. Secretary stated the following corrections were given to her from the Solicitor; page 33, paragraph one, first line should read "Special Planning Commission Meeting"; paragraph two, second to last line should read "they do not have a sufficient"; third paragraph, second line should read "surfaced" not "surface"; and fourth paragraph, fifth line should read "calculating of the required". There being no further additions or corrections, Cotesworth moved to approve the minutes as amended, Young 2nd. Roll call, all ayes.

Frank Robinson, architect for Ted Panhuis, presented a development review application and the plan showing a proposed addition to the existing veterinary clinic located at 536 E. Washington. Mr. Robinson explained what they are proposing is to demolish a section of the current building and enlarge the existing foundation for a proposed addition. Robinson stated the addition will provide additional space for the office area, as well as relocate the surgical areas of the office. They will also add a new entrance and replace some of the windows. Commission reviewed the plans and stated they felt the plans presented would be an improvement to what is already there. Commission asked the Building Inspector to verify that there was sufficient parking. Following a brief discussion, Cotesworth moved to approve the development review application contingent upon the Building Inspector verifying sufficient parking spaces, Butz-Voss 2nd. Roll call, all ayes.

Mr. Tom Radu, 17 Forest Drive, stated he is before the Commission to report on the progress of his final grading. Mr. Hocesvar stated he sent Mr. Radu a letter in regards to the forfeiture of the final plat deposit, stating the Planning Commission had requested that proper soil erosion controls be installed. Mr. Hocesvar stated Mr. Radu has complied with these requests and now the Commission must act upon the forfeiture request of the Building Dept. Mayor Young asked if there had been a permanent occupancy permit issued for this property? Mr. Hocesvar stated only a temporary occupancy permit has been issued, there are yet a couple items that he has to inspect. One being the set of permanent front steps and another being the deck. Mr. Radu stated the deck is completed but the set of permanent steps has not been

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completed. Mr. Radu stated he is waiting for the area around the front to settle before he pours the front steps. Mr. Young asked when this would be completed? Mr. Radu stated he will complete it as soon as he is able to get his final plat deposit back from the Village. Mr. Radu stated he would be able to complete the steps within 30 days following the receipt of his refund from the Village. Commission discussed this issue briefly. Young moved to refund Mr. Radu \$400.00 of his final plat deposit, \$100.00 is retained by the Village for administrative costs, Cotesworth 2nd. Roll call, all ayes.

Mr. Dick Rosner, attorney for Sid Simon, Emerald Lakes II, stated they are present to discuss the inter-connect road that will run from Bell Road north to the Snavelly development, which is north of Emerald Lakes II. Mr. Rosner stated Mr. Barr, Snavelly Bldg. Co., and Mr. Simon met and struck a deal which basically stated Snavelly would relocate their extension of Manorbrook Drive to the west and Mr. Simon would then allow the Snavelly Development to tie into his sanitary sewer free of charge. Mr. Rosner stated if the through road does go through, it will impact Mr. Simon financially, he will have to pay for the cost of the road, he will forgo any payment from Snavelly and he is also giving up a cul de sac street. Mr. Simon's feelings are, and substantiated by an appraisal, that the value of the lots on a through street are less valuable than lots on a cul de sac street. For that reason, Mr. Rosner stated Mr. Simon is requesting the Village to approve a subdivision consisting of a total 73 lots, which is five more than previously anticipated. The through road will be constructed within a period of five years. To secure the Village that the through road would go in, they are proposing they would convey to Midland Title, a deed conveying not only the area for the inter-connect but also the twelve lots that would be fronting on the inter-connect. An escrow agreement would be entered into between the Village and Mr. Simon that would provide that if Mr. Simon defaults in putting in the inter-connect, the escrow agent would be instructed by the Village to convey title to the Village at which point the Village would own the right of way and also the twelve lots situated on the right of way. Mr. Rosner stated they feel this is a very substantial security to the Village.

Commission reviewed and discussed the plan showing proposed inter-connect, as presented by Mr. Driemiller, Mr. Simon's engineer.

Mr. Joe Groger, Whitetail Run Condominium Assoc., stated they are at this meeting to learn what exactly is being proposed and also to voice their concerns with what is being proposed. Mr. Groger stated they had their annual meeting and they came to a general consensus that they are very concerned about a through road between Bell Road and Rte. 306 because they feel it would impact their environment in terms of safety, security and home life.

Mr. Len Brown, resident of Whitetail, stated he is very concerned with the possibility of this inter-connect becoming a cut-through road, similar to that of Daisy Lane. Several other residents voiced concern with the

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Minutes of Planning Commission

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held July 2, 1992

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possibility of this becoming a cut-through for all residents, therefore a huge safety issue.

Commission and audience discussed these issues at length.

Mr. Simon stated he has an idea he would like to present, one he just thought of and it might satisfy everyone. What would the Commission think if the road went through his development and into the Snavely development, phase two, and then the road would stop at the high tension wires, it would not go through to the phase one of Snavely development.

Mr. Barr stated this idea does have some merit, however he would need some time to present it to Snavely and there would have to be several issues worked out between the two developers.

Mr. Simon stated if this would be agreeable to Snavely, he would build the road right away.

Commission agreed the idea has merit and suggested Snavely and Simon meet to work out the specifics.

Mr. Don Barr, Snavely Bldg. Co., stated what Mr. Simon has presented does have merit and they would like to have the opportunity to review it further and there are several items that would have to be worked out. Mr. Barr stated if there is an inter-connect, their road would have to be relocated, therefore the engineering drawings would have to be redone, their approvals and variances that have been granted would be null and void, they would in essence have to start from scratch. What he would like to ask the Commission tonight, that in the spirit of cooperation, that the Commission to appreciate this and try to be as expedient as possible when they do come back with their revised plan.

Mr. Barr submitted a letter from their land planner, Cawrse and Assoc., which states that by relocating the ManorBrook Drive inter-connect it will increase the development costs \$230,000 to \$250,000, it will require major changes in the development plan, the approval process of the Village will need to start over, and variances previously approved would not remain in effect. Mr. Barr stated the Commission can see the effect on Snavely by moving this inter-connect and they ask the Commission to keep in mind the burden this will create and ask the Village to cooperate as much as possible in the approval process.

Mr. Simon stated another issue that he needs to discuss with the Commission is the need to proceed with the improvements in the dedicated road. Simon stated he needs to begin to put in the improvements in his road, they currently have the road graded.

Mr. Simon stated he would like to get permission from the Commission to go ahead and start the improvements, sewers, etc.

Mr. Markowitz stated Mr. Simon cannot proceed with the road until all the letters of credit and performance bonds are in place. Commission and Simon discussed this at length. Mr. Markowitz stated Mr. Simon currently has

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permission from the Village to do the earth work on the road and that is what Mr. Simon has posted a letter of credit for, beyond that, he can not proceed until the final improvements plans are approved and the letters of credit are posted.

Mr. Simon stated he needs to proceed with the road work, the summer is flying by and he needs to continue the installation of the road.

Mr. Voldrich stated the improvement plans are in the approval state, however he cannot give final approval until the inter-connect issue is resolved.

Mr. Markowitz stated if the Commission is in agreement that Mr. Simon should be allowed to proceed with the completion of the improvements for the dedicated road, he would proceed now with the deed of trust and the agreement with the escrow. Once Snavely and Simon have come to an agreement on the inter-connect, the Commission can then look at the additional lots and decide what should be allowed.

Mr. Simon stated in order to negotiate with the Snavely's, he needs an answer on the lots, will he get them or not. Markowitz stated the Zoning Board of Appeals will make the final decision on whether any additional lots will be allowed. The Commission can give a straw vote, but it is not binding.

Following a lengthy discussion, Mr. Simon asked the Commission to take a straw vote on the additional 5 lots. Mr. Markowitz stated what the Commission should do is make a recommendation to the ZBA, regarding the additional lots being requested by Mr. Simon. Mr. Sutliff stated he would make the motion that the Planning Commission recommends approval to ZBA to proceed with approving a total of 5 additional lots, which is a net of three lots, totaling 73 lots in the second phase of Emerald Lakes, Cotesworth 2nd. Roll call, ayes, Sutliff, Cotesworth and Daniels; nays, Butz-Voss, Young.

Mr. Markowitz stated he and Tom Voldrich are going to need some direction from the Commission as far as how they want them to proceed. They need to know if they are authorized to give the go ahead for the improvements to proceed, knowing that the final plat has not been approved, the declarations have not been approved, landscaping plan has not been approved, and in addition, the land of the inter-connect needs to be placed in trust as previously discussed.

Commission discussed these issues at length. Sutliff stated as far as he is concerned, if the Commission is concerned with the health and welfare of the Village, the ground is all opened up in Emerald Lakes and the Village will suffer if we don't proceed quickly with putting in the utilities and completing the road. Sutliff stated he feels it is very important the Commission find a way to get the improvements in and completed for the main entrance road.

Mr. Markowitz stated the final plat can not be approved or filed until the inter-connect road issues are settled and the Commission approves the plan. Markowitz stated

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even if the road is completed, Mr. Simon will not be able to start construction of any homes until the final plat is approved by the Commission and recorded with the County.

Mr. Simon stated what he needs tonight is permission to go ahead and construct the road, while he works out all the details of the inter-connect with Snavelly.

Sutliff moved to allow the developer, Mr. Simon, to proceed to put in the improvements to the dedicated right of way once the bonds and letter of credit are in place, once the Block A is put in an acceptable trust, conditioned upon the approval of the variance by the Zoning Board of Appeals on the five additional lots. Following a lengthy discussion, the following amendment was made to the motion; moved to allow the sanitary sewer to proceed before any of the other above items occur, as long as the inspection deposits for CT Consultants are put up with the Building Dept. Cotesworth 2nd. Roll call, all ayes.

Mr. Simon asked that the Commission hold a special meeting, he hopes to meet with Snavelly within the next week and he would like to meet with the Commission to discuss their plans.

Following a brief discussion, Commission agreed to hold a special meeting on July 14, 1992 at 7:30 P.M.

Markowitz stated he is presenting a proposed ordinance which would amend the Zoning Code, allowing the Village to appeal the decisions of the Zoning Board of Appeals. Markowitz stated the impetus of this amendment is the Ohio Supreme Court last week ruled that municipalities can only appeal adverse decisions of their Zoning Board of Appeals if they have it in their charter or in their ordinances.

Following a brief discussion, Sutliff moved to recommend to Council adoption of this proposed ordinance which would amend section 3.07 of the Zoning Code which gives the Village the authority to appeal adverse Zoning Board of Appeals decisions to the Court of Common Pleas, Cotesworth 2nd. Roll call, all ayes.

Mr. Hovevar presented the revised plot plan of the police station, showing the parking and driveway. Commission reviewed the plan. Following a brief discussion, Cotesworth moved to approve the revised plan of the police station plot plan, Sutliff 2nd. Roll call, all ayes.

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

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

Cathy Male
Cathy Male, Secretary

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Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held _____ 19____

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held JUNE 17, 1992

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MEMBERS PRESENT: Daniels, Cotesworth, Sutliff,
Butz-Voss, Young

OTHER OFFICIALS: D. Markowitz, T. Voldrich

GUESTS: S. Simon, R. Rosner, S. Ciciretto, W.
Dreimiller, E. Gottschalk, Jr.

Chairman Daniels called the Special Planning Commission ^{Me.} to order at 7:30 P.M. Roll call, all members present. The minutes for the June 11, 1992 meeting were not completed, no action was taken.

Mr. Dale Markowitz stated there are two issues remaining for the development review application for Hunan's restaurant, as filed by Ed Gottschalk, Jr. at the last meeting. Mr. Markowitz stated first is the hard surface requirement for parking areas and the second is the storage building is currently included in the calculating the required number of parking spaces, unless the Commission waives this requirement. If the storage building is included, they do not have a sufficient number of parking spaces.

The Commission reviewed the parking plan and discussed the areas that were hard surfaced and those that were not. The gravel areas of the parking are in the rear of the building, all parking in front is asphalt.

Commission discussed the storage building and the requirement of including it in the parking calculations. Following brief discussion, Sutliff moved to waive the requirement of including the storage building in the calculating of ^{the} required number of parking spaces and to waive the requirement for a hard surface parking area for the proposed Hunan Restaurant, Butz-Voss 2nd. Roll call, all ayes.

Mr. Gottschak stated they will be providing additional lighting of the parking area.

Mr. Sid Simon, Emerald Lakes II, presented a revised plan showing a new location for the inter-connect road. Mr. Simon stated after the last Commission meeting, he contacted Mr. Snavely and they met and agreed on the location of the interconnect as shown on the plan presented tonight. Mr. Simon explained Snavely was originally going to pay him \$100,000 in order to tie into the sewer lines. Since that time, Snavely has agreed to extend their street, at their own cost, which will shorten the Emerald Lakes inter-connect. Snavely will not pay the \$100,000, if they extend their street as shown on the plan. Mr. Simon stated to offset some of the cost, possibly 25%, they are proposing, instead of 17 additional lots, 3 lots and this would take care of all the requirements the Village is requesting.

Commission discussed this plan at length. Mr. Simon stated his plan is to phase his development, the inter-connect would be in the 2nd phase. Mr. Markowitz stated if the inter-connect is going to be in the 2nd phase, Mr. Simon must provide some guarantee that the inter-connect will be put in. Mr. Simon stated he could make it a paper street and deed it to the Village. Mr. Markowitz stated that would not guarantee the Village the

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road would be put in. Mr. Simon stated he can not put in this road at this time, he financially can not do it. Mr. Simon stated he feels the 10 lots on the inter-connect should be guarantee enough that he will put in this road, he could not afford to not be able to sell these lots, he just does not have the financial capabilities at this time to put in the inter-connect. Commission discussed the issue of guaranteeing the inter-connect at great length.

Mr. Markowitz stated the Village must be guaranteed that this road will be put in, sometime in the future. Markowitz stated what the Commission is saying is this road must be put in when the first phase is being put in, or, some form of a guarantee must be in place that will assure the Village the road will be constructed. Simon stated he can not do either one, he does not have the money or any other arrangements. Mr. Simon stated he does not understand why this road is now being required, it was not an issue when they started the discussions three months ago.

Commission asked what can they do or get, that will guarantee the road will be built. Mr. Markowitz stated he is not a magician or a financier, he is just telling the Village the only way to guarantee that the road will be put in, is to get something that has teeth in it and it will hurt if it is not put in and that is either cash in the bank or some collateral that is easily liquidated so the Village can get the street put in or a letter of credit or something of this nature. Markowitz stated he has always stated the inter-connect has been a requirement to the approval of this development, there has been discussion of dropping this requirement but it has always been an issue.

Commission discussed a number of methods which would guarantee the installation of the inter-connect at great length.

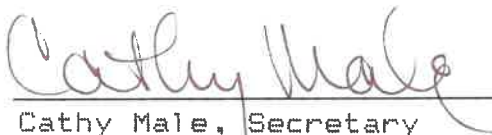
Mr. Markowitz stated the possible options that would guarantee the road would be built are cash, a letter of credit, performance bond from a surety company, the Village holding the land in the Village's name or some other suitable collateral given to the Village.

Following a lengthy discussion, no agreement was made between Mr. Simon and the Planning Commission.

Chairman Daniels adjourned the meeting at 9:45 P.M.



Charles M. Daniels, Jr., Chairman



Cathy Male, Secretary

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Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held JUNE 11, 1992

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MEMBERS PRESENT: Daniels, Cotesworth, Sutliff,
Butz-Voss, Young

OTHER OFFICIALS: D. Markowitz, T. Voldrich

GUESTS: S. Simon, R. Rosner, S. Ciciretto, W.
Dreimiller, E. Gottschalk, Jr.

Chairman Daniels called the meeting to order at 7:30 P.M. Roll call, all members present (Butz-Voss arrived at 7:45 P.M.) Chairman Daniels asked for any additions or corrections to the May minutes. Mr. Markowitz stated on Page 18, the words "stated the" should be added after "Mr. Simon" in the first paragraph. There being no further corrections, Sutliff moved to approve the minutes as corrected, Cotesworth 2nd. Roll call, all ayes.

Mr. Markowitz stated one thing he would like in the record tonight is, the Planning Commission is expecting the Police Dept. to come back to the Commission and formally present the plan showing the parking and connecting drive for their review and approval. This is a condition of the approval granted at the last meeting. It is not on the agenda for tonight's meeting and he hopes it will be at the next meeting.

Mayor Young asked the Secretary to send a copy of the action taken on the Conditional Use Permit for the Police Station to anyone who was at the meeting last month and came to address that issue. Commission agreed.

Steve Ciciretto, architect for Martguild, Inc., stated he is before the Commission with a plot plan, showing the existing building and the proposed addition. Mr. Ciciretto stated the surveyed plot plan shows there will be no need for any variances, for side yard set back or for parking. Commission reviewed the plan. Mr. Ciciretto stated the plan complies with all the zoning regulations, the building dept. has stated there is no need for any variances for the proposed addition to this building. Commission asked if this plan was a surveyed site plan. Mr. Ciciretto stated the information from the site plan has been transferred to the plan presented tonight, however what is presented tonight is not a stamped surveyed site plan. Following a brief discussion, Sutliff moved to approve the development review application contingent upon Eng. Voldrich verifying the lot dimensions with the engineer of Martguild, Inc., Cotesworth 2nd. Roll call, all ayes.

Mr. Ed Gottschalk, Jr., presented a plan which will change to old Dairy Mart, at 510 E. Washington, to a Chinese Restaurant. Mr. Gottschalk presented a surveyed plot plan, showing the existing office building, the old Dairy Mart, and a storage shed. They need 79 parking spaces and the plan shows 84. Mr. Gottschalk stated they will not be increasing the size of the building, they will only be renovating the interior. Mr. Gottschalk stated they are requesting development review approval for this plan.

Commission reviewed the plan and discussed at length. Markowitz stated this is the first time he has seen the plan, he would like to have time to review and report

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back to the Commission. Mr. Voldrich stated he has not had an opportunity to review the plans prior to tonight's meeting.

Following lengthy discussion, Sutliff moved to approve the development review application for the proposed Hunan's restaurant contingent upon the Village Solicitor and Engineer's review and approval of any zoning issues regarding proposed plan and upon the plan showing landscape barrier, Butz-Voss 2nd. Roll call, all ayes.

Mr. Sid Simon, Emerald Lakes II, stated he is before the Commission requesting clarification on the interconnect road. Mayor Young stated at the last Council meeting he stated his personal position was that there should be an interconnect road between the Emerald Lakes development and the Snavely development and he could not see approving any additional lots for the interconnect road. Mayor Young stated Council had a strong consensus that the interconnect road should be required and no additional lots should be approved.

Mr. Simon stated he did not feel this is fair, the interconnect road will have no benefit to him and he is being expected to pay for the road and he does not feel it will benefit him whatsoever. Mr. Simon stated he can not do this, there is no way he afford to pay for this road.

Commission discussed the issue of the interconnect road at length. Mr. Markowitz stated what he would suggest to Mr. Simon is he look at his plan in relationship to what Snavely is going to do with their plan and see if there can be an agreed interconnect, one that will not cost \$500,000. Mr. Simon stated he has had many, many meetings on this interconnect and up till now they have not been able to come up with an agreement with Snavely. Mr. Simon stated he can not put in this interconnect road.

Commission asked Mr. Simon to contact the Snavely Development Co. and see if they can work out a plan that will provide an interconnect road and one that will not cost Mr. Simon \$500,000. Mr. Simon stated he feels this is a hold-up and the Village is being unfair.

Markowitz stated what the Commission is asking of Mr. Simon is what is required by the Subdivision Rules, when there are two undeveloped parcels, where they both are going to be subdivisions, there will be provided an interconnect road. Mr. Simon appears to be the first to develop, therefore he must provide for an interconnect road. The Village is not telling Mr. Simon where to place the interconnect road, the only requirement is, there must be an interconnect road and it is up to Mr. Simon and Snavely to work out the placement of this interconnect road.

Commission discussed the issue of the inter-connect road at great length. Commission asked Mr. Simon to contact Snavely, meet with them and try and work out a solution for the interconnect. Commission agreed to hold a special meeting on Wednesday, June 11th to discuss with Mr. Simon what he was able to work out with Snavely Development.

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Mayor Young stated Mr. Radu, 17 Woodside, has removed the dirt piles but he has not seeded or planted any ground cover. Commission discussed the forfeiture request of the Building Dept. for the final as-built print. Commission agreed to continue the forfeiture until the next meeting, with the understanding the Village would write Mr. Radu a letter asking him to seed or plant ground cover prior to the next meeting and then at that time they would consider the forfeiture request.

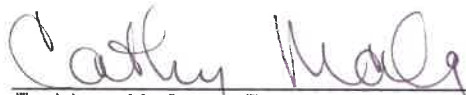
Markowitz ask Engineer Voldrich if he had worked out the final punch list for Bramble Farms, the letter of credit has expired however the bond is still in effect. Mr. Voldrich stated he has sent a letter recommending a release of the balance of the letter of credit.

Chairman Daniels stated he has a request for a sign permit for Marshall Kidd's antiques business located at the corner of Rte. 306 and Bell Road. Markowitz stated the use is a non-conforming use however he has the right to advertise the non-conforming use but the sign must comply with the sign regulations. Commission reviewed the sign plan. There being a brief discussion, Commission approved the sign plan as presented.

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



Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

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Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held _____ 19____

RECORD OF PROCEEDINGS

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Minutes of PLANNING COMMISSION

Meeting

PUBLIC HEARING: Conditional Use Application

DAYTON LEGAL BLANK CO., FORM NO. 1014B

S. R. Police Station

Held May 15, 1992

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MEMBERS PRESENT: BUTZ-VOSS, SUTLIFF, DANIELS, YOUNG, COTESWORTH

OTHER OFFICIALS: D. MARKOWITZ, D. HOCEVAR, T. VOLDRICH
GUESTS: T. MARTIEN, D. MARTIEN, T. LACKOVIC, M. SLODOV, C. BLONDIN, B. JOHNSTON, J. SINGER, S. CICIRETTO, J. GOODMAN, G. HOLZ, D. ROOD, S. SIMON, W. DREIMILLER, R. ROSNER, D. BARR

Chairman Daniels called the meeting to order. Roll call, all members present.

Chairman Daniels asked for any corrections to the April minutes. There being none, Butz-Voss moved to approve the minutes of the April 9, 1992 meeting as recorded, Cotesworth 2nd. Roll call, all ayes.

Mr. Scanlon, Chagrin Lakes, presented a landscape plan for the entrance at Rte. 306 and Sheerbrook Drive. Commission reviewed the plan and following brief discussion, Young moved to approve the plan with the condition that the river stone be removed, Butz-Voss 2nd. Roll call, all ayes.

Mr. Scanlon, Chagrin Lakes, presented a landscape plan for the Sheerbrook cul-de-sac. Commission reviewed the plan and stated they wanted careful consideration made to insure proper drainage. Mr. Scanlon assured the Commission that would be done. Following brief discussion, Sutliff moved to approved the plan, Young 2nd. Roll call, all ayes.

Chairman Daniels called the Public Hearing to order for the request for Conditional Use of the proposed Police Station, 1227 Bell Road. Chairman Daniels read the Public Notice as published in the Geauga Times Leader on 4-15-92. Daniels explained the meeting was advertised for May 7, 1992 and had to be rescheduled for 5-14-92 due to the Commission not having a quorum on the seventh.

Mayor Young stated the Village has been in need of additional office space for quite awhile. When the opportunity became available to purchase the home next door, the Council acted and ultimately the purchase was made. Following many discussions, the Council has decided to move the Police Station to this location. However prior to making any alterations to the structure, the Council has decided to apply for a Conditional Use, as required by the Zoning Code.

Mayor Young stated they are not planning on any major exterior renovations, they have plans to do interior renovations. It will be designed for handicapped access, the drive will access into the existing Village parking lot, the parking will be in the rear of the building. Young stated the main access to this new station will be through the existing Village parking lot, Young stated there will be a 6 foot addition to the garage, in order to provide for a three bay garage. The garage will open to the rear of the property. The Village wants to maintain the structure to look as much like a residence as it does right now. Mayor Young stated he has heard rumors that the Village will be putting in a fire station, there will be ambulance service and even a jail. None of these options are a possibility and the

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Village has absolutely no intention to do any of the above. Mayor Young stated they will maintain the landscaping as it exists, there may be some minor modifications however they will not be clear cutting the area, they will go to great extent to try to maintain the foliage that currently exists. Mayor Young stated there is a consensus among the elected people that this will be the appropriate place for the Police Station, it will be a good use for the property and an enhancement for the Village and would improve the ability of the Police to serve the needs of the public.

Tom Lackovic, 30 Annandale Drive, was sworn in and asked if the new Police Station would require additional water source where a new well would be drilled or will it use the existing source and what about the sanitary sewer? Mayor Young stated they will use the existing well and it is connected to the sanitary sewer.

Mr. Michael Slodov was sworn in and asked why the Village was requesting a conditional use permit. Mr. Markowitz stated the Zoning Code specifies that public uses, such as a Police Station, are a conditional use and the district where this house is located is a residential district which requires all public uses, including the Village uses, to be subject to the conditional use process when you are going to change from a permitted to a conditional use. Mr. Slodov asked if the Village was not immune from the application of its own Zoning Code? Markowitz stated the Village took the view that in this particular instance, the Village should comply with the conditional use requirements. There have been occasions in the past where members of their firm, acting as solicitors, have indicated to the Village that they were exempt from the Subdivision or Zoning Code regulations, however in this particular case they felt the Village should subject themselves to the conditional use process.

Tim Martien, 1229 Bell Road, was sworn in and asked to see the proposed plan. Commission and audience reviewed plan.

Claudette Blondin, 27 Annandale Drive, was sworn in and asked if there were any plans for the remaining land located to the rear of the residence, does the Village have any future land use plans?

Mr. Young stated the Village does not have any plans for the property to the rear. The only addition will be a telephone switching box, located near the driveway which will have sufficient screening.

Betsy Johnston, 25 Annandale, was sworn in and stated she did not get notice of the meeting because her property does not abut this property however she has a better view than most. If there are any future meetings on this issue, she would appreciate notification. Commission agreed that could be done.

Ms. Johnston asked what would prevent somebody from coming in 10 years from now and cutting all the trees that provide screening, are there any provisions that will be put in place to protect the residents in the future?

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Mayor Young stated there are no guarantees for 10 years from now however the Village officials who are here now or who will be here in 10 years have a responsibility to the citizens of South Russell to keep the Village as nice as it is possible. Unfortunately there is nothing that is legally binding, but hopefully the Village has demonstrated their acts of good faith by going through this process.

Mr. Slodov asked if in a gesture of good faith if the Planning Commission or Village Council would be interested in considering a zoning amendment which would mandate that the Village must comply with their Zoning Code?

Mayor Young stated he personally takes that request as an insult, considering the acts of good faith the Village is demonstrating by going through the conditional use process.

Mr. Slodov stated the Code does not mandate the Village go through the process for conditional use, there are no checks and balances, it is a showing of good faith and that is it.

Mr. Martien stated he feels what the residents concerns are based on is the fact that there is nothing preventing the Village, two, three or ten years down the road, from coming back and asking for another conditional use for another building. Mr. Young stated they have acknowledged that situation could in fact occur.

Mr. Slodov stated he would like to submit a number of conditions for the Planning Commission to consider when acting on this application.

Mayor Young asked Mr. Slodov if he was acting on his own behalf as a resident or was he representing someone. Mr. Slodov stated he is not a resident and he is representing Mr. and Mrs. Martien.

Mr. Slodov stated he would like to present to the Commission two appraisals of Mr. Martien's property on the impact of the proposed conditional use permit. Commission reviewed the appraisals written by Jack McFarland. Mr. Slodov stated basically what the substance of the appraisals points out is the impact of the proposed conditional use, as well as any proposed governmental use of the property, will be detrimental. Mr. Daniels read the appraisals out loud.

Mr. Slodov stated he has a list of conditions he would like the Commission to consider imposing if they approve the Conditional Use Permit. Mr. Slodov stated the first is to request a plan showing the proposed drive and parking plan be submitted prior to the Commission taking any action on this application. Mr. Slodov stated he would request that if there was an intent of not to comply with the conditions of the permit, that the residents be notified.

Mr. Markowitz stated if the Village wanted to modify the permit, under the Code, there would have to be another public hearing held.

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Mr. Slodov asked if there was any plan for lighting? Chief Laderer stated there is not plan for special lighting at this time.

Mr. Slodov asked a condition be added that would require preservation and/or replacement of existing trees and screening.

Mr. Slodov asked if there was any additional signing to be added, that the plan be included with this application.

Mr. Slodov asked that a condition that no structure for an antennae be located on the property be included.

Mr. Slodov asked a condition be included which would state that no sirens or lights be used until the cars are off the premises.

Mayor Young stated that condition is really stupid and the police only use the sirens and lights when they are needed and he will not restrict the use of sirens and lights.

Mr. Martien stated he hopes there is not any misunderstanding, all he is asking for is reasonableness and good faith and some conditions in writing on the Conditional Use Permit.

There being no further discussion, Chairman Daniels adjourned the Public Hearing at 9:45 P.M.

Chairman Daniels reconvened the Regular Meeting at 9:55 P. M.

Steve Ciciretto, representing Martguild, stated he is before the Commission with regard to the proposed addition to the Martguild building located at 576 Industrial Pkwy. Mr. Ciciretto stated they have reviewed the site plan and it appears that the building is within the side yard setback as required by Code, however there is a question as far as the parking lots, a variance may be necessary. Commission reviewed the plot plan and asked if this represented a surveyed plot plan. Ciciretto stated it did not. Commission reviewed the plan. Commission stated they can not take any action without a surveyed plot plan.

Following a brief discussion, Young moved to defer judgement on development review application of Martguild until a surveyed site plan is submitted, Cotesworth 2nd. Roll call, all ayes.

John Goodman presented a plan showing a 5 lot development off of Rte. 306 which will be serviced by sanitary sewers and storm sewers. Commission reviewed the plan as presented.

This is an informal presentation, no application has been filed. Commission stated they liked the plan and use of the property.

Commission stated Mr. Goodman needs to make formal

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application and come back when their plans are complete.

Dr. Gary Holz stated he is before the Commission to discuss the possibility of using the small building next to his dental office, 5505 Chillicothe Road, as a medical office. Dr. Mark Rood has stated he is interested in renting this space, however there is a problem with sufficient parking. Dr. Holz stated he has spoken with Councilman Taylor regarding this problem and they talked about the possibility of using the space on the south side of the smaller building, that is part of the Village property for additional parking. Dr. Holz stated it is a pre-requisite to using this building to be able to use this area for parking.

Another issue that will have to be addressed is access to his property. With the road widening project underway, Dr. Holz stated he is not sure whether this will prevent him from using his current entrance. There has been some discussion, that given the proximity of the current entrance to the corner, maybe it would be worthwhile, safety wise, for the entrance be moved onto Village property. Commission discussed this issue at length.

Dr. Rood stated he has outside financing available for this project however he needs some clear indication from the Village on whether this parking issue can be resolved.

Mr. Markowitz stated this is not in front of the Commission as a development review, it is an informal discussion trying to determine if it is a feasible concept. Markowitz stated one concern he has is if the Village decides they will lease space for parking, he does not know if it needs to be bid out. Markowitz stated he will research this issue and let the Commission know.

Following further discussion, Cotesworth recommended to Council that they enter into an agreement that will be subject to the Solicitor's review and subject to any requirement to bid, to allow for parking and access through the Village's property to Dr. Holz's property, conditioned upon the use of the building being limited to physicians and dentists, conditioned upon the access from Rte. 306 being closed and subject to any legal forms recommended by the Village Solicitor, Sutliff 2nd. Roll call, all ayes.

Mr. Sid Simon, Emerald Lakes II, presented a revised plan showing a connecting road to the Whitetail Run property. Mr. Simon stated they have shown the road and in addition to the road, they have added 17 additional lots. Commission reviewed the plan as presented.

Mr. Don Barr, Snavelly Development, stated neither he nor Mr. Simon really care if the through road goes in, however if it is required, this plan as presented is a solution to putting in the road and adding the additional lots offsets the cost of putting in the road.

Commission stated they are concerned with the fact of adding 17 additional lots. Mr. Simon stated another solution would be to make this a paper street and deed the right of way to the Village and if it becomes

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necessary to put the road in, the Village could do it, at a later date. Commission discussed the issue of the interconnect road at length.

Mr. Simon stated the issue of the inter-connect road does not have to be resolved tonight. Mr. Markowitz stated it will have to be resolved prior to the approval of the final plat. Mr. Simon stated he understands that this is quite a change, the Commission does not have to make a decision tonight. Mr. Simon asked that the Commission think about this, review it with Council and this issue can be addressed at the next meeting. Mr. Simon stated he did not expect any action on this issue at tonight's meeting.

Commission stated their biggest concern regarding the installation of the inter-connect is safety and being able to get emergency vehicles into this area the most efficient way.

Mr. Simon the issue he would like to have the Commission act upon is granting permission so that he can begin grading for the entrance road. Mr. Simon stated he has the needed approvals for the entrance road. Mr. Voldrich stated he has completed his review of the entrance road however the items left for completion is the final water report from Dr. Eckstein, there is one well left to be drilled; the bonds have to be set, the final plat has to be approved, the soil erosion control measures have to be finalized, and all in all he is about 90 % completed with the plan approval stage.

George Stanek, Southwyck Lake resident, stated this a critical time now that the earth has been opened up and grading has begun. If the skies open up, Southwyck Lake will be besieged with silt like it did six years ago and they don't want that to occur again. Mr. Voldrich stated Mr. Simon currently has a soil erosion bond in place of \$1,000.00 for the work he is currently doing. Commission questioned whether this was a sufficient amount? Mr. Markowitz stated the Village, in setting the bond amount, has not put a value on the damage to the properties outside of Village property. What the bonds have reflected is the cost of the Village completing what the developer is obligated to do under the improvement plans and the subdivision regulations and the erosion control ordinances. The bond is not intended to protect the property owners or homeowners associations that could be detrimentally affected.

Mr. Simon stated what he is requesting tonight is to be able to go in and do the grading for the entrance road. Simon stated Dr. Eckstein has not completed his report, however he was suppose to contact Mr. Markowitz and give him a verbal preliminary report.

Mr. Markowitz stated he spoke with Dr. Eckstein and he stated essentially everything looked good and that he could not give a definitive opinion because all the wells were not complete however the shallow wells are producing a better quantity than expected and that he felt if the remaining wells drilled would look like the ones they have already drilled, there would be enough water to do wells for 70 homes, but he emphasized he did not want the Commission to rely on this until all the wells are

Held

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1. The premises shall be used as a Police Department only and shall not be used as a Fire Station or as a facility for medical ambulance services

2. In the event the Village intends to change the use of the premises for any purpose other than a Police Department or for single family residential purposes, the Village of South Russell shall obtain the approval of the Planning Commission of South Russell so long as such proposed new use is a conditional use or not permitted as a permitted use in the district in which it is located at the time the proposed change of use is contemplated.

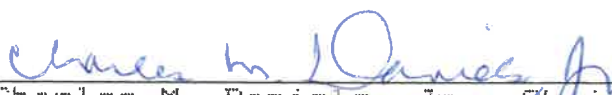
3. The Village shall locate the parking spaces and access drive to the existing Village Hall property on the plans and re-submit the same to the Planning Commission. The configuration and location of the access drive shall be subject to the approval of the Planning Commission. The site plan shall also locate the visitor parking spaces, if any, to be located north of the existing building.


Moved by Sutliff, seconded by Cotesworth. Roll call, all ayes.

Markowitz stated the Performance Bond for Bramble Farms is up and there are some items yet to be resolved. Voldrich stated he will work out these items of concern and he recommended the Commission not taking any action at this time.

Dave Hovevar reported the final as built has been submitted for the Radu residence however the review and approval by the Engineer has not been completed. Commission agreed to grant a continuance until next month, waiting for action from the Engineer's office.

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


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

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Minutes of PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

May 14, 1992

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completed and his report is written.

Following a lengthy discussion, Cotesworth moved to allow the developer to grade the entrance road only and to do so in accordance with an approved erosion control plan, approved by the engineer with the bond approved by the Solicitor and Engineer, in form and amount to cover the cost of repair and to cover potential liability to down stream properties and to require the developer to attain approval of the Engineer before they take any fill dirt from any property on-site and to provide for on-site inspections by CT Consultants during the grading process and to obtain pre-approvals as to the scheduling of the on-site work, Butz-Voss 2nd. Roll call, all ayes.

Mr. Richard Rosner stated in the zoning amendment regarding the envelopes, there is a requirement that there is a 10 foot easement along the side and rear yards of each of the envelopes. In laying out some of the homes on this plan, it has been determined that the home would encroach on the rear easement so what they would like to do is provide for the easement along the front and not the rear. Mr. Markowitz stated the easement is for an access to get the water line from the well to the envelope. Commission briefly discussed and stated they had no problem with this. Markowitz stated he feels this change could be handled on the final plat and will not need to amend the zoning.

Commission discussed the conditional use permit request for the Police Department. After a lengthy discussion, the following action was taken:

WHEREAS, the Village of South Russell has requested a conditional use permit to use and occupy the premises located at 1228 Bell Road, South Russell Village for use as the Police Department for the Village of South Russell; and

WHEREAS, a Police Department is a conditional use permitted in a residential district within the Village and the property at 1228 Bell Road is adjacent to the existing South Russell Village Hall, and abuts the common area of Kensington Green Subdivision and is across the street from existing residences on Bell Road; and

WHEREAS, it is the desire of the Planning Commission for the Village of South Russell to keep the property at 1228 Bell Road as undeveloped as possible and still allow its use as a Police Department; and

WHEREAS, the Planning Commission believes that the Village should maintain the existing foliage and landscaping in place to the extent reasonably possible and to replace or enhance the foliage, landscaping, and trees in order to maintain the existing greenery and natural screening located on the property.

NOW THEREFORE, the Planning Commission for the Village of South Russell hereby approves the conditional use application of the Village of South Russell for the premises located at 1228 Bell Road to be used as a Police Department for the Village of South Russell upon the following conditions:

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held APRIL 9, 1992

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MEMBERS PRESENT: COTESWORTH, DANIELS, YOUNG, BUTZ-VOSSOTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR, K. LADERERGUESTS: J. GOODMAN, S. SIMON, T. RADU, S. CICERRETTO

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

Chairman Daniels asked for corrections to March meeting minutes. Cotesworth stated the word "as" should be added before the word "amended" in the third paragraph, 9th line. There being no further additions or corrections, Cotesworth moved to approve the minutes as corrected, Young 2nd. Roll call, all ayes.

Chief Kurt Laderer stated he is before the Commission to file a conditional use permit application, requesting to use the structure at 1228 Bell Road for Police offices. Commission discussed briefly and Markowitz stated a date for a public hearing needs to be set and adjoining property owners need to be notified of this meeting. Mr. Hocevar stated the applications have been completed and are submitted tonight. Following a brief discussion, Young moved to hold the Public Hearing on May 7, 1992 at 7:30 P.M. for the Conditional Use application for the proposed Police Station., Cotesworth 2nd. Roll call, all ayes.

Mr. Dave Hocevar, Building Inspector, stated he has requested forfeiture of the final plat deposit for Emerald Lake, 125 Waverly Lane; for Snavelly Bldg. Co., 326 Whitetail Run and for Parkview Federal, Radu residence, 17 Woodside. Mr. Hocevar stated the final plat for Emerald Lake has been submitted and approved and the final plat for Snavelly has been submitted and is currently being reviewed by the Village Engineer. Mr. Radu has not submitted a final plat plan and he will be able to explain.

Mr. Hocevar stated he would like to suggest that the Commission consider deducting a processing fee when a forfeiture is requested, the cost of sending out notices and the clerical work needed should be covered by part of the deposit. Commission discussed and agreed to deduct \$100.00 for processing when the decision is made to not forfeit a deposit.

Following a brief discussion, Cotesworth moved to forfeit \$100.00 and return \$400.00 to Emerald Lakes Development for the property at 125 Waverly, Young 2nd.

Following further discussion, Young moved to forfeit \$100.00 and return \$400.00 when the Village Engineer approves the final plat plan for Snavelly Building, 326 Whitetail Run, Cotesworth 2nd. Roll call, all ayes.

Mr. Tom Radu, 17 Woodside Dr., stated he had not filed a final plat plan due to the recent weather conditions and the fact that he has acted as his own general contractor and it has taken him longer to get some things done than he had anticipated. Mr. Radu stated he is planning on renting a piece of equipment this coming weekend, to

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DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held

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grade the area around his home. He will then get a surveyor in to survey and complete the final plat plan. Mr. Radu asked for an extension until the next Planning Commission meeting.

Mr. Dave Hocevar, Building Inspector, stated he feels Mr. Radu's intentions are good, it is just his timing that is not good. Mr. Hocevar stated he would not have a problem if the Commission agreed to grant a 30 day extension. Commission discussed at length.

Mr. Bob Quail, neighbor of Mr. Radu, stated he understands Mr. Radu's situation and is confident that he will take care of the final grading as soon as he is able and would encourage the Commission to grant an extension.

Following a brief discussion, Young moved to extend the deadline for filing the final plat plan until the next Planning Commission meeting in May, Cotesworth 2nd. Roll call, all ayes.

Mr. John Goodman stated he is before the Commission to discuss the possibility of developing a 6 acre parcel into 5 lots. The piece of land is located on Rte. 306, north of Bell Road. Mr. Goodman presented a preliminary plan showing the Commission their concept. Mr. Goodman stated the way the lots are laid out, they follow all the zoning requirements as far as side yards, front and rear yard setbacks.

Mr. Markowitz stated this plan would be considered a major subdivision and the road would be considered a dedicated road. Mr. Goodman stated that would not be a problem.

Commission discussed at length and stated they thought this would be a good use of the property and stated they had no objections to their informal presentation. Mr. Goodman stated they will proceed and hopefully will be back at the next meeting.

Steve Cicerretto, architect for Martguild, 100 Industrial Drive, stated he is before the Commission requesting Development Review approval, to build an addition to the existing structure. Commission reviewed the plan and application. The addition will be for storage and production. Mr. Cicerretto stated they have enough land to build a total of 14,300 square feet however with the proposed addition the structure will be 12,500 square feet. They will have ample parking area for the proposed addition.

Markowitz asked what the side yard set backs are and do they conform to the zoning requirements. Cicerretto stated they have about 15 feet and the Code now requires 30 feet. Markowitz stated the grandfather clause only applies to residential so Martguild will need to request a variance.

Commission reviewed the plan and suggested that these plans be reviewed by the Village Engineer prior to going to ZBA in order to make sure there will not be any other variances required.

Mr. Cicerretto stated he will have the Engineer review

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DAYTON LEGAL BLANK CO. FORM NO. 10148

Held APRIL 9, 1992

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the plans and proceed for the necessary variances.

Mr. Sid Simon, Emerald Lakes II, stated he is before the Commission to update them on the progress for Phase II. Mr. Simon stated he currently waiting for the results of the water tests, he expects to have everything completed within the next month. Mr. Simon stated he is worried about the time, the building season is so short in this area and if he doesn't get an early start he won't get the improvements in prior to the bad weather. Mr. Simon stated he would like to request to be able to start the grading prior to receiving all the final approvals and he would be willing to do anything the Commission would want him to do to make sure he would be responsible in getting all the necessary approvals. Mr. Simon stated it will take six weeks of grading to get the sewers and road in, without the paving.

Mr. Voldrich stated the improvement plans have been approved however he has not signed off on them.

Mr. Simon stated another item that needs to be discussed is the variance that was granted allowing for two extra lots when the interconnect road was provided. Mr. Simon thought this road was only a "paper road", in other words, dedicate the land but not put in the road. Simon stated Mr. Markowitz interprets the variance differently. Markowitz interprets the variance to grant an additional two lots when the improvements for the interconnect road are constructed. Mr. Simon stated the way the interconnect road is laid out now, it will cost alot more to put in the improvements for the road than what he will get from two additional lots. Simon stated he is not willing to put in a road, however he is willing to dedicate the land for the road.

Commission discussed this situation at length. Mr. Simon stated if the Village does decide this interconnect road is not needed, he will take two less lots, he feels that his lots are more valuable without a interconnect road.

Following a lengthy discussion, Commission agreed that Snavelly should be contacted, in order to discuss the interconnect road and the issues that this presents to both developers and the Village.

Commission agreed there were too many loose ends left to allow Mr. Simon to go ahead with grading. Mr. Voldrich stated the only item left in the approval of the Improvement Plans is the landscape plan, which is currently at Knight and Stollar. Voldrich stated the issues of water and the interconnect road are left, in addition he needs to take one last look at the erosion control design. Markowitz stated his concern is if they allow grading to commence and the water report comes in saying there is not sufficient water, what do they do with the road that is already cut?

Mayor Young stated he is concerned with the unresolved issues, he would be willing to schedule a special meeting if these items were cleared up prior to the next meeting, but he is not comfortable granting permission to begin the grading at this point. Commission agreed.

Markowitz stated the Commission has to adopt the

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DAYTON LEGAL BLANK CO., FORM NO. 1014B

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Subdivision Regulation amendments that deal with the "envelope" concept. Commission recommended them to Council, Council has adopted them and now under the Ohio Revised Code, the Commission is required to adopt them. Young moved to adopt Ordinance 1992-19 adopting amendments to the Subdivision Rules, Cotesworth 2nd. Roll call, all ayes.

Markowitz stated the Commission had previously discussed possibly decreasing the maximum lot coverage allowed in the Industrial and Business districts. Commission discussed this item and asked Dave Hovevar to come back with some examples of other Villages density requirements.

Markowitz stated Mrs. Fishman, the woman who requested the petting farm, had her attorney contact him and he explained what the Commission had decided. Markowitz stated if she wanted to pursue this type of use, she could go to the ZBA and request a variance. Markowitz stated he has not heard anything since.

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



Charles M. Daniels, Jr., Chairman



Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held March 5, 1992

MEMBERS PRESENT: BUTZ-VOSS, COTESWORTH, DANIELS, SUTLIFF, YOUNG

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, DAVE HOCEVAR

GUESTS: J. Franzese, J. Fishman

Meeting was called to order by Chairman Daniels at 7:30 p.m. Roll call, all members were present.

Chairman Daniels asked for any corrections to the January, 1992 minutes. There being none, Young moved to approve the January minutes as recorded, Butz-Voss 2nd. Roll call, all ayes.

Dave Hocevar, Building Inspector, stated he would like to propose to the Commission an increase in some of the fees and deposits of the Building Dept. Hocevar stated some fees do not even cover the Village administrative costs to process the application and he would recommend an increase. The Commission discussed at length the proposed increases. Following this discussion, Young moved to recommend to Council the following fee and deposit structure as presented by Dave Hocevar a amended by Planning Commission. For the S-1 application, deposit of \$200.00, with a non-refundable fee of \$100.00. For S-2 application, deposit of \$5,000.00 and when deposit becomes less than \$2,500.00, account must be brought back up to \$5,000. In addition, upon making application of a major subdivision a fee of \$15.00 for each lot, envelope or condominium unit contemplated in major subdivision must be submitted for preliminary plat review and a \$10.00 per lot, envelope or unit fee must be submitted for final plat review. The minimum fee for review of either a preliminary or final plat will be \$100.00. An additional fee of \$5.00 for each lot, envelope or unit must be submitted at the time of each resubmission of a preliminary plat. Cotesworth 2nd motion. Roll call, all ayes.

Mr. Hocevar stated the Building Dept. is requesting forfeiture of final as built deposit from Emerald Lakes, 125 Waverly Lane, \$500.00 deposit; Shavely Bldg., 326 Whitetail Run, \$500.00 and Park View Federal Savings and Loan, 17 Woodside, Radu residence, \$500.00. Following a brief discussion, Planning Commission agreed to hold the public hearing on April 9, 1992 at 7:30 P.M.

Mrs. Judy Fishman stated she is before the Commission to request permission to open a petting farm on her property, Mrs. Fishman stated she leases the farmhouse located on the Care Services property, located on Rte. 306. Mrs. Fishman stated she currently has miniature horses as well as full size horses and what she would like to add are possibly some pigmy goats, miniature donkey, pot-bellied pig, miniature zebras, dwarf bunnies and baby chickens. The animals would be kept in existing buildings that are located near the house, they would not use the back area that is close to the residential area.

Commission discussed this request briefly. Markowitz stated he does not want to make a recommendation without having time to review the Code. Markowitz stated he will

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DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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review this request and determine whether this use could be allowed under the current zoning and report back to the Commission.

Mr. Joe Franzese, Chairman of the Architectural Board of Review, stated he is before the Commission to talk about possible design criteria that could be set up for the proposed Emerald Lakes II subdivision. Franzese stated due to the design of the layout, cluster homes, he can envision 70 different designs and ones that will not be homogeneous. This could look like a real "patch-work" quilt. It is his suggestion that some restrictions be written that will help maintain a more homogeneous, cohesive development.

Commission discussed this concept at length and agreed to give it further thought and they will report to Council Mr. Franzese's concern.

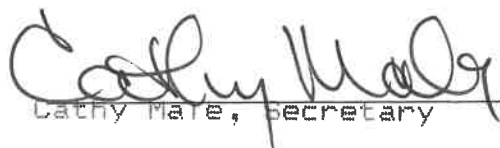
Chairman Daniels reviewed a letter from the Southwyck Homeowners Association asking the Village to take any and all measures which will provide proper protection of their lake during the construction of Emerald Lakes II subdivision. Engineer stated he will review the plan and walk the area and make sure any precautions needed will be taken.

Markowitz stated the Commission must recommend to Council to adopt the amendments to the Subdivision Regulations as presented at the January meeting. Following a brief discussion, Butz-Voss moved to recommend to Council to adopt the Subdivision Regulation amendments as presented at the January meeting, Young 2nd. Roll call, all ayes.

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



Charles M. Daniels, Jr., Chairman



Cathy Hale, Secretary

Held JANUARY 9, 1992

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MEMBERS PRESENT: SUTLIFF, DANIELS, COTESWORTH, YOUNG, BUTZ-VOSE

OTHER OFFICIALS: D. HOCEVAR, D. MARKOWITZ, T. VOLDRICH

GUESTS: R. ROSNER, S. SIMON, W. DRIEMILLER

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

Chairman Daniels asked for any additions or corrections to the minutes of 11-7-91. There being none, Cotesworth moved to approve them as recorded, Young 2nd. Roll call, all ayes.

Chairman Daniels asked for any additions or corrections to the minutes of 12-5-91. Markowitz stated in the third paragraph, third line from the bottom, the word "rescind" should be corrected to read "forfeit". Also, in the last page, when Voldrich stated to reduce the letter of credit on Bramble Farms, the minutes should state it being reduced to \$1,000 not \$3,000. There being no further additions or corrections, Cotesworth moved to approve them as corrected, Young 2nd. Roll call, all ayes.

Chairman Daniels welcomed Sally Butz-Voss to the Planning Commission as Council's representative to Planning Commission, replacing Bill Young.

Dick Rosner, attorney for Emerald Lakes II, stated at the December Planning Commission meeting they went through the proposed zoning amendment which creates the cluster classification and the envelope use and based on some discussions and requests of the Planning Commission, Dale Markowitz has redrafted the ordinance and he will explain the changes made.

Commission reviewed the revised ordinance, copy hereto attached. Mr. Rosner questioned the requirement of the developer placing pins at all of the corners of the envelopes prior to road construction and as he understands it, with single family lots, the pinning is done by the builder and at the time of submitting the grade plan. Rosner stated Mr. Simon has some concerns that if the pins are placed too early, they might be covered up and lost and then require repinning. Mr. Simon stated he would like to place pins at a later time. Commission discussed this item at length. Commission agreed that the pinning of the envelopes must be completed before the acceptance for dedication of the roads.

Tom Voldrich suggested that on the plat there be some provision for a utility easement that could accommodate future water lines. Commission agreed.

Commission reviewed and discussed the proposed ordinance.

Markowitz stated the set back requirement from road as well as from the dwelling next door will be 25 feet. Commission agreed.

Markowitz summarized the changes that were made tonight were 1) add language that requires that the perimeter pins must be put in when the subdivision improvements are

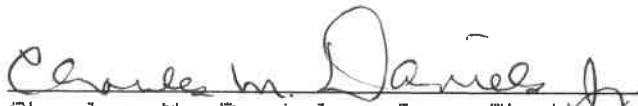
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approved and the pins for the envelopes on the entrance road be put in when the entrance road is approved and the pins for the envelopes for the spur roads go in when the spur roads are approved. 2) Show an easement on the plat for water lines. 3) Clarifying the open space can be less than 25 feet from the dwelling.

Following a brief discussion, Cotesworth moved to recommend to Council this proposed zoning amendment with changes made as discussed, Sutliff 2nd. Roll call, all ayes.

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


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

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PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

DECEMBER 8, 1993

19

MEMBERS PRESENT: Daniels, Sutliff, Butz-Voss, Young

OTHER OFFICIALS: D. Markowitz, T. Voldrich

GUESTS: E. T. Moroney, R. Rosner, S. Simon, N. Hoovler, R. Long, J. Singer, G. Brockett, J. DiMichele

Meeting was called to order at 7:30 P.M. Secretary was absent. Butz-Voss called the roll, Cotesworth absent.

Following brief discussion, Sutliff moved to table the approval of the November minutes, Young 2nd. Roll call, all ayes.

Chairman Daniels called the Public Hearing to order at 7:35 P.M. to hear the variance of Jerry Bishop, Fox Run Subdivision, requesting the issuance of building, zoning and occupancy permits prior to the installation of the final coat of asphalt and prior to the acceptance of dedication of the subdivision improvements. Mr. Voldrich stated there are a few items on his punch list which need to be completed prior to his signing off. Mr. Bishop stated cable, phone and electric are all in and the gas lines are 50 % in. Mr. Bishop stated the gas workers are saying they will be finished in another three or four days.

Mr. Markowitz stated he wanted to make sure Mr. Bishop understands that if this variance is granted, what will then happen is the Village Engineer will draw up his punch list and when everything is completed on his punch list except for the final coat of asphalt, then the building department is authorized to issue zoning and building permits. The bond stays in place as well as the letter of credit, to protect the Village and the residents from those things not completed. The plans for the homes also have to be submitted and approved by the ABR. Markowitz stated he has not received the second extension of the performance bond. Bishop stated he thought that had been completed but he will be sure to have that delivered to Mr. Markowitz's office tomorrow.

Mrs. DiMichele asked if the development would continue to be strawed during the winter? Voldrich stated he has spoken with his inspector and was told once the gas contractors are out and finished, the area would be restrawed for the winter. Mrs. DiMichele emphasized the importance of this activity in protecting their lake off of Sugarbush Lane.

Chairman Daniels closed the public hearing at 7:45 p.m.

Chairman Daniels called the public hearing to order at 7:46 p.m. for the variance request of Sidney Simon, Emerald Lake II, requesting the issuance of the zoning, building and occupancy permits prior to installation of the final coat of asphalt and prior to acceptance of dedication of subdivision improvements for Alderwood Trail, Arrowood Circle, Button Bush Circle, Teaberry Circle, Woodrush Circle, Bellflower

Held

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Circle and Sundew Lane.

Mr. Rosner, attorney for Sid Simon, stated the subdivision improvements, except the final coat of asphalt have been installed and the Village has requested the final coat of asphalt not be installed until next year. This request is for Alderwood Trail, a dedicated street and six private spur roads. Last month, the Commission extended their performance bond to August of 1994.

Mr. Voldrich stated his punch list consists of only a few minor items. Mayor Young stated all of Mr. Simon's deposit accounts are current.

Markowitz asked if the discrepancy in the performance bond account had been settled, there was a question on a couple of draws that were taken without permission of the Village Engineer for payment. Voldrich reported that there is currently \$49,314.12 in the account with a \$13,626 bill yet to be paid which will leave only \$35,687.12 in the account. Voldrich stated he feels that there should be a minimum of \$40,000 in the account to cover the remaining work and a 10% additional amount as required by the regulations. Voldrich stated if Mr. Simon makes a \$4,000 deposit, he feels the account will be brought up to what is necessary to cover all costs yet to be incurred. Following further discussion, Commission, Engineer and Mr. Simon agreed that the amount can be drawn down to \$40,250.00 and whatever the remaining balance is to be paid to the contractor by Mr. Simon directly.

There being no further discussion, Chairman Daniels closed the public hearing at 8:15 p.m.

Chairman Daniels called the regular meeting to order at 8:16 p.m.

Chairman Daniels stated they would like to take action on the subdivision variances that are before them.

Markowitz stated to make sure the procedure for these variance requests is perfectly clear to everybody, he feels it is necessary to require the Village Engineer to put out a letter to the building department which will kick in the period of time the building and zoning permits can be issued. This is so both the developer and building department know when everything is complete, other than the top coat of asphalt, and all punch list items completed. Following further discussion, Sutliff moved to grant a variance to Section 3.07 of the Subdivision Rules to allow the issuance of zoning, building and occupancy permits, in the Fox Run Subdivision, after all subdivision improvements are completed other than the top coat of asphalt, as certified by the Village Engineer to the Building Dept. and upon receipt of the performance bond second extension, the certificate in case of default, and the letter of credit, extended to November 1, 1994, being delivered to the Village Solicitor, Butz-Voss 2nd. Roll call, all ayes.

Chairman Daniels asked for any additional discussion on the variance request for Emerald Lake II. There being no further discussion, Butz-Voss moved to allow the issuance of zoning, building and occupancy permits for the envelopes located on Alderwood Trail, and to allow the issuance of zoning, building and occupancy permits for the homes on the envelopes of Arrowood Circle, Button Bush Circle, Teaberry Circle, Woodrush Circle, Sorrelwood Circle and Sun Dew Lane before the final coat of asphalt and to require all other

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DAYTON LEGAL BLANK CO., FORM NO. 10148

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improvements be completed and certified by the Village Engineer to the Village Building Dept. and also to require delivery to the Village Solicitor of the performance bond second extension, certificate in case of default, and the pledge agreement executed by the developer and Security Federal in the amount of no less than \$40,250.00, Sutliff 2nd. Roll call, all ayes.

Commission discussed the requirement of providing the necessary tie-ins for street lights in subdivisions. The question is whether or not the lights should be in the right-of-way or placed outside the right-of-way in the utility easement. Mr. Bishop stated the street lights in his development are wired two feet off the curb, as the improvement plans were approved. Mr. Bishop stated street lights would not serve any purpose 13 feet off the street, they would be useless. Mr. Voldrich stated he will go back to his land development people in his office and find out what is allowed in regards to the installation and placement of street lights.

Gary Brockett, Annandale Drive, Kensington Green Subdivision, stated he is before the Commission as a representative of the the Homeowners Association to propose a plan for street lights for their development. Mr. Brockett stated they want gas street lights for a safety reason, in order for emergency equipment to be better able to find the homes as well as to provide lighting for the residents to leave in the morning and come home at night. Mr. Brockett presented a plan for the Commission to review.

Commission discussed the plan at length. The Commission asked for information as to where would the lights be placed? Mr. Brockett stated he would envision the light being placed in the same area where the existing street signs are place, which are three to four feet off of the curb. Chairman Daniels stated if this is the case, they would be place within the right-of-way. Markowitz stated if this is the case they will have to determine if the Village will have to grant a franchise. Also, if the lights are put in the median strip, which is in the right-of-way, there is a safety issue based on state department of transportation standards, there is a much greater safety concern for cars that would lose control with lights placed in the median strip.

Mr. Brockett stated if the lights are moved back, out of the right-of-way, there would not be enough light provided to light the signs and provide sufficient safety light, therefore defeating the purpose of the whole project.

Mr. Markowitz stated if all these issues can be resolved, they will have to file a development review application for Planning Commission's action.

Mayor stated he feels the plan as presented needs to be referred to the Village Engineer and Village Solicitor for legal and engineering consideration. Commission agreed to delay any action on this request until the necessary research has been done.

Commission suggested Mr. Brockett present this issue to Council at their next meeting for their input.

Following brief discussion, Sutliff moved to approve the November minutes as corrected by the Village Solicitor, Butz-Voss 2nd. Roll call, all ayes.

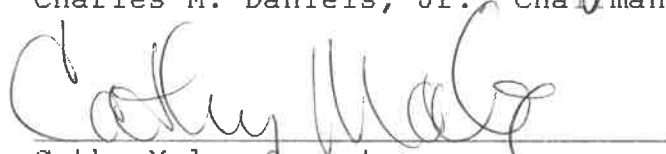
Held _____ 19____

Mr. Sid Simon presented improvement plans for the interconnect road between Emerald Lake II and Reserve of Whitetail developments. The plan shows eleven lots on this road. The sanitary sewer is already installed, what they need to still put in is the storm sewer. Commission reviewed the plan as presented and discussed drainage.

Mr. Simon was instructed he needed to file final plat application for this phase.

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


Charles M. Daniels, Jr. Chairman


Cathy Male, Secretary

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Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held NOVEMBER 4, 1993 19

MEMBERS PRESENT: Cotesworth, Daniels, Butz-Voss, Sutliff, Young

OTHER OFFICIALS: D. Markowitz, T. Voldrich, D. Hocevar

GUESTS: R. Rosner, S. Simon, J. Bishop

Meeting was called to order at 7:30 P.M. Roll call, all members were present.

Chairman Daniels asked for any corrections to the October minutes. Commission made several typographical corrections. There being no additional corrections, Butz-Voss moved to approve minutes as corrected, Sutliff 2nd. Roll call, all ayes.

Mr. Richard Rosner, attorney for Sid Simon, Emerald Lakes II Subdivision, stated they are before the Commission for three different matters. First, the performance bond expires December 15, 1993 and they would like to hold off the final coat of asphalt paving until next summer. Basically everything has been completed except the final coat of asphalt. What they would like to do is ask for an extension of the performance bond until August 1, 1994.

Second, they will be requesting a variance because if they hold off on putting on the final coat of asphalt until next summer, they will need a variance to permit the issuance of building and occupancy permits.

Third, they entered in a three party agreement between the Village, Mr. Simon, and Midland Title last year, by which title to four of the envelopes was placed in Midland Title's name as trustee, pending construction of the interconnect street. What they would like to do is obtain title of these four lots and the spur road, Bellflower Circle, from Midland Title and instead, give four other lots and Fox Sedge Lane. The other four lots would be located in the next cul de sac on Fox Sedge, S/L #29, #30, #35, and #36.

Commission discussed the three party agreement at length. Following lengthy discussion, Butz-Voss moved to recommend to Council to modify the the agreement to change the sublots and spur roads as requested, Cotesworth 2nd. Roll call, all ayes.

Planning Commission agreed to extend the performance bond until July 1, 1994

As far as the variance that will be requested in order to get zoning, building, and occupancy permits, the request will be for envelopes located on Alderwood Trail, Arrowood Circle, Button Bush Circle, Teaberry Circle, Woodrush Circle, Bellflower Circle and Sundew Lane. Commission agreed to set the Public Hearing for Wednesday, December 8, 1993, contingent upon Mr. Simon submitting the necessary application and deposit. Mr. Simon stated he would submit all necessary forms and fees.

Held _____

19____

Mr. Tom Voldrich stated he was in agreement that the final coat of asphalt should not be put in until next year.

Commission discussed the review accounts of Mr. Simon's development. Mr. Hocevar stated Mr. Simon has a balance of \$3,000 in the inspection account and \$796.00 in the review account. Commission agreed not to require Mr. Simon to bring up his review account until the next meeting.

Mr. Simon stated he put up a \$37,500 erosion cash bond when he started Emerald Lakes II. Mr. Simon stated he requesting a release of this money, everything has been completed and he currently has three letters of credit that have not been drawn on that would remain. Mr. Voldrich stated the only items left to be done would total to approximately \$5,000.00. Commission discussed at length and agreed to recommend to Council the release of \$37,500.00 to Sid Simon.

MR. JERRY BISHOP, FOX RUN, stated he is before the Commission to first, request an extension of the performance bond and second, request a variance to get zoning, building and occupancy permits prior to granting acceptance for dedication the subdivision improvements. Mr. Bishop stated he would like to have the bond extended until August 1, 1994.

Commission discussed these requests at length. Mrs. Cotesworth moved to extend the performance bond to August 1, 1994 and extend the letter of credit to November 1, 1994 for Fox Run Subdivision, Young 2nd. Roll call, all ayes.

Commission stated they would agree to hold a public hearing on the variance request of Mr. Bishop on December 8, 1994 at 7:30 P.M. Commission stated Mr. Bishop needed to get the application and fee in by Monday. Mr. Bishop stated that would be done no later than Monday, November 8, 1993. Sutliff moved to set the public hearing on December 8, 1993 for the variance to issue zoning, building and occupancy permits prior to the acceptance for dedication of the subdivision improvements, Butz-Voss 2nd. Roll call, all ayes.

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



Charles M. Daniels, Jr., Chairman



Cathy Male, Secretary

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Minutes of

PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

OCTOBER 14, 1993

19

MEMBERS PRESENT: Butz-Voss, Sutliff, Cotesworth, Daniels, Young

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: Deb & Paul Clark, Jeff Tanchon, Sandra and John Ehlert, Pat Hame, Ken and Sally Felker, Gary Lammert, George Milton, Jerry Bishop

Meeting was called to order at 7:30 P.M. Roll call, all members were present.

There were no additions or corrections to the minutes of the September meeting. Butz-Voss moved to approve the minutes as recorded, Young 2nd. Roll call, all ayes.

Chairman Daniels called the public hearing to order for the **PROPOSED ORDINANCE AMENDING SECTION 6.02 OF THE SUBDIVISION RULES OF THE VILLAGE OF SOUTH RUSSELL, BY ADDING EARTH WORK COMPACTION STANDARDS AS PART OF THE REQUIRED IMPROVEMENTS** and adding Appendix I regarding earth work compaction standards.

Secretary stated the Public Notice for this hearing was published in Plain Dealer on September 13, 1993

Village Engineer stated this ordinance is a collection of basic specifications used to control and enforce the needed compaction efforts for any earth work project. This ordinance also covers the type of material allowed to be put in, along with the water content of the material. Voldrich stated the reason it is in ordinance form is to be able to provide the developers with the correct information on what is expected during the construction project.

Following a brief discussion, Chairman Daniels closed the public hearing at 7:40 P.M.

Regular meeting was reconvened at 7:41 P.M.

Following some discussion on the exact language to be used in accepting this ordinance, Mayor Young moved to adopt the amendment to the Subdivision Rules, as specified in the ordinance for compaction standards, Ordinance 1993-36, Sutliff 2nd. Roll call, all ayes.

RESIDENTS FROM BRAMBLE FARMS HOMEOWNER'S ASSOCIATION WERE PRESENT TO DISCUSS A HOME, CURRENTLY UNDER CONSTRUCTION AT 1484 BELL ROAD. Mr. Paul Clark, representing the homeowners, stated they are before the Commission to try and get some information on how this home, a factory made modular home, was approved. Mr. Clark stated they are interested in finding out if this type of construction is treated differently and if there are ways they can prevent more homes of this type from being built. Mr. Clark stated they are very concerned that this type of home will lower the property values of the surrounding homes. Mr. Clark asked the Planning Commission if there was anything their Association could do or the Village could do to help them make sure no additional homes of this type are constructed.

Chairman Daniels stated the plans for this home being discussed followed all the necessary steps in getting an approved building permit. Mr. Hocevar stated this home is

Held

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considered an industrialized unit and it meets all the requirements of the OBBC. Mr. Markowitz explained this unit was built in a factory, it is inspected by the state of Ohio while it is being constructed. The Village has to accept the certification that is given by the State. If the Village does not and we require them to have another inspection, the State will decertify our Building Dept. and take away our right to have inspections under the Ohio Basic Building Code. This is what happened in the city of Eastlake.

Mr. Markowitz stated the Village cannot stop the construction of this type of home if it has the certification of the State, shown by a red tag, unless it violates the Village Zoning Code or if it does not comply with the ABR requirements.

Mr. Clark asked if the Homeowners Association could have any authority in stopping this type of construction?

Markowitz stated if the association's Architectural Board of Review is supposed to review and approve the plans and if there is something in the standards that is set up in the deed restrictions that would give the association the ability to reject plans, then the house could be stopped.

The residents discussed with the Commission the issue of compatibility of this type of home to the surrounding area. Residents of Bramble Farms stated they did not feel this type of home was compatible with the other homes in the development and they hope to prevent any other homes similar to this one from being constructed in the future.

Building Inspector Dave Hovevar stated during the construction, he inspects the home for everything that is not part of the certificate from the State of Ohio.

Residents thanked the Commission for their time and input and agreed they would make the necessary changes in their deed restrictions so if any more plans for industrialized units are presented, they will have the ability to review and disapprove the plans as an association.

Fox Run
MR. JERRY BISHOP, ~~BRAMBLE~~ FARMS, stated he is before the Commission to request a modification of a variance granted which allows for construction to begin on Sublot #2 and Sublot #19, prior to the acceptance of the improvements. Mr. Bishop stated he would like permission to begin construction on subplot #21 instead of #2. Following brief discussion, Sutliff moved to modify the variance granted for subplot #2 and allow construction to begin on subplot #21, Cotesworth 2nd. Roll call, all ayes.

Mr. Bishop stated they have completed all the under-drain, the paving is in and they have done everything the Village Engineer has asked. Bishop stated the utilities will be staked next week and all the trees will be delivered tomorrow. If the weather holds, they anticipate being finished by the end of the month. What he would still like to do, and what Mr. Markowitz has suggested he do, is request a 90 day extension on the bond, in order to get the improvements accepted.

Following a brief discussion, Sutliff moved to grant a 90 day extension on the performance bond for Fox Run Subdivision, in order to complete the subdivision improvements and get them accepted for dedication, Butz-Voss 2nd. Roll call, all ayes.

Mr. Bishop stated they are planning to put in street lights however the CEI is stating they will only bill the Village and not the association. Mayor Young stated the Village

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Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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does not want to be receiving bills for other subdivisions street lights and he feels CEI should be pushed a little harder and see if they will agree to bill the associations direct.

Mr. Markowitz stated the Commission needs to take action on the **PROPOSED ORDINANCE AMENDING THE DEFINITION OF HOME OCCUPATION.** Commission briefly discussed and following this discussion, Butz-Voss moved to recommend to Council the proposed ordinance amending home occupation regulations, Young 2nd. Roll call, all ayes.

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

Charles M. Daniels, Jr., Chairman

Cathy Male

Cathy Male, Secretary

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held _____ 19____

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

SEPTEMBER 2, 1993

19

MEMBERS PRESENT: Daniels, Sutliff, Young, Butz-Voss, Cotesworth

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: S. Simon, J. Bishop, L. Lechman, J. Singer

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

Daniels asked for corrections to the minutes presented, July 8th, August 8th and August 12th. Markowitz stated in the August 12th minutes, fifth paragraph, third line, following "30" should read "days notice of cancellation on the insurance certificate"; on the next page, #190, in the fourth to last line, following "surrounding area" it should state "to commence such work by September 15, 1993"; on page 191, in the sixth line, following "on" it should read "the". There being no further corrections, Sutliff moved to approve the July 8th, August 8th and August 12th minutes as amended. Roll call, all ayes.

MR. SID SIMON, EMERALD LAKES II, presented an elevation and landscape plan for the entrance to Emerald Lakes II. The plan presented showed stone walls at the entrance and landscaping along the entrance, around the ponds and along the entrance street. Mr. Simon stated the landscaping and walls are outside the right of way. Cotesworth questioned whether the divider of the entrance road was too close to Bell Road, it appears to be too close to Bell Road and it would be difficult to turn in, especially for the snow plows. Mr. Simon stated he would have his people look at it to see if there is sufficient turning area. Mr. Simon stated due to the structure of the stone wall, the Planning Commission needs to look at it for development review.

Commission reviewed the plan as presented. Mr. Simon presented a preliminary drawing of their sign. Mr. Simon stated he is not happy with preliminary sketch, wants it to be a little larger. Commission reviewed the regulations for fences and signs.

Following further discussion, Cotesworth moved to approve the development review application for the entrance of Emerald Lakes II contingent upon the approval of the Building Dept. on the set back minimums and Police Dept. on the sight distance relative to the fence and sign, Butz-Voss 2nd. Roll call, all ayes.

Mr. Simon stated they are going to start installing the utilities within the week. Mr. Simon stated they will not be able to finish the landscaping as quickly as he would like and he does not want to be held up in getting the road dedicated if the landscaping is not complete. Simon asked what he needs to do in order to go ahead, without the final landscaping in. Mr. Simon stated if he can, he would be willing to post any necessary bonds, which would guarantee the landscaping to be put in, but also allow him to go ahead and transfer lots and begin building. Markowitz stated this issue would be ultimately decided by Council, when they request dedication of the roads.

Held

19

MR. JERRY BISHOP, FOX RUN SUBDIVISION, presented his entrance plan. The plan showed a gazebo and landscaping at the entrance. The gazebo and plantings are all out of the right of way. The plan also showed a limestone walk-way that winds through the five acre common area.

Markowitz stated part of the fence is on subplot #1 and it is not in the deed restrictions. The plat does not show an easement for this and it will be necessary for maintenance. Markowitz stated the easiest way to handle this would be to record an easement on that lot now, prior to selling the lot. Mr. Bishop stated no problem, he would do that immediately.

Following further discussion, Cotesworth moved to approve the entrance plan for Fox Run subdivision, subject to the Police approving the plan for sight distance, subject to the Building Department approving the plan for zoning and subject to the Solicitor's approval of easement for the placement of the fence on subplot #1, Sutliff 2nd. Roll call, all ayes.

Markowitz stated he has not received a copy of the mud bond for Fox Run. Mr. Bishop stated he would take care of that tomorrow, Friday, September 3, 1993.

Markowitz stated the Commission needs to set a date for a public hearing on the new compaction regulations. Council has adopted these regulations and now the Commission has to adopt them. Commission set October 7, 1993 for the public hearing, at 7:30 p.m.

Mayor Young stated Council wants the Commission to review the Home Occupation regulations. Markowitz stated he will draft a proposed ordinance and have it for their review at the next meeting. Commission discussed home occupation definition briefly and agreed to discuss further at the next meeting.

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


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

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Minutes of

PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

AUGUST 12, 1993

19

MEMBERS PRESENT: SUTLIFF, DANIELS, YOUNG, COTESWORTH,
BUTZ-VOSS(arrived late)

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: R. ROSNER, S. MILLER, S. EHLERT, P. TANCHON, R.
MILLER, J. SINGER, L. LECHMAN

Public Hearing was called to order by Chairman Daniels at 7:30 P.M. Roll call, Butz-Voss was absent.

Daniels asked acting secretary, Dave Hocevar, to read public notice of the variance request of Emerald Lakes II, requesting permission to begin the construction of two model homes prior to the paving and installation of the improvements.

Due to the applicant being late, Commission suspended the Public Hearing and went on to the next item on the agenda.

SANDRA EHLERT AND PAM TANCHON, RESIDENTS OF BRAMBLE FARMS, presented the final plans for their entrance improvements and are asking for development approval from the Planning Commission. Markowitz stated the easement has been approved by Council for this plan. Village Engineer stated he has reviewed the plan and has no problem with it. Voldrich stated he was informed by the Police Chief he has no problem with the plan as far as safety and sight distance.

Following a brief review, Cotesworth moved to approve the entrance improvement plan for Bramble Farms subject to changing the date from "10" to "30" on the insurance, Sutliff 2nd. Roll call, all ayes.

Chairman Daniels re-opened the **PUBLIC HEARING FOR EMERALD LAKES II**, variance request. Mr. Dick Rosner, representing Sid Simon, stated Mr. Simon is requesting permission to start two model homes prior to the acceptance of all subdivision improvements.

Engineer Voldrich stated the paving of the road will not begin until they have submitted the report from the geo-technical engineer on the road embankment. The curbs are in, however they can not begin to pave until this report is submitted.

Mr. Sheldon Miller, builder for Emerald Lakes, stated they would not start any homes until the pavement was put in. Commission asked if this would be just the base or would the final course be put down. Mr. Miller stated he was not sure. Engineer stated he would like to reserve the right to determine what needs to be done at the time of paving. Commission agreed.

There being no further discussion, public hearing adjourned at 7:50 P.M.

Chairman Daniels called the regular meeting to order at 7:51 P.M. Roll call, same as above. Butz-Voss arrived at 7:45

Held

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P.M.

Chairman Daniels asked for any additional discussion on the variance request of Sid Simon, Emerald Lakes II.

Mr. Sutliff asked the Engineer if all sanitary sewers were in and approved? Voldrich stated the sanitary sewers are in and they are waiting for video tapes of the storm sewers to see if they have to be cleaned out. Commission discussed at length the storm sewers and drainage plan for Emerald Lakes and Reserve of Whitetail.

Following this lengthy discussion, Cotesworth moved to approve the variance request for building permits for two model homes, S/L #11 and S/L #12, to be constructed in Emerald Lakes II contingent upon the Engineer's approval of the road pavement, upon the issuance and the acceptance, by the Village Solicitor, of the mud bond, and upon the requirement that no occupancy permits be issued prior to the improvements of the subdivision being accepted for dedication, Sutliff 2nd. Roll call, ayes - Cotesworth, Daniels, Sutliff, Young; abstained - Butz-Voss.

Mr. Sheldon Miller stated he has the grading plan for S/L #11 and S/L #12, which have been approved by the Village Engineer. Mr. Miller stated he is before the Commission requesting development approval for these two envelopes, now that the variance has been approved.

Commission reviewed these plans. Dave Hocevar stated he has reviewed these plans and they comply with all the zoning requirements.

Following this brief discussion, Butz-Voss moved to approve S/L #11 and S/L #12 for development review, Sutliff 2nd. Roll call, all ayes.

Solicitor Markowitz stated the performance bond on Emerald Lakes runs out in September and he has notified Mr. Simon he needs to request an extension from the Planning Commission.

Mr. Rosner stated Mr. Simon would like to request a ninety day extension on the performance bond. Mr. Markowitz stated if the Commission is going to extend the performance bond, the Commission should be aware there has been some discussion at Council regarding the seeding of the west bank of the pond as well as concern over the general landscape maintenance of the development. Mr. Rosner stated Mr. Simon is working out a landscape contract to complete and maintain the development. Butz-Voss stated Council wants the area improved as soon as possible, it is currently a real eye-sore driving up and down Bell Street.

Mr. Miller stated he knows Mr. Simon is working on this situation and hopefully it will be resolved very soon.

Following a brief discussion, Sutliff moved to extend the Performance Bond for 90 days, until December 15, 1993, conditioned upon the execution of an extension to the performance bond agreement and amendment to the Pledge Agreement, executed by the developer and the Village and Security Federal and Mr. Simon providing temporary or final seeding of the entrance and maintenance of the ponds and surrounding area, Cotesworth 2nd. Roll call, all ayes.

MR. TOM HLAVIN, 1360 BELL ROAD RESIDENT, stated he is before the Commission to discuss the possibility of doing a minor lot split of his property, which is a total of eight acres.

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Held

19

Mr. Hlavin stated he would like to divide the property into two or three parcels. One parcel will be four acres with the existing home and the remaining will be divided into one four acre parcel or two, two acre parcels. Commission reviewed the plan. Mr. Hlavin stated there is a shed right on property line which they do not want to move, and he questioned if there could be a variance granted? Commission stated Mr. Hlavin would have to request a variance for the shed, it must be 20 feet from the property line to fall within the zoning regulations, if he does not want to move the property line.

Following some discussion, Commission stated what Mr. Hlavin is proposing is a reasonable request. Commission instructed Mr. Hlavin of the process he must following for a minor lot split. Mr. Hlavin thanked the Commission for their time and input.

Dave Hocevar stated he would suggest the Commission consider allowing HOME OCCUPATIONS AS CONDITIONAL USES. The Code would have to be amended, but he feels there should be more controls on these requests. Markowitz stated there have been two variance requests in the Village for home occupations and he has worked on the agreements, with certain conditions, so these occupations can be allowed. Markowitz stated if home occupations were to fall under conditional uses, these conditions could be clearly enforceable. Commission agreed to discuss further at next meeting.

There being no further business, meeting adjourned at 8:55 P.M.


CHARLES M. DANIELS, JR., CHAIRMAN


CATHY MALE, SECRETARY

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Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held _____ 19____

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Minutes of

SPECIAL PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

JULY 12, 1993

19

MEMBERS PRESENT: SUTLIFF, YOUNG AND DANIELS

OTHER OFFICIALS: D. ONDREY, D. HOCEVAR

GUESTS: K. O'DONNELL, B. MORONEY, J. SINGER, J. FRANZESE,
K. LADERER, T. WELCH

Chairman Daniels called the special meeting to order at 7:30 P.M. Roll call, Butz-Voss and Cotesworth were absent.

Chairman Daniels stated the meeting was called in order for the Commission to make a recommendation to Council re: the **proposed amendment to the Zoning Code increasing the maximum height regulation for residential structures.**


Mayor Young stated the ordinance before them is a revised one with a few minor changes. Commission discussed the ordinance as written.


Mayor Young stated the revised forms for the Zoning Code have been added to this amendment. Commission agreed the forms were an improvement over what was previously in the Code.

Following brief discussion, Sutliff moved to recommend to Council the proposed ordinance amending the height regulations of the Zoning Code, Young 2nd. Roll call, all ayes.

Solicitor Ondrey presented a proposed ordinance amending the regulations on compaction in the right of ways. Commission reviewed and after brief discussion, Young moved to recommend to Council an ordinance amending Section 5.02 of the Subdivision Rules and adding appendix 1, regarding earth work compaction standards, Sutliff 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 7:45 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held _____ 19____

RECORD OF PROCEEDINGS

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Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

JULY 8, 1993

19

MEMBERS PRESENT: Butz- Voss, Cotesworth, Daniels, Sutliff,

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: J. Bishop, S. Simon, S. Miller, R. Miller, M. Fisher, M. Keesler, L. Miller, L. Lechman, J. Singer

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

Chairman Daniels asked for any corrections to the June minutes. Solicitor Markowitz stated the following should be corrected; in the third paragraph, fifth line, after the word "approval" should say "of the re-subdivision plat", and in the seventh line, after the word "title commitment" it should read "showing title in the name of Emerald Lakes Inc.". There being no further corrections, Butz-Voss moved to accept the minutes as amended, Sutliff 2nd. Roll call, all ayes.

Chairman Daniels called the Public Hearing to order and read the legal notice for the variance request of **JERRY BISHOP, FOX RUN DEVELOPMENT**, asking permission to begin the construction of two homes, S/L #2 and S/L #19, prior to the installation of improvements for the Fox Run Subdivision.

Solicitor Markowitz swore in all those present wishing to speak at this public hearing.

Mr. Bishop stated he would like to be able to allow two builder to begin construction as soon as possible. Bishop stated he is in hopes all the sewer work will be done in two to three weeks. Mr. Bishop stated he is very confident that the road and all improvements will be completed before the homes will be finished, if the variance is granted.

Commission discussed request at length. Mr. Bishop stated he is asking for only building permits and not occupancy permits.

Village Engineer stated he had no problem with the request for a variance. Sutliff asked if this would pose any problems with mud on the road? Mr. Bishop stated he would take care of any mud on the road each day.

There being no further questions or discussion, Chairman Daniels adjourned the public hearing at 7:45 P.M.

Chairman Daniels called the regular meeting to order at 7:46 P. M.

Markowitz stated the Commission has granted similar variances in both Kensington and Emerald Lakes developments. In each of these cases, the Village has required a mud bond to be posted, which essentially says the developer will clean the streets everyday, if necessary and if they don't the Village will clean it and take the money out of the mud bond.

Held

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Mr. Bishop asked Commission if they would agree, instead of posting a bond for the mud, adding a condition that the homes cannot be started until he has put in the road base, therefore preventing any mud from being dragged onto the road. Commission discussed this condition at length. Engineer stated he is not comfortable with the heavy truck traffic driving over the sub-base. Mr. Bishop stated he would then put in a gravel sub-base, which is what he has done off of Rte 306 and he has not had any problem with mud.

Commission agreed to allow the developer to put in a gravel sub-base and then only require a mud bond with no dollar amount.

Following this discussion Sutliff moved to approve the variance request of Jerry Bishop, Fox Run Development, subject to the submission of a mud bond, with no dollar amount, which guarantees the removal of mud and dirt from the Village roads by the developer; and subject to the developer putting in a stone aggregate on the roads leading to S/L #2 and S/L #19 prior to construction beginning, Cotesworth 2nd. Roll call, all ayes.

SID SIMON, EMERALD LAKES DEVELOPMENT II, came before the Commission to discuss the development review for S/L #11 and S/L #12.

Mr. Sheldon Miller, builder for these lots, asked the Commission if it was required that he come before the Commission for the development review approval on every envelope. Mr. Miller stated this could be very time consuming and would it not be better to allow the Village Engineer and Building Dept. review these plans and allow them to approve them. Mr. Markowitz stated the reason they felt it was important for the Planning Commission to review the development plans for each envelope is because of the potential of problems with the grading and Commission wanted to have input on how the units will lay on the lots and secondly, they are concerned with the impact of the rear yard set backs and make sure they would not be putting people in the position of not being able to put on a deck at a latter date. Mr. Markowitz stated the ordinance requires the Planning Commission to review these plans, and at this point, unless the zoning is changed, they are required to review each plan.

Commission discussed this issue at length. Markowitz stated the Commission will have to try this process out and if in fact it proves to be too cumbersome, they can then consider amending the requirement.

Mr. Markowitz stated the Commission cannot review any plans for development review until the road is complete and utilities are in and approved. Mr. Simon questioned whether they will have to have variances granted in order to start the development review process. Markowitz stated this is correct.

Mr. Simon stated he has the applications here with him tonight to file and request variances so that two model homes can be started.

Following brief discussion, Commission agreed to set a date of August 12, 1993 for a public hearing for a variance request of Emerald Lakes II, asking to begin the construction of homes prior to the installation of improvements.

Mr. Miller asked the Commission whether the fee of \$250.00 for development review would apply for all the envelopes he needs to have reviewed or would it just cover one single envelope?

Following a lengthy discussion, Commission agreed the fee for

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development review of the envelope lots would be \$250.00, for each submission, it can be for one envelope or more.

Markowitz stated he has an amended copy of the proposed ordinance amending the height regulations of the Zoning Code, the only parts that are missing are the applications which he will have by tomorrow. Commission agreed to review and hold a special meeting on July 12, 1993 to take action. If the Commission votes to recommend to Council, they can do so at this special meeting.

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

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

Cathy Male
CATHY MALE, SECRETARY

RECORD OF PROCEEDINGS

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Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held _____ 19____

MINUTES OF THE WORK SESSION ON THE PROPOSED ORDINANCE
AMENDING THE MAXIMUM HEIGHT REGULATION

June 22, 1993

MEMBERS PRESENT: Planning Commission - Sutliff, Cotesworth and Daniels. Council - Lechman, Young, O'Donnell, Moroney, Butz-Voss. ZBA - Haase and Campbell. ABR - Franzese and Platt. Solicitor Markowitz.

The topic of amending the maximum height regulation of the Zoning Code was discussed at great length.

Following this lengthy discussion, Markowitz summarized the discussion and agreed to write a proposed ordinance including the following: maximum height being between 33 and 35 feet, with a lot of 3/4 to 1 acre or larger in size and side yards of not less than 25 feet; changing the definition of how you measure the grade in a way that won't penalize someone that has a home with a severe drop off in grade; provide if there is less than a 25 foot side yard, you can not exceed the 30 foot maximum and no variance will be granted.

Following the lengthy meeting, members agreed to meet again on Tuesday, July ~~6th~~ 1993 at 7:30 P.M. Markowitz stated he would draft an ordinance and get it out as soon as possible for their review.

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

Cathy Male
Secretary

MINUTES OF THE WORK SESSION ON THE PROPOSED ORDINANCE
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Following the lengthy meeting, members agreed to meet again on Tuesday, July 13, 1993 at 7:30 P.M. Markowitz stated he would draft an ordinance and get it out as soon as possible for their review.

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

Cathy Male
Secretary

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PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

JUNE 3, 1993

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MEMBERS PRESENT: Daniels, Sutliff, Young,
Butz-Voss

OTHER OFFICIALS: D. Markowitz, D. Hocesvar, T. Voldrich

GUESTS: S. Simon, A. Mezak, R. Mezak, L. Lechman, B.
Moroney, P. Snavely, J. Zettl, B. Sanderson

Meeting was called to order at 7:30 P.M. Roll call, all members were present.

Planning Commission reviewed the minutes of the May meeting. There being no additions or corrections, Sutliff moved to approve them as recorded, Cotesworth 2nd. Roll call, all ayes.

Mr. Sid Simon, Emerald Lakes Development, stated he is before the Commission requesting approval of a lot split in phase I. Mr. Simon stated the parcel, located on Kimberwick Court, is being divided into three lots. This land was partially owned by Lyndall Hughes and they have come to an agreement and Mr. Simon has purchased the land owned by Mr. Hughes. Mr. Simon presented a plan showing how the parcel would be divided. Mr. Simon stated the property is fully improved but could not be recorded with the rest of the development because Lyndall Hughes owned the rear portion of the parcel.

Commission reviewed the plan and discussed. Voldrich stated he reviewed the plan and made some requests for some minor changes and he has not seen the revised plan. Markowitz stated this was the first time he had seen the plan.

Following discussion, Sutliff moved to approve development of the three lots pursuant to Section 4.02 G of the Zoning Code which allows for 50ft rear yard set backs, 10 foot side yard with 30 feet between structures and 100 foot wide building line, contingent upon getting approval from the Sanitary Engineer, Village Engineer and Solicitor and upon getting a title commitment, Butz-Voss 2nd. Roll call, all ayes.

Showing title in the name of Emerald Lakes, Inc.

Roger and Ann Mezak, Ann's Childcare Center, came before the Commission to discuss the possibility of building a child care facility on west side of Rte. 306, south of Bell Road. Mr. Mezak stated his wife currently runs a child care program in Bainbridge and they would like to build their own facility. They have looked at the property on Rte. 306 and are now asking the Village what they need to do if they want to build in South Russell.

Mr. Mezak presented a preliminary plan of the building they would plan to build. Mr. Mezak stated the building would resemble a ranch type home.

Following brief discussion, Commission stated they really did not have any immediate objections to the concept. Markowitz stated he has reviewed the Zoning Code and the use as discussed is not a permitted use. Therefore Mr. Mezak would have to request for the property to be rezoned to Limited Office/Business District.

Mayor stated he is concerned about spot zoning, what long

*of the
resubdivision plat*

Held

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term effect will this have on the zoning of the surrounding property.

Commission discussed this idea at length. Commission agreed they had no strong objections but also could not give a unanimous approval without seeing exactly what he would be requesting, zoning change wise.

Mr. and Mrs. Mezak thanked the Commission and stated they would be in contact with the Secretary to file the necessary applications.

Mr. Markowitz stated Fox Run Subdivision plat was filed with the County with the wrong yard regulations printed on the plat. Markowitz stated he wrote a letter to Fox Run informing them of this error and they immediately went and amended the plat and had it re-recorded with the correct language. A corrected plat has been sent to the Village.

Commission moved on to the discussion of the PROPOSED HEIGHT AMENDMENT. Markowitz stated Council has had many reservations with the proposed ordinance as written. Butz-Voss stated the biggest objection was the maximum of 38 feet, Council was just not comfortable with this figure.

Liz Scolnick, resident and real estate agent, presented a study done to determine what the buyer wants when buying a new home. What she would like to make sure the Commission understands is, they are not trying to force taller homes on the Village, it is what the buyer wants - homes with nine foot ceilings, steeper roof pitches and larger homes overall. She currently has 5 reservations on lots at the Reserve of Whitetail and of these 5, 3 are from residents of South Russell.

Following a lengthy discussion, Commission agreed to schedule a work session between the ABR, ZBA, Council and Planning Commission to discuss the proposed ordinance changing the maximum height regulation. Secretary to contact members of all boards and schedule a meeting. Of those present, it looked like the meeting would be scheduled the week of June 21st.

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


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

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PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held MAY 6, 1993 19

MEMBERS PRESENT: Butz-Voss, Cotesworth, Daniels, Sutliff, Young

OTHER OFFICIALS: D. Markowitz, T. Voldrich

GUESTS: S. Simon, T. Lynch, D. Barr

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

Daniels asked for corrections to the April minutes. Cotesworth made two spelling corrections. There being no additional corrections, Butz-Voss moved to approve the minutes as corrected, Sutliff 2nd. Roll call, all ayes.

TOM LYNCH, MEMBER OF THE EMERALD LAKES I HOMEOWNER ASSOCIATION, stated they have been working on trying to clear up the corner lot at Waverly and Kimberwick and would like to develop it for a recreation area. Their thoughts are for a gazebo and an area for the children to play. Mr. Lynch stated he is before the Planning Commission in hopes of finding out how to go about getting permission to do something like this. Mr. Lynch presented a preliminary plan showing the lot they wish to develop and stated Mr. Sid Simon currently owns the lot. Mr. Lynch stated he has been negotiating with Mr. Simon and they have come up with a preliminary agreement which is, Mr. Simon will give this lot to the Association if the Village is willing to give him an additional lot in Phase II. Mr. Simon stated this will not increase the density of the entire development.

Mr. Lynch stated they have had their annual Association meeting recently and the residents are very excited about the possibility of creating a recreation area in the development.

Mayor asked the Solicitor how this could be done so that the lot could never be built upon. Markowitz stated they could either make an amendment to the plat, which is the expensive way to do it. Or, they could have a conveyance by Sid Simon to the Association with deed restrictions enforceable by the Village and the Association which would prohibit anything other than recreational uses.

Mr. George Stanek, resident of South Russell, stated he has no objection to the use of the lot as a recreational area, however as far as approving an additional lot for phase II, he strongly objects. He doesn't feel that the lot they are looking at is a lot that can have a marketable home built.

He is objecting to adding an extra lot to phase two, if Mr. Simon wants to make a donation to Emerald Lake I, that is fine, but he should not be given an extra lot.

Commission discussed this concept at length and reviewed the plats for phase I and phase II. Markowitz questioned what effect this might have on the amount of common area in both phase I and II. Markowitz stated what is being asked this evening, from the perspective of the Village as a

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whole, is there will be a trade of developable land in one subdivision, for common area in another subdivision. It will have an impact beyond just Emerald Lakes I. This is what the Village must look at when considering this request. Commission reviewed the plats for common area.

Following a lengthy review and discussion, Markowitz stated the request of Emerald Lakes I Homeowners Association is to allow the swap of Sublot #23 for an additional building site in Phase II. If the Village is going to proceed, they would have to make sure the lot is deed restricted before the plat is amended. In addition, a variance application would have to be made to the Zoning Board of Appeals and if the variance is granted, which would allow an additional lot in Phase II, then it would come back to the Planning Commission for the approval of the layout of that additional lot.

Mr. Lynch stated he would discuss with the Association the potential cost of making such a request and then discuss with Mr. Simon the procedure of requesting the needed variance. Commission instructed Mr. Lynch to submit the application to the secretary, Cathy Male, if that is what they decide to do.

Mayor Young stated he would like the record to show, at the last meeting, MR. TOM VIOLANTE was invited to come to tonight's meeting and give an update on how the parking situation was proceeding and were the problems between Violante's and Hunan's solved. Let the record show, Mr. Violante was not in attendance at this meeting. Mayor Young stated that it is his feeling that his absence would lead him to conclude that they are satisfied with the parking situation.

RESIDENTS OF BRAMBLE FARMS SUBDIVISION presented a plan for landscaping their entrance off of Snyder Road and would like to file for zoning approval. They come before the Planning Commission in hopes of finding out what is necessary in order to complete their entrance.

Markowitz stated this has been before the Commission before and it has gone before Council because the improvements presented are within the right-of-way.

One of the previous concerns was safety as well as maintenance. If it is within the right of way and someone get hurts, the Village could be held liable. As well as, after it is installed, the Village would be responsible to maintain it.

Markowitz stated the Village could grant an easement which would allow the Association to maintain the improved area. In addition, the deed restrictions would have to be amended to include maintenance of the entrance and the signs.

Commission reviewed the plan presented.

Following a lengthy discussion, Markowitz suggested the residents get on the Council agenda and request an easement as discussed.

MR. SID SIMON, EMERALD LAKES II, presented a development review application and plat for two spur roads, Sun Dew Lane and Arrowood Circle, and asked the Commission to review and approve it so they can begin to install the improvements. Commission, Village Engineer and Solicitor reviewed and discussed.

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Held

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Following a brief discussion, Sutliff moved to grant developmental review approval of Arrowood Circle and Sun Dew Lane contingent upon the Village Engineer's approval of the improvement plans and the approval of the Solicitor to the performance bond, certificate in case of default, and security for the bond in the amount determined by the Village Engineer, Butz-Voss 2nd. Roll call, all ayes.

Mr. Simon stated he is negotiating with Mr. Lyndall Hughes relative to the three lots on Kimberwick Drive of which he owns a part of each. Mr. Simon stated he needs to know what he needs to do as far as the Village is concerned, that would allow him to develop these lots. Markowitz stated he would have to follow the minor subdivision procedure by coming in with a final plat showing the subdivision of those three lots, for the Commission's review. The utilities are already in for these lots as well as the streets. The only thing that might be missing are any easements for drainage. These lots have already been taken into account when figuring the open space requirements.

Markowitz stated Mr. Simon will not have to amend the plat with the Common Pleas Court because this land was reserved as a block, it is not really an amendment to the plat.

MIKE ORAZEN, SOUTHWYCK DRIVE, stated he received a letter from Mr. Simon stating that due to the existence of the beaver dam, his property was unable to drain, therefor he would be tearing down the dam in the near future. Mr. Orazen stated he questions whether Mr. Simon actually has permission to go on CEI property and breach the dam. Mr. Orazen stated Mr. Simon presented a report last year that specifically states the dam is one of the major protections against siltation that Southwyck Lake has and he doesn't understand how the Village can approve this action. Mr. George Stanek stated breaching the beaver dam will not solve Mr. Simon's problem with wet land. The area that is the wettest is higher than the beaver dam and it is a natural wetland and it is like a sponge, the water just sits in there. Mr. Simon stated he disagrees with Mr. Stanek and he feels by draining the beaver dam, it will help the wetland.

Mr. Markowitz stated the area of the beaver dam is on CEI property and he asked Mr. Simon if he had requested permission from CEI in order to go on the property. Mr. Simon stated he already had permission. Mr. Stanek stated he would like to see, in writing, the agreement from CEI granting Mr. Simon permission.

Commission, Mr. Simon and residents discussed the breaching of the beaver dam and necessary measures that must be taken to protect Southwyck Lake.

Mr. Orazen and Mr. Stanek thanked the Commission and stated they wanted to voice their concerns regarding Emerald Lakes and hope the Commission will be sure to take any necessary measures to protect Southwyck Lake.

Sally Butz-Voss reported that Council did not take a vote on the PROPOSED HEIGHT AMENDMENT as discussed by Planning Commission but she feels there are at least three Council members against it. What was discussed was raising the height to 35 feet with a maximum of 38 feet, if certain increased setbacks can be applied. Voss reported that the Council really was not in favor of increasing the maximum height and especially to a height of 38 feet. Council is concerned that if the height is increased to 35, then people will come in and request 38 to 40 feet.

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Commission discussed the issue of maximum height at length. Commission agreed to review the first draft of the proposed amendment as written by the Solicitor and discuss further at the next meeting.

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

Charlie M. Daniels, Jr., Chairman

Cathy Male, Secretary

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Minutes of

PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held APRIL 15, 1993

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MEMBERS PRESENT: BUTZ-VOSS, YOUNG, DANIELS, SUTLIFF,
COTESWORTH

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: E. GOTTSCHALK, M. FISHER, E. GOTTSCHALK, JR., D.
CAMERON, T. VIOLANTE

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

Chairman Daniels asked for any corrections to the March minutes. Secretary stated Young was shown as being absent and he was present. Chairman Daniels stated in the second to the last paragraph, the word "retain" should replace the word "preserve". Solicitor Markowitz stated the motion approving the Final Plat of Reserve of Whitetail, following the word "liens" should be added "and encumbrances", after the word "sanitary sewer" the word "easement" should be added, and after the word "association" the words "conveying the common areas." should be added. There being no additional corrections, Sutliff moved to approve the minutes as corrected.

Tom Violante, Violante's Restaurant, stated he is back before the Commission to give an update on the parking situation at Hunan's Restaurant. Mr. Violante stated Mr. Cameron, Hunan's owner, has taken steps to rectify the parking problem. He has put up signs to direct his patrons to the back parking areas. Mr. Violante stated he still has a problem in the fact that the measures he is having to take to keep his parking area free from Hunan's patrons is costing him \$200.00 a month for security. He stated he is hopeful that this issue can be worked out. What he would like to request is that they wait another month, look at the situation at that time, see how the changes that have been made are working and come back before the Commission to review the situation.

Mr. Ed Gottschalk stated the Hunan's lot has been paved and security lighting has been installed.

Following a brief discussion, Commission agreed to review the parking situation at the next meeting.

Definition of Home Occupation was brought up for discussion by Solicitor Markowitz. Markowitz stated under our current regulation, there is no definition of home occupation. There have been a couple of situations where someone wants to put in a home occupation and they are more retail in nature as opposed to service oriented. Markowitz stated he wants to get a feeling from Planning Commission on whether they want the traditional home occupation concept of professional type services versus retail or do they not want to make any other changes.

Commission discussed this question at length. Commission stated they are not sure there needs to be any further definition and would like to think some more about this before taking any action.

Joe Franzese, Chairman of the Architectural Board of Review, stated he is before the Commission to discuss the possibility of amending the maximum height regulations.

Held

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The current regulations stated the maximum height regulation is 30 feet. Franzese stated at the last ABR meeting, members from Council and ZBA attended and there was a consensus that what has existed in the past will no longer suit what will happen in the future. One way or another some change should be made to the maximum height regulation in order to accommodate the larger homes which will be built in the Village in the coming years.

Franzese stated the Commission needs to look and see if they want it addressed on a Village wide basis or do they want to amend the regulations for only the areas that are not already built up.

Franzese stated it was his feeling that it will be easier in the long run if the Commission addresses the Village in its entirety and not try and differentiate neighborhoods.

Franzese has proposed in the past a method to approve homes taller than 30 feet need to be set back further from the side and front yard. This was agreed upon at the meeting this might be an effective way to allow for taller homes, however the question of how it would be regulated and interpreted are still issues that need to be addressed.

Commission discussed this concept at great length.

Dave Hecavar, Building Inspector, stated he would like to suggest the possibility of only taking three sides of the home and averaging those heights, leaving out the tallest side. This method would be more simple, not involving the set backs and placement of the home.

Don Barr stated in the Reserve of Whitetail, their model homes will be over the 30 foot maximum, one at 31 feet and one at 32 feet. They will be requesting variances for these two because the changes to the Code, if there are any, won't be adopted soon enough.

Following a lengthy discussion, it was agreed to hold a special work session with Council, ZBA, ABR and Planning Commission to try and work on the height amendment. The date of this meeting was agreed to be Monday, April 19, 1993 at 7:30 P.M.

There being no further business, meeting adjourned at 9:00 p.m.

Charles M. Daniels, Jr.

Charles M. Daniels, Jr., Chairman

Cathy Male

Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING

Meeting

PUBLIC HEARING FOR SNAVELY/RESERVE OF WHITETAIL RUN

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held MARCH 4, 1993

19

MEMBERS PRESENT: DANIELS, BUTZ-VOSS, YOUNG, SUTLIEFOTHER OFFICIALS: D. Markowitz, T. Voldrich, D. HovevarGUESTS: D. Barr, J. Sullivan, T. Metcalf, M. Adelstein, J. Gregor, R. Rosner, B. Vondra, M. Pitkin, A. Jaffa, L. Scolnick, J. Zettl

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

Chairman Daniels stated the Public Hearing for the request for variances from Snavely Development would be delayed until the arrival of the Mayor, he had a family emergency and will not be at the meeting until 8:00 P.M.

Jerry Bishop stated he would like to ask for a special meeting later in March to act on the Final Plat for Fox Run. Markowitz stated the reason the Planning Commission can not act on the plat tonight is because the improvement plans have not been approved. Markowitz stated the Final Plat application and fees have been filed. Commission discussed and agreed to meet on Thursday, March 29, 1993.

Commission discussed the date of the April meeting and due to the school spring break, they agreed to hold the regular April meeting on Thursday, April 15th at 7:30 P.M.

Don Barr stated if there was going to be a special meeting on March 29th, would it be possible for him to be put on the agenda in order to discuss the maximum residential height regulation. Commission agreed.

Chairman Daniels asked for any corrections to the February minutes. Markowitz stated on page 109, third last paragraph, the date "January 24, 1993" should be "February 24, 1993". There being no further corrections, Butz-Voss moved to approve the minutes as amended, Sutliff 2nd. Roll call, all ayes.

Chairman Daniels called the Public Hearing to order at 7:45 P.M. Secretary read the public notice which was published in the Plain Dealer on 2-24-93.

Don Barr, Snavely Development Co., was sworn-in by Solicitor Markowitz. Mr. Barr stated the first variance request has to do with the right of way side slope, where Woodland Court crosses a stream and it is their desire to retain as much natural wooded area. To adhere to regulations, they will have to cut a 60 foot wide strip, that is flat. What they are proposing is to cut a road that is not as wide, and then start to slope the side of the road. Mr. Barr stated that it is their belief this will preserve the natural characteristics of the stream which the road is crossing.

The second variance deals with the final wear course of pavement on the dedicated road. The variance request is to delay the laying of the final wear course until after construction is completed. Mr. Barr stated the idea is to preserve the road and prevent damage occurring by all the construction traffic. Mr. Barr stated even if this

Held

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is granted, there is a very good chance they will not use it due to the fact that if the road does not have the final wear course, it can not be dedicated and if it is not dedicated it will not be plowed. school busses will not use it and their maintenance bonds will be continued for a longer time. This decision will be made at a later date.

The third variance, if granted, will allow the construction of two model homes to begin prior to any of the improvements being completed.

The fourth variance is requesting permission to begin the homes after the road is put in but prior to the installation of the public utilities.

The fifth variance request was withdrawn.

Commission reviewed the variances as requested and answered questions from the audience.

Residents of Whitetail Run and Manorbrook Drive questioned why there was a through road being required between Whitetail Run, the Reserve of Whitetail and Emerald Lakes II and stated their concerns for safety. Commission and audience discussed these issues at length.

Residents suggested if the through road is being put in, would the Village consider using stop signs appropriately so traveling between the two developments would not be faster or pleasing.

Markowitz asked if there were any plans for guard rails on the road where the variance is being requested. The Mayor asked how much of a drop will there be from the road to the creek. The Engineer stated the drop will be approximately eight feet. The Mayor stated he feels there is a definite need for some form of guard rails. Don Barr stated he totally agrees there is a need for guard rails and will work with the Engineer to develop a plan for guard rails.

There being no further discussion, public hearing adjourned at 8:55 P.M.

The regular meeting was called to order at 8:56 P.M.

Markowitz stated the improvement plans for Reserve of Whitetail have been approved by the Village Engineer. The Final Plat is before the Commission tonight for approval. Markowitz stated he has reviewed the final plat and all the changes he has requested have been made.

Commission agreed to act on the variances first, then act on the Final Plat.

Commission reviewed and discussed the first variance request. Commission agreed that a plan is needed for a guard rail. Following a brief discussion, Sutliff moved to approve the variance requesting a revised section of the slope subject to a guard rail being installed as per Engineer's requirements and in compliance with Village standards, in the area of the right of way where the slope variance is granted and subject to the installation

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Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held MARCH 4, 1993

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of ground cover as per Engineer's requirements, Butz-Voss 2nd. Roll call, all ayes.

Commission reviewed and discussed the second variance request. Following a brief discussion, Young moved to approve the variance which will allow the issuance of zoning and building permits for two model homes immediately and occupancy permits be issued when all the subdivision improvements are installed except the final wear course of pavement and subject to providing a mud bond of \$1,000.00 to guarantee the streets are kept clean, Butz-Voss 2nd. Roll call, all ayes.

Commission reviewed and discussed the third variance request. Following a brief discussion, Butz-Voss moved to approve the variance which will allow for building, zoning and occupancy permits for the remaining 27 lots after all subdivision improvement are in except the final wear course and right of way landscaping, Sutliff 2nd. Roll call, all ayes.

Commission reviewed and discussed the fourth variance request. Following a brief discussion, Young moved to approve the variance which will allow for building and zoning permits but not occupancy permits for the remaining 27 lots, when all subdivision improvements have been completed except for gas, electric, phone, cable T.V., final wear course of paving and right of way landscaping, Sutliff 2nd. Roll call, all ayes.

Commission discussed the Final Plat of Reserve of Whitetail at length. Following this discussion Sutliff moved to approve the final plat for the Reserve of Whitetail conditioned upon the filing of a performance bond in the amount of \$635,000 for such period of time as the Engineer and developer can agree, secured by an instrument acceptable to the Village Solicitor; upon the filing of the inspection deposit fee of \$19,500; upon the developer providing the Village proof of a commercial general liability insurance policy with sedimentation coverage included in the policy, naming the Village as an additional insured, with the amount of general aggregate of \$2,000,000, 1,000,000 per occurrence, \$2,000,000 completed operations aggregate, \$50,000 property damage, \$5,000 medical expense, with 30 days notice of cancellation; upon the issuance of a title policy issued showing the streets and common areas free and clear of all liens and encumbrances, to run in the favor of the Village of South Russell in the amount of \$1,000; upon the sanitary sewer easement with Emerald Lakes being recorded prior to the issuance of the zoning permits for the 27 lots, other than the two model homes, and the zoning permits can be issued for the two model homes prior to the recording of the Emerald Lakes sanitary sewer easement; and upon the filing the deed restrictions and the deed to the association conveying the common areas. Butz-Voss 2nd. Roll call, all ayes.

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


CHARLES M. DANIELS, JR., CHAIRMAN


CATHY MALE, SECRETARY

RECORD OF PROCEEDINGS

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Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held _____ 19____

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Minutes of Planning Commission

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held February 4, 1993

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Members present: Daniels, Sutliff, Cotesworth, YoungOther officials: D. Markowitz, D. Hovevar, T. VoldrichGuests: D. Barr, R. Rosner, J. Bishop,

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

Daniels asked for any additions or corrections to the January minutes. Daniels stated in the January 7th minutes, on second page, nine lines from bottom, the word "condition" should be "conditioned". In the fifth line from the bottom, after the word "maintenance" there should be a comma. Markowitz stated in the minutes of the Special Planning Commission Meeting on January 18, 1993, Kurt Laderer was not shown as being present under "Other Officials" and he was present. There being no further corrections, Sutliff moved to approve the minutes as corrected, Young 2nd. Roll call, all ayes.

Mr. Jerry Bishop, Fox Run Development, presented the plat for a proposed lot split, splitting off the commercial piece from the residential parcel. The Village Solicitor stated he has reviewed the plat and application and he has no objection to this plan. The Village Engineer stated he has also reviewed the plan and the only problem he has is the language of the legal description. Mr. Frieze, Mr. Bishop's engineer, stated additional language will be added as requested by the Village Engineer. Commission reviewed and discussed the minor subbdivision application and plat.

Following brief discussion, Young moved to approve the minor subdivision application conditioned upon receiving a title commitment showing record title to be in the name of Carl Milstein, Trustee, and indicating that there are no mortgages on the property, Cotesworth 2nd. Roll call, all ayes.

As far as the Fox Run Subdivision, Mr. Markowitz stated the improvement plans have been submitted but not yet accepted by the Village Engineer. Village Engineer stated there are several small items yet to be corrected on the improvement plans and the one major issue is the calculation of the retention basin. Mr. Markowitz stated there has not been a final plat submitted. Bishop stated that is correct, they plan on doing so this week.

Mr. Bishop presented drawings of the street layout, showing the placement of the existing sanitary sewer. The plan also showed the storm water sewer. A landscaping plan was presented, showing the street tree plan as well as a mounding plan to screen the BP gas station.

Mr. Frieze stated the siltation control plan will include straw bales on both sides of the creek as well as siltation fencing. Commission and applicant discussed the situation control plan at length.

Mr. Frieze presented a plan for storm water management and stated this is where his office is working closely with the Village Engineer's office. Mr. Frieze stated

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their development is located at the lower end of a total water shed of 268 acres and they are only 35 acres of this total that flows into Hidden Lake. From the calculations they have submitted, they will be requesting that there not be a detention basin built. Due to being at the lower end of the water shed, and considering the calculations they presented to the Engineer, they will be working toward getting an approval without a detention basin being built. Frieze stated the Village Engineer has not had an opportunity to review this information, they are just informing the Planning Commission of what they will be requesting. Commission reviewed and discussed at length.

Commission stated they received notification from Geauga County that there is a Fox Run road in Russell and they questioned whether the proposed Fox Run should have a different street name. Mr. Bishop stated he will look into this issue.

Mr. Sutliff asked Dr. Yorum Eckstein what was the water situation for Fox Run Development. Dr. Eckstein stated they drilled three test wells and they pumped two of these wells as domestic wells. They found there was more than sufficient water to support this proposed development, the draw-down of the boundaries is less than one foot. Anything less than two feet is considered negligible impact on ground water resources.

Mr. Don Barr, Reserve of Whitetail, stated he is before the Commission for Final Plat Review of the proposed Reserve of Whitetail development. Mr. Barr asked Dr. Eckstein to give his report on their development and availability of water. Dr. Eckstein stated this report is based on a single family development of 47 lots. They did drill three test wells and they found there is sufficient water for this development. The draw-down of the boundaries is between one and two feet. Dr. Eckstein stated this development could have individual wells or wells that served more than one home. The fact that the plan now has 49 homes proposed at this time, will not affect the findings of this report. Mr. Barr stated their plan at this time is for each individual home to have its own well.

Mr. Barr stated he is before the Commission in hopes of getting the Final Plat approved for Reserve of Whitetail. Mr. Barr presented the Final Plat plan for the Commission to review. Mr. Markowitz stated he would like to review the issues that have been resolved as well as those that still need to be worked out. Markowitz stated there is more than enough open space for this project. The Association documents are in a form that Markowitz has already approved. The final plat language was faxed to Markowitz right before he left the office, he stated he has briefly reviewed it and only sees there are a couple of minor corrections to be made. The only other issue on the face sheet of the plat, is the certification of the boundary survey. Due to the fact that there are two different surveyors, one who did the boundary survey and one who did the interior survey, there is a discrepancy as to who will certify the survey. Markowitz stated this issue is yet to be resolved. Commission discussed this issue at length.

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Following review of the plat, Commission found there are three boundary pins that have not been set. Commission stated these pins would have to be set prior to Final Plat approval.

Mr. Sutliff asked what was resolved as far as the proposed cul de sac, as discussed at the previous meeting. Mayor Young stated at the last Council meeting, Council stated very clearly that they wanted a through road and not a cul de sac. Commission agreed that this issue was no longer an issue.

Markowitz stated the improvement plans are in the final stage of getting approved. Following the approval, then the bond amounts will be set.

Markowitz stated there are the variance requests which will be before the Commission at the March 4th meeting. The only issue that affects the approvals is the side cut of the one road.

Markowitz stated they do not have the insurance for erosion damage and sedimentation run-off.

Markowitz stated there still needs to be some language to cover the easement on either side of the stream.

Mr. Barr stated if they are able to get all the needed information to the Village Engineer and Village Solicitor and they are able to review and approve it, would the Commission be willing to hold a special meeting in order to approve the Final Plat. Following a brief discussion, Commission agreed to meet for a special meeting on ~~January~~ 24, 1993.

February

Mr. Barr asked, relative to the maximum height regulation of 30 feet for residential homes, are there any plans in the future to amend that regulation and if there are not, could he file one variance for all their lots. The homes that are going to be built in this development will more than likely be greater than 30 feet. Markowitz stated there can not be a group variance request however an amendment could be adopted to change the maximum height regulation. Commission discussed this issue at great length and Mayor Young agreed to bring it up with Joe Franzese, Chairman of the Architectural Board of Review. When they have some additional information, they will bring it back to Planning Commission and Council.

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

Charles M. Daniels, Jr.

Charles M. Daniels, Jr., Chairman

Cathy Male

Cathy Male, Secretary

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Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

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RECORD OF PROCEEDINGS

071

Minutes of

SPECIAL PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held JANUARY 18, 1993

19

MEMBERS PRESENT: Butz-Voss, Daniels, Cotesworth,
Sutliff, Young

OTHER OFFICIALS: T. Voldrich, D. Markowitz, D. Hovevar
K. Laderer

GUESTS: M. Fisher, D. Barr, J. Bishop, E. Vondra, J.
Peoraro, P. Morris, J. Singer.

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

Chairman Daniels stated one reason for this special meeting is for the Commission to take action on the Variance request of Jerry Bishop, Fox Run Subdivision. Mr. Bishop is asking for a variance which will allow him to construct the entrance road into the Fox Run subdivision 220 feet from the intersection of Maple Springs and Bell Road. The Code requires a minimum of 400 feet.

Chairman Daniels stated the Commission asked the Police Dept. and the Village Engineer to review the plan and report back relative to the safety of the road placement. Kurt Laderer, Chief of Police, stated he had reviewed the plan and did not find any problem with the road placement and found no safety hazard. Tom Voldrich, Village Engineer, stated he had their traffic department review the plan and he agrees with the Police Chief, he sees no safety hazard with the road placement.

Following a brief discussion, Cotesworth moved to approve the variance as requested by Jerry Bishop, Fox Run Subdivision, which will allow the placement of the entrance road to be 220 feet from the intersection of Maple Springs and Bell Road. Butz-Voss 2nd. Roll call, all ayes.

Mr. Bishop asked if the Commission would allow them to install a 4' X 8' culvert where the road, Fox Den, crosses the creek. It is their thought that if they can do this in frozen ground, it will ultimately prevent excess soil erosion downstream. Commission agreed that anything that could be done to reduce the amount of siltation, should be done. Village Engineer stated he feels this is a sound idea, however the ground must be frozen.

Engineer stated the improvement plans are currently being reviewed and finalized and he does not want this to be done until the improvement plans are completed and approved.

Village Solicitor stated one thing that he would want to make sure is in place is the insurance with the rider for the pollution exclusion.

Following a brief discussion, Commission agreed to allow the placement of this culvert contingent upon the Engineer and Solicitor's approval.

Don Barr, Snavelly Development Co., stated he is before the Commission to discuss the Final Plat for Reserve at Whitetail Run, that is currently being reviewed by the Solicitor and Engineer.

Held

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Mr. Barr stated he is filing variance applications for the Reserve at Whitetail Run and explained to the Commission that the first variance is from the improvement standards which will allow modification of the right-of-way section on a portion of proposed Woodland Court by revising the section slopes away from the pavement. The second variance will allow the issuance of zoning and building permits for the construction of two model homes prior to the installation of paving and curbing. The third variance will allow for the issuance of zoning, building and occupancy permits prior to the final wear course of paving being installed and prior to the installation of the right of way landscaping. The fourth variance will allow the issuance of zoning and building permits (but not occupancy permits) when all subdivision improvements have been completed except utility lines, final wear course of paving and right of way landscaping. The fifth variance would allow the Architectural Board of Review to review plans prior to the issuance of zoning permits. Commission briefly discussed the variance requests and agreed to the the public hearing for Thursday, March 4, 1993 at 7:30 P.M.

Mr. Markowitz stated one issue that he has discussed with the developer and engineer is the amount of open space, is it sufficient? Markowitz stated it appears there is sufficient amount, however the Engineers will verify the amounts.

Markowitz stated another issue that has been addressed is the interconnect and the question is whether or not the Village would require the cul de sac to be drawn on the final plat, or whether the road should just be extended all the way to Emerald Lakes property with no provision on the plat for a possible future cul de sac between Whitetail Run and the Reserve of Whitetail.

Mr. Barr stated he feels if he is required to put in the provision for a cul de sac on the Final Plat, it will be an undue burden. First, they will have already put in approximately \$100,000 worth of improvements that will be wasted if it is ultimately cul de sac'd. Second, this will be in violation of the ordinance that requires an inter-connect. Third, this will provide for two additional unknowns to the potential buyers; one, will they be able to use both Rte. 306 and Bell Road and second, if they can not use Rte. 306 at sometime in the future, therefore forcing them to use the access through Emerald Lakes and not knowing what type of Development and houses will be built, Emerald Lakes may not end up being the type of entrance they would want to have for their development. Mr. Barr stated if this is required and the final plat is required to show the potential for a cul de sac, he feels their sales will be detrimentally affected.

Mr. Markowitz stated it is his feeling that this will give the Village the greatest flexibility as far as determining whether or not this road should be cul de sac'd sometime in the future.

Commission discussed this topic at great length. There was not any agreement reached on this issue and it will

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be further discussed at the next meeting.

Commission stated their next meeting will be held on February 4, 1993 at 7:30 P.M. and the issues remaining for the Reserve of Whitetail final approvals are as follows: title commitment, insurance, improvement plan approval by Solicitor and Engineer, Final Plat approval, setting of the bond amounts, Association documents, deed to the association, Zane Lee signature on title sheet, and water report submitted.

There being no further business, meeting adjourned at 9:10 P.M.

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

Cathy Male
Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

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Minutes of

PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held JANUARY 7, 1993

19

MEMBERS PRESENT: Daniels, Sutliff, Cotesworth, Young, Butz-Voss

OTHER OFFICIALS: D. Markowitz, D. Hovevar, T. Voldrich

GUESTS: J. Bishop, L. Lechman, D. Barr, R. Rosner, R. Long, H. Long, T. & D. Holzheimer, J. DiMichele, U. Rutishauser, S. Lowe, R. Atkinson

Public Hearing was called to order by Chairman Daniels. Roll call, all members present.

Planning Commission convened to hear the variance request of Jerry Bishop, Fox Run Subdivision, for a variance from the regulation requiring the minimum distance of the proposed entrance of Fox Run Subdivision to Maple Springs and Bell Road intersection be no less than 400'. Mr. Bishop is requesting permission to construct the entrance road 220 feet from the Maple Springs/Bell Rd. intersection.

Chairman Daniels read the legal notice as published in the Geauga Times Leader on December 15, 1992.

Chairman Daniels asked Mr. Bishop to make a statement regarding his request. Mr. Bishop stated the reason he is requesting this variance is because they would like to place the one entrance into Fox Run as far west from Rte. 306 as possible, in order to reduce any traffic problems that may occur. In addition, this is the most logical place to put the road due to the placement of the sewer line which runs through the property on a diagonal.

Janice DiMichelle, 21 Sugarbush, asked if the Village Police Department has had any comment regarding the safety of the placement of the road so close to that of Maple Springs. Mrs. DiMichelle stated her concern is also relative to the possibility of residents using Maple Springs as a cut through to Rte. 306. Commission agreed the Police Dept. should be requested to comment on the safety of the proposed placement of the entrance to Fox Run Subdivision.

Urs Rutishauser, 24 Sugarbush, stated he also has a concern with the proximity of this road to Gurney School and the traffic that Gurney School generates each morning and afternoon. Is the sight distance good enough for this proposed placement and wouldn't it be better to put it closer to Rte. 306? Commission agreed to send a copy of the plan to the Police Dept. for their review and comment.

Village Engineer stated he would like to have their traffic department look at the placement of the entrance road and he will report back to the Commission at the next meeting.

There being no further questions or discussion, Chairman Daniels closed the Public Hearing at 7:55 P.M.

Chairman Daniels called the regular meeting to order at 7:56 P.M. There being no additions or corrections to the November 5, 1992, Sutliff moved to approve the minutes as recorded, Young 2nd. Roll call, all ayes.

Held

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Don Barr, representing Paul Snavely, stated he is before the Commission requesting a minor subdivision of a piece of property located at 1620 Bell Road. Mr. Barr stated three months ago, Mr. Snavely received permission to reconfigure three lots located at this address. At this time, Mr. Snavely would like to divide lot #1 into two lots, #1A and #1B. Lot #1A would be two acres and the lot #1B would be approximately 22 acres. Commission reviewed the plan and application.

Commission asked if the County had given permission for an additional septic system. Mr. Barr stated no they had not granted permission.

Building Inspector, Dave Hocevar, stated he had no problem with the proposed plan.

Village Engineer stated he had not yet reviewed the plan, but just as a preliminary review, he does not see any problem.

Solicitor Markowitz stated he would like to review the language of the plat.

There being no further discussion, Sutliff moved to approve the application for a minor subdivision of Paul Snavely subject to the Solicitor and Village Engineer approving the plat language and the Geauga County Health Department giving approval for an additional septic system, Cotesworth 2nd. Roll call, all ayes.

Richard Rosner, representing Emerald Lakes Development, II stated when the approvals were given for this development, the document called Declarations, Covenants, Conditions, Easements and Restrictions was recorded with the Geauga County Recorder. At that time, they deliberately left blank the assessments to each envelope and subplot and they reserved the right to amend the declaration prior to the sale and conveyance of the first envelope or subplot to include these amounts. Since that time, the assessment amounts have been worked out and it is time to add them to the documents. Mr. Simon has guaranteed the assessments will not exceed \$960.00 per year for each home and \$480.00 for each vacant envelope through 1996. The common area expenses will include landscaping of the entrance and portions of the envelopes, snow removal of the roads and driveways, insurance, taxes, maintenance of the entrance and management fees. If the expenses exceed these assessments, then Mr. Simon is responsible to pay them.

Mr. Rosner stated he is before the Commission requesting approval of this amendment. Commission discussed this at length and following this discussion, Cotesworth moved to approve the amendment as presented condition upon the developer and the public being made aware that the Planning Commission is not making any representation as to the sufficiency or adequacy of the reserves for the maintenance repairs or replacement of common areas and they are approving the amendment to add the maximum annual assessment upon the request of the developer pursuant to the obligation as set forth in section 15.11 of the declarations, Butz-Voss 2nd. Roll call, all ayes.

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Minutes of

PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held JANUARY 7, 1993

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Jerry Bishop, Fox Run Subdivision, stated he would like to give the Commission an update on the Fox Run subdivision. Mr. Bishop stated he has County approval for the sanitary sewer tie-ins. Mr. Bishop stated they have drilled all the test wells and the report from Dr. Eckstein should be completed in the near future, however all preliminary indications are there is ample water to support this development.

Mr. Bishop stated it is their intention to get the Final Plat and application in by the February meeting. They are planning to meet with their engineers as well as the Village Engineer to determine what exactly has to be submitted at the next meeting.

Urs Rutishauser, Sugarbush Lane, stated their small development is very concerned with the potential run-off from the Fox Run development that would come into their lake. They have already gone through one dredging of their lake and they don't want to have to go through another. What kind of plan will there be to protect their lake and how can the residents be assured that the plan will be implemented?

Mr. Bishop stated they will present a complete siltation plan to control all the possible silt during construction and they will follow any and all requirements of the EPA.

Markowitz explained the procedure the developer must follow in order to get approval to begin his development and what approvals he will need for siltation plans, improvement plans and final plat plans. Markowitz stated once construction commences, there will be inspectors from the Village Engineer's firm which will make sure all the specifications called for in the plans are being properly installed and all the soil erosion controls are being continually maintained. If the residents wish to have input on the siltation control plans, what they need to do is contact the Village Engineer office and speak directly with the Engineer during the review of the improvement plans.

Commission encouraged the residents to become involved with the development of the erosion control plans, contact the Village Engineer and ask any and all questions relative to the installation of these plans. Markowitz suggested to the residents of Sugarbush that they have a baseline study done of the siltation level of their lake, so if in fact there is an erosion problem, they will have a basis from which they can measure the damage.

Commission discussed the variance application relative to the placement of the entrance drive. Mayor Young stated he feels that before a decision can be made, the Commission should get input from the Police Department as well as the Village Engineer's office. Once those reports are submitted, the Commission can take action. Markowitz stated the Commission has 30 days to take action.

Commission discussed the variance application and agreed to hold a special meeting on Monday, January 18th to take action on this application.

Held

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Don Barr, Reserve of Whitetail Run, stated they are before the Commission with a revised plat showing two additional lots and a small change in the layout of the road. The reason for the reconfiguration is due to the topography and their desire to maintain the prettiest areas of the subdivision. Mr. Barr stated they will be coming back for a variance from the improvements standards due to the construction of the road over the culvert which will need some embankment that does not follow the required specifications of the improvement standards. Mr. Barr stated the reason for the variance request is to try and preserve as much of the natural beauty as possible.

Mr. Barr stated there will be 29 lots in phase one and all the lots are one acre or larger. Commission reviewed the plan and stated they had no objections with the plan as presented and support Mr. Barr in saving as much of the natural terrain as possible.

Commission discussed with Mr. Barr the creek that runs through the property and should there be an easement written to protect the flow and provide access. Mr. Rosner stated this could possibly be covered under a deed restriction.

Mr. Barr stated he would like to proceed as quickly as possible and if there is going to be a special meeting on the 18th, they would like to be put on the agenda to discuss further the final plat.

Mr. Barr, Solicitor and Village Engineer agreed to meet prior to the meeting on the 18th to discuss the final plat and the improvement plans and be prepared to discuss any problems and questions.

Commission and Mr. Barr discussed the issue of open space at great length. Mr. Markowitz stated the Village needs to be assured that there is sufficient open space and that it is usable open space.

Mr. Barr thanked the Commission and stated he would be back on the 18th.

Mr. Markowitz stated Mr. Sid Simon owes the Village over \$10,000 because he has not been maintaining his accounts and inspections have been continuing. Planning Commission agreed that no more work would be allowed until all his bills have been paid and the deposits are brought up to date.

There being no further business, meeting adjourned at 11:10 P.M.

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

Cathy Male
Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

DECEMBER 1, 1994

19

MEMBERS PRESENT: Butz-Voss, Daniels, Sutliff, Young

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: S. Simon, T. Harvey, A. Mezak

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

Secretary apologized for sending the minutes and correspondence so late. Chairman Daniels stated the minutes would be tabled until the next meeting.

Mr. Sid Simon, Emerald Lake III, stated he is before the Commission to discuss the easement located on S/L #72, Emerald Lake III. Simon stated this lot is a corner lot and the easement runs through the middle of the property. What he would be proposing is to move the easement to follow the property line along Alderwood Trail and flow into the wetlands.

Mr. Tom Harvey, future owner of S/L #72, explained the easement was approved running across the subplot and what is proposed is to take the easement and run it down along Alderwood Trail and dump it into the wetland/common area.

Commission, Simon, Harvey and Village Engineer discussed the proposed plan at great length.

Village Engineer stated he felt the proposed plan as presented for S/L #72 would work, the only change necessary would be for the drainage easement along Alderwood Trail would have to be extended further into the common area, making sure it flows far enough into the wetlands.

Planning Commission discussed the proposed plan at great length. Mayor Young stated he is very concerned about who will maintain the easement, is the homeowner's association required to maintain this easement if the homeowner does not? Markowitz stated they are not required to maintain the easement if the homeowner does not. Mayor stated another issue that concerns him is, the current easement is located where there is a natural drainage swale, and now if the new easement is approved, this natural waterway will be disturbed by creating new ditches and swales to drain the run off, creating more erosion while it establishes itself. Mayor stated he is concerned with the potential for additional erosion problems.

Markowitz stated if this plan is approved, he thinks the what the Commission might be doing is creating an additional responsibility for the association. However, even if the current easements are left, the association might possibly have the same responsibility.

Village Engineer stated the swale as drawn on the plan will not have grass growing, the only vegetation it will sustain

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will be cattails and similar vegetation.

Mayor stated what he is ultimately concerned about is what this easement and/or swale will look like. If grass does not grow, how will it look? In addition, who will be responsible for the maintenance and up keep? These items must be settled.

Commission, Engineer, Mr. Simon and Mr. Harvey discussed at great length the details of the easement plan as presented by Mr. Simon.

Markowitz stated the final plat for Emerald Lake III, that has been presented tonight, has to be revised and he has sent a letter to Gattoski a letter regarding the necessary changes. Markowitz stated he feels Simon's engineer and the Village engineer should get together and resolve the outstanding issues. Markowitz stated as part of an approval of an amendment of the plat, the Village can require them to submit improvement plans to accomplish the new drainage and they can require them to bond it and come up with whatever provisions the Commission deems appropriate. Once this is done, then the revised plat and new drainage plan can come back to the Commission for approval. Commission agreed.

Mr. Simon stated he would like to request the Commission to set a date for a variance hearing which if granted would allow the construction of homes in phase III prior to the acceptance of all improvements for dedication. Commission agreed to set the date of January 5, 1995 at 7:30 P.M. for the variance hearing, contingent upon Mr. Simon submitting all necessary fees and application.

Mr. Richard Rosner, attorney for Mr. Simon, stated he is before the Commission requesting recommendation for dedication of Alderwood Trail. Mr. Rosner stated they have just resolved the title problem and have received the title commitment from Midland Title which shows title of the street and the rest of the subdivision as free and clear.

Mr. Rosner stated there are a few items left on the punch list which he feels can be completed prior to the next Council meeting, and what they would like tonight is Planning Commission's recommendation for approval so they can go on to Council on December 12th.

Village Engineer stated he has a letter from Geauga County that states the sanitary sewers are approved. One area that has not been resolved is the storm sewer drainage issue on Woodrush cul de sac. Mr. Simon stated he is waiting for a design from his engineer and as soon as he receives it he will submit it the Engineer's office.

Mr. Voldrich stated if the Planning Commission recommends approval for dedication they will be accepting storm sewer systems on Phase II that he does not know the parameters of design and he would not be comfortable with this action. Mr. Voldrich stated this is not a new issue, he asked for this information in the spring. Mr. Voldrich stated he feels it is important to resolve this issue prior to the acceptance for dedication of Alderwood Trail.

Voldrich stated he walked through the development today and there are a few additional items that need to be taken care of prior to dedication. First, the lights at the entrance are broken and need to be either removed or repaired. Simon stated they have been replaced twice due to vandalism and he will see that they are removed. Voldrich stated there is

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silt fencing that needs to be removed, it no longer is serving any purpose. The streets need to be cleaned again.

Other issues that need to be addressed are getting final as-builts and determining the depth of the retention ponds. Voldrich stated the retention ponds were constructed to be a certain depth and he feels it might be important to make sure there is sufficient depth for future run-off siltation. Voldrich stated considering how much run-off we have had this past year, he is suspicious that the ponds are not at the depth that they were intended to be, the storage of the retention ponds function for storm retention needs to be verified. Commission discussed this item and agreed that the depth should be checked.

Following further discussion, Sutliff moved to recommend approval of Alderwood Trail for dedication conditioned upon providing a letter of credit for \$40,200, presenting a maintenance bond and certificate in case of default, presenting all lien wavers, resolving the drainage issue north of Woodrush Circle prior to the December 12th Council meeting, reserving the right for Voldrich to do a final walk-thru, repairing or removing the front entrance lights removing the silt fences along Alderwood Trail, cleaning the streets, the Village Engineer reviewing the as-built plans for the spur roads, checking the depth of the retention ponds and verifying that deposits are up to date. There being no second, motioned died.

Commission stated if all the above items are completed prior to the Council's meeting on the 12th, Council could accept for dedication Alderwood Trail without a recommendation from the Commission.

Mrs. Ann Mezak, Ann's Child Center, stated she received conditional approval from the Commission on her proposed child care center two months ago. Mrs. Mezak stated she is back before the Commission to go over the conditions which she has met, in hopes of getting final approval. Mrs. Mezak stated she received approval from the Zoning Board of Appeals for a variance allowing a nursery school within the child care facility. A letter from Dr. Eckstein stated she has received his approval as far as verifying that there is sufficient amount of water, however he still wants to make sure there will not be any negative draw down of the surrounding area. Mrs. Mezak reported the State of Ohio determined that they would not rule on the curb cuts, they felt it was South Russell's responsibility to make this determination. Mrs. Mezak stated she needs the Commission's approval of the curb cuts so she can pursue her zoning permit.

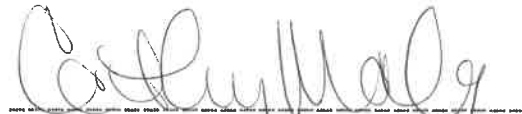
Held

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Following brief discussion, Sutliff moved to accept the condition as being satisfied as to ingress and egress from State Rte. 306, into and out of the property, the requirements of the EPA letter dated November 9, 1994 must be met as well as the requirement of Dr. Eckstein's letter of November 28, 1994 that a hydro-geologist assess the data from the drilling of the well to certify back to Planning Commission that the well as designed, will not create any harmful draw down to any other wells in the surrounding area, Butz-Voss 2nd. Roll call, all ayes.

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


Charles M. Daniels, Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

PLANNING COMMISSION MEETING

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

NOVEMBER 3, 1994

Held

19

MEMBERS PRESENT: Butz-Voss, Daniels, Cotesworth, Young, Sutliff

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: S. Simon, P. Snavelly, L. Butler, J. Withrow, B. Porter, T. Harvey, D. Arthur, H. Arthur, P. Snavelly

Meeting was called to order at 7:30 P.M. Roll call, all members were present.

Chairman Daniels stated there were five sets of minutes to approve, the first being August 4, 1994. Chairman Daniels asked for any additions or corrections. Cotesworth stated on page 294, 4th paragraph, first line should read "Butz-Voss moved to deny"; page 295, third paragraph, 6th line, the word "spurs" should be "spur"; 4th paragraph, 6th line should end with "will be" and in the last line, the word "of" should be the word "on"; on page 296, third paragraph, 6th line, the word "be" should be added following "to" and in the 8th line, "time" should be "times", in the sixth paragraph, 4th line the word "it" should be "is". There being no further corrections, Cotesworth moved to approve the minutes for August 4th as amended, Young 2nd. Roll call, all ayes.

Minutes for the September 8th meeting, Daniels asked for any additions or corrections. Markowitz stated on page 302, 2nd paragraph, 12th line, should have the words "acceptable to the Solicitor" added following the word "policy"; page 305, third line, following "stated" the word "the" should be "that", in the 7th line, following "that" should be the word "the". In the first paragraph, third line the word "fits" should be "fit" and in the fourth line, following "B-2" should be the word "use". There being no further additions or corrections, Butz-Voss moved to approve the minutes as amended, Cotesworth 2nd. Roll call, all ayes.

Minutes for September 19th, Daniels asked for any additions or corrections. Cotesworth stated on page 313, ninth paragraph, 2nd line, the date should read 9-20-94; page 314, 2nd paragraph, first line, the word "their" should be "the", 2nd paragraph, first line, the word "is" should be added after the word "he", the third paragraph, second line, a \$ sign should be added before "29,000". There being no further corrections, Cotesworth moved to approve the minutes as amended, Sutliff 2nd. Roll call, all ayes.

Minutes for the October 3rd meeting, Daniels asked for any additions or corrections. Cotesworth stated on page 323, first paragraph, 12th line, the word "has" should be added following "he" and in the last line, the word "takes" should be "take", the third paragraph, first line, the words "about what" should follow the word "Engineer"; on page 324, 6th paragraph, first line, the word "be" should follow "will"; on Page 325, 4th paragraph, first line, the word "suppose" should be "supposed" and in the 5th paragraph, last line, the word "on" should be "in". There being no further corrections, Cotesworth moved to approve these minutes as amended, Butz-Voss 2nd. Roll call, all ayes.

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Minutes for the October 25th meeting, Daniels asked for any additions or corrections. Markowitz stated on page 329, fourth paragraph, second line, the word "the" following the word "the" should be omitted, in the 5th paragraph, 20 line, the word "a" should be added following the word "are". There being no further corrections, Sutliff moved to approve the minutes as amended, Cotesworth 2nd. Roll call, all ayes.

Mr. Sid Simon, Emerald Lake III, stated he is requesting permission to relocate a drainage easement that currently runs through the middle of Sublot #72 and move it so it will run along the back of the lot. This lot is located at the corner of Alderwood Trail and the Manorbrook Drive extension. Mr. Simon stated they have completed the Manorbrook extension and would like to move this easement to allow easier placement of the home proposed for this lot.

Commission reviewed the plan presented and discussed at great length. Commission agreed that the easement needs to be moved out of the middle of the lot, however their concern was the problem that will be created when a stable area is opened up to create a new easement. Engineer stated the fall to rear of the lot is not a concern, it is the instability of the land that concerns him with the possibility of siltation flowing into the wetlands behind the lot. Another concern is the sharp bend in the proposed route of the easement, this will need the installation of rock to assure as much stability as possibility.

Mayor Young suggested the possibility of putting in a culvert for this drainage easement. Simon stated he will not put in a culvert due to the cost being too high.

Commission discussed different options for this drainage easement. Following a lengthy discussion, Commission stated they do not have sufficient information to make a decision on approving this plan and following the discussions and suggestions made at tonight's meeting, Commission suggested Mr. Simon firm up the proposed plan and resubmit at the next meeting.

Mr. Simon stated he is also interested in the possibility of getting the Manorbrook Drive extension dedicated. Simon stated he has someone interested in purchasing the lot discussed with the easement and he would like to get the construction started as soon as possible. Commission stated they did not feel it would be realistic to dedicate this road before the spring of '95. Mr. Simon asked if he could get a variance to begin construction on this lot prior to dedication? Mayor stated as far as he is concerned, if the drainage problem could be worked out to the satisfaction of the Village, possibly a variance could be granted.

Mr. Simon stated the third item he needs to discuss with the Commission is the maintenance bond for Alderwood Trail that is being requested. Mr. Simon stated he can not leave \$40,000 in a pledge account because he needs this money to pay his bills. Simon asked if the rules or regulations had been changed since the last time he had to post a maintenance bond? Markowitz stated the rules have not been changed, the \$40,000 that is sitting in the pledge account has not been released by the Village Engineer until the maintenance bond amount has been posted. Markowitz stated the Village needs the assurance that they will have the money for the maintenance bond. Commission discussed at length.

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Markowitz stated there is still the issue of Mr. Simon's request for approval of dedication for Alderwood Trail. Village Engineer stated he has submitted a report of outstanding issues on Alderwood Trail which list items that need to be completed. Voldrich stated several of the items are minor ones and several items are currently being dealt with by Mr. Simon. Voldrich stated instead of spending alot of time going over these items tonight, it would be his recommendation that the Commission hold off on taking any action at tonight's meeting. Voldrich stated he will not recommend approval of dedication tonight. Mr. Simon stated he is not ready to request dedication, he will hopefully be back at the next meeting with all the necessary work completed.

Mr. Bill Porter, Snavelly Development Co., stated he is before the Commission requesting approval for a home which is proposed to be built at S/L #24, 515 Fawn Court, phase I of Reserve of Whitetail. The home is proposed to be 34 feet tall and this exceeds the 33 foot maximum. Porter stated the home has a walk out basement which increases the average height. Commission reviewed the plan presented. Hocerar stated he did not have any problems with the proposed home and the height. Following brief discussion, Sutliff moved to approve the development review application for the height of the home to be built at S/L #24, 515 Fawn Court, Reserve of Whitetail, Cotesworth 2nd. Roll call, all ayes.

Peter Snavelly, Snavelly Development Co., stated they are before the Commission requesting approval for dedication, the roads in the Reserve of Whitetail I. The Commission reviewed and discussed the Engineer's punch list dated November 1, 1994. Snavelly stated they have been working diligently on the list dated October 18, 1994 and they feel they have accomplished almost everything listed. Mr. Snavelly stated he was a little surprised to see some of the items on the November 1st punch list however most of the items are complete. Engineer reviewed the 11-1-94 punch list, items #2, 3, 4, are complete; item #5 is complete except there is still two stop signs missing at the corner of Fawn Court and Manorbroom Dr.; Items 7, 8, 9 and 11 are complete; item #10, ponding water, is a relatively minor item but it still needs to be corrected. Item #1, improperly applied joint sealant; and Item #6, the temporary barricade at the cul de sac is incomplete. Mr. Snavelly asked what would be required for the barricade? Mayor stated their biggest worry is to make sure no one gets hurt by going through the barricade accidentally. Mayor stated the requirements are listed in Item #6.

Commission, Mr. Markowitz and Mr. Snavelly discussed the amount of the maintenance bond that will be set prior to dedication being granted. Mayor Young stated the Village must depend upon the Solicitor and Engineer to set the bond which will protect the Village. Mr. Snavelly stated he would ask the Village to hold the Bond amount to \$63,000.

Following further discussion, Butz-Voss moved to recommend to Council to accept for dedication the roads in the Reserve of Whitetail I subject to all the items on the Engineer's punch list, dated 11-1-94, being completed, and upon the appropriate maintenance bond being set by the Village Engineer, Sutliff 2nd. Roll call, Cotesworth, nay; Sutliff, Butz-Voss, Young and Daniels, yea.

Mr. Carl Milstein, Fox Run Subdivision, stated he would like to request Planning Commission's approval for the dedication of the streets in Fox Run subdivision. Commission reviewed

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the Engineer's letter and punch list items dated on November 2nd. Milstein stated Item #1, approved stop signs installed, was completed today. Item #2, clearance of all deposits with the Village, has been completed. Item #3, waiver of liens, Milstein stated Mr. Rosner is currently working on this paper work. Item #4, curb repairs, Engineer stated these are almost all complete and accepted except for two cul de sacs and he has been assured this work will be completed the week of November 7, 1994.

Mayor asked if there is anything on the Arthur property and the problems with the culvert that should hold up action from the Village to accept the roads for dedication. Markowitz stated no, as long as it is not part of the drainage system, that is part of the improvement plan. Mr. Arthur stated he does not want to hold up dedication. Commission discussed the current situation with the ditch on the side of the Arthur property. Voldrich stated if the Arthurs and Mr. Milstein are not going to go ahead with this culvert project, the stone in the ditch currently will need to be reconfigured. Markowitz stated this could be added to the maintenance bond list, if they did not do it by June, 1995, the rock channel would have to be corrected.

Mr. Milstein explained the series of events that caused the problem with the Arthur ditch. Mr. Milstein stated he has a plan for installing a culvert in the ditch at a cost of \$25,000. Mr. Milstein stated if Mr. Arthur is in agreement, he is willing to have a culvert 105 feet long installed on his property. Mr. Arthur stated if it can be 105 feet long, he would be in agreement.

Following further discussion, Cotesworth moved to recommend to Council approval for dedication, Fox Run Subdivision, subject to the items in the November 2, 1994 from the Village Engineer being taken care of prior to Council's meeting on November 14, 1994, Young 2nd. Roll call, all ayes.

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


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

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SPECIAL PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held

OCTOBER 25, 1994

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MEMBERS PRESENT: Daniels, Sutliff, Cotesworth, Young,
Butz-Voss

OTHER OFFICIALS: D. Markowitz, T. Voldrich, D. Hocesvar

GUESTS: C. Milstein, R. Rosner, A. Williams, D. Arthur, H.
Arthur

The special meeting was called to order by Chairman Daniels at 7:30 p.m. Roll call, all members were present.

Chairman Daniels stated the reason for this special meeting is to discuss the progress made in completing the improvements in the FOX RUN SUBDIVISION. Mr. Daniels stated he would like to state that MR. MILSTEIN, DEVELOPER OF FOX RUN, has been very cooperative with him in trying to get all the unfinished items resolved.

Mr. Sutliff asked what was the status of the open ditch next to the Arthur's home. Mr. Arthur stated they are working on getting a plan to put in a box culvert. Village Engineer stated he has asked Scott Wood from his office to review the plans presented and discuss with the developers engineer and see if there can be an agreement to the proper design.

Engineer Voldrich stated he has a letter from Knight & Stollar which states they have reviewed the ~~the~~ Fox Run site and find all street trees in the right of way planting have been installed as directed.

Commission asked the Village Engineer to review items that are not completed as of this date. (1) Voldrich stated the curb repairs are not completed, the cost is expected to be about \$3,000 and the work is expected to be completed by November 15th. (2) Seeding of the various areas in the development is not complete, but this item will be taken care of by the maintenance bond. Markowitz explained that if the seeding is not done, the Commission has the ability to not dedicate the street. Markowitz explained the Village once before, in Emerald Lake I, allowed an improvement plan requirement not to be completed at the time of dedication, and it was allowed to be completed under the maintenance bond. Cost approx. \$3,000. (3) There is one buried manhole (storm sewer) which needs to be raised, cost approx. \$200.00. (4) There is a gutter in one of the cul de sacs that is holding water and needs to be repaired, this will be done with all other curb repairs. (5) Drive off of Rte. 306 which is on the commercial part of the property and Mr. Milstein has made application to the State for a curb cut. (6) There are couple of issues that revolve around the Arthur property that are on the punch list that will become void when the contract to put in the culvert is signed. (7) There will be a need for a letter from the EPA clearing the erosion issue. Mr. Milstein stated they met with the EPA and they have an understanding of what needs to be done, but he does not have a letter with their signatures signing off. (8) Stop signs are not the standard size and need to be changed. Commission instructed the developer to contact the Village road dept. and order the proper signs.

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Markowitz stated the options the Commission has regarding the letter of credit is (1) draw any or all of the monies for any items that are not completed (2) now that the Commission has the original extension of the letter of credit until January 31, 1995, the Commission could allow additional time to complete the items on the punch list and within this option there are two additional options, first you could allow dedication to occur before that date if everything is done except the seeding and have that as part of the maintenance responsibility as well as repairs to the asphalt or the Commission could require that everything be completed prior to dedication, which would require the Village to either draw on the letter of credit prior to January 31st or give additional time to get the seeding done and this would require them to put up a new letter of credit until some date in the summer.

Following a lengthy discussion, Commission agreed to not take any action and wait until the December meeting to see what progress has been made. At the December meeting the Commission can then decide whether to go ahead and recommend dedication or call the letter of credit and complete the items on the punch list.

There being no further business, meeting adjourned at 7:35 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

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PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

OCTOBER 3, 1994

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MEMBERS PRESENT: Sutliff, Cotesworth, Daniels, Young

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: S. Simon, M. Benes, J. Bishop, R. Rosner, C. Milstein, H. Arthur, D. Arthur, A. Williams, S. Eisenbrown, G. Stricker, B. Porter, P. Snavelly, P. Snavelly, J. Withrow, G. Stanek,

Meeting was called to order by Chairman Daniels. Roll call, Butz-Voss was absent.

Matt Benes came before the Commission to informally discuss a minor lot split of the property located at 949 Bell Road. The current homeowner owns the 3 1/4 acre parcel which has a century home located 30 feet back from Bell Road and what they would like to build is a post and beam home back in the wooded area of the lot. Benes presented preliminary plans for the minor lot split. Benes stated Country Estates basically surrounds this parcel. Benes stated he is proposing to split the property into two lots, one being 2.02 acres and one being 1.21 acres. The home in the rear would have a driveway off of Bell Road, back to the site. Mr. Benes stated they have approximately 60 feet of width to install a drive. Benes stated they still have to get a report verifying there is sufficient water.

Mayor stated he wanted Mr. Benes to be sure to consider the neighbor when placing the driveway, making sure it will be properly screened.

Building Inspector, Dave Hocevar, stated he did not see any major problems with this proposal at this time.

Markowitz stated this area might be in the 5 acre zoning due to the availability water. Mr. Benes must get a report from the Village Hydrologist verifying there is sufficient water.

Mr. Benes thanked the Commission and stated he would make a formal application at a later meeting.

Mr. Sid Simon, Emerald Lake II & III, stated he is before the Commission to report to them what is going on in his development and let them know what he would like to do in the near future. Mr. Simon stated the Village Engineer called him and stated they must get the borrow pit seeded and mulched no later than Thursday, October 6th. Mr. Simon stated he promised the Engineer this would be completed by that date.

The next item is the connector road. Mr. Simon stated they are working on it and they are planning to start the curbs on Wednesday, then do the proof roll and if that is ok, they will hope to pave within the next few days. Also, he would like to pave the rest of the roads, the main road and the spur roads immediately after the connector road. Mr. Simon stated he wants to get them paved prior to winter so they can have good drainage. Simon stated he hopes to accomplish

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this within the next 10 days to 2 weeks.

Mr. Simon stated he would like to open up the connector road prior to what the current agreement states. Mr. Simon stated if he can get a commitment from the Snavely's that there will be no truck traffic from their development, he would like to open it up to the public.

Pete Snavely, Snavely Development Co., stated he does not feel it is possible to prevent truck traffic, once the road is dedicated. Commission asked the two developers to discuss this item on their own and work out the details.

Mr. Simon stated he very much wants to get the road paved in order to provide for better drainage. Right now after a rain, there are puddles and he does not want to go into the winter with bad drainage.

Mayor asked if it was better for the road if it is sealed now and then sealed again after the final paving? Village Engineer stated yes it would be and that is exactly what was done in Fox Run.

Mayor stated there is also alot of seed and mulching to be done along the right of ways. Simon stated after all the paving is done, the grading will be done, it will then be seeded and mulched. Engineer stated he will request that all seed will be put down no later than October 15th in order to get sufficient growth prior to winter. Simon stated if the weather or the installation of the utilities prevents them from doing the final grading and seeding, they will mulch it for the winter to try and stabilize it until the spring.

George Stanek, Southwyck resident, asked if the borrow pit would be graded before it was seeded? Simon stated yes it would and the work would begin tomorrow.

ANN MEZAK, ANN'S CHILD CENTER, stated she is before the Commission requesting conditional acceptance for the proposed day care center as presented at the last meeting. Mrs. Mezak stated the approval, if given, would be conditional upon Dr. Eckstein's approval of the water, which he has given verbally, with a letter forth coming and in addition to an approval from the ZBA on the nursery school use within the day care facility. Mrs. Mezak stated they did move the driveway as previously discussed, so there is a twenty foot wide ingress and egress. Chief Laderer has written a letter stating there should not be any problem with the traffic in the area.

Mr. Sutliff asked if Mrs. Mezak had contacted the State Highway Dept. regarding the curb cut on Rte. 306? Mrs. Mezak stated she had not. Chairman Daniels stated he spoke with Police Chief Laderer and the State will not lower the speed limit.

Mrs. Mezak stated at the current time they will be plumbing an area for a kitchen in the future, but at this time they will not be providing any meals, all lunches will be brought in by the children.

Following a lengthy discussion, Sutliff moved to approve the development review application for Ann's Child Center contingent upon the Zoning Board of Appeals approval of the nursery school use, upon Dr. Eckstein's review and approval of the water and upon the State review and approval of the curb cuts on State Rte. 306, Cotesworth 2nd. Roll call, all

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ayes.

Markowitz stated it is understood that the Building Inspector will monitor all the above conditions to the development review approval.

MR. BILL PORTER, SNAVELY DEVELOPMENT, RESERVE OF WHITETAIL, stated he is before the Commission relative to the need to extend the performance bond for the Reserve of Whitetail. Mr. Porter stated they are about 99% finished, they have one cul de sac to pave which is scheduled to be done tomorrow. The punch list from CT Consultants has basically only the cul de sac on it yet to be completed and he is wondering if he has to get an extension? Markowitz stated at the last meeting they granted an extension until October 6th with the letter of credit expiring December 31st. Markowitz stated he does need to request an extension. Village Engineer stated he ^{has} not spoken with the inspector to find out what exactly is left to be done. Voldrich stated the items on the punch list were not substantial ones and should not take an excessive amount of time to complete.

Mr. Porter stated they did have a proof roll prior to the paving that was done last week and everything looked good. Porter stated they did have a mis-communication with the Village Engineer's office getting an inspector and that was their fault.

Mayor Young stated the miscommunication between the developer and the Village engineer's office is a serious one, when the paving that was done, was done without an inspector. Mayor stated he feels it is very important to figure out what went wrong and make sure it does not happen again. The roads are one of the Villages largest assets and they must be installed with the benefit of inspectors to make sure the roads are installed correctly.

Markowitz questioned the Village Engineer ^{about what} ~~if~~ if the Commission took no action and did not extend the bond, would there be a concern about the erosion controls that would need to be installed between now and the next meeting. Voldrich stated no, there are no erosion problems that he can see.

Markowitz stated he does not see the need to extend the bond at this meeting. Commission can wait until the next meeting and if the work is not done to the Village Engineer's satisfaction, a default can be declared and the money left in the letter of credit can be taken to complete the work.

Mayor asked about the guardrail going back on Woodland Court, does it need to be extended? The Village Engineer stated the thinking is to extend the guardrail farther to the east, to more fully wrap the sharp drop-off area. This was not on the improvement plan originally, but it would be nice to add on 20 feet of railing.

Pete Snavely, Snavely Development, stated if this is the right thing to do, they will do it. But what they want to see happen is the Village to take the road and quit presenting all these add-ons which delay the Village from taking the road. Mr. Snavely stated they feel they have been responsible and they very much want to get the road dedicated and turned over to the Village.

Mr. Snavely asked what exactly needs to be done to get the road dedicated. Solicitor stated they have to make application, have Knight and Stolar sign off on in writing,

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get the Village Engineer to sign off on all the punch list items, then it goes on to Council for their acceptance and approval.

MR. JERRY BISHOP, FOX RUN SUBDIVISION, stated he is before the Commission to give an update on the progress they are making on the Engineer's punch list.

Mr. Bishop stated on the repairing of the curbs, he has met with the Village Engineer and the company that distribute and install the product that repairs broken curbs and Mr. Milstein has signed a contract with this company and they will get out and do the needed repairs as fast as possible, which will be anywhere from three to four weeks. The work will take two to three days to complete.

Mr. Bishop stated on the landscaping, most of the unacceptable trees have been removed and they are scheduled to start planting new trees on Wednesday, October 5th. Mr. Milstein stated he has contacted Knight and Stolar and they will be inspecting the planting of the trees as they are being planted.

Chairman Daniels asked what had been resolved with the culvert on Mr. Arthur's property? Mr. Arthur stated nothing had been resolved, he met with Mr. Hamilton, Fox Run's general contractor, and to enclose the culvert they were given a price of \$40,000. This cost is prohibitive to do the project.

Mr. Hamilton stated they will now try and get a price for pouring the culvert in place. Commission discussed this situation briefly.

Mr. Bishop reported that the EPA will ^{be} coming out this week to inspect soil erosion protection and ground cover of the entire project.

Markowitz reported he spoke to Sharon Neuman of Dick Rosner's office and it is his understanding that the EPA will come back out and inspect and they are in the process of notifying the property owners who have purchased lots that they will be individually responsible for the storm water discharge from their lots.

Mr. Greg Stricker, resident of Fox Run, stated the landscaping of the entrance is looking very poor and they are looking for some commitment from the developer to clean up this area, i.e. mowing, trimming, replanting grass in areas where it has not germinated and replacing dead bushes, etc.

Mr. Carl Milstein, developer, stated he would like to meet with the residents and landscaper to discuss what needs to be done to make it right. Mr. Milstein stated he would be at the development with the landscaper tomorrow and he would like to meet with the residents. Residents agreed.

Solicitor stated what the Commission must deal with tonight is the Letter of Credit runs out November 1st and they must decide what to do with the Letter of Credit. Markowitz stated it would appear that not everything will be done by October 6th so what the Commission needs to determine is if they want to call the Letter of Credit or have the developer get an extension. Mayor stated they could call the letter of credit, hold till the next meeting and if the work is complete, return the money. Solicitor stated this could be done.

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Markowitz asked if the County had signed off on the sewers? Bishop stated he has spoken with Kathy Bender and she stated she will send a letter confirming their approval, but as of this date they have not received the letter. Mr. Henderson stated he would try and get a letter sent from Kathy Bender.

Markowitz asked the Engineer if he had approved the roads. Voldrich stated the road paving is OK.

The issue of the culvert at the Arthur's residence was discussed at length. Mr. Arthur stated the culvert has been enlarged and he doesn't know why or who requested it be enlarged. Mr. Hamilton stated the culvert was enlarged when the EPA instructed them that more rock channel must be installed, he did what he was told to do per the EPA. Arthur's stated that might be what the EPA required but they are not happy with the size of the culvert and the fact that it is right next to the edge of their home.

Mr. Bishop stated the EPA is supposed to be coming out within the next two weeks. Commission asked Mr. Bishop to notify the Arthurs when the EPA schedules the inspection so they can be in attendance if they wish. Mr. Bishop agreed.

Mayor Young stated he has seen Mr. Milstein become more involved with this project in the last couple of months, following the threat of calling in the letter of credit. He is very thankful that Mr. Milstein has seen to it that some positive action has taken place in getting the Fox Run development completed. It is his feeling that it would be better to extend the letter of credit a couple more months in lieu of calling on the letter of credit.

Following a lengthy discussion, Young moved not to call the letter of credit if all punch list items from the Village Engineer are completed, other than the curb repair, by October 24, 1994 and if the Village receives an extension of the letter of credit in the amount of \$52,200.70, which will have an expiration date no earlier than January 31, 1995 and that the curb repair work be done by November 15, 1994 and further that any additional punch list items that are agreed to by the Chairman of Planning Commission and the developer Mr. Milstein, out on site on October 4, 1994 also be completed by October 24, 1994, Cotesworth 2nd. Roll call, all ayes.

Mr. Hocevar asked the Chairman to be sure and check the ditch along Bell Road during his inspection with Mr. Milstein, there are several areas that are holding water along the ditch.

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



Charles M. Daniels, Jr., Chairman



Cathy Male, Secretary

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SPECIAL PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

SEPTEMBER 19, 1994

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MEMBERS PRESENT: Daniels, Sutliff, Young

OTHER OFFICIALS: D. Markowitz, D. Hocesvar, T. Voldrich

GUESTS: J. Bishop, R. Rosner, H. Arthur

Special meeting was called to order by Chairman Daniels. Butz-Voss and Cotesworth were absent.

No action was taken on the minutes of the previous meeting.

Chairman Daniels stated the reason for tonight's meeting is to hear from the developer of Fox Run and get a report on the progress of completing this development.

MR. JERRY BISHOP, FOX RUN SUBDIVISION, stated since the last meeting they have put the top coat on the street and sealed it. They have been watering the mound area on the days it has not rained, some grass is growing but not enough. The trees that need to be replaced have been reordered. Other than that, he is before the Commission to answer any other questions.

Chairman Daniels asked Mr. Bishop if he had seen the latest report from Knight and Stolar relative to the landscaping. Mr. Bishop stated he had not. Village Engineer stated he had just received this report and he is sure Mr. Bishop had not received a copy yet.

Mayor Young asked that the Commission, Engineer and Developer go through the punch list dated 8-29-94, copy hereto attached, to see what items have been completed and which items are still open.

Voldrich stated in the Priority Punch List, Item #1 is complete. Item #2 is open, EPA has not been clear on what the requirements are for the Manorbrough ditch. Item #3 is open, a letter is coming from Kathy Bender according to Mr. Bishop. Item #4, this is part of #2 and is still open. Items #5 and #6, are still open. Item #7 is part of #2 & #3 and is still open.

Mr. Arthur, resident at 200 Fox Lane, stated when the ditch along their property was excavated, there seems to have been alot more dirt excavated than was necessary. Engineer stated this is something they will look at, they will determine what is necessary to make sure the bank will be stabilized and the erosion control measures will work.

In the punch list for acceptance for dedication, Item #1, will be done on Thursday, 8-20-94. Item #2, remove stone drive off of Rte 306, this item is open. Mr. Bishop stated this area is stable and they have someone interested in purchasing the land and what they would like to do is hold off on this until they know what the future land owner wants to do with the property. Item #3 is complete. Item #4, clean storm sewers & inlet basins, this item is open. Item #5, regrade, stabilize, seed and mulch embankment around

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headwalls of culverts of Manorbrook ditch, this item is open. Item #6, remove silt fences, this is still open. Item #7, Knight & Stolar sign off on landscaping, this item is open. Engineer received a report from Knight & Stolar, dated 9-19-94, which stated there is a large amount of trees that are not acceptable and must be replaced. Estimate of replacement is approximately \$29,000. Item #8, grout box culvert joints, this item is complete. Item #9, replace CB casting with an arched grating, this item is still open.

Mayor Young stated after going through these lists, it is evident that most of the items are not complete. Young asked the Solicitor where does this leave the Commission?

Markowitz stated the Commission has three options, first, an extension could be granted; second, declare a default and take the letter of credit and finish the job; or third, the Commission could wait until the end of the month and see if most of these items could be completed. The biggest problem will be getting the landscape architect to sign off at this time of the year.

Mayor stated he ^{is} very disappointed with the progress that has been made on the items discussed. He is pleased that the road is paved, but very few of the other items are complete.

Engineer stated the amount remaining in the bond is approximately \$52,600. The trees will cost \$29,000 and the remaining items will be approximately \$14,000, for a total of \$43,000. There are sufficient funds to cover the remaining work to be done.

Commission discussed the mechanics of calling a default and calling in the letter of credit.

Richard Rosner, attorney for Bishop, stated he is in agreement that alot of this work should have been completed, however he would request the Commission not call a default on the total amount. Most of the outstanding items are very small ones, except the one of the trees.

Markowitz stated he would recommend that if the Commission is considering declaring a default, that the Commission allow for a little lead time, which will allow the developer to get everything done except the trees. If in fact that does get done, then they would not have to call in the entire amount.

Following a lengthy discussion, Sutliff moved to declare a default in the performance bond second extension, dated November 5, 1993, with the proviso that the Commission will not call in the letter of credit prior to the meeting of October 6, 1994, at which time it will be determined whether or not the punch list items have been completed to the satisfaction of the Village, and call in the Letter of Credit, on or after that date but certainly before November 1, 1994, Young 2nd. Roll call, all ayes.

Markowitz stated he will send a letter informing Mr. Milstein of this action taken by the Planning Commission.

Residents asked about the installation of street lights. Bishop stated they were included in the plans however the Village has some strict regulations on placement. Another problem is getting CEI to bill the homeowner's association. This items was discussed at length.

Markowitz stated there is another issue that needs to be



CT Consultants, Inc.

August 29, 1994 *Engineers • Architects • Planners*

35000 Kaiser Court, Willoughby, Ohio 44094
Telephone 216/951-9000
FAX 216/951-7487

Mr. Jerry Bishop
536 Timberline Drive
Akron, Ohio 44333

Re: **Fox Run Subdivision**
Village of South Russell, Ohio

Dear Mr. Bishop:

As we discussed on August 25, 1994, please be advised that upon completion of the base repairs you may schedule proof rolling and top coating. However, you are advised that in the event that any further base failures occur within the maintenance period, the Village will likely require the road resurfaced rather than patched. As you are aware, this would necessitate milling off the top coat.

Attached is a revised punch list for your use. Please attend to the priority items from List "A" first. Much of the mound seeding has not germinated after what is now approaching two (2) weeks. The Village will require evidence that the area is restored. Furthermore, it has come to our attention that the erosion control of 200 Fox Lane remains your responsibility, not the property owner's. The stabilization of the slope area along the ditch, through final grading and seeding, must be attended to immediately.

Please be advised that all punch list items must be accepted before acceptance of the development by the Village. Finally, please note that additional punch list items may become evident which you will be responsible to correct.

Please call Mike Shaver at our Mentor Office (951-0033) to schedule inspection for the remaining base repairs, proof rolling, top coating and verification of punch list items. If you have any questions, please call.

Very truly yours,

CT CONSULTANTS, INC.

Thomas E. Voldrich, P.E.

:pas

Attachment

cc: Mayor William S. Young
Dave Hocesvar, Building Inspector
Jane G. Stern, Village Clerk
Catherine Male, Planning Commission Secretary
Dale Markowitz, Village Solicitor
J. Michael Shaver, CT Consultants, Inc.
93170/94036

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CT Consultants, Inc.

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August 29, 1994

35000 Kaiser Court, Willoughby, Ohio 44094

Telephone 216/951-9000

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FOX RUN SUBDIVISION

VILLAGE OF SOUTH RUSSELL, OHIO

PUNCH LIST INSPECTION ON AUGUST 17, 1994

By: Thomas E. Voldrich, P.E., Village Engineer

A. Priority Punch List Items:

1. Complete base repairs, proof roll, clean streets and top coat.
2. Written documentation from EPA on the retraction of their order to rock channel protect the Manorbrook ditch.
3. Written documentation on the acceptability of the sanitary improvements from Geauga County.
4. Clean Manorbrook ditch at the 27-inch storm outlet and install more rock channel protection.
5. Additional seed and mulch as directed on site during the inspection.
6. Additional seeding as needed in right-of-way and mound areas.
7. Erosion control improvements on 200 Fox Lane.

B. Punch list items which must be completed before acceptance for dedication are as follows:

1. Submit proposed method of repair of the concrete curb chipping.
2. Remove stone drive on State Route 306 and seed and mulch.
3. Remove stumps and debris.
4. Clean storm sewers and inlet basins.
5. Regrade/stabilize, seed and mulch embankment around headwalls of culverts of Manorbrook ditch.
6. Remove silt fences remaining in the development when ordered.
7. Knight and Stolar sign off on landscaping.
8. Grout box culvert joints.

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Fox Run Subdivision
Village of South Russell, Ohio
Punch List Inspection on August 17, 1994
August 29, 1994
Page Two

9. Replace CB casting with an arched grating.

:pas

cc: Mayor William S. Young
Dave Hovevar, Building Inspector
Catherine Male, Planning Commission Secretary
Dale Markowitz, Village Solicitor
- Jerry Bishop, Fox Run Developer
93170

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SERVICE SINCE 1928

RECORD OF PROCEEDINGS

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Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

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discussed. At the last meeting, Mr. Bishop presented a letter from the EPA, which turned over the responsibility for the storm discharge permits of the entire subdivision to the Homeowner's Association. Markowitz stated he spoke to the individual who wrote the letter from the EPA and he asked why this had happened. Markowitz stated the EPA received an application from GPD, Fox Run's engineer, indicating that there was an agreement between the developer and the homeowner's association, where the association is to be responsible for individual on-site discharge, for each individual lot. Markowitz stated he told the EPA he was not aware of any agreement like this and he did not know how there could be such an agreement because the Homeowner's Assoc. does not have any authority to go on an individual lot. Markowitz stated he explained to the EPA why this agreement would not work. The EPA stated they would review this request and get back to the Solicitor.

There being no further business, meeting adjourned at 7:00 P.M.

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

Cathy Male
Cathy Male, Secretary

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held _____ 19____

RECORD OF PROCEEDINGS

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Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

SEPTEMBER 8, 1994

19

MEMBERS PRESENT: BUTZ-VOSS, COTESWORTH, DANIELS, SUTLIFF, YOUNG

OTHER OFFICIALS: D. MARKOWITZ, D. HOCEVAR, T. VOLDRICH

GUESTS: S. SIMON, J. BISHOP, R. MEZAK, A. MEZAK, B. PORTER

Meeting was called to order by Chairman Daniels at 7:30 P.M. Roll call, all members present. (Cotesworth arrived at 7:35 P.M.)

Due to the secretary's absence, Commission agreed to hold any action on the August minutes until her return.

Chairman Daniels stated Mr. Bill Porter, Snavelly Development, is before the Commission to request an extension of the performance bond on phase one of Reserve of Whitetail Subdivision. Mr. Markowitz stated he wrote Mr. Porter a letter informing him he must come and request an extension. Porter stated he would like to request a 30 day extension, weather permitting, they are trying to set up for a proof roll for early next week. Porter stated they have reseeded the areas that needed it, they will be planting trees in the temporary cul de sac and he thinks everything else is in pretty good shape.

Voldrich stated there are a number of things that need to be addressed, some unresolved old issues as well as some new issues. There is an erosion control problem on the retention ponds, some rip-rap needs to be installed. The road needs to be milled down, there needs to be a 1 inch relief before the final coat can be put down, there needs to be a sign stating there is a barricade ahead and no thru road and there is a guard rail that needs to be installed. Porter stated the guard rail was installed today.

Voldrich stated there is one other significant issue and that is the ditch coming down the main street. Porter stated they have had discussions with the homeowners about piping that ditch and their engineers are currently working on a plan which would change the pipe size to a 30 inch pipe from a 24 inch pipe and then close the ditch. Porter stated Voldrich should hear very soon about the hydrologic calculations in order to proceed. Voldrich stated there are two options they can take in order to control the erosion, one is to enclose the ditch or rock channelling it all the way up the hill. One of these two have to be done. Village Engineer stated he would recommend that Planning Commission require the developer to enclose the entire ditch. Porter stated he is unhappy that this situation was not seen sooner, they want very much to get the road dedicated. Porter stated they are working with the homeowners to correct this situation however it seems that as they are completing items, either the EPA or the Village Engineer finds more items that need to be corrected. Markowitz stated the Village does not create the problems, the Engineer and EPA just highlight the problems and it is up the Village to make sure they are corrected.

Held

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Following a brief discussion, Sutliff made a motion to extend the performance bond for 30 days, until October 6th, and maintain the letter of credit, Cotesworth 2nd. Roll call, all ayes.

MR. JERRY BISHOP, MINOR SUBDIVISION APPLICATION, stated the first item he would like to discuss with the Commission is their request for a lot split of the property north of the BP station. Bishop stated he sent a plat to Tom Voldrich and Dale Markowitz. They have made all the changes they requested and he would like to get an approval on the revised plat.

Markowitz stated he has not reviewed the revision and he has been informed that Village Engineer has not seen the revised plat. Bishop presented the revised plat for review. Commission, Solicitor and Engineer reviewed plat. Engineer and Solicitor stated the revised plat contained their requested changes. Solicitor stated the only other item he had requested was the title commitment and had that been provided? Bishop stated he thinks Mr. Milstein had ordered it, however he has not seen it. Following a brief discussion, Cotesworth moved to approve the minor subdivision application of Mr. Jerry Bishop contingent upon receiving a title commitment policy, Butz-Voss 2nd. Roll call, all ayes. *acceptable to the Solicitor*

MR. JERRY BISHOP, FOX RUN SUBDIVISION, stated he is before the Commission to discuss the most recent punch list from the Village Engineer dated August 29, 1994.

1. Complete base repairs, proof roll, clean streets and top coat. Bishop stated 98% of the base repairs have been made, the proof roll will be done tomorrow and the street is scheduled to be paved on Saturday. Voldrich responded by stating there are three problems; first, the availability of an inspector for a Saturday, on such short notice; second, the proof roll can not be done tomorrow unless Bishop can get the fabric down and third, there must be a decision made on the curbs, there are at least a half dozen curbs that have been damaged and a decision has to be made whether they can be patched or replaced prior to the final coat being installed. Commission stated they wanted to make sure every inch of curb would be inspected during the proof roll. Engineer stated they would have an inspector there and Dave Hovevar stated he would also be there.

Mayor asked Mr. Bishop if it were correct that he is asking the residents of Fox Run to park their cars in the parking lot of Gurney School and not drive on the road for Saturday and Sunday, if paving does take place? Mr. Bishop stated he intends to ask that however he has not contacted all residents as of this time, Bishop is waiting to see if the paving will be taking place. Residents attending the meeting stated tonight was the first time they had heard of this plan and they are annoyed to be finding out at such a late date.

Held

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Mr. Greg Stricker, first resident of Fox Run, asked what was the status of getting street lights in this subdivision? Mr. Bishop stated he met with CEI and they said it was not possible because they would not bill an association. Markowitz stated CEI has since retracted that statement and if there is a desire to have street lights, the homeowner association needs to contact CEI. The Village also has certain requirements that need to be met with the placement of the lights.

Stricker stated he might be willing to do something like not drive on the street for two days, if they can get some type of commitment from Mr. Bishop on streets lights which were promised to be put in at the time he purchased the lot. Commission discussed further the problem of installing street lights at this time.

Sutliff asked if Bishop got permission from Chagrin Falls School District allowing the residents to park in Gurney's lot? Bishop stated he does not have permission. Commission stated he needs to get this permission. Bishop stated he would call the school district.

2. Written documentation from EPA on the retraction of their order to rock channel protect the Manorbrook ditch.

Hocevar stated he spoke with EPA regarding the letter sent, Hocevar has not seen a copy as of this date. Hocevar stated he has a verbal commitment from the EPA that the rip rap is not necessary however in talking with John Snyder and after looking at the site again, he stated he is not sure that rip rap should not in fact be required to protect the Manorbrook ditch. Hocevar stated he does not feel this item has been resolved at this time.

3. Written documentation on the acceptability of the sanitary improvements from Geauga County.

Voldrich stated he has not seen this documentation.

4. Clean Manorbrook ditch at the 27-inch storm outlet and install more rock channel protection

Voldrich stated this is 50% completed. Hocevar stated the contractor installed it in the wrong place today and he has to re-install it. Hocevar stated he has a verbal commitment from Hamilton that he will take care of it.

5. Additional seed and mulch as directed on site during the inspection

Voldrich stated this is just a general statement and might not go on until next spring.

6. Additional seeding as needed in right-of-way and mound areas.

Voldrich stated this has not been completed.

7. Erosion control improvements on 200 Fox Lane.

This item has not been completed. Hocevar stated as of today, after talking with the EPA, the seeding that has been done is totally unacceptable and it is Mr. Bishop's responsibility to correct this situation. Mr. Bishop stated he has a letter from the EPA which he feels releases him from the responsibility of fulfilling the EPA requirements. Following review of the letter from EPA, Markowitz stated he does not feel this letter releases Mr. Bishop from his responsibilities of fulfilling the EPA requirements.

Held

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Chairman Daniels asked where this left the Commission and the action that needs to be taken. Markowitz stated the only thing that is before the Commission is the request to extend the performance bond and the letter of credit. All the punch list items and issues are really between the Village Engineer and the Village Building Inspector and the developer. The Commission could decide to take the action of not granting any more extensions and call in the letter of credit and have the Village complete all remaining items. Or an extension could be granted or no action could be taken and let it sit for one more month because the letter of credit does not expire until November 1st.

Mayor stated the letter of credit is currently for approximately \$52,000. Mayor asked if all items could be completed for this amount? Voldrich stated yes it could be done. Commission discussed the fact that this weekend might provide the perfect time to pave, due to the weather predictions and they are concerned if they miss this opportunity, they might miss the best time to pave. Voldrich stated he feels the road should pass the proof roll tests and agreed this might be a good time to pave. Commission discussed the need for good inspectors to be there if paving is to be done this Saturday.

Mayor stated because of the nature of this problem and the dates of the bonds, they could schedule a special meeting to just discuss Fox Run. Commission discussed dates and agreed to meet September 19, 1994 at 7:00 P.M. to review the progress of Fox Run.

Voldrich stated he would review what is to happen over the next couple of days. Voldrich stated on Friday, the proof roll will be at 10:00 a.m., they will then clean the road, lay any needed fabric, his office will review the curb repair scheme and if it is acceptable, he will let Bishop know. Markowitz stated he would suggest Bishop contact his bank now and get an amendment to the letter of credit which will extend it until January 15, 1995.

Commission stated they would meet again on the 19th and again review the need to call the Fox Run performance bond.

Mr. Roger Mezak, Ann's Child Center, stated he is before the Commission requesting development review for the proposed child care center, the application and plan were filed with the Building Dept. on September 1, 1994.

Mr. Mezak stated he was before the Commission last month and since that time he has made certain changes on the plans presented in August. First, they cut the size of the building by 10%; second, added more detail to the architectural design; third, changed the windows to all double hung and added a door; fourth, decreased the number of parking space, providing for more green space; and fifth, made the drive going in 20 feet wide and the plan shows the drive going out 14 feet, this will be changed to 20 feet. Mr. Mezak stated he hopes to break ground in March, build in the spring and summer and landscape in the fall. Mr. Mezak stated he is currently getting information on the availability of water.

Sutliff suggested the Police Chief review the plan to determine any potential traffic problems that this center might cause, at the current location. Commission agreed this should be done.

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Held

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Mayor stated he is concerned with the traffic entering the child care facility and the possibility of there being a lot of congestion at the entrance. Markowitz stated that Mr. Mezak will be required to apply for a street opening permit from the state because Rte. 306 is a state highway. In the case with Heinen's, the state required them to widen the road, and he would suggest that District 12 office be contacted to see if there would be any similar requirements, i.e. widening the road, etc. Markowitz stated it is important for the Village to find this out, prior to approving the plan.

Mr. Markowitz stated Mr. Mezak is before the Commission requesting development approval and what the Commission must decide is first, does a day care facility fit within the B-2 district and second, if it does, do they comply with all the developmental regulations that the Code requires.

Markowitz asked what would his plans for the building be if in fact the day care facility was not successful? Mr. Mezak stated the building will be built so it is very sound and could probably be used for any other use in the B-2 district.

Markowitz stated the other point he needs to make is if this will have a nursery school as part of the program, a variance will be required. Markowitz stated the Code does not permit nursery schools in the B-2 district and if a nursery school is part of the child care center, they will have to apply for a variance.

Markowitz stated Mr. Mezak needs to come back with proof of sufficient water, with a review of the traffic by the Village Police Chief and plans showing the changes as discussed.

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

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

Cathy Male
Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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RECORD OF PROCEEDINGS

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Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

AUGUST 4, 1994

19

MEMBERS PRESENT: Butz-Voss, Cotesworth, Daniels, Young

OTHER OFFICIALS: D. Hocevar, T. Voldrich, D. Markowitz

GUESTS: W. Porter, Snavelly Development; A. & D. Taussig, 493 East Washington; S. Simon, Emerald Lake Development; J. Bishop, Fox Run Development; A. & R. Mezak, Anne's Day Care

Chairman Daniels called the Public Hearing to order at 7:30 P.M. to hear the Subdivision Rules variance request of Snavelly Development Co., for the proposed Reserve of Whitetail, Phase II. Secretary read public notice which was published in the Geauga edition of the Cleveland Plain Dealer on July 5, 1994.

Chairman Daniels stated Snavelly is requesting three different variances from the Subdivision Rules and anyone wishing to speak at the Public Hearing must be sworn-in. Solicitor Markowitz swore in those wishing to speak.

Mr. Bill Porter, Snavelly Development Co., stated he is before the Commission requesting three similar variances as to what was granted to Phase I of the Reserve of Whitetail. Porter stated the first variance is for a section of Doe Court which needs relief from the improvement standards by allowing the section to slope away from the pavement. This was granted in phase one which allowed them to install a culvert under the road and extend beyond the right of way with head walls outside of the right of way. Mr. Porter stated this would be very similar to what was installed on Woodland Court.

Mayor asked the Village Engineer and Village Building Inspector if they had any objections or suggestions to the previous variances which were granted in phase one? Dave Hocevar stated he wants to make a recommendation that no occupancy permits be allowed until everything is in and approved except for the final wear course of asphalt.

There being no further questions or discussion, Public Hearing adjourned at 7:41 P.M.

Regular meeting was called to order at 7:42 by Chairman Daniels.

Roll call, Sutliff absent.

Butz-Voss stated she supported what Dave Hocevar requested. Hocevar stated he just wants to make sure they don't get into winter and have to chase developers around to make sure all right of ways are seeded and protected.

Markowitz stated this variance has been granted to Fox Run, Emerald Lake II and Reserve of Whitetail I. Markowitz stated since the granting of these variances, the Supreme Court has made a ruling which basically stated that when the offer of dedication occurs, and the plat is approved, even though the Village has not accepted it for dedication, it

Held

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becomes a public road and the developer has a right to rely on that. Markowitz stated his concern is that the Supreme Court did not think this through as to what it could be for liability for the Village. Markowitz stated he feels there could be certain risks and potential exposure for the Village. Basically what the Court is stating is just because it is not accepted for dedication, the Court still feels it is a public road. In other words, a dirt road can be offered for dedication and the Court would consider it a public road.

Markowitz stated he has never been a fan of granting occupancy permits prior to accepting the roads for dedication. It is his opinion that there are a number of issues which arise. First, do the people who move into the home know that the road is not accepted and there will be no snow plowing and mail may not be delivered; and second, do they know there is not Village control for speeding or traffic considerations. Markowitz stated he does not feel that occupancy should be allowed until the Village is satisfied the road is completed, even with the final wear course being installed.

Following lengthy discussion, Young moved to approve the first variance request, allowing modification of the improvement standards for Doe Court, Butz-Voss 2nd. Roll call, all ayes.

Young moved to approve the second variance allowing for the construction of two model homes prior to the installation of paving and curbing improvement within the right of way, contingent upon submitting a mud bond of \$5,000, Cotesworth 2nd. Roll call, all ayes.

Butz-Voss moved to ~~disapprove~~^{deny} the third variance requesting the issuance of zoning, building and occupancy permits prior to final wear course and landscaping being installed, Young 2nd. Roll call, all ayes.

Mr. Porter stated they would like to grant a four month extension to the Village on taking action on their Final Plat Application for Reserve of Whitetail II. Mr. Porter stated realistically they will not be starting the second phase until spring of '95. The Code states that within 60 days of the final plat approval, they must post the bonds and they will not be in the position to do this. Therefore, they would like the Planning Commission to hold off on taking action on their application until January. Following a brief discussion, Porter stated he would grant the Commission an extension for the next four regularly scheduled Planning Commission meetings.

Chairman Daniels asked for any additions or corrections to the July minutes. Daniels and Markowitz made three typographical corrections. There being no further corrections, Cotesworth moved to approve the minutes as amended, Young 2nd. Roll call, all ayes.

Amy & Dan Taussig, 493 East Washington, presented a plan and application for a minor lot split. Mrs. Taussig explained they want to take the home and one acre and split it out of the 13.6 acre parcel. Commission reviewed the plat and application.

Mrs. Taussig explained they would be selling the home and one acre with the intention of possibly building a home of their own on the remaining property.

Held

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Following a brief discussion, Butz-Voss moved to approve the minor lot split contingent upon the applicant submitting the title commitment to the Village Solicitor for his review and approval and upon the Village Engineer's final approval of the plat, Young 2nd. Roll call, all ayes.

Mr. Sid Simon, Emerald Lake II, stated he is before the Commission to request a one year extension of the performance bond for four spur roads, Buttonbush, Teaberry, Woodrush and Bellflower, until August 15, 1995 and on Alderwood Trail until August 1, 1995.

In addition, Mr. Simon requested the letter of credit be extended until September of 1995.

Following a brief discussion, Cotesworth moved to approve the extension of the performance bond for Alderwood Trail until August 1, 1995, to approve the extension of the performance bond until August 15, 1995 for Buttonbush, Teaberry, Woodrush and Bellflower with the Letter of Credit securing the bond for the spur roads being extended until November 15, 1995, Young 2nd. Roll call, all ayes.

Mr. Jerry Bishop, Fox Run, stated he would like to notify the Planning Commission of Mr. Milstein's intention to split the remaining lot of commercial property, located directly north of the BP station, into two, one acre lots. Bishop stated they will be filing a formal application for the next meeting in September. Bishop stated Mr. Mezak will be presenting an informal presentation of his plan of building a child care facility on one of the one acre lots. Mr. Bishop stated they do not want to go ahead with the lot split unless the Planning Commission can give some positive response on the proposed child care plan.

Mr. Roger Mezak, Ann's Child Center, stated he is before the Commission on an informal basis to present a plan to build a child care facility on a one acre parcel, north of the BP station, on property currently owned by Mr. Milstein.

Mr. Mezak presented a preliminary plan, showing architectural drawings of the proposed building and how it would lay out on the lot. Mr. Mezak stated there would be a total of 5376 square feet in the building which would allow, according to State regulations, 102 to 117 children maximum occupancy. Mr. Mezak stated his wife currently runs a facility in Bainbridge and this facility would be their 2nd center.

Commission discussed layout of the building, number of potential employees, parking, landscaping and age and number of children.

Mayor stated he is very concerned about the proposed location on Rte. 306 and the many safety issues involved, including the traffic on Rte. 306, which is ever increasing, and the potential noise factor for those surrounding residential homes. Mayor stated he is not in favor of the current design of the building, he does not find it aesthetically pleasing, and suggested some revision be made. Mr. Mezak stated this was not the final plan, there are some items he feels need to be changed.

Markowitz stated he feels prior to the Commission making any determination on whether the child care facility can be granted as a permitted use, he will review their permit and see exactly what they are permitted to do under the State regulations. Commission agreed and asked Mr. Mezak to send

Held

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a copy of his permit to the Village Solicitor for his review.

Mr. Mezak stated he will send a copy to the Village Solicitor and he would like to return to the Commission next month with a completed application for development review and hopefully address all the concerns of the Commission as discussed this evening.

Mr. Jerry Bishop, Fox Run Subdivision, stated he is before the Commission to request a one year extension on his performance bond. Markowitz stated the performance bond expired August 1, 1994 and the letter of credit expires on November 1st, and the bond is in the amount of \$52,200.70. Voldrich stated this amount is adequate, the cost estimates for the base repairs and punch list items, which include the top coat, are estimated to be in the amount of 30,000 to 35,000.

Bishop stated Mr. Milstein has let the contract to do all the road repair and as of Monday, the entire area along the road is seeded. Bishop stated there are areas that need to be re-seeded due to the flooding of the road which they plan to do next week. Voldrich instructed Mr. Bishop that the catch basin screens have to be regularly serviced, cleaned out, in order to prevent the flooding that has already occurred several times. Every time it rains these basins have to be cleaned out. Bishop stated the mounds will be seeded and should be done within three days, if the weather cooperates. They have not decided if they are going to seal the road and wait to put on the final coat or just go ahead and put the final coat on now. Voldrich stated he would not approve putting on the final coat at this time.

Mr. Bishop stated they have had to replace 23 trees, all of which have been replaced except for 7 trees.

Mr. Bishop stated he feels if the weather cooperates, all the remaining items needed to be completed and corrected will be done within two weeks.

Mayor Young stated they have heard of alot of things that were going to be done at Fox Run and most of them have taken alot longer than what was originally promised. Frankly, Mayor stated he is very disappointed with Mr. Bishop's performance. Young stated he is inclined to not extend the bond and have the Village complete the work needed to finish the development and be done with it. There are currently three families living in this development, there has been hardship for those families created by the mere fact of Mr. Bishop not doing his job and completing those things he promises to complete. It also has created alot of excess work for the Village. Mayor stated they have a road that needs to be fixed and the development completed.

Mr. Milstein stated he is confident that if the weather is good, the remaining items on the punch list will be completed within the next two weeks.

Mayor Young stated he is not sure what should be done. Markowitz stated the letter of credit is good until November and he would suggest the Commission wait until the next meeting to act on the extension request of Mr. Bishop. Markowitz stated this would give Mr. Bishop more than the two weeks he feels he needs to complete all the items and then the Commission can look at the situation and make a decision on the bond extension. Mr. Milstein stated this was agreeable to him.

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Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

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Commission discussed and agreed to hold their next meeting not on September 1st but on September 8th.

Dave Hovevar stated he had a couple of items to bring up before Mr. Bishop leaves. Hovevar stated yesterday Bishop's contractor stated the catch basin fabric would all be changed and as of right now, it has not been changed and that is why the street is currently flooded. Second, he has been told there is not enough seed in the hydro-seed that has been put down and he would suggest Mr. Bishop check with his landscaper to be sure it will not have to be done again. Mr. Bishop stated he would have that checked tomorrow.

Mr. Bishop stated he would be back before the Commission on September 8, 1994 at 7:30 P.M.

Markowitz stated he has handed out information on relevant zoning cases and asked the members to review so they can discuss at the next meeting.

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

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

Cathy Male
Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held _____ 19____

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

JULY 14, 1994

19

MEMBERS PRESENT: BUTZ-VOSS, DANIELS, SUTLIFF, YOUNG

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: B. PORTER, SNAVELY; MARC GRAHAM; A. & S. REEDER,
S. SIMON, EMERALD LAKE II

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

There being no additions or corrections to the June 9, 1994 minutes, Sutliff moved to approve the minutes as recorded, Butz-Voss 2nd. Roll call, all ayes.

Mr. Sid Simon, Emerald Lake II, stated he is before the Commission to address a letter from Solicitor Markowitz regarding their performance bond which expires August 1, 1994. Mr. Simon stated he would like to postpone requesting an extension until the August meeting so that he can get all the information he needs as far as the problems he is having with the main road of Emerald Lake II. Mr. Simon stated by the August meeting he should have the necessary information in order to make a proper request. Commission had no problems with this request, agreed to hold any action until the August meeting.

Arthur and Susan Reeder, 1545 Bell Road, came before the Commission to informally discuss a request to split the 10 acre parcel located at 1545 Bell Road into two lots, into two 5 acre lots. This land is a very long and narrow piece of property and they are before the Commission to see if this would be a possibility. There would have to be a common drive that would serve both the front lot and the back lot. Reeder's presented the original survey as well as a sketch of how they would like to split the land. The Commission reviewed the plan as well as the Zoning Code to see if there would have to be any variances necessary.

Commission discussed the plan as presented. Markowitz explained the process necessary to do a minor lot split. Markowitz stated there is one issue that appears might be a problem and that is the requirement of the minimum lot width at the building line must be 150 feet. It appears from the survey submitted, there might not be sufficient frontage. If this is the case, they could apply for a variance.

Mayor stated he does not feel this request is an unreasonable one however there is a process that must be followed to obtain an approval. Mr. Reeder thanked the Commission for their input and stated they would go back and decide if this is a process they want to try and attempt to get the minor lot split.

Mr. Marc Graham, architect for Snavely Building Co., stated he is before the Commission requesting permission to build a home in Reserve of Whitetail I that is over the 33 foot maximum height regulation. The home is proposed to be built

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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at S/L #8, 516 Woodland Court and is 1.88' over the maximum allowable height of 33 feet. Mr. Graham stated one of the reasons for the height of this home is the site is a sloping site which adds approximately 1'4" to the height. Other reasons for the height are a 13 course basement, roof pitches of 9/12 and 10 foot ceilings on the first floor. Graham presented elevations of the proposed home for the Commission's review. Dave Hocevar stated he did not see any problems with this proposed plan and explained the way the home is situated on the cul de sac lot, this really does not pose a problem to him.

Commission reviewed the Code and height regulations.

Commission reviewed proposed plan and following brief discussion, Sutliff moved to approve the development review application of Snavelly Building Co., allowing a proposed home to be built on S/L #8, 516 Woodland Court with a height of 34.88 feet, Butz-Voss 2nd. Roll call, all ayes.

Mr. Bill Porter, Snavelly Development stated he is before the Commission for the Final Plat of Reserve of Whitetail II. Mr. Porter stated they still have some legal and financial issues not completed and they would like to grant an extension to the Planning Commission and ask that they not take action on their application until the next meeting in August. Commission agreed and stated they would act on the application in August.

Mr. Markowitz stated he would like to update the Commission on Fox Run - their performance bond expires on August 1st and he has written to them and made them aware they need to request an extension. As of this date, Markowitz stated he has not heard from anyone. Mayor stated the Council asked the Building Inspector to notify Bishop, because he had not complied with the conditions of the variances granted, they would not be issuing any permits or doing any inspections until the variance conditions had been met. The Building Inspector stated his office is having a tremendous amount of trouble with the developer of Fox Run and he does not know what can be done, but the development is a disaster.

Markowitz stated the Planning Commission has the option of calling in the bond on August 1st if the work is not completed. Commission asked Markowitz to write another letter, with stronger language, stating unless the work is completed by August 1st, the bond will be called.

Dave Hocevar stated he also spoke to Mr. Bishop regarding the commercial piece of property north of the BP station. Hocevar stated Bishop wants to split the piece of property into two, one acre lots. One would be for the Child care facility and the other would be requested to be rezoned to a B-1 use. Mayor stated he feels they might have a serious safety problem with the location of the lot for the child care facility, where it sits on Rte. 306, the traffic will be very heavy in the morning as well as in the evening and last thing the Village wants is a dangerous situation where children are involved.

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


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

JUNE 9, 1994

19

MEMBERS PRESENT: YOUNG, SUTLIFF, DANIELS

OTHER OFFICIALS: D. ONDREY, T. VOLDRICH, D. HOCEVAR

GUESTS: R. BRENNAN, B. PORTER, J. BISHOP

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

Daniels asked for additions and corrections to the May minutes. Daniels stated on page 284, 2nd paragraph, the word "straighten" should be "straightened". Ondrey stated in the 4th paragraph, "at the developers cost" should be added to the end of the sentence; and in the last paragraph, 8th line, following the word "plat" should be added "to the satisfaction of the Village Engineer". There being no further additions or corrections, Young moved to approved the May minutes as amended, Sutliff 2nd. Roll call, all ayes.

Mr. Robert Brennan stated he is before the Commission requesting permission to split the parcel of land located at 5253 Chillicothe into three lots. Mr. Brennan presented the application and plat for the Commission's review. The lots will be 2.13 acres, 2.14 acres and 4.5 acres. Mr. Brennan stated he is planning on eventually fixing up the century home that will be located on the 4.5 acres.

Mayor Young asked if the property is located in a restricted ground water zone. Village Engineer stated is was not located in a restricted zone. Mr. Brennan stated they have three sewer tie-ins already approved by the County.

Mr. Ondrey stated Mr. Markowitz has reviewed the plat and his requested changes appear to have been made.

Following review Sutliff moved to approve the Minor Subdivision Plat contingent upon receiving a title commitment showing title in Mr. Brennan's name and verifying there are no mortgages, Young 2nd. Roll call, all ayes.

Mr. Bill Porter, Snavelly Building Co., stated he is before the Commission to seek approval on the final plat for Reserve of Whitetail Run II, however they have not been able to get all the necessary information to the Village Engineer and the Village Solicitor. Therefore, he would like to grant an extension to the Planning Commission, allowing them to take additional time on acting on the the final plat application, until the July meeting.

The secretary stated that Snavelly has filed a subdivision variance application and the Commission has to set a Public Hearing date. Following brief discussion, Commission agreed to set the next meeting date for July 14, 1994 and hold the public hearing on that date.

Jerry Bishop stated he is before the Commission to ask what the Commission would think if the property north of the BP station

Held

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were to be used for a child care facility. Bishop stated it is the same center that is currently being run in Bainbridge and they have been successful.

Solicitor Ondrey stated child care is not a permitted use for that piece of property but the Planning Commission could interpret the Code and consider a day care center as a personal service. Currently the Code does not have day care centers in any of the permitted uses.

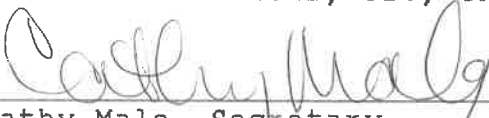
Mr. Bishop stated he feels this use would have several benefits, only day time use, no activity at night, no lights, which would benefit Fox Run residents. Commission discussed briefly and stated they had no objections to the concept and feel it could be a good use of the property.

Dave Hovevar stated he feels this would be a good use for this piece of property. Mayor Young stated one area that will need to be carefully designed is the traffic pattern for getting in and out, especially with the heavy traffic currently on Rte. 306.

Mr. Bishop thanked the Commission and stated he would be back with a formal plan and application.

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


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

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Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

MAY 12, 1994

19

MEMBERS PRESENT: Cotesworth, Daniels, Sutliff, Young

OTHER OFFICIALS: D. Markowitz, T. Voldrich, D. Hocevar

GUESTS: S. Simon, S. Miller, W. Sanderson, S. Althans, S. Ciceretto

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

Chairman Daniels asked for additions and/or corrections to the April minutes. Markowitz stated on page 274, first paragraph, the word "Caren" should be "Carron"; on page 275, paragraph 8, first line, "Emerald Lakes I" should be "Emerald Lake II"; on page 276, following paragraph "E", there should be a new paragraph "F" stating "April 7, 1994 amendment to the declaration of covenants, conditions and restrictions relating to the association assessments", then the old paragraph "F" will become paragraph "G". There being no more additions or corrections, Sutliff moved to approve the minutes as corrected, Cotesworth 2nd. Roll call, all ayes.

Mayor stated it was not recorded in the minutes but at the last meeting, the Solicitor stated that the Village was better protected through the series of agreements with Emerald Lakes than with holding Emerald Lake properties in escrow. The Mayor asked the Solicitor if this was correct and did he still feel the same. Solicitor stated he did make this statement and he still feels the same.

Secretary stated the Commission needed to consider re-scheduling the June meeting due to the lack of a quorum on June 2nd. Following brief discussion, Commission agreed to hold the June meeting on June 9th at 7:30 p.m.

Steve Ciceretto, architect for Althans Insurance, stated they are before the Commission requesting development review application for a proposed addition to their office building located at 543 East Washington St. Mr. Ciceretto stated the plan before them is for a two story, 600 square foot addition to the rear. Mr. Ciceretto stated they have provided additional parking for this addition. This additional space will be used for office space.

Commission reviewed the plan and application. Commission questioned what provision had been made for screening along the rear property line. Mr. Althans stated there is solid woods from the rear of their property to homes in the rear.

The Village Engineer stated he had reviewed the plan and had no objections.

Following a brief discussion, Sutliff moved to approve the development review application for Althans Insurance Agency, 543 East Washington, as presented, Cotesworth 2nd. Roll call, all ayes.

Held

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Village Engineer, Tom Voldrich, stated there are five development review applications before the Commission, S/L #25, S/L #26, S/L #6, S/L #47 and S/L #52 Emerald Lake II. Mr. Voldrich stated two of the plans are approved by his office and three have to be revised and resubmitted, however he wanted the Planning Commission to look at them.

Voldrich stated the main reason his office has only approved the site plan for two of the five homes is because of a discrepancy they have found in bench marks, they want to make absolutely sure they know what is going on as far as elevations and setting finished floors and they don't want to approve anything until they get the bench marks straighten away. In order to do this, they must make sure there is consistent as-built information available for the builder.

Engineer explained they are seeing adjacent lots with discrepancies in elevations of some common points, one builder is using a certain rim casting, calling it a certain elevation while another builder is using the same rim casting and calling it another elevation, sometimes having up to a 48 inch discrepancy. Voldrich stated we have to make sure the builders are using as-built information as opposed to design elevations, which can not be used because it may not be built as designed.

Following a lengthy discussion, it was agreed that Northcoast will go out and shoot bench marks that all builders will be able to use.

Sheldon Miller, S & S Realty, presented development review applications for S/L # 25 and S/L #26, Emerald Lake II. Engineer stated these plans do not have pins shown on the plat and the erosion control plan is not shown. Commission had no objection to the placement of the home on the envelope. Following a brief discussion, Young moved to conditionally approve the development review applications based on the establishment of consistent bench marks to be determined by developer and engineer, pins must be shown, the erosion control plan must be shown on plan as noted by C. T. Consultants, Cotesworth 2nd. Roll call, all ayes.

Sidney Simon, representing D. & S. Builders, presented development review applications for S/L #6, S/L #47 and S/L #52, Emerald Lake II. Commission reviewed the plan for S/L #6. Engineer stated this plan is very similar to the two plans just reviewed for S & S Realty, pins must be shown, and erosion control must be shown. Following further discussion, Cotesworth moved to conditionally approve the development review application contingent upon the as-built reference point determination being made and resubmit elevation plan to Village Engineer, upon test tee grade stakes being located, upon the height of home being changed so as not to exceed 30 feet, and upon erosion control plan being shown on plan, Young 2nd. Roll call, all ayes.

On the Development Review Plan S/L # 47, Emerald Lake II the Commission reviewed the plan and application. Following lengthy review Cotesworth moved to conditionally approve this plan contingent upon the as-built reference point determination being made and resubmit the elevation plan to the Village Engineer, upon test tee grade stakes being located, upon the erosion control plan being shown on the plan and upon designating and receiving the Engineer's approval on the drain outlet from the sump pump in the basement, Young 2nd. Roll call, all ayes.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

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On Development Review Application on S/l #52, Emerald Lake II, the Commission reviewed the plan and application. Following a lengthy discussion, Cotesworth moved to approve the application conditioned upon showing the footer drain and indicate the down spout and footing drain outlet and get approval of the Village Engineer, upon showing the erosion control plan, upon moving the house to the correct set back line, upon indicating the front step location, upon indicating grade stakes set to finish grade, upon the roof height not exceeding 30 feet and upon the elevation reference points being consistently set, Young 2nd. Roll call, all ayes.

Bill Sanderson, Reserve of Whitetail, presenting Final Plat for phase II, stated he is filing the final plat application for phase II. Commission reviewed plan and application. Drainage plan was discussed. Engineer stated the improvement plans are currently being reviewed by his office.

Sanderson stated they will be submitting a variance application requesting similar variances to those granted for phase I. The application will be for a variance allowing construction of home prior to completion of improvements, for occupancy prior to dedication, and for increasing the slope of the right-of-way at the crossing of Doe Court and the stream. Sanderson stated the application and deposit will be submitted within the next week or so.

Solicitor suggested that Snavelly, Snavelly's engineer, Village Solicitor and Village Engineer meet and review the application and plat prior to the next meeting. All parties agreed.

Commission discussed the need for signage and reflectors on the temporary cul de sac of the inter-connect between Emerald Lake and Reserve of Whitetail.

Mr. Sid Simon, Emerald Lake II, stated he would like to request an extension on the performance bond for Buttonbush, Teaberry Circle, Bellflower and Woodrush. Markowitz stated the bond for these roads is up May 15, 1994 and the letter of credit expires November 15, 1994. Following brief discussion, Cotesworth moved to extend the performance bond for Buttonbush Circle, Teaberry Circle, Bellflower Circle and Woodrush Circle from May 15, 1994 to August 15, 1994, Young 2nd. Roll call, all ayes.

Mr. Simon stated he would like the Planning Commission to review the requirement for development review for all envelopes in Emerald Lake II. Mr. Simon stated he would like the Commission to eliminate this requirement because he thinks it can all be handled through the Village Engineer's office and the Village Building Dept.

Mayor Young asked the Village Engineer and Zoning Inspector if they were in support of this request. Mr. Voldrich and Mr. Hocevar stated they did not have a problem with this request.

Solicitor stated there is a zoning code requirement that the Planning Commission must review all proposed homes in Emerald Lake II for development review. If this requirement is eliminated, the Planning Commission must specifically say in the motion made, all remaining envelopes are conditionally approved subject to review of the site plan and grade plan by the Village Engineer and Building Dept. Commission discussed briefly. Following this brief

Held

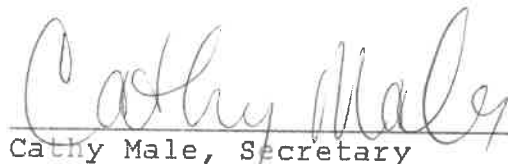
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discussion, Cotesworth moved for all remaining envelopes in Emerald Lake Subdivision II, which have not yet received developmental review approval, that the Planning Commission delegate to the Zoning Inspector and the Village Engineer the authority to review and grant developmental review approval for all homes to be constructed on each envelope and to review for compliance with the Zoning Code and the grading requirements of the Village for each envelope and in the event that they can not agree on an approval or if there are any concerns, the plan can be referred back to the Planning Commission for final determination and if submitted to the Planning Commission a fee will be charged, Sutliff 2nd. Roll call, all ayes.

Simon reported there are some areas on the main road that have given away and he feels it is because the top coat has not been applied and water is getting in and creating soft spots in the road. Village Engineer stated he is not in agreement with Mr. Simon as to the cause of the break-up of the road and his office will be doing some investigation as to why the road is failing and will report back at the next meeting.

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


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

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Minutes of

Planning Commission Meeting

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

April 20, 1994

19

MEMBERS PRESENT: BUTZ-VOSS, COTESWORTH, DANIELS, SUTLIFF, YOUNG

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: M. MURPHY, S. MILLER, S. SIMON, T. ZARATSIAN, M. FISHER, P. O'NEIL, N. Hoovler

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

Chairman Daniels asked for any additions or corrections to the March minutes. Sutliff stated on the first page, fourth paragraph, "Kathy Lee" should be corrected to "Kathy Bender". Markowitz stated on pg 266, 2nd paragraph, sixth line, the following should be added, "Mr. O'Neil asked" following "service"; on page 269, fifth line, the word "travel" should be "travelled"; page 271, fifth paragraph, second line, "he if" should be changed to "if he"; in last paragraph, the first sentence should read "Markowitz stated he would like to inform the Commission he is still waiting for the letter of credit securing the extension of the performance bond for Whitetail". There being no further corrections, Sutliff moved to approve the March minutes as amended, Cotesworth 2nd. Roll call, all ayes.

Chairman Daniels stated there are five development review applications for new homes proposed for Emerald Lake II. The first application, Mark Murphy, S/L #17, 113 Arrow Wood Trail. Commission reviewed the plan. Village Engineer stated he has approved the grading plan. Following brief discussion, Sutliff moved to approve the development review application for S/L#7, 113 Arrow Wood Trail, Butz-Voss 2nd. Roll call, all ayes.

The second application, Sheldon Miller, S/L #23, 145 Woodrush. Commission reviewed the application and discussed. Village Engineer, Tom Voldrich, stated the plans presented do not have the notations that were made at his office regarding the driveway. Voldrich stated originally the house was designed with the drive way on top of the inlet basin and what they have requested is to have a manhole replace the inlet basin. In addition, Voldrich stated he would like to recommend a concrete apron be installed instead of asphalt. Following brief discussion, Cotesworth moved to approve the development review application conditioned upon the Engineers comments made tonight and marked on the plans, Sutliff 2nd. Roll call, all ayes.

The third application, David Simon, D. S. Builders, Inc., S/L #50, 160 Sundew Lane. Commission reviewed the development review application. Village Engineer stated these plans have been approved by their office. Following brief review and discussion, Cotesworth moved to approve the development review application as presented, Butz-Voss 2nd. Roll call, all ayes.

Held

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Emerald Lakes Development, S/L#1, 101 Alderwood Trail, presented development review application and plan for a proposed home. Commission reviewed the plan and application. Village Engineer stated his office had approved this plan. Following brief discussion, Butz-Voss moved to approve the development review application as presented, Cotesworth 2nd. Roll call, all ayes.

Emerald Lakes Development, S/L #2, 103 Alderwood Trail, presented development review application and plan for a proposed home. Commission reviewed the plan and application. Village Engineer stated his office had approved this plan. Following brief discussion, Butz-Voss moved to approve the development review application as presented, Sutliff 2nd. Roll call, all ayes.

Mr. Richard Rosner, attorney for Sid Simon, Emerald Lake II, stated he is before the Commission requesting Final Plat approval for Emerald Lake III. Rosner stated there has been alot of paper work involved with this subdivision. The title for this subdivision site is in the name of R. E. Services, Trustee, pursuant to the escrow agreement. There is a deed that has been signed by R. E. Services to Emerald Lakes Development, Inc. that is being held by Midland Title. In addition, there is an agreement which is called a partial termination of the escrow agreement, it has been signed by R. E. Services and by Emerald Lakes and is being held by the Village until the developer complies with all of the requirements. Rosner stated there is a deed that conveys two of the spur roads, Arrow Wood Circle and Sundew Lane, to the Homeowners Association. The Commission needs to give lot split approval on these two spur roads. Rosner stated they have a letter of credit in the amount of \$166,000 that has been issued by Park View Federal on behalf of Emerald Lakes to secure the subdivision improvements. In addition they have a performance bond given by Caren Paving, the paving contractor, in the amount of \$40,000. They also have a bank check, drawn on Trans Ohio, in the amount of \$9,010.00 by the landscape company. Last, a performance bond is being put up by Insana Construction who is going to be doing the excavation of the road, manholes, catch basins, etc. in the amount of \$60,000. The insurance has been posted with the Village. There is an amendment to the Master Declaration which has been submitted, which brings the sublots into the Master Declaration. The title commitment has been updated by Midland Title and a \$5,000 inspection fee has been paid to the Village for inspection work. The performance bonds have been written and hopefully will be signed by Mr. Simon on Monday.

Commission reviewed the Final Plat as presented. Daniels asked what was resolved with the barricade design. Village Engineer stated he is working with Mr. Hoovler on a design that would be acceptable to both developer and Village. Voldrich stated they are working on some form of a split rail fence design with sufficient signage and reflectors for safety. Commission discussed the size and design of the fence.

Village Engineer Voldrich reported that the radius of the cul de sac shown on the Final Plat has a 50 foot radius and it should be 60 feet. Commission, Engineer and Solicitor discussed the cul de sac design at great length. Concerns were discussed on the utility easements, their placement and size as well as the construction of the cul de sac itself. Commission stated they had great concern regarding the curbs running through the cul de sac and not around it. Commission stated their concern regarding the

Held

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ability of the Service Dept. being able to plow the cul de sac as designed as well as the plan for drainage. Mayor Young contacted Wally May, Street Commissioner, at home to ask him his opinion of this cul de sac design. Young reported that Mr. May was not in favor of this current design.

Following further discussion, Commission agreed to allow the cul de sac to be put in as a temporary turn around and then when the Village vacates the temporary turn around, the utility easements can be installed within the normal 10 foot area outside the standard 60 foot right-of-way.

Following a lengthy discussion, Sutliff moved to approve the Final Plat for Emerald Lake III conditioned upon the following items:

1. Peter B. Corporation (Peter Insana) provide a Performance Bond in the amount of \$60,000.00 running in favor of the Developer and the Village and the delivery of a Performance Bond in the amount of \$60,893.68 from Carron Asphalt Paving Company, Inc. running in favor of the Village of South Russell and the Developer.

2. Delivery of a check to the Village from Mike Suglia in the amount of \$9,620.00 to be deposited by the Village as part of the Performance Bond requirement.

3. The Developer deposit \$5,000.00 in inspection fees and pay all review fees owed to the Village.

4. The final plat be revised to provide for a temporary turn around which is to be vacated upon interconnection of Manorbrook Drive in the Emerald Lakes Subdivision No. III and The Reserve of Whitetail Subdivision and upon adoption of an Ordinance by the Village of South Russell recognizing the interconnection having taken place and authorizing the vacating of the temporary turn around and allowing the utility easements within the normal 10 foot area outside the standard 60 foot right-of-way once the temporary turn around is vacated.

5. The installation of a traffic barrier at the end of Manorbrook Drive in Emerald Lakes Subdivision No. III be acceptable to the Village Engineer and the radius of the cul-de-sac and the layout of the cul-de-sac as set forth in the final plat and improvement plans be acceptable to the Village Engineer.

6. The issuance of a Title Guaranty in the amount of \$1,000.00 for the benefit of the Village of South Russell indicating that Manorbrook Drive within Emerald Lakes Subdivision No. III is free and clear of all liens and encumbrances in a manner and form satisfactory to the Solicitor.

7. R.E. services, Inc., Trustee, convey to Emerald Lakes Development, Inc. Block B, aka Emerald Lakes Subdivision No. III except for Sublot No.. 72 which is owned by Emerald Lakes II Community Association, Inc.

8. Emerald Lakes I Community Association, Inc. convey to Emerald Lakes Development, Inc. the portion of Sublot No. 72 presently a part of Block A which lot split was approved by the Planning Commission on February 10, 1994

9. The Developer file Amendment No. 2 to the Declaration of Covenants, Conditions and Restrictions dated April 7, 1994 which shall be recorded as hereinafter set

Held

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forth.

10. Execute and record the partial Termination of Escrow Agreement to be executed by the Mayor and Clerk of the Village of South Russell.

11. The Developer convey Arrow Wood and Sundew spur roads in Emerald lakes Subdivision No. II to the Emerald Lakes II Community Association, Inc. so long as the same have been accepted by the Village Engineer as being completed in accordance with the Subdivision Rules and Improvement Standards and Zoning code for the Village of South Russell.

12 The Developer maintain his present insurance policy for the benefit of the Village until such time as Manor Brook Drive is accepted for dedication by the Village.

13. The Developer, upon acceptance of dedication of Manorbrook Drive shall provide a Maintenance Bond to the Village to cover the cost of the removal of the barrier at the end of Manorbrook Drive, its northern terminus, and for repair of Manorbrook Drive and for the elimination of the pavement in the portions of the temporary turn around which are to be vacated upon dedication of Manorbrook Drive and further said Maintenance Bond shall provide for the cost of the borrow pit and sedimentation pond maintenance, restoration, stabilization and erosion and siltation control measures during the term of the Maintenance Bond.

14. The order of recording of documents shall be in a manner acceptable to the Village Solicitor which shall require the documents to be filed in the following order, unless otherwise directed by the Village Solicitor:

a. Partial Termination of Agreement among the Village, Emerald Lakes Development, Inc. and R. E. Services, Inc., Trustee

b. Deed from R. E. Services, Inc., Trustee, to Emerald Lakes Development, Inc. reconveying Emerald Lakes Subdivision No. 3 except for Sublot No. 72

c. Limited Warranty Deed from Emerald Lakes II Community Association, Inc. to Emerald Lakes Development, Inc. conveying Sublot No. 72.

d. Warranty Deed from Emerald Lakes Development, Inc. to Emerald Lakes II Community Association, Inc. conveying Arrow Wood Circle and Sundew Lanes.

e. Mortgage from Emerald Lakes Development, Inc. to Park View Federal Savings Bank.

f. Recording of the final plat of Emerald Lakes Subdivision No. III.

15. The Village Solicitor shall withhold his signature from the final plat until all of the conditions and requirements set forth in this Motion have been satisfied in the opinion of the Solicitor.

16. The Planning Commission hereby makes a finding pursuant to Zoning Code Section 4.02(G)(8) that Emerald Lake Subdivision No. III plat is in accordance with such

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Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

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provisions and is hereby deemed acceptable to the Planning Commission.

Motion was 2nd by Young. Roll call, all ayes.

Following brief discussion, Sutliff moved approve the lot split of Arrow Wood Circle and Sundew Lane contingent upon verification of the legal description by the Village Solicitor, Cotesworth 2nd. Roll call, all ayes.

Joe Franzese and Dave Cameron presented application for development review for a proposed deck addition to the front of Hunan's restaurant. Mr. Cameron explained what they would like to provide for their customer is a place to stand, have a beverage and wait for their table. This would only be able to be used during the warm weather months.

Commission reviewed the plan presented and discussed. Mr. Franzese stated there would be some form of screening from the parking lot. There would be no serving or taking orders out on the deck, it would merely be a place for a patron to wait for a table.

Solicitor stated there would need to be variances granted for this request on parking and front and side yard set back.

Commission discussed plan as presented at length. Following this discussion, Sutliff moved to approve the development review application of Hunan's contingent upon the necessary variances being granted, Butz-Voss 2nd. Roll call, ayes - Butz-Voss, Sutliff, Daniels; nays - Young and Cotesworth.

Dave Hocevar stated he needed a clarification on the fees to be charged for the development review applications for Emerald Lake subdivision. Should the \$250.00 fee cover just one set of house plans, all the house plans for one builder or all the plans presented at one meeting? Following brief discussion, Commission stated the fee should be \$250.00 per builder, per meeting and the builder can submit as many plans as he wishes.

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


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held _____ 19____

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

MARCH 3, 1994

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MEMBERS PRESENT: DANIELS, BUTZ-VOSS, YOUNG AND SUTLIF

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: K. BENDER, Z. LEE, P. O'NEILL, G. BROCKETT, J. SINGER

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

Daniels asked for additions or corrections to the February minutes. Daniels stated in the third line on page 254, the words "of the road" should follow the word "course". In the second paragraph, same page, seventh line, third word should be changed from "of" to "to" and in the eleventh line, "Subdivision II" should be changed to "Subdivision III". There being no further additions, Butz-Voss moved to approve the February 10, 1994 minutes as amended, Young 2nd. Roll call, all ayes.

Mayor Young stated they have at the meeting tonight representatives from the Geauga County Sanitary Engineers Office, Zane Lee and Kathy Bender. Young stated that Council had discussed the need to get some information on the the current status of the sanitary sewers and the systems available, will there be expansion of the McFarland system, what kind of impact that might have on the Village, how many inter-connects that might yet be available, etc. Consequently, they have invited Kathy Bender and Zane Lee to come to tonight's Planning Commission meeting to discuss the current situation.

Kathy Bender presented a map of the Village showing what areas are sewerred, what areas are not and what areas are planned and approved for future sewers.

Zane Lee stated he would like the Village to understand that the Commissioners are very committed to serving whatever the people want. Therefore, it is very important, if the Village has feelings on what they want to have done, it needs to be made known officially to the Commissioners. This would pertain to the need for more sewer tie-ins as well as the need to protect the local zoning.

Lee stated there has been some confusion on the moritorium that was placed on the McFarland system. The reason it was put on was they have commitments to certain areas, that if all of them came in the way they are planned, it would fill up the plant. At the rate that McFarland Creek is currently being filled up, it will take seven to ten years for it to actually reach capacity. Because of this, the Commissioners have granted almost all requests for variances from the moritorium.

Lee stated the current Board of Commissioners have instructed him to not make alot of decisions. In the past, Lee stated his office did alot of the planning and decision making in their department and then took it to the Commissioners. This Board of Commissioners has decided they want to be part of the decision making process, so they want the problems to be brought to them and then they will make

Held

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the decisions. That then leaves Lee's office free to implement whatever they decide. Lee stated this has worked very well, his department is very good at implementing the decisions made.

Lee stated what he would recommend to the Village is when they have an idea where they want sewer service, let the Commissioners know by letter. Mayor stated he is not sure the Village will do that, it is more the developers who will determine what tie-ins are desired.

Paul O'Neill, resident, asked what effect will the expansion of the system have on the current users. Lee stated the people that are already online are locked in, they already own their share of the treatment system. If someone else comes on line, they have to pay the entire capital cost of bringing their sewage into the system. Mr. O'Neill asked, will the expansion in any way effect the charges for our service? Lee stated adding any new customers will not really effect the cost of the service to existing customers, the only thing it does is help keep the cost stable, not going up. The new customers will have to pay their share of the current capitol costs and their share of the maintenance. Lee stated there is alot of pressure from the EPA to increase the amount of treatment and increase the amount of testing. The EPA has required them in the past to put in 1.4 million dollars worth of capital improvements, which did not increase their capacity.

Paul O'Neill stated there is a sewer easement behind his property in Southwyck that in the last five years, has twice backed-up where raw sewage has flowed out. O'Neill stated this has caused great concern as far as the effect on the water table, due to the fact the whole area in on wells. The overflow came from two different manholes. O'Neill stated as soon as they contacted the sanitary engineers office, they came out immediately and fixed the problem. Mr. O'Neill stated their concern is, if this problem was caused because the system is getting close to capacity, should there be additional tie-ins. Lee stated this problem is not caused by the lines being overloaded, it usually caused by something that has gotten into the line and caused a blockage.

Mr. Lee stated the current tap-in fee for sewers in the McFarland Creek District is \$4,700. Mr. Simon, developer, stated when he started out 5 or 6 years ago building homes, the cost was much less, why has it gone up so much even though the treatment plant is in and established. Mr. Lee explained the tap-in fee amount is what it will cost the County to expand McFarland Creek. In other words it will cost the County \$4,700 per unit to expand McFarland Creek at the present time. The tap-in fee will stay at what it will cost to expand McFarland Creek.

Mayor Young asked what control does the EPA exercise over your department. Mr. Lee stated total control, everything they do has to be in compliance with EPA regulations and the Federal Clean Water Act and this is not cheap. What ever they decide to mandate, the County must comply and they have the administrative power to levy fines if compliance is not met.

Mr. Lee stated there is currently room in McFarland Creek for about 1,000 additional units. Right now, they are getting less than 100 units per year.

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Another source they have for sewage is the Chagrin system. Mr. Lee stated they own 22% of the Chagrin Falls system and currently are only using 10 or 12% of that 22%. Mr. Lee stated he would like to use up that extra 10% and it is his feeling the homes in the Chagrin Hts. area should tie-in to the Chagrin system.

Sutliff asked who decides whether an area will get sewers? Lee answered the Commissioners decide.

Mr. Sutliff asked if the Commissioners had any plans to sewer the east end of the Village? Lee stated they have no plans for that at this time. Lee stated if and when the Village wants that to be done, they must let the County know.

Commission thanked Zane Lee and Kathy Bender for attending the Planning Commission Meeting and thanked them for their time and for the information given.

Mr. Gary Brockett, Kensington Green Homeowners Association, stated he was before the Commission back in December regarding a proposed lighting project. This proposal went onto Council and they were given a resolution that has had a second reading as of today. Kensington Green Homeowners Assoc. is meeting on March 10th and they would like to be able to report on where this proposed project stands. Mr. Brockett stated he has several questions to ask the Commission so he can in turn report back to the Association.

Mr. Brockett asked if other developments will have to comply with the same restrictions that Kensington Green is having to comply. Markowitz stated anybody who comes in and requests to put in street lights, the Village will require the exact same process to be followed. Mr. Markowitz stated he has spoken to Dave Hocevar, BI, about surveying the whole Village. If any current developments have already put something in without the Village's approval, they will be notified that if the lighting is to remain, they will have to enter into an agreement similar to that of what Kensington Green is being required to do.

Mr. Brockett stated he spent the weekend taking pictures and notes on all the developments that have lights in the rights-of-way. Mr. Brockett stated if lights are a concern in the median strips, what about trees, poles, rocks - do these fall within the guidelines of street lights. He has looked around the area and found all of these and what he would like to know is what is it that the cities of Beechwood, Shaker Hts, Euclid, etc. do not know that the Village of South Russell knows - why is the Village of South Russell not allowing these structures when other communities are still putting them in?

Markowitz stated the Village has not focused on this issue until two things happened, one, there was Supreme Court of Ohio case a couple of years ago which changed the thinking on this all together, it is the first time they considered the median strip to be the travelled portion of the roadway. The legal significance of this is the municipality, county or township has liability for obstructions that are in the expected travelled portion of the roadway. The second thing that has happened, he was involved with a subdivision in Bainbridge Township which has a median strip and in dealing with the project engineer and county engineer, he learned there is criteria from the State for break-away features on trees, signs and landscaping and things of this nature. Mr. Brockett stated he tried to do research on this new

Held

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legislation and could not find the case which Mr. Markowitz is referring. Markowitz stated he would send him this information.

Markowitz explained that the State legislature has a statute that states if the Village allows or creates a nuisance to occur in the travel portion of the roadway they are liable if any damage is done.

Mr. Brockett asked if lights in the median are OK, what they have submitted is a plan for two gas lamps, eight feet high. Mayor Young stated the Commission, as he recalls, recommended approval to illuminate the entrance sign "Kensington Green", as well as the installation of lights on the inside diameter of the circle but they were not approving any illumination in the median strip.

Mr. Sutliff asked what the resolution that is before Council states and what is being required. Mr. Brockett stated to sum up the major points, first, Association must maintain the lighting in good condition; second, the association must agree to indemnify the Village from any and all claims, suits and causes. Mr. Brockett stated he finds these two items fair, but what he find questionable, is a philosophy of equity, if there are eleven other developments that have the same potential to the Village, then why are the 105 homes in Kensington Green being singled out? Mr. Brockett stated the residents of Kensington Green want to know if they are being treated fairly and is there equity? Mr. Brockett stated there are several developments that have poles, lights and signs in the right-of-way, at the entrance. Why has this not been a problem for them?

Markowitz stated what he is advising the Commission, and he wants to make perfectly clear, he is not saying it is the type of lighting that is being objected to in the median, because they are allowing gas lighting in the circle of Kensington Green. What they are saying is anything in the median; the median being a grassy area between two travelled, paved and improved roadways, that can cause a dangerous condition can not be allowed. These items could be light poles, rocks, etc. Markowitz stated the Village will have to go to each subdivision that has some structure in the right of way, and tell them that if they want to keep the structures there, they will have to provide the Village with the same protection as is being requested of Kensington Green.

Mayor Young stated he wanted to put an end to this discussion and explained the Building Inspector will inspect the eleven subdivision areas which Mr. Brockett has identified, he will also do an independent study in case any have been missed and each one will be dealt with on an individual basis and there will be equity in the Village.

Mr. Sid Simon, Emerald Lake III, stated he is before the Commission requesting action on his final plat application for Emerald Lake III. Mr. Simon stated there are some unresolved issues that he would like to discuss.

Mr. Simon asked why has he been required to put in a cul de sac at the end of the inter-connect, in phase III. Mr. Simon presented a plan for a barricade at the end of the inter-connect. Commission informed Mr. Simon that the cul-de-sac will be required for snow plows and school bus turn-around. Commission discussed the different designs of proposed barricades. Mayor Young stated whatever the design, it must be something not easily moved. Mr. Simon

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Held

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stated he would talk to his fence guy and see what he can come up with. Mr. Voldrich stated whatever the design, it will have to comply with the requirements of the street and safety committees.

Mr. Simon stated one of the biggest issues that needs to be discussed is setting the amount of the performance bond for phase III.

Mr. Simon stated he has bids for the jobs to be done and these contractors are bondable. Simon stated the Village Engineer has set the amount at \$220,000 and he has contracts that are bondable that estimate the job will cost \$150,000 which will include the barricade and everything else. Mr. Simon stated he doesn't agree with the Village Engineer's amount.

Mr. Markowitz stated the Village cannot base bond amounts on contracts because the contracts are with Mr. Simon and not the Village. The Village bases the bond amounts on what the Village Engineer's estimate is of what he reasonably anticipates it would cost the Village to go out and get the job done, if in fact the developer can not complete the job. This issue was discussed at great length.

Mayor Young asked what the difference was between the Engineer's amounts and Mr. Simon's amounts. Engineer stated there is \$27,000 difference in the cost of the dirt, \$10,000 difference in borrow pit restoration and \$10,000 difference in cost of the cul de sac.

Following lengthy discussion, Mr. Simon stated he feels his numbers are correct and if he wants to put up a bond to guarantee the job being completed, he is right. He is guaranteeing the job will be done and done right and he feels he is being harassed. He will not go for what the Engineer is recommending.

Mayor Young stated if this is the case, he makes a motion that the application for Final Plat approval for phase III, Emerald Lake be disapproved and let Mr. Simon and the Engineer meet and try and work things out.

Markowitz stated the improvement plans for Phase III have not been finally approved and the bond has not been posted, therefor the Planning Commission cannot approve the final plat. However, due to the statute regarding the amount of time the Commission has to take action, the Commission needs to take some action unless the applicant requests an extension.

Markowitz stated the issues that are still open and that need to be resolved are the legal descriptions that are incorrect on the envelopes and spur roads need to be corrected, termination agreement needs to be signed, completion date and amount of bond needs to be established, Planning Commission needs to make a determination that those lots can be developed under Section 4.02 G8 of the Code, improvement plans for the cul de sac and barricade need to be presented for an approval and final plat must be revised to include the cul de sac.

Chairman Daniels asked the developer if he would like to request an extension to the Planning Commission on taking action? Mr. Simon stated he would like to request an extension to the next meeting. Mayor Young withdrew his motion for denial.

Held

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Planning Commission agreed to hold their next meeting on Thursday, April 14, 1994 due to Spring Break and not having a quorum for the regular meeting on Thursday, April 7, 1994.

Mr. Dave Cameron, Hunan's Restaurant, stated what they are currently faced with are patrons that are waiting for a table at their restaurant want to go outside with a beverage during the summer. What he would like to do is provide a location for their patrons to do this. What they would like to propose is to take the area right outside the front of the building, to the west, and build a deck and put up a wrought iron fence which would then essentially provide the restaurant with a small waiting area. Mr. Cameron stated the liquor control department stated they would be able to do this because it is a small area with only one access. They are before the Commission on an informal basis to get their input. Mr. Cameron stated they will not be serving at all in this area, it is just a matter of permitting people to take a beverage outside to wait for their table. There will be no tables, just a couple of benches.

Commission discussed the design of this area. Building Inspector Hocesvar stated he asked Mr. Cameron to come to P/C for informal discussion and their input.

Commission discussed their concern on patrons drinking in front of the restaurant, out in the open and what effect that will have, especially as viewed by the youth.

Daniels stated he feels strongly that the screening used should be sufficient enough so the patrons can not be easily seen from the road.

Mayor Young stated what Mr. Cameron is asking permission to do is build a deck on the front of the building to provide an area for patrons to wait for a table.

Markowitz stated there are two concerns with this request. First, this will add seating to the restaurant, increasing the required number of parking spaces so a variance will be needed because they are already short of parking. Second, this is a structure that will be going onto the front of the building and does not appear to be able to meet the side and front yard requirements and this will require another variance.

Mr. Cameron stated the structure is already there, they are just adding a deck on top. Markowitz stated as defined in the Code, this would be considered a structure.

Commission suggested Mr. Cameron file a formal development review application with a plan showing exactly what is being requested. At that time, Planning Commission will review it and if variances are needed, it will sent on to the ZBA. If the variances are granted, it will be sent back to Planning Commission for their action.

Markowitz stated that from his informal review of what is being requested, he sees the possibility of the need for two variances. One for parking and one for side yard set back.

Mr. Cameron stated he would see the Commission at the next meeting.

Markowitz stated he would like to inform the Commission he is still waiting for the letter of credit securing the extension of the performance bond for Whitetail. He will contact Rosner to follow up.

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Held _____ 19____

Dave Hovevar stated he received a call from Mr. Gary Warner interested in putting in an ATM machine at 551 E. Washington. It would be a free standing kiosk, located in the parking lot. Markowitz stated the only use permitted by Code in this area is residential and medical. This is not a use that is allowed by the Code. They could always request a variance.

There being no further business, meeting adjourned at 10:50 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held _____ 19____

RECORD OF PROCEEDINGS

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Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held FEBRUARY 10, 1994 19

MEMBERS PRESENT: DANIELS, SUTLIFF, COTESWORTH, YOUNG

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: R. ROSNER, T. VIOLANTE, W. SANDERSON

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

Mayor Young stated he would like to announce that Marilyn Cotesworth has been appointed for another 6 year term on the Planning Commission and it has been approved by Council. Mayor Young swore in Mrs. Cotesworth for the next term.

Chairman Daniels asked for any additions or corrections to the January minutes. Mr. Markowitz made two spelling corrections. There being no further corrections, Sutliff moved to approve the minutes as corrected, Cotesworth 2nd. Roll call, all ayes.

BI Dave Hocesvar reported that MR. TOM VIOLANTE, VIOLANTE'S RESTAURANT, 512 E. WASHINGTON, has installed some guard rail separating his property from the property to the east, Hunan's Restaurant. Mr. Hocesvar stated Planning Commission is required to review and take action on this plan in order to get a zoning permit. Commission questioned the height of the guard rail and of what material it was made. Mr. Violante stated it was less than two feet tall and made of the regular guard rail material. Mr. Violante stated this plan was the resolution to the problem of Hunan's patrons parking in the Violante's parking lot. Violante stated both sides have agreed to this and for the first time the two sides are getting along. Mr. Violante stated he still has a parking attendant on the weekends, but things seem to be working out better. Mr. Markowitz stated because it is less than three feet tall, it is not considered a fence, therefore, it does not have to comply with the side and front yard setbacks. Mr. Violante stated it is approximately two feet tall. Following further discussion, Young moved to approve the guard rail for development review, contingent upon Mr. Violante filing an application requesting development review approval, Sutliff 2nd. Roll call, all ayes.

Mr. Violante asked if he would have to comply with the new sign ordinance due to the fact that his current sign received a variance back in 1979 for placement. Markowitz reviewed the minutes and application for variance. Mr. Hocesvar stated he is questioning what Mr. Violante has to do to comply with the new sign ordinance. Following review, Markowitz stated as he interprets the current language of the sign ordinance re: non-coforming use, is it appears the language would allow the current Violante sign to continue to exist, as a result of the 1979 variance.

BILL SANDERSON, SNAVELY DEVELOPMENT, RESERVE OF WHITETAIL, stated he is before the Commission to request an extension on the letter of credit, securing the public improvements for the Reserve of Whitetail subdivision, phase I. Mr.

Held

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on the road
Sanderson stated they have been asked by the Village and have agreed to delay the application of the final wear course until spring of 1994. Sanderson stated they need to now request a six month extension on the letter of credit. Village Engineer Voldrich stated he had no problem with this request. Following a brief discussion, Young moved to approve a 6 month extension, to September 1, 1994 for the performance bond and to November 1, 1994 for the letter of credit, Sutliff 2nd. Roll call, all ayes.

RICHARD ROSNER, ATTORNEY FOR EMERALD LAKES III, stated he is representing Sid Simon and before the Commission requesting final plat approval for Emerald Lake III, the inter-connect road and eleven lots. Rosner stated he has sent to the Village Solicitor copies of the proposed performance bond, pledge agreements, termination of the escrow agreement, which title ~~to~~ the phase III site is in the name of R. E. Services, Trustee, also a deed from R. E. Services, Trustee back to Emerald Lakes. In addition, they are requesting a lot split because a portion of Block A is being platted as part of Subdivision III. Mr. Rosner stated they do not have an amount for the performance bond, there has been an engineer's estimate submitted however the Village Engineer has some exceptions to it.

Village Engineer Voldrich stated the only thing they have not approved up to this point is the engineer's estimate. Voldrich stated his estimate is almost twice the developer's construction cost estimate, based on a number of issues. Voldrich stated their estimated construction cost is \$110,000 and ours is approximately \$220,000. Voldrich stated there is a wide range of potential costs involved which he has to consider and he feels this contributes to the wide range in estimates.

Voldrich stated the only other item that needs to be addressed is the renewal of the storm water discharge permit, which will expire April 26th.

Markowitz asked if these estimates included costs for barricading and removing the barricade at the end of the inter-connect. Voldrich stated his did not, however there are some contingencies that would pick-up certain things like this.

Markowitz stated there are some open issues and some things the Planning Commission needs to understand prior to taking any action on the Final Plat Application for Phase III. In phase II, there are still some outstanding issues that will affect phase III. The County has informed Mr. Markowitz that they will not accept phase III until the issues of phase II are resolved. Those issues include; 1) the need for Sorrelwood and Sun Dew Lane to be conveyed to the Association; 2) S/L #72, which was part of Block A (the common area owned by the Association) needs to be conveyed back to the developer, who would then sell the lot as part of the development of Phase III, this will require a lot split; 3) Phase II plat needs to be amended showing the changes in Block C. Other items that need to be resolved as far as the Village is concerned is the bond amount has to be determined by the Village Engineer; need to determine a completion date; the Planning Commission needs to make a finding under 4.02 G 8 of the Zoning Code, that due to topography and high tension wire, these lots can be developed even though the lots are less than one acre in size. Markowitz stated he has reviewed the title commitment and it is acceptable; the performance bond and pledge agreement need to be executed, with a couple minor changes.

Held

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Markowitz stated improvement plans have been approved, the bond amount just has to be set. Markowitz stated the Village Engineer needs to look at the improvement plans with respect to the barricade, because in the agreement, the interconnect is suppose to be able to handle emergency access and pedestrian traffic. Commission discussed what type of barricade would be constructed. Commission stated they do want to know what it will look like prior to granting approval. Commission discussed this issue at length.

Following further discussion, Markowitz summarized the conditions for final plat approval to be as follows; 1) conveyance of Sundew Lane and Sorrellwood to the Association, 2) area of Block A, consisting of subplot #72 would be conveyed from the Association to the Developer, 3) amendment of subdivision #2 plat as it relates to block C, to be subject to the review and approval by South Russell Village and the County Auditor, 4) title policy needs to be issued in the amount of \$1,000, should refer to Manorbrook Drive being conveyed free and clear, except for those items scheduled in the commitment that has been issued, 5) the completion date on the improvements has to be established, 6) the bond amount should be set at \$220,000, 7) must provide authority for the Mayor and Clerk to sign the escrow agreement, subject to the Solicitor's review and approval, 8) Planning Commission needs to make a finding that Subdivision #3 can be developed under Section 4.02 G 8, 9) the insurance needs to remain in effect until dedication of the roads, 10) the performance bond certificate and pledge agreement need to be in a form acceptable to the Solicitor in the amounts previously set, 11) improvement plans for the barricade at the end of Manorbrook be accepted as well as plans for removal of barricade, has to have the requirement that we retain money to pay for the removal in the performance bond or in the event we accept for dedication, the maintenance bond shall provide for payment of the barricade removal.

Mayor asked if there would be a need for a cul de sac at the end of Manorbrook Drive, at the end of Simon's property? Engineer stated they required one for the Snavelly property, but there is not one for the Simon side. Following brief discussion, it was agreed that there should be a temporary cul de sac required due to the need of snow plows to turn around, as well as cars and school buses. Commission asked the Engineer to look into this potential need and report back at the next meeting.

Markowitz stated it is his opinion that the Commission should not approve this final plat before them tonight, there are too many issues that are unresolved. Commission agreed and asked Mr. Rosner if he would be willing to request an extension of time which would give the Commission until the March meeting to resolve alot of the issues discussed and take action. Mr. Rosner agreed.

Mr. Rosner asked if the Commission would consider acting on the lot split, as discussed earlier in the meeting. Following brief discussion, Sutliff moved to approve the lot split which will take a portion of Block A and create Sublot #72, Cotesworth 2nd. Roll call, all ayes.

Dave Hocesvar, Building Inspector, stated there are two envelopes, #3 and #4, in Emerald Lakes II, that are up for development review. The grading plans have been reviewed and approved. Commission reviewed plans as presented. Following brief discussion, Sutliff moved to approve for

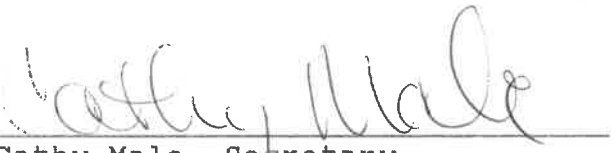
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development review envelopes #3 and #4, Cotesworth 2nd. Roll call, all ayes.

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


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

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Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

JANUARY 6, 1994

19

MEMBERS PRESENT: Butz-Voss, Cotesworth, Daniels, Sutliff and Young

OTHER OFFICIALS: D. Hocevar, D. Markowitz, T. Voldrich

GUESTS: G. Brockett, J. Singer, S. Simon, N. Hoovler

Meeting was called to order by Chairman Daniels. Roll call, all ayes.

Chairman Daniels asked for any additions or corrections to the December minutes. Solicitor Markowitz made several typographical corrections in addition to adding language to the seventh paragraph, second page, third line from the bottom, following "letter of credit", add " extended to November 1, 1994". There being no further corrections, Butz-Voss moved to approve the December minutes as amended, Sutliff 2nd. Roll call, all ayes.

Gary Brockett, 28 Annandale, Kensington Green, stated he is before the Commission to further discuss the installation of lights over the street signs as well as lights at the entrance and in the median strip. Mr. Brockett stated it is their Homeowners Association's desire to provide this additional lighting for safety reasons, to provide better lighting so that any emergency equipment that is needed can better see the street signs and get to the homes more quickly. Mr. Brockett stated they are not interested in street lights, in the commercial sense, they are just looking for additional lighting for their signs. Mr. Brockett submitted a drawing showing the placement of the lights. The plan showed lights being placed at the entrance, lighting the entrance sign, gas lights placed on 10 foot polls, placed in the median as well as at the entrance of each street with the street sign hanging from the post.

Commission reviewed the plan as presented. Commission discussed safety issues, i.e. if the lights are hit or vandalized, would the gas have an automatic shut-off? Mr. Brockett stated no it would not.

Solicitor Markowitz stated if the Village allowed the installation of these lights, there would not be need for franchising, however if they are put in the right-of-way, it would be his advise that the Village should be named as an additional insured on the Homeowner's Association policy.

Markowitz stated he is most concerned with the lamp posts that are in the median strip. The median strip is considered the travel portion of the road and the lights could be a liability. Markowitz stated there have been cases in the last five years that have found the city or village, that has allowed structures to be put up in median strips, can and will be held liable if there are any injuries due to these structures.

Held

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Commission discussed these concerns at length. Village Engineer stated he spoke with their transportation department and they did not have any knowledge of the cases which Mr. Markowitz spoke of, however he will go back and make sure they understand the issues that need to be reviewed.

Commission agreed not to take any action until the Village Engineer and Solicitor can review the issues of liability and placement of the lighting fixtures.

Solicitor stated as far as getting permission to put in the lighting at the entrance, they still need to go back before Council, Planning Commission can only give a recommendation.

Following further discussion, Planning Commission agreed to have the Engineer and Solicitor come back at the next meeting with additional information regarding the street light issue.

NORM HOOVLER, GUTOSKEY AND ASSOCIATES, EMERALD LAKES III, stated he is before the Commission with plans for the interconnect road and eleven lots. Sutliff asked if the problem with the existing manholes had been taken care of, had they been reset? Mr. Hoovler stated they have done field locations on them and the manholes will have to be raised, in some cases as high as three feet.

Commission reviewed the plan as presented. Village Engineer stated he will check to see where the County is as far as giving an approval on the sanitary sewer.

Village Engineer stated regarding the houses on the south side of the road, the plans show embankment all the way to the set back line, and then a drop-off along the side of the houses. In reviewing the improvements plan, he wondered if this was the way they actually anticipated doing the grading. If it is, the builder will have to have some ability to get on the adjacent property to do the necessary grading. Mr. Simon stated he did not intend to do the plan as drawn because it will mean he would have to clear the entire lot. Mr. Voldrich stated he just wants the Planning Commission to know what is drawn is not what the final product will look like. Mr. Simon stated each of these lots will have a grading plan of their own, to be reviewed by the Village Engineer's office. Sutliff asked why the plan can not be changed to show something closer to what actually will be done? Mr. Simon stated until they know what house is going to be built on what lot, they do not know how the lot will be graded. Mr. Simon stated they have done the improvement plans, showing how the grading will approximately be done and then based on the design of the house they want to build, they will resubmit revised grading plans for that specific home.

Mr. Simon asked if they would be able to request height variances on the envelopes and/or lots. Commission stated the homes on the envelopes may not be granted any height variances, as stated in the new height regulations.

Mr. Simon presented architectural drawings of homes that they are considering building in their development, some of which are taller than the 30 foot maximum. Commission stated the homes taller than the 30 foot maximum can not be built in this development.

Mr. Simon questioned the Commission whether he needs to get development approval for each envelope in order to get the

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zoning and building permit. Commission explained the process to Mr. Simon, first he needs to submit the plot plan and grading plan to the building dept. for their review and to be sent on to the Village Engineer. From there, the plans are sent on to the Planning Commission for development review. Mr. Simon stated he would really like to eliminate the step of going before the Planning Commission for development review, this process is very long and he would like to shorten it. Commission stated they established the code requirement for development review approval in response to the request of the residents who were concerned with the placement of the homes along the Country Estates border. Commission stated the development review process is part of the ordinance and they are responsible to uphold the ordinance as it is written.

Mayor Young stated he feels that the record should be straightened out as far as the wording "Emerald Lake" and "Emerald Lakes", it seems these terms are used interchangeably and is this going to cause a problem down the road. Markowitz stated he didn't feel this would cause any problems but the plats should be checked and noted for the correct name.

Mayor Young stated he has appointed Marilyn Cotesworth for another six year term on the Planning Commission, which she has accepted.

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

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

Cathy Male
Cathy Male, Secretary

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PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

DECEMBER 13, 1995

19

MEMBERS PRESENT: BUTZ-VOSS, DANIELS, COTESWORTH, SUTLIFF, YOUNG

OTHER OFFICIALS: D. MARKOWITZ, T. VOORICH, D. HOCEVAR

GUESTS: M. ROOD, R. Fiala, S. ROOD

Meeting was called to order at 7:30 p.m. Roll call, all members were present.

There being no additions to the September 14, 1995 minutes, Sutliff moved to approve the minutes as recorded, Butz-Voss 2nd. Roll call, all ayes.


Dr. Mark Rood stated he was before the Commission to informally discuss a proposed plan for the property between the BP station and the day care facility. Dr. Rood stated his medical practice is currently located at 5302 Chillicothe Rd., next to Dr. Holtz dental office. Dr. Rood explained he has outgrown his current office facility and would like to build a medical office building on the vacant land between BP and the day care.

Dr. Rood and his architect, Robert Fiala, presented preliminary architectural drawings to the Commission. Dr. Rood stated he hopes to be taking on two additional physicians and will need the additional space the new building will provide. The new building will be approximately 5000 square feet, 3000 square feet would be used as Dr. Rood's medical office facility and 2000 square feet would be sublet and/or expansion space for Dr. Rood. Mr. Fiala stated all required setbacks can be met as well as land density requirements and they know they can provide the necessary number of parking spaces. The design of the building will be residential in character.

Solicitor Markowitz stated as far as zoning goes, the medical building application would be permitted under our B-2 district. The property is in the ground water overlay district and it is in the two acre minimum area. Even though the water study of Dr. Eckstein's states there is sufficient water for the day care facility, as well as the other commercial lot, Markowitz stated he feels it would still be necessary to have Dr. Eckstein confirm there is sufficient water for this use. Dr. Rood stated he would contact Dr. Eckstein to get his review.

Commission explained the application process for development review and stated the next meeting would be January 4, 1996 at 7:30 P.M. Dr. Rood stated he would make formal application and anticipate attending the January meeting.

There being no further business, meeting adjourned at 8:15 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

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Held _____ 19____

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PLANNING COMMISSION MEETING

Meeting

national
graphics

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

Held

SEPTEMBER 14, 1995

19

MEMBERS PRESENT: DANIELS, BUTZ-VOSS, YOUNG

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: S. SIMON, T. LYNCH, L. LECHMAN

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

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

Mr. Tom Lynch, president of the Emerald Lake I Homeowners Association, stated he is before the Commission to discuss the process of putting in street lights in their development. Mr. Lynch stated the residents of Emerald Lake I have requested the installation of street lights for safety reasons as well as to try and reduce the amount of vandalism they have experienced with their new spot lights they have installed at the entrance. Mr. Lynch stated they would not install the street lights all through the development, just three or four at the entrance. Mr. Lynch stated he has spoken with CEI and found after examining the original development plans, that there were accommodations made for street lights when the development was built, however none were put in at that time. Lynch stated CEI has agreed to install the lights, service them and bill the development for the electricity.

Mr. Lynch stated he is very aware of the interest of the Village and their residents to keep the area looking as rural as possible, but still maintaining safety. Mr. Lynch stated he is asking the Commission what they need to do to get the Village to approve their plan for these street lights.

Mr. Lynch presented a preliminary plan showing the placement of the street lights. Commission reviewed and discussed.

Mr. Markowitz explained the Village has had a similar request for lights in the Kensington Green subdivision and the Village did approve their plan with certain requirements that had to be met by Kensington Green Homeowners Association. Markowitz stated the concern the Village has with street lights, because they are close to the traveled portion of the road, if someone should skid off the road, hit the light and become injured, they potentially have a claim against the Village for allowing the lights to be installed. Markowitz stated for that reason the Village will require the Homeowners Association to provide an indemnification clause, holding the Village harmless and providing the Village with insurance coverage. Emerald Lake I could do the same by having the Village added to their insurance policy as an additional insured.

Mr. Lynch asked what he needed to do in order to proceed and get the street light plan approved by the Village. Markowitz stated Mr. Lynch needed to come back to the



Held

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Village with a proposal showing the location of the proposed street lights, a copy of the agreement with CEI, and a copy of the indemnity agreement showing proof of insurance coverage. Once Planning Commission makes their recommendation, it will then be sent on to Council for their action.

MR. SID SIMON, EMERALD LAKE III. stated he is before the Commission requesting their recommendation to Council for the acceptance to dedicate Manor Brook Drive, Emerald Lake III.

Due to the potential for conflict of interest, Mayor Young nominated Sally Butz-Voss as Chairman Pro-tem, Butz-Voss 2nd. Roll call, ayes, Butz-Voss and Young, abstained-Daniels.

Village Engineer Voldrich stated there are still items left on the punch list. Specifically, there are a couple of silt fences that need to be taken down, there are six trees that need replacing, asphalt needs repair in front of subplot #70, there needs to be a new profile done on the ditch on subplot #72, and he still needs to see the County Sanitary Engineer's approval of the sewer.

Markowitz explained, as far as the sewer approval, when Snavelly put in the sewer from Alderwood to their subdivision, approval was given at that time. Markowitz stated he has spoken to Gus Saikley at the County and he confirmed that the sewers are approved and he will send a letter to the Village that will specifically state that Emerald Lake III sewer is approved.

Markowitz stated to update the list of documentation that needs to be addressed is as follows: the bonds and pledge agreements will need to be updated because they are approved and dated under the assumption of an August approval; the title commitment needs to be updated after the Commission makes their recommendation; termination of the escrow agreement needs to be signed by the Village; there needs to be language added to the dedication ordinance that states the temporary turn-around on sublots #66, #67 and #68 will revert to the abutting property owners; and there needs to be an additional deposit made by Mr. Simon.

Markowitz stated if all the items just discussed are not completed by the next Council meeting or if the Council does not dedicate, the letter of credit expires at the end of September and he does not want to draw on the letter because they run out of time. Markowitz has asked Mr. Rosner to extend the letter of credit and have it ready to go, in the event the Council does not dedicate. Mr. Simon stated he would extend it for whatever time is needed.

Eng. Voldrich stated the items left on the punch list amount to about \$5,000 worth of work yet to be done.

Butz-Voss stated if the Commission makes a recommendation to Council to accept for dedication, Mr. Simon had better have everything completed prior to going before Council. Mr. Simon stated he will have everything done and if it is not completed, he will not go before Council.

Butz-Voss stated she would be agreeable to recommend to Council to dedicate as long as all the items on the punch list are completed. Young agreed.

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Held

19....


Following brief discussion, Butz-Voss moved to recommend to Council to dedicate Manor Brook Drive, Emerald Lake III, and all improvements in Emerald Lake III Subdivision contingent upon the following items being completed to the satisfaction of the Village by September 25, 1995:


1. Repair the road in front of subplot #70 to the satisfaction of the Village Engineer.
2. Replace the trees noted and required by Knight and Stollar by October 30, 1995 including any right of way grading and seeding and this will be covered as part of the maintenance bond.
3. Sublot #72 ditch has to be completed to the satisfaction of the Village Engineer.
4. Complete restoration of the borrow pit areas as required by the borrow pit agreement, which requires 50% of the disturbed area being restored and to comply with all terms of the borrow pit agreement.
5. Remove the silt fences prior to dedication and immediately after dedication, remove the barrier between Emerald Lake III and Reserve of Whitetail, within seven days following dedication, and it is to remain a requirement of the maintenance bond.
6. Re-execute pledge agreement and maintenance bonds for borrow pit and street, dated September 25, 1995.
7. Provide updated title commitment from Midland Title by September 25, 1995.
8. The Village will execute the total termination of the escrow agreement.
9. Make a deposit of \$5,000 to the Village for inspections and bills for legal and engineering fees.
10. Extend the current letter of credit for the performance bond in the subdivision of Emerald Lake III, for thirty days from October 1, 1995.
11. Right of way seeding is to be provided as required by the South Russell Village Engineer and made part of the maintenance bond.

Young 2nd. Roll call, ayes-Butz-Voss and Young, abstained-Daniels.

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


Charles M. Daniels, Jr.
Chairman


Sally Butz-Voss
Chairman Pro-tem


Cathy Male, Secretary

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RECORD OF PROCEEDINGS

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PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

AUGUST 10, 1995

19

MEMBERS PRESENT: W. Young, S. Butz-Voss, W. Sutliff, C. Daniels

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: J. Meyers, B. Kuenzig, A. Mezak, R. Mezak, S. Simon, G. Stanek,

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

Chairman Daniels asked for any additions or corrections to the July minutes. Markowitz stated in the 6th paragraph, 7th line, following the word "bank" should be the added words "releasing the mortgage on the streets". In the last paragraph, on the last page, second last line, following the word "streets" should read "without waiving the 30 days" There being no further corrections, Butz-Voss moved to approve the minutes as amended, Sutliff 2nd. Roll call, all ayes.

Chairman Daniels called the public hearing to order at 7:40P.M. Daniels asked the Secretary to read the public notice. The notice read was published by the Geauga Edition of the Plain Dealer on August 1, 1995.

Bill Kuenzig, Kay Homes, stated they are before the Commission requesting a three foot variance from the maximum height regulation, for a proposed home to be built at S/L #9, Bramble Farms II. Mr. Kuenzig stated they have run into a couple situations that has made the placement of the home very difficult. Currently there are two easements, one for an East Ohio gas transmission line and one for access to a flag lot placed behind this lot. In addition to this, there is a large area in the middle of the lot that is considered located in the 100 year flood plain. Because of the flood plain, they are unable to hold down the foundation because the finish floor elevation had to be a certain elevation above the flood plain. Kuenzig stated the topography of the lot is severe which contributes to the difficulty of building the home. Based on these hardships, Mr. Kuenzig stated he requesting permission to build the proposed home as submitted.

Joe Myers, architect for Kay Homes, stated this home also has 9 foot ceilings with a very steep roof line, all which contribute to the height of the home.

Mayor Young stated he wanted to make sure the applicant understands the importance of the siltation controls that will be requested by the Village. The Building Inspector will be vigilant enforcing the installation and maintenance of these protective measures.

Mr. Sutliff asked the Building Inspector, Dave Hocevar, what was his opinion of this request? Hocevar stated he did not have any objections to this request due to the topography and the placement of the home, actually with

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Held

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a higher roof, it will help the home to blend in better.

There being no further discussion, Chairman Daniels closed the public hearing at 7:50 P.M.

Chairman Daniels called the regular meeting to order at 7:51 P.M.

Following a brief discussion, Butz-Voss moved to approve the variance request of Kay Homes for a three foot variance for a proposed home to be constructed at S/L #9, Bramble Farms II, Sutliff 2nd. Roll call, all ayes.

Markowitz stated the owner of the commercial property, of Fox Run Subdivision, located north of the BP station, would like the Commission to re-approve the original plat. Markowitz stated the original plat was approved in September of 1994. Then the developer came back saying there was a problem because of an existing water well and they needed to extend a sanitary easement in order to keep it a minimum distance from the well. The new plat was approved February, 1995. The purchaser of parcel "B", Mr. and Mrs. Mezak came back to the developer and stated they did not want the easement for the sanitary sewer so the developer now wants to go back to the original plat. Markowitz stated in reviewing the plat, he noted the storm easement was granted to Geauga County, which in fact should go to the Village. Markowitz stated the developer made these changes and he is presenting the revised plat for the developer to the Commission. Following brief discussion, Sutliff moved to approved the minor subdivision plat that is dated July 31, 1995 as amended and conditioned upon the Solicitor's receipt of satisfactory storm sewer and sanitary sewer easements to the Village, Young 2nd.

Chairman Daniels nominated Wally Sutliff to act as Chairman Pro-tem, during discussions pertaining to Emerald Lakes Development, Butz-Voss 2nd. Roll call, all ayes.

Sutliff asked Mr. Sid Simon, Emerald Lake III, to explain why he is before the Commission and what is his request. Mr. Simon stated he is before the Commission asking for their recommendation to Council, for the acceptance of dedication of Manor Brook Drive, Emerald Lake III. Mr. Simon stated they have not totally completed all items on the punch list. One item missing is a letter from the County stating their acceptance of the sanitary sewer. The second item missing are the videos of the storm sewer. The third item, the curb repairs, are not complete however they will be done within the next week or so. Markowitz stated he has the necessary bonds with the pledge agreement signed. Mr. Simon stated he feels all the items that are incomplete, will be complete by the next Council meeting and he is asking for the Commission's recommendation for acceptance of dedication of Manor Brook Drive.

Village Engineer Voldrich stated he does not have as-built drawings. Voldrich stated regarding the landscaping plan, Knight & Stollar have reported there are eight trees that need replacing and there are certain right of ways that need to be re-graded and seeded. Voldrich also stated that there needs to be corrective work done on Sublot #72 ditch, the ditch needs to be re-graded to correct ponding water.

Mayor questioned why the sanitary sewer castings were set so high? Mr. Simon stated it is his understanding that the County wanted them set that high. Village Engineer

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

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

Walter Sutcliffe
Walter Sutcliffe,
Chairman Pro-tem

Cathy Male
Cathy Male, Secretary

Held

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Voldrich stated he did not agree, he felt they should be lowered.

Voldrich stated the height of the sewer castings is a minor issue on the list of items that must be considered prior to acceptance of dedication.

Mr. George Stanek, Southwyck Lake resident, asked if all work that is being required in the borrow pit restoration is being done and being done on the time schedule as set by the Planning Commission. Markowitz stated as far as he has been informed by the Village Engineer, yes the work has been completed on schedule. Markowitz stated the borrow pit has to be restored by September 15th with erosion controls put in place. All work will cease October 15, 1995 and no work in 1996 will be done without approval of the Planning Commission.

Mayor stated he has been to the borrow pit recently and it is his disappointment that there are several items still there that were to be removed last month. In fact, one item was actually moved from the borrow pit and stuffed into an area outside, into the CEI lines. Mr. Simon stated he has a hard time controlling dumping, he will again try and get all the debris out of the borrow pit area.

Mrs. Butz-Voss asked if sublots #71 & #72 will be re-graded to correct the ditch problem as presented by the Village Engineer? Mr. Simon stated the work has been done, the drawings were approved and he does not intend to re-grade the ditch. Mr. Voldrich stated he asked Mr. Simon to submit a finished as-built profile and he is still waiting.

Mayor Young stated he feels there are still too many items yet to be resolved before recommending to Council dedication of Manor Brook Drive, Emerald Lake III.

Mr. Simon stated he has a problem with the fact that there is a home on Manor Brook Drive that the people have to move into and due to the provisions of the building permit, he can not get occupancy until the road is dedicated. Mr. Simon stated as far as he is concerned, if he has to move them in prior to acceptance, he will do so and let the chips fall where they fall.

Markowitz stated there is one more issue that must be dealt with and that is in Phase II. Building Inspector Hocesvar stated on lots #8, #9, and #10 on Alderwood Trail, there is an area of the storm sewer easement that needs to be graded. This is part of the improvement plans and still needs to be completed. Markowitz stated what was designed and submitted by Emerald Lake engineers, and subsequently approved by the Village, is not what was built for the storm sewer, outside of the right of way, that is part of the improvement plans and the overall subdivision approval for phase II. Markowitz stated this is the responsibility of the developer to comply with the improvement plans as designed by the developer. Mr. Simon stated if this is something that they have not done and it has to be done and it is in the plans, he will correct it. The only thing he does not want to be required to do, is grade a builders lot.

Mr. Sutliff stated he feels there are still too many items yet to be completed and it is his feeling that action on Mr. Simon's request should not be taken until the next meeting. The Commission agreed.

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PLANNING COMMISSION MEETING

Meeting

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graphics

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

Held

JULY 6, 1995

19

MEMEBERS PRESENT: Cotesworth, Sutliff, Butz-Voss, Young

OTHER OFFICIALS: D. Hocevar, D. Markowitz

GUESTS: B. Porter, Snavely Building Co.,

Meeting was called to order at 7:30 P.M. Roll call, Cotesworth and Daniels absent. Cotesworth arrived 7:45 P.M.

Due to Chairman Daniels being absent, Butz-Voss moved to appoint Wally Sutliff Chairman Pro-tem, Young 2nd. Roll call, all ayes.

Sutliff asked for additions or corrections to the June 15, 1995 minutes. Markowitz stated on page 370, third paragraph, 7th line, the word "forth" should be "fourth", and five lines down from the above, 2nd word should be "completed". There being no further corrections, Butz-Voss moved to approve the minutes as amended, Young 2nd. Roll call, all ayes.

BILL PORTER, SNAVELY BUILDING CO., stated he is before the Commission requesting approval of the FINAL PLAT FOR PHASE II, RESERVE OF WHITETAIL. Markowitz stated Snavely had presented the plan last year for Phase II, Commission reviewed it but no action was taken. Markowitz stated he has reviewed the plan, requested a couple of small changes, which when he looks at the plan, sees the changes have been made. Porter stated there are 20 lots in phase II and the starred lots are lots with "stream easements"

Village Engineer stated some pins on the perimeter still need to be set.

Markowitz stated he would like to review with the Commission where Snavely stands documentation wise. Markowitz stated there was a roadway and utility easement that they had on the parcel which was 120 feet, which has been extinguished. There was a mortgage on the property that has been cancelled. There is a mortgage with Star Bank, and there needs to be signatures from the bank releasing the mortgage on the street. The title commitment has been received and accepted. The corporate resolution has been received which authorizes the submittal of the plat. The letter of credit from Star Bank has not yet been posted but the form of the letter of credit has been submitted to the Solicitor. The application and fee has been filed. The mud bond of \$5,000.00 needs to be posted prior to the beginning of any home construction.

Following further review and brief discussion Butz-Voss moved to approve the Final Plat Application of Reserve of Whitetail II contingent upon getting the signatures on the mortgage release by Star Bank, getting the approval from the EPA and County Sanitary Engineer on the sewer plant, upon the issuance of the letter of credit to secure the performance bond and upon the recording of the amendment no. two, simultaneously with the recording of the limited warranty deed conveying block "C" to the Homeowners

Held

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Association concurrent with the filing of the plat and the filing of the Amendment No. 2 to the deed restrictions, Cotesworth 2nd.

Markowitz stated he also wanted the Commission to know he has received the insurance certificate, providing coverage to the Village, a \$2,000,000 policy with a 25,000,000 umbrella policy.

Mr. Porter stated the plan for Phase II of the Reserve of Whitetail, as it stands today, is to get all the improvements in along with the road this fall and hopefully be able to start to build homes in the spring. Markowitz stated Snavelly has until October of 1996 to complete the improvements.

Mayor stated that he has noticed a fair amount of erosion under the CEI lines, along the north side of Manorbrook Drive and he asked Mr. Porter if there is anything that can be done to correct this situation? Mr. Porter acknowledge there is a problem with erosion, and he has spoken with Wheeler Landscaping to see what can be done. Mr. Porter stated this is their "front door" so they are currently trying to correct the problem.

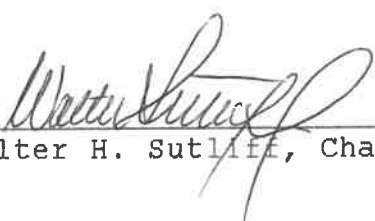
Markowitz asked that the Secretary and Chairman sign the plat and then following all necessary contingencies being completed, the Solicitor will sign off.

Chairman Protem Sutliff asked for an update on the Emerald Lakes borrow pit and its opening and restoration. Markowitz stated Mr. Simon signed the agreement and the Mayor signed the agreement, the borrow pit work went ahead, and as part of the borrow pit agreement, Mr. Simon agreed that the maintenance bond for phase III could include the borrow pit area. Markowitz stated Simon is out of time on getting the improvements done on phase III, they were to be complete by July 1 however the letter of credit is up in October so hopefully all will be complete by the August 3rd meeting.

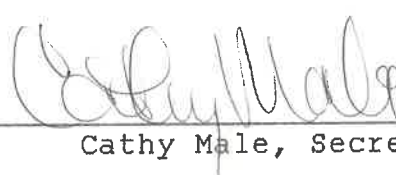
Following brief discussion, Commission agreed to change the August meeting from August 3rd to August 10th due to three members being unable to attend on August 3rd.

Building Inspector Hocevar stated he is having problems with mud on the roads during construction and he asked Markowitz what can he do to try and keep it under control. Markowitz stated if it is causing mud to leave the undedicated road and go onto the dedicated road or elsewhere, the Village can give notice and if the builder or developer does not fix it, then the Village can go in and clean it up. Hocevar stated he is concerned because all this mud is being washed into the storm sewer. Markowitz stated under the bond, the Village has to give 30 days notice however if Hocevar deems it to be an emergency, and it will cause sedimentation, the Village has the right to go in and clean the streets and deduct the cost from the performance bond.

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



Walter H. Sutliff, Chairman Protem



Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

JUNE 15, 1995

19

MEMBERS PRESENT: DANIELS, COTESWORTH, BUTZ-VOSS, SUTLIFF, YOUNG

OTHER OFFICIALS: D. MARKOWITZ, D. HOCEVAR,

GUESTS: S. BERNS, S. SIMON, B. PORTER

Meeting was called to order at 7:30 P.M. Roll call, all members were present.

Chairman Daniels asked for additions or corrections to the May minutes. Markowitz made four grammatical corrections to the motion on page four. There being no further corrections, Sutliff moved to approve the minutes as corrected, Cotesworth 2nd. Roll call, all ayes.

Chairman Daniels stated the next item on the agenda was Mr. Sid Simon, Emerald Lake Development. Mr. Daniels stated that due to a potential conflict of interest he would make the motion to step down as acting Chairman and appoint Wally Sutliff as Chairman Pro-tem during the discussion of Emerald Lake, Butz-Voss 2nd. Roll call, all ayes.

Mr. Sid Simon stated he is before the Commission to discuss the borrow pit in Emerald Lake Development, and he would like his attorney, Mr. Sheldon Berns, to present the information they would like to discuss.

Mr. Sheldon Berns stated on May 16th, Mr. Simon received from Mr. Markowitz a communication which represented the decision of the Planning Commission at their last meeting, the requirements needed to be completed in order to open the borrow pit. Mr. Berns stated he and Mr. Simon are present tonight to try and resolve the differences. Mr. Berns stated he is not sure the Planning Commission is authorized to ask and require some of the things that the letter stated.

Mr. Berns stated the first item that presents a problem is the request for a ten foot easement between S/L #68 & #69 which will provide access to the common area for the residents of the development. Mr. Berns stated he will skip the issue of whether the Commission has the legal authority to request such a thing and he will just talk about the effect this would have on the development itself. Mr. Berns stated it will have a significant effect on the value of these two lots and it would have a detrimental effect for anyone who builds a home and lives on either of these lots. Mr. Berns stated this was not a request when the development was originally approved. Mr. Berns stated he feels the Village does not have the responsibility or authority to attempt to gain an easement like that being requested on behalf of the residents of the development. Berns stated the current residents purchased the property based on what the approved plans show, and that is without an easement to the common area.

Mayor Young stated there might not be any easement shown on the current plan, however at the last meeting, Mr. Simon

Held

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stated he was in favor of this easement and he would do it. The Commission acted on what Mr. Simon said he would do and that is provide access to the common area through the easement to be provide between S/L #68 and #69. Mr. Berns stated if this is so, then Mr. Simon has changed his mind.

Mr. Berns stated he and Mr. Simon feel that if this easement is required, it will cause substantial damage to the lots involved and the Village will not be doing a favor for the two owners of the lots, who will be residents of this Village and not happy to have strangers walking through their property to get to the common area.

Mr. Markowitz stated it is important for Mr. Simon to understand the importance for the residents of the development to be able to have easy access to the only dry, meaningful common area of the development. This is why the Commission has asked the developer to provide this access.

Mr. Berns stated the second item deals with the restoration of the borrow pit. What the Commission has asked is the north slope must be restored by June 1st. Berns stated this has not be done, but can be completed by July 1st. The third item, 50% of the borrow pit will be restored by September 15, 1995, Berns stated this will be done. The forth item, erosion controls and siltation measures, are in and are being maintained. The fifth item, proof that the common area can be accessed through the CEI right of way, has been provided to the Village Solicitor. The sixth item, extension of the performance bond for Subdivision III has been complete. The seventh item, clean debris, junk and equipment from borrow pit area by June 1, 1995. Mr. Berns stated he has been out there, all the debris has been cleaned up and he did not see anything remaining. Mayor stated he also was up there and there is a stone culvert pipe at the top of the hill that still needs to be removed. Mr. Simon stated the excavator's machine broke down so the clean up is not yet complete. The eighth and ninth items, Maintenance Bond for Subdivision III will cover the cost to restore the disturbed areas of the borrow pit and maintenance of the erosion and siltation controls. This is being done currently. The tenth item, all work in the borrow pit will cease by 9-1-95, Berns stated he would like this changed to read "all work in the borrow pit will cease and disturbed areas will be seeded by 10-15-95". The eleventh item, no work can be performed in 1996 in the borrow pit without Planning Commission's approval, is not acceptable to he and Mr. Simon. Berns stated as long as they are complying with all the requirements of the Village, they do not feel they should have to come back to the Commission.

Mr. Berns stated there are basically three issues that they have to work out, first , the easement for access to the common area; second, the date for allowing future work in the borrow pit in 1996; and third, the maintenance bond issue. Mr. Markowitz stated he agreed these are the outstanding issues, the maintenance bond issue cannot be addressed at tonight's meeting because the Village Engineer is not present.

Following a brief discussion, Sutliff moved to adjourn into executive session for the purpose of discussing potential litigation, Cotesworth 2nd. Roll call, all ayes.

Meeting adjourned at 8:10 P.M.

Chairman Pro-tem Sutliff reconvened the meeting at 8:29 P.M.

RECORD OF PROCEEDINGS

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Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

19

Mr. Markowitz stated it is his understanding that the Village Planning Commission has discussed in Executive Session the issues raised by Mr. Berns and Mr. Simon and the Planning Commission is willing to make a motion, to be voted on by the Planning Commission which will amend the May 15, 1995 conditions that were imposed by the Planning Commission on the use of the borrow pit by the developer of Emerald Lake Subdivision II and III. Sutliff moved to amend the May 15th motion on the following conditions: 1) The Planning Commission will require the developer to sign a written agreement to abide by all of the terms of the May 15th, 1995 motion as amended by this motion. 2) The amendment to the motion will be to eliminate the requirement for an easement on S/L #68 & 69 and to allow the developer to perform removal of dirt in the borrow pit until September 15, 1995 and then start immediate reseeding and restoration of the borrow pit no later than that date and complete the same as soon as possible and as weather permits and that the developer agree that in each calendar year after 1995, that there be no further work, other than maintaining erosion and sedimentation controls in the borrow pit without first making a request to Planning Commission to insure compliance with all the Engineer's requirements and existing conditions imposed by the Planning Commission are still being met. The written agreement will be executed by the developer and will also be signed by the Village and subject to the approval of the Village Solicitor. The amendments to the May 15th motion would be effective only in the event that the developer signs the written agreement confirming that he will comply with the conditions, Cotesworth, 2nd. Roll call, ayes, Cotesworth, Butz-Voss, Sutliff; abstained, Young and Daniels. Motion carried.

BILL PORTER, SNAVELY DEVELOPMENT, stated he would like to request an extension to the maintenance bond for the Manorbrook extension, this bond expired May 31st and he would like to extend it until July 1st. Following a brief discussion, Sutliff moved to extend the maintenance bond provisions dealing with the completion of the cul de sac work on the inter-connect between Manorbrook extension and Manorbrook within Reserve of Whitetail Subdivision #1 until July 1, 1995, Cotesworth 2nd. Roll call, all ayes.

JOE MAZZULO stated he is before the Commission to informally discuss the idea of putting in open air fruit and vegetable market at the southwest corner of Rte. 306 and Bell Road. Mr. Mazzulo presented an informal sketch showing the location of the proposed structure. Commission informed Mr. Mazzulo that the parcel is not zoned for retail sales and the property would have to be rezoned. The Commission stated they were not in favor of rezoning.

Mr. Mazzulo stated he has spoken with the owners of the land, Sky Oil, and they would be willing to lease the land. Mr. Mazzulo stated they would have a building that would be used all year long.

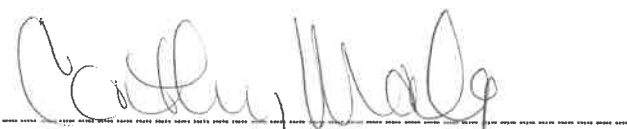
Commission stated another concern, other than rezoning, would be the traffic and the ingress and egress.

Held _____ 19____

Following lengthy discussion, Commission stated they were not in favor of this proposal and would not be in favor of rezoning of the property. Mr. Mazzulo thanked the Commission for their time.

There being no further business, meeting adjourned at 9:10 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

MAY 15, 1995

19

MEMBERS PRESENT: YOUNG, SUTLIFF, BUTZ-VOSS, COTESWORTH

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: K. LESKOVEC, J. ALBERGO, S. SIMON

Meeting was called to order at 7:30 P.M. Roll call, Chairman Daniels was absent. Following brief discussion, Young moved to nominate Wally Sutliff as Chairman Pro-tem, Cotesworth 2nd. Roll call, all ayes.

Sutliff asked for any additions or corrections to the April minutes. Markowitz made two spelling corrections. There being no further corrections, Butz-Voss moved to approve the minutes as corrected, Cotesworth 2nd. Roll call, all ayes.

JOE ALBERGO, ROSIE'S PLACE, 540 E. WASHINGTON, stated he is before the Commission speaking for Kelly Leskovec, who would like to informally discuss a proposal to put in a tanning salon in the building in back of Rosie's Place. This building is currently being used for office space. The building has been used for a flower shop in the past as well as storage for the restaurant.

Mr. Albergo stated they are proposing to start out with three tanning beds with one employee. Mr. Hocevar stated the existing zoning is B-2, I-2 and the tanning salon would be considered a permitted use, as a personal service.

Mr. Albergo stated there is sufficient parking for what is being proposed. The building would need some interior modifications for this use, the building is approximately 1200 square feet.

Commission asked what plans they had for signage. Albergo stated they did not have any specific plans, possibly a sign on the building or something small at the street, whatever it is it will be within the Village regulations.

Commission explained the next step would be to file a development review application and come back before the Planning Commission for formal action.

MR. SID SIMON, EMERALD LAKE DEVELOPMENT, stated he is before the Commission to discuss the borrow pit and the future plans for excavating and restoration. Mr. Simon stated he has asked Joe Guttosky, Mr. Simon's engineer, to speak to the Commission regarding their plans.

Mr. Guttosky stated he has done a topo of the borrow area, to show what exists now. Guttosky stated he estimates they will need 16,000 yards of dirt from the borrow pit to finish the development, 4,500 will be needed for the cul de sacs yet to be put in and remainder would be for building lots. Mr. Guttosky presented a plan showing from which areas they still plan to take the dirt and the plan for restoration.

Held

19

Tom Voldrich, Village Engineer, stated this is the first time he has seen the final plan. Voldrich stated he is concerned with dust control during the grading operation. Mr. Simon stated he will do whatever the Village wants them to do.

Voldrich asked how much dirt, of the 16,000 yards, would be taken out this year. Mr. Simon stated he thinks about half would be taken this year.

Voldrich asked if it had been determined whether or not a permanent easement would be necessary on sublots 68 and 69 for access to the common area. Mr. Simon stated he believes they have an agreement with CEI, granting an easement which will allow access through the CEI property, to the common area. Simon stated his attorney is checking on the easement. Mr. Voldrich stated the common area is contiguous with the Alderwood right of way, however it is physically obstructed by the wetlands so the only way you can get into or out of the common area is through the CEI property.

Sutliff asked, from a practical standpoint, how would a resident use this property? Simon stated they could get to it through the CEI property. Commission discussed the problem of access to the common area.

Mayor stated he feels this "access" issue is important and he feels something should be provided for easy access. Mayor asked Mr. Simon what he felt about providing some sort of easement for access along one of the property lines. Mr. Simon stated a 10 foot easement between S/L #68 and #69 for pedestrian use, he would not have any problem with that idea. Mr. Simon stated he thinks the residents should have access to the common area.

Mayor stated he is in favor of the pedestrian easement and he would be agreeable to opening the borrow pit if he can be assured that 50% of the borrow area can be restored this year. Markowitz stated Subdivision #3 bonds are up at the end of the month and Mr. Simon needs to request an extension. Markowitz stated assuming they were still in the performance bond, the requirements of restoring a certain amount of the borrow pit by a certain date could be included and then when they dedicate the road, the maintenance bond would take over. Then the easement would be granted as part of the process of renewing the performance bond. Markowitz stated he and Mr. Rosner (Simon's attorney) could come up with language for the pedestrian easement. Markowitz stated it would take just a few days to do the legal work. In addition, the agreement with CEI has to be confirmed. Mayor asked the Solicitor if all this should be completed prior to the opening of the borrow pit. Markowitz stated yes, he felt it should be done prior to any digging.

Mr. Simon stated if he is held up from digging in the borrow pit until the legal work as discussed is complete, he will be hurt, he needs to move dirt now. Mr. Simon stated he will do whatever is agreed to tonight, however he can't wait to move dirt, the summer is here and they need to work. Markowitz stated to determine the easement rights and doing a new easement will take maximum two days. The bonding will depend upon when the engineers can give the Village a layout and the time table of restoration and an amount, which should take another couple of days.

Mr. Simon stated he would like to request an extension of the bond, the landscaping should start soon and he thinks all he will need is an additional month.

Held

19

Engineer commented that there is alot of construction debris around the borrow pit which needs to be removed and the silt fence needs to be replaced.

Following further discussion, Young moved to allow the re-opening of the borrow pit for the purpose of removing earth for use in Emerald Lake II and III upon the following conditions: upon the granting of a ten foot easement for pedestrian access to the borrow pit and Block A for the benefit of the association and Village, five feet on either side of the common property line of S/L's 68 & 69; upon the South Russell Village Engineer's approval of the phased restoration of the borrow pit area, restoration of the north slope using a grade not to exceed 4:1, in accordance with the May 1995 grading plan of Gutoskey by June 1, 1995; by September 15, 1995, restoring 50% or more of the disturbed areas of the borrow pit in accordance with Gutoskey grading plan; upon all erosion controls and siltation measures required by South Russell Village Engineer being installed and properly maintained; upon proof to satisfaction of the Village Solicitor that the Association can access the borrow pit and other contiguous common area from Bell Street through the CEI right of way; upon proof all erosion controls and siltation measures required by South Russell Village Engineer being installed and properly maintained; upon the execution of the first extension to performance bond for subdivision III and complete improvements by July 1, 1995; the October 1, 1995 letter of credit remains in place; upon cleaning debris, junk, and equipment from the borrow pit area by June 1, 1995; upon the maintenance bond for Subdivision III including an amount as determined by the South Russell Engineer necessary to cover the cost to restore the remaining portion of the areas of the borrow pit to be disturbed and the existing disturbed areas of the borrow pit, and maintain the erosion and siltation controls; upon maintaining the erosion and siltation controls in a state of continued usefullness as previously required by the South Russell Village Engineer; upon ceasing the removal of dirt and disturbing the ground in the borrow pit by September 1, 1995; upon no removal of dirt or disturbing the ground of the borrow pit in 1996 until the Planning Commission give their approval; upon allowing the stockpiling of earth in the borrow pit so long as erosion controls required by the South Russell Village Engineer are maintained at all times, even when the earth is removed by builders, contractors and subcontractors; all stockpiled dirt shall be seeded no later than October 1st of each year and proper siltation measures installed and maintained at all times; Cotesworth 2nd. Simon stated he has agreed to all the conditions discussed, but he needs the borrow pit to be opened now, he can not afford to wait until all the conditions are completed. Commission stated they feel the conditions must be completed prior to the opening of the borrow pit. Roll call of motion on the table, all ayes. Motion carried.

Markowitz stated he would like to review the bonds of Emerald Lake Subdivision. Subdivision III bond will be extended to July 1, 1995 and the Letter of Credit will remain in place until October 1, 1995. The drainage bond on S/L #72, comes due on May 30th and at this time it does not appear the ditch is constructed as it is shown on the plans.

Engineer stated Snavely has asked for an extension for putting in the Woodland Ct. fence until May 31st. Commission discussed and agreed to send another letter stating they have until June 1, 1995 to complete this work.

Held

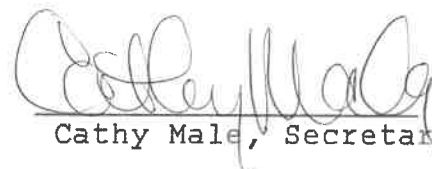
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Following a brief discussion, Commission agreed to hold the next Planning Commission on June 15, 1995 at 7:30 P.M.

Engineer stated the fence used at the cul de sac of Manor Brook Drive, Emerald Lake III, is not doing its job keeping through traffic from Reserve of Whitetail. It is his recommendation that this fence be made permanent until the two roads are to be connected. Commission agreed.

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


Walter Sutliff, Chairman Pro-tem


Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

APRIL 17, 1995

19

MEMBERS PRESENT: BUTZ-VOSS, DANIELS, YOUNG, SUTLIFF

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: J. SVETTE, M. BENES

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

Chairman Daniels asked for any addition or corrections to the March minutes. Markowitz stated on page 365, top paragraph, third line, the word "the" should be deleted. On the same page, third last paragraph, second last line, the word "will" should be deleted. There being no further corrections, Sutliff moved to approve the minutes as amended, Butz-Voss 2nd. Roll call, all ayes.

MATT BENES, SVETTE LOT SPLIT, 949 BELL ROAD, stated he is before the Commission requesting permission to drill a second well on the above property. Mr. Benes stated he received approval for the minor lot split of 949 Bell Road, as requested at the February meeting. At that time, it was a condition of the approval, that if there was ever a need for a second well, they were to come back before the Commission and request permission. Mr. Benes stated they are asking to drill a second well on the two acre parcel, parcel #2. Benes state they have been in contact with Dr. Eckstein and he has given his approval of their request as long as the 2nd well is no closer than 150 feet to the existing well on the front lot or any other well in the immediate vicinity. Where they are proposing the second well, it will be 300 feet from the existing well, 340 feet from the rear property well and 250 feet from the side property wells.

Following a brief discussion, Sutliff moved to approve the drilling of a well on S/L #2, 949 Bell Road, contingent upon amending the plat language stating there will be no wells drilled on S/L #1 or S/L #2 any closer than 150 feet from any other existing well, upon the well on S/L #2 being approximately equi-distant between the east and west property lines, and upon the requirement to assign the mortgage from Central National to Society National to Key Corp., Butz-Voss 2nd. Roll call, all ayes.

Tom Voldrich stated there has been no activity in the EMERALD LAKE BORROW PIT, they are waiting for it to dry out. Mayor Young stated he has some real serious concerns about what the borrow pit area is ultimately going to look like, after all building is complete. Mayor stated he felt it was very important that they ask for some plan, showing the final restoration. Voldrich stated he would contact Mr. Simon and ask Mr. Simon to present his ideas and plans for the borrow pit and do so at the next meeting, the May meeting. Commission agreed.

Another concern the Planning Commission discussed was the

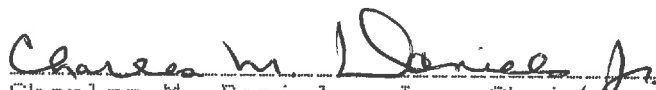
Held

19

access to the common area for the development. Commission felt there should be an easement created for access for both the residents and for the Village. Voldrich stated he would notify Mr. Simon of this concern.

Markowitz reported Emerald Lake III road needs to be complete by June 1, 1995. Markowitz stated he will send a letter notifying Mr. Simon of this deadline.

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


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held

MARCH 6, 1995

19

MEMBERS PRESENT: Cotesworth, Daniels, Sutliff, Young

OTHER OFFICIALS: D. Markowitz, T. Voldrich, D. Hocevar

GUESTS: J. Svette, R. Miller, S. Miller, F. Duncan

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

Chairman Daniels asked for corrections to the January 10, 1995 minutes. There being no additions or corrections, Cotesworth moved to approved the minutes as recorded, Sutliff 2nd. Roll call, all ayes.

Chairman Daniels asked for corrections to the February 9, 1995 minutes. Markowitz stated on the first page, third to last paragraph, third line, should read "he is before the Commission". Markowitz stated the lot split requested by Jerry Bishop is not part of the Fox Run subdivision and it should be noted in the minutes that the minor subdivision property is property that fronts on Rte. #306, for purposes of identification. Markowitz stated on page 355, the motion made by Sutliff on the request of Bob Horvath for development review for the height of a proposed home to be built in Fox Run, should have the additional language of "with a height of 34'2" for the home". On page 356, first full paragraph, last sentence should read, "Young moved to deny the development review application of Nextel Communications requesting permission to build a communication tower since it is not a permitted main use and exceeds the height limitation of the zoning code". In the second last paragraph, first sentence, the word "ruled" should be "assumed", and "Markowitz gave that ruling" should read "Markowitz gave that opinion". There being no further corrections to the minutes, Cotesworth moved to approve them as amended.

Mrs. Jane Svette, 949 Bell Road, presented an application and plat for a minor subdivision. Mrs. Svette stated she wants to divide her property into two parcels, a 1.24 acre parcel that has the existing home and a 1.981 acre lot upon which she would like to build a home in the near future.

Commission reviewed the plat and application. Village Solicitor stated the Zoning Inspector has determined that this property is located in a water sensitive zone and it will be necessary to have a report done by a license hydrologist verifying that there is sufficient water to support two homes. Mrs. Svette stated she has been in contact with Dr. Eckstein, the Village Hydrologist, and he has recommended to her that there not be a second well drilled, but instead service both homes from the existing well. Mrs. Svette presented a letter from Dr. Eckstein, dated 3-1-95, stating the specifics, copy hereto attached.

Mrs. Svette stated the existing well is located close to the existing house, in the side yard. Mrs. Svette stated the well has been tested and the results showed the capacity

Held

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being 10 gallons per minute. Commission stated the results of this test would have to be reviewed by Dr. Eckstein.

Markowitz stated based on Dr. Eckstein's letter, the Commission would want to have a restriction on the plat which would indicate that no new wells could be drilled without the approval of the Village. Other items that need to be addressed on this plat are lot numbers, they need to be added. They will want to see a lien and tax search from a title company to make sure all the mortgage holders are on the plat. Markowitz asked if the back lot line could be straightened? Mrs. Svette stated the lot line as shown runs through the wooded area so she does not feel it would be necessary to straighten it out.

Markowitz stated there should be an easement written that would obligate the person who benefits from the easement to share in the maintenance of the well. The easement would provide that each property owner have equal right to the water and equal responsibility for maintenance of the well.

Following further discussion, Cotesworth moved to approve the minor subdivision application of Jane Svette, 949 Bell Road, contingent upon;

1) a restriction being placed on the minor subdivision plat indicating that no new well can be drilled on either parcel without the approval of the Village Planning Commission;

2) the Village Hydrogeologist reviewing and approving the water pump test;

3) an easement be drafted and reviewed by the Village Solicitor, for the benefit of the rear parcel, parcel #2, to access the well for water and sharing the cost of maintenance of the well located on the front lot, parcel #1;

4) the Solicitor receive and approve a lien and tax search verifying the owners and mortgage holders of the property;

5) place lot numbers of #1 on the front lot and #2 on the rear lot;

6) Solicitor to review and approve the language of the minor subdivision plat;

7) name and address of the owner be placed on the plat;

8) the reference on the plat to public water be changed to private ground water well;

9) CT Consultants review and approval of the plat as amended; Sutliff 2nd. Roll call, all ayes.

Chairman Daniels stated Mark Duncan, M. A. Duncan Construction and Scott Miller and Ron Miller, Miller Homes, are back before the Commission requesting permission to open up the borrow pit in Emerald Lake II. Daniels stated due to his employment with a Simon owned company, he will again remove himself from the discussion and appoint Wally Sutliff as Chairman Pro-tem, for the duration of this discussion.

Scott Miller stated they are back requesting the borrow pit be opened but they are back with Sid Simon's permission to go into the borrow pit and also with a plan for erosion control. Mr. Miller presented a letter from Mr. Simon, dated 3-6-95. Mr. Miller stated they need dirt to start the Harvey's home on S/L #67 as well as three additional lots that they own.

Mark Duncan, excavator, stated he has been working in this area for 4 years and he is the only one who has consistently put in erosion control measures. What he would like to

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Held MARCH 6,

19 95

propose is to use the access on S/L #68, go in and take dirt by building another sedimentation pond. Mr. Duncan presented a plan showing the placement of this new sedimentation pond. Mr. Duncan stated he would put up a cash bond to cover any damage that might be done. Mr. Duncan stated he feels it makes alot of sense to prepare a sedimentation pond prior to hauling alot more dirt and they would accomplish this by the plan presented.

Commission discussed this request and proposed plan at length.

Mayor stated it is his personal opinion that he does not want the borrow pit opened up at this time. Mayor stated he does not see any changes since last month and he has a concern that if the pit is opened up, Southwyck Lake will be at risk.

Sutliff asked the Village Engineer for his opinion on this request. Engineer Voldrich stated his opinion is the same as last month, the borrow pit should not be opened up and the mass moving of dirt should be shut down until the weather is better.

Mayor Young moved to deny the request to open the borrow pit in Emerald Lake II, Cotesworth 2nd. Roll call, ayes: Young, Sutliff and Cotesworth; abstained: Daniels.

Mark Duncan asked when the Village might be willing to allow the borrow pit to open up? Engineer stated it will probably be sometime in mid-spring, it will all depend on the weather.

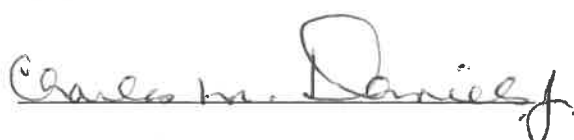
Markowitz stated another point he feels needs to be considered is the area that the borrow pit is located is in the common area of the development which is owned by the homeowners association. The homeowners are going to have future responsibility for maintenance of this area, so what ever is done now and in the future, the Village needs to make sure that we are not unduly burdening the homeowners with the responsibility that will only be there because the builders or developer are using the land to fill lots. It will be important to balance the interests of the association versus the benefits that can be obtained overall to the Village and the builders from using the borrow pit. Sutliff stated this is a very good reason why the Commission should request a master restoration plan for the borrow pit area. Commission agreed.

Chairman Daniels asked for any old business. Markowitz stated he thought the Engineer should remind Snavelly that the guard rails should be installed now.

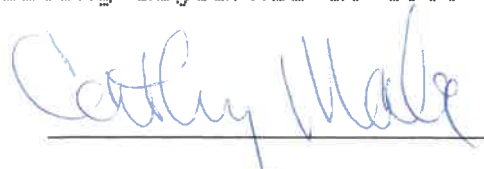
Mayor stated the Council has noted the large number of streets with "Fox" in them. Mayor stated the Council will probably ask Sid Simon to rename the streets that have not been recorded.

Due to Chagrin's spring break, Commission agreed to change the April meeting from April 6th to April 13th. Secretary will notify the press.

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



CHARLES M. DANIELS, JR.



CATHY MALE, SECRETARY

RECORD OF PROCEEDINGS

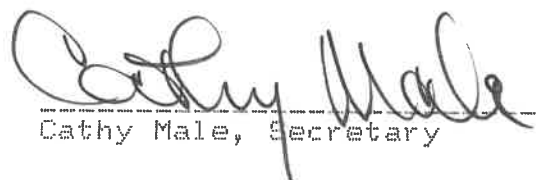
Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held _____ 19____

Charles M. Daniels, Jr, Chairman



Cathy Male, Secretary

RECORD OF PROCEEDINGS

PLANNING COMMISSION MEETING

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

FEBRUARY 9, 1995

19

MEMBERS PRESENT: Sutliff, Butz-Voss, Young, Daniels

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: S. Simon, J. Bishop,

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

Chairman Daniels asked for additions or corrections to the January minutes. Following brief discussion, Commission agreed to hold action on the minutes until the March meeting.

MR. JERRY BISHOP, stated he is before the Commission requesting that the minor subdivision plat, which the Planning Commission approved in September, 1994, be amended to show a minor change to the utility easement. This property is located on Rte. 306, north of Bell Road, adjacent to the BP station. Mr. Bishop stated the utility easement was changed to accommodate Mr. Mezak's attorney. Commission reviewed the amended plat.

Following a brief discussion, Sutliff moved to approve the requested amendment to the Minor Subdivision Plat for Fox Run Subdivision, Butz-Voss 2nd. Roll call, all ayes.

MR. SID SIMON, EMERALD LAKE III, stated he is back before the Commission with his request for a variance from the Subdivision Regulations which will allow him, if granted, to get zoning, building and occupancy permits for phase III of Emerald Lake Subdivision.

Chairman Daniels stated he would like to make a statement before Mr. Simon proceeds. Daniels stated he has been working for a company that is owned by the Simon family in Copley, OH. It has absolutely nothing to do with the issues that the Planning Commission is addressing, however it is believed that it might be considered a conflict of interest for him to enter into any discussion regarding Mr. Simon's issues before the Commission. Daniels stated he would ask Mr. Sutliff to act as Chairman Pro-tem during the discussion of Mr. Simon's issues.

Mr. Sutliff asked Mr. Simon to inform the Commission what the situation of phase III is at this time. Mr. Simon stated he is before the Commission seeking approval of his variance request. Mr. Simon stated all the utilities have been installed in Phase III, cable, gas, electric, and phone lines are all installed.

Mr. Sutliff asked where the issue of weight limits stood? Butz-Voss stated this was discussed at Council however there was no action taken. Markowitz stated a weight limit can be imposed on dedicated streets, but not on streets which have not been dedicated, i.e. Manor Brook Drive, Emerald Lake III.

Mayor asked if Mr. Simon was still asking for a variance on

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

19

all three permits, building, zoning and occupancy? Mr. Simon stated yes he was, however he would be willing to drop the occupancy permit if the Village was willing to grant the zoning and building permits. Commission discussed briefly. Mayor asked about the borrow pit, are there funds held for the restoration of this area. Mr. Simon stated yes there are funds held for this restoration. Mr. Simon stated they are actually considering making this area into a lake, instead of restoring it to its original state. Mr. Simon stated they will be using this area as a borrow pit for the next 3 to 4 years, depending how the sale of the lots go.

Following this discussion, Butz-Voss moved to approve the variance from the Subdivision Rules Section 3.12 which will allow the issuance of zoning and building permits, not occupancy permits for all of the lots in Emerald Lake Subdivision III, prior to the acceptance of all the improvements for dedication by the Village, Young 2nd. Roll call, ayes - Butz-Voss, Young and Sutliff; abstained - Daniels.

MR. SID SIMON, EMERALD LAKE II, presented plans for development review approval for the last three spur roads in phase II, Sorrelwood Lane, Fox Sedge Lane and Fox Glove Lane. Mr. Simon stated the improvement plans are currently before the Engineer for his approval and what he needs from the Planning Commission is their approval for the last three cul de sacs. Commission reviewed the plan and discussed briefly.

Following this brief discussion, Butz-Voss moved to approve the development review application for spur roads Fox Glove Lane, Sorrelwood Lane and Fox Sedge Lane subject to review and approval of the improvement plans by the Village Engineer and the establishment of a performance bond in an amount to be determined by the Village Engineer and secured in a form that is approved by the Village Solicitor. Young seconded. Roll call, ayes - Butz-Voss, Sutliff, Young; abstained - Daniels.

MR. RON MILLER, MILLER HOMES, stated he is before the Commission to request that they be allowed to open up the borrow pit in Emerald Lake Subdivision, in order to get sufficient soil to fill S/L #72 and also other lots in phase II on Teaberry Circle. Mr. Miller stated now that the ground is frozen, they feel that it is the best time to go in and remove the soil. Chairman Daniels stated the Village has an agreement with Mr. Simon that the borrow pit will not be opened up until the spring and it is his opinion that the Commission is not in favor of opening the borrow pit until spring or later. Mr. Miller reiterated that he feels there will be less damage down stream if the pit is opened now and they are willing to present any necessary guarantees that the pit will be restored after all necessary work has been done.

Mr. Daniels stated he is not willing to discuss this issue any further unless Mr. Simon states this is agreeable with him. Mr. Simon stated he has no objection as long as they maintain it to the Village's standards, i.e. all responsibility will be on their shoulders to maintain it and he (Mr. Simon) will not have any responsibility. Markowitz stated this is Mr. Simon's property so it ultimately will be his responsibility.

Commission discussed this request at length. Mayor stated he is concerned with the issue of driving heavy trucks on the roads during the freeze and thaw period. Mayor stated

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he is not comfortable with opening up the borrow pit at this time not only from the stand point of potential damage to the roads but also from the stand point of potential siltation damage downstream. Commission agreed that they were not in favor of opening up the borrow pit at this time.

BOB HORVATH, WOODHAVEN HOMES, S/L #18, FOX RUN SUBDIVISION, presented development review application for a proposed home that has a height of 34' 2", which is 1'2" over the maximum allowed. Commission reviewed the plan and asked if the building inspector had any problems with this plan. Dave Hovevar stated due to the topography of the land and the walk out basement, the average height is over the maximum allowed and he has no problem with this plan. Following a brief discussion, Sutliff moved to approve the development review application for Woodhaven Homes, S/L #18 Fox Run Subdivision, with a height of 34' 2" for the home, Butz-Voss 2nd. Roll call, all ayes.

JUDY AROLA, NEXTEL COMMUNICATIONS, stated she is before the Commission requesting development review approval for a communication tower which they have proposed to construct off of Industrial Parkway. Ms. Arola stated the tower will be 200 feet tall and will carry radio dispatch, police, fire and emergency frequencies. They are not a cellular system and will be used only for local services. Commission reviewed the plan and located the placement of the tower and utility building off of Industrial Parkway.

Mr. Sutliff asked if the tower had the potential of producing any negative health hazards. Ms. Arola stated as far as what is considered a potential health risk, the frequencies that they use are so low, they are not even recognized by the FCC as even close to being any form of a health hazard. They operate anywhere from 25 to 35 watts.

Ms. Arola explained they are not constructing towers at this time in this area, they are currently seeking sites for towers, which will eventually connect to the major network across the country. Currently they have secured sites in Shaker Heights. They are up and running in Chicago and New York City and Detroit will be on line in April.

Mr. Markowitz stated the area that they wish to construct the tower is in the area zoned industrial use and this is not a permitted use and in addition, it exceeds the maximum height regulation. They would have to seek variances if they were to proceed with the permit process.

Ms. Arola presented photos of the property which they wish to use for this proposed tower. Ms. Arola stated the area in South Russell is ideal because of the proposed location of the other towers. It is the right elevation as well as the correct distance from the other towers.

Engineer asked about the construction of the towers and the design standards. Ms. Arola stated the tower is constructed to withstand winds of 125 miles per hour and they are operational with up to 80 mile per hour winds.

Commission suggested many other locations as possible sites for this tower. Ms. Arola stated many of these sites would not be in the proper location to connect with other towers.

Following lengthy discussion, Commission stated they were not in favor of building towers in South Russell. Mayor stated the Village makes residents jump through hoops to build a house no higher than 30 feet and he can't imagine

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allowing a structure 200 feet tall. Mayor stated he is very much against this proposal of a communication tower. Commission stated they were in agreement with the Mayor.

Mr. Markowitz explained the procedure that must be followed if they were to proceed with the application process. The next step would be to go the ZBA, however the last request that was turned down by the Commission for a tower was proposed by GTE, never made it to the ZBA because they knew their application would be denied. Markowitz stated the Village Planning Commission is not interested in approving towers, they made that clear to GTE and they are making it clear to Nextel.

Following further discussion, Young moved to deny Nextel's development review application requesting permission to build a communication tower, since it is not a permitted main use and exceeds the height limitations of the Zoning Code, Butz-Voss 2nd. Roll call, all ayes.

JANE SVETTE, 949 BELL ROAD, MINOR SUBDIVISION APPLICATION, was not present however the application for a minor lot split and plat were reviewed. The plan showed the lot at 949 Bell Road which is proposed to be split into two lots, 1.24 acres and 1.981 acres.

Following brief discussion, areas of concern regarding this plat were first, the rear yard set back of the accessory structure; second, the water sensitivity zone needs to be checked and proof of sufficient water needs to be provided and third, the language on the plat is not to the Solicitor's approval. Commission asked the Building Inspector to inform Ms. Svette of these items and they would review the plat at the next meeting.

Mr. Markowitz stated he received a call regarding Violantes sign, that it does not conform to the current sign regulations. Hocevar stated it had received a variance, however the variance granted was only for the location, not the height. Hocevar stated Mr. Violante did come before the Commission and it was assumed that the variance would stand and they did not have to conform to the new sign regulations. Markowitz stated when he gave that opinion, he thought the variance granted was for height and not just the location. Markowitz stated even if he gave an incorrect interpretation, Violantes must still conform to the zoning. They have the right to go before the ZBA but the Code needs to be enforced. Mayor asked the Building Inspector to advise Mr. Violante what needs to be done.

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

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

Cathy Male
Cathy Male, Secretary

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PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

JANUARY 10, 1995

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MEMBERS PRESENT: Daniels, Cotesworth, Young

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: T. Harvey, J. Harvey, L. Butler, J. Gutoskey, M. Fisher, T. Taylor, F. Robinson, M. Heines, C. Haas

Chairman Daniels called the meeting to order at 7:30 P.M. Roll call, Sutliff and Butz-Voss were absent.

Daniels stated the Public Hearing called for this evening is for a request of Sid Simon, Emerald Lake Development Co., asking for a variance from the Subdivision Regulations which would allow the issuance of zoning, building and occupancy permits prior to the acceptance for dedication of all the subdivision improvements for all sublots located in phase III of Emerald Lake Subdivision. Chairman Daniels read the legal ad which was published in the Geauga Edition of the Cleveland Plain Dealer on December 10, 1994. Chairman Daniels asked that all individuals who wished to speak be sworn-in. Mr. Markowitz swore in all those wishing to speak.

Mr. Larry Butler, representing Mr. Sid Simon, stated they are requesting permission to be able to begin construction of homes in phase III because they have sold two of the homes and the purchasers are anxious to begin. Mr. Butler stated there are eleven lots in this phase.

Engineer Voldrich asked how the construction traffic would turn around at the end of the street, there is no cul de sac and at this point the connection to the Reserve of Whitetail is not completed. Mr. Butler stated he was not sure, but they would work out something.

Mayor Young asked what utilities had been installed? Mr. Butler stated he thinks all the utilities have been installed. Commission discussed, there was some question as to whether the gas lines had been put in. Mayor asked that verification be made as far as what utilities are installed.

Markowitz stated he is not comfortable with the Planning Commission granting any occupancy permits prior to dedication occurring. In the past, when this has been done, it has caused both he and the Village Engineer many problems.

Councilman Tim Taylor stated he would like to present some information to the Commission that he has been given with regard to damage done to roads by heavy truck traffic. Taylor stated if the Commission is considering allowing the issuance of building permits prior to dedication, the heavy truck traffic will be occurring during the time when the roads will be freezing and thawing. According to the information he has received, in times of freeze and thaw, the truck traffic can do considerable damage to the roads. This damage is not the kind that will show up in 6 months or one year, but it is the kind of damage which can shorten the

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life of the road.

Mr. Taylor stated he is just asking the Commission to consider this fact when making their decision on this variance request. Mr. Taylor stated Village does not have any ordinances which pertain to load limits and this type of situation however even if the Village did, they are very hard to enforce and very expensive to enforce.

Markowitz stated the Village does have the ability to control the weight on public roads and can require the reduction of weight, however the big problem is the enforcement.

Markowitz stated if a variance was granted, they could impose weight limits on the road as one of the conditions.

There being no further comments or questions the Public Hearing adjourned at 7:58 P.M.

Chairman Daniels called the regular meeting to order at 7:59 P.M.

Daniels asked for additions or corrections to the November 3, 1994 minutes. The following corrections were made by Mrs. Cotesworth, page 340, third paragraph, last line, the word "possibility" should be "possible"; page 341, third paragraph, second sentence, the word "of" should be added prior to the word "dedication"; same paragraph, eleventh line, "is" should be "are". There being no further corrections, Cotesworth moved to approve the minutes as corrected, Young 2nd. Roll call, all ayes.

The following corrections to the December 1, 1994 minutes were made; on page 343, second to last paragraph, first line, delete "the"; page 344, third paragraph, Guttoski is misspelled, it should be "Gutoskey"; same paragraph, first line, following the word "plat", the following should be added, "to vacate and dedicate the easement"; page 346, following "the requirements of the EPA letter", "as previously approved by the Planning Commission upon final developmental review approval" should be added. There being no further additions to the December minutes, Cotesworth moved to approve the minutes as amended, Young 2nd. Roll call, all ayes.

Commission discussed the variance request of Larry Butler, Emerald Lake Development. Mayor stated he feels very strongly that all the utilities need to be installed prior to any permits being issued. In addition, he does not feel any occupancy permits should be issued prior to dedication.

Building Inspector stated he does not think the gas lines have been installed as of today's date.

Mayor stated he would be interested in trying to control the weight limits on the roads during the freeze and thaw periods, if there is a reasonable way of enforcing the regulations.

Mayor Young asked if the Solicitor's office, along with with the Engineer, could research the weight limit issue and come up with some type of recommendation that could be a condition for this variance request.

Markowitz stated he was not sure and would have to go back and do some research on this issue. Markowitz stated the regulations regarding weight limits should be considered for

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all roads during the freeze and thaw time frame, so these limits should pertain to Alderwood Trail as well as Manorbrook Drive.

Mr. Butler stated if the Commission does not act on the variance at tonight's meeting, it will put them in a time crunch. Is there any way they can start the process to obtain permits prior to the variance being granted. Could they at least be able to go before the ABR for their plan review.

Commission agreed to allow plans for Emerald Lake III to go before the ABR prior to the issuance of the zoning permits.

Mr. Miller asked why the variance could not be granted with the conditions of the gas lines being put in and weight limits being determined.

Commission stated they would not act upon the variance with conditions however they would allow the ABR to review plans prior to the zoning being issued. Hocevar asked if they could also send the plans for grade plan review without zoning being issues. Commission stated yes the grade plans could be reviewed by the Engineer's office. Hocevar stated he had some concerns with this, he feels it increases the possibility for errors being made. Commission noted his concern, but did not want to grant the variance with any contingency at this time.

Following a brief discussion, Cotesworth moved to instruct the P/C secretary to notify the ABR to review the plans for Emerald Lake III prior to zoning being issued, Young 2nd. Roll call, all ayes.

TOM HARVEY, S/L #72, EMERALD LAKE III, presented plans for changing the drainage easement for S/L #70, #71 and #72. Mayor Young presented pictures of the area he took during the summer and heavy rains. Harvey explained the plat shows both the existing easement and the proposed revised easement.

Commission reviewed plat and discussed at length. Mayor stated he is still concerned with erosion, it will be absolutely necessary to provide sufficient vegetation to keep erosion at a minimum.

Markowitz stated prior to any work being done, there needs to be a performance bond provided and a deposit made for inspection fees.

Commission discussed the need for rock to be installed at certain locations along the easement to contain the dirt and prevent erosion.

Markowitz stated one question he has is, who will do this work and who will oversee the job and make sure it is done correctly. Tom Harvey stated Sid Simon will be responsible to do the work. Markowitz stated there will be work done on Sublots #70, #71 & #72 when changing this easement and it is important that the work be done all at once and because it is part of the overall drainage plan for the subdivision and there will be a need of a performance bond, secured by a letter of credit or cash. It will also be necessary to set a completion date and make sure there are inspection fees on deposit.

There was lengthy discussion on the need for rip/rap to be installed in the ditch. It was agreed that there was need

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for stone in the areas where the ditch changes course however it was not agreed upon that the entire length of the ditch needed stone. Commission discussed and agreed to allow the Engineer to determine just exactly what was needed. Engineer stated he felt the most important areas needing stone were the curves of the ditch and he would look at other areas that might have need. Commission agreed to this plan.

Following further discussion, Cotesworth moved to approve the amended plat changing the easement location on S/L #70, #71 and #72, Emerald Lake III, contingent upon the following changes being made to the plat; change the title to add "part of block A of Emerald Lake Subdivision II", change the spelling of Lawrence to Laurence, change record bearings, and eliminate the hatching on S/L #70. In addition to these changes, developer must provide a performance bond secured by a letter of credit or cash, in the amount determined by the Engineer with a completion date determined by the Engineer and the form of the bond and security to be approved by the Village Solicitor and a deposit being made of \$500 for inspection fees, Young 2nd. Roll call, all ayes.

Mr. Mike Heines, Midwest Solutions, stated he is before the Commission to informally discuss the development of the Mezi property located on Rte. 306. Mr. Heines stated his organization is made up of two computer related companies. One which markets people that write contract software, custom software. The second company sells products, hardware, software and product type support. The third business which is being proposed for a portion of the plan is retail, the Wilderness Shop, which sells outdoor clothing and equipment. Mr. Heines presented a plan showing a 14,000 square foot building which would house all three companies.

Commission asked how many people would be working in the building proposed? Heines stated currently there are 16 people in the computer custom software business, with plans to expand to about 40, in the computer product business there are currently 32 people with plans to expand up to 60 and for the Wilderness shop there would be approximately 10 people. These figures would be what they would expect over the next five years. Mr. Heines stated they would have very little customer activity with the computer businesses and moderate activity with the retail, no more than 10 to 12 cars at one time.

Mr. Heines stated the parcel of land is 5 acres. The building they have presented on their plan is drawn to try and give a residential look. They have minimized the parking and tried to provide for as much landscape and green space. Mr. Heines stated the type of business they have will have only a minimum number of employees at the office, they will mostly all be out on accounts.

Mr. Heines stated he understands this piece of property is zoned residential and what they would like the Commission to consider is to rezone for office and retail use. Commission stated their strong feeling against rezoning. Mr. Heines stated they have tried to make the facility look less like a commercial or retail facility and more like residential and he does not feel the type of business he has will be a high traffic business.

Markowitz explained the procedure Mr. Heines would have to follow if he were to decide to request the parcel of land be rezoned.

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Commission reviewed and discussed proposed plan. Concerns discussed were additional traffic on Rte. 306, the effect of rezoning on surrounding property, and what kind of domino effect would take place. Mr. Heines stated his companies would not bring an overwhelming increase in traffic, however he knows the traffic will not decrease. What they do have to offer to the Village is they will have a clean, good looking building, it will not look commercial but more residential and they will add a lot of tax money to the community. Mr. Heines stated he feels he and his companies would be a nice addition to the Village.

Commission voiced their strong concern with rezoning, they are not all that comfortable with the idea and they also know the Council will also have many reservations.

Mr. Heines stated he would like to keep all three businesses together, there are some economical issues that make sense to do it this way, however it is not mandatory. Mr. Heines stated he can be some what flexible in the lay out of the companies.


Markowitz asked if the retail portion were not part of the development, would it be possible to build two smaller buildings to house the two computer companies. Heines stated this could be a possibility, something he would definitely look into. Markowitz stated this concept might make this development more appealing to the Village, it would have more of a residential feel to it than one large structure.

Mayor suggested Mr. Heines go before Council on an informal basis to present this idea, in order to get a feel from them on what they think of this concept.

Mr. Heines thanked the Commission for their time and suggestions and he stated he would look into putting something together for a presentation to Council sometime in the near future.

There being no further business, meeting adjourned 10:40 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

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001

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held JANUARY 4, 1996

19

MEMBERS PRESENT: COTESWORTH, BUTZ-VOSS, SUTLIFF, YOUNG

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: D. VOSS, G. BLOOM, M. ROOD

Meeting was called to order at 7:30 P.M. Roll call, all members were present.

Cotesworth moved to nominate Wally Sutliff as Chairman of the Planning Commission, Butz-Voss 2nd. Roll call, all ayes.

Chairman Sutliff asked for any additions or corrections to the December minutes. Cotesworth stated in the forth paragraph, second to last sentence, the word "space" should be "spaces". Markowitz stated the names Voldrich and Fialla were spelled incorrectly at the top of the page. There being no further additions, Cotesworth moved to approve the minutes as corrected, Butz-Voss 2nd. Roll call, all ayes.

Dr. Mark Rood stated he is back before the Commission to present his development review application and plans for the proposed medical office building at 5192 Chillicothe Road. Dr. Rood stated Ms. Ginny Bloom was representing his architect, Mr. Fialla.

Ms. Bloom stated the one correction that had been made since the last meeting was relative to the parking spaces. Ms. Bloom stated they received a call from the building department stating their parking spaces were too small so they have amended the plan showing the parking spaces to be 180 square feet each, not the 160 square feet shown on the original plan.

Chairman Sutliff stated there was a question at last months meeting relative to the water, was there proof of sufficient water. Dr. Rood stated he has attempted to contact Dr. Eckstein, he was out of town for an extended period. Dr. Rood stated he knows Dr. Eckstein is back in town now, however he has not returned any of his phone calls. Dr. Rood stated he did bring information from a study done by Dr. Eckstein on the three test wells for the Fox Run subdivision. Dr. Rood stated of the three wells, the one well that is on his property had a flow rate of 43 gallons per minute, after a 24 hour pump test. Of the three wells, that is the highest pumping well on the property. Dr. Rood stated he is confident there is sufficient water, however he will continue to try and contact Dr. Eckstein to have this confirmed. Commission stated they agreed there is probably sufficient water, however they must have some written confirmation from Dr. Eckstein.

Chairman Sutliff asked if Chief Laderer had been contacted regarding the placement of the driveway. Dr. Rood stated he would be happy to place the drive wherever the Village wishes and he will get a set of drawings to Chief Laderer and ask for his input on the drive placement.

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Chairman Sutliff asked what plans did Dr. Rood have for signage for this building? Dr. Rood stated he would like to do two things. First, he would like to have a sign above the door which states "South Russell Medical Center" and second, he would like to have a monument sign at the street. Dr. Rood stated plans for the signs would follow all zoning regulations.

Dr. Rood explained that initially he will occupy 3,000 square feet of the 5,000 square feet, 2,000 square feet will be unfinished. He still plans on having two additional physicians join him when the building is complete.

Dave Hocevar stated he has reviewed the plans and they conform to all the zoning regulations. Dr. Rood still has to submit a detailed site plan showing topos and elevations to the Village Engineer and the plan still has to be reviewed for OBBC requirements.

Markowitz stated the only other item the Commission should consider is the requirement for landscaping and screening. Dr. Rood stated he would provide a plan showing any needed landscaping and/or screening required by the Village.

Following this lengthy discussion, Butz-Voss moved to approve Dr. Rood's development review application contingent upon the following conditions:

1) Prior to the issuance of the building permit, the applicant must submit a landscaping and screening plan for review and approval by the Planning Commission.

2) The building inspector must be provided with a letter from Dr. Eckstein indicating that the ground water well on site will be sufficient to provide a potable water supply to the building for the intended uses as a medical facility and further that upon any additional tenant utilizing the balance of the space, that they obtain a letter from Dr. Eckstein indicating sufficient ground water on site to support any additional use they make of the building.

3) The ingress and egress of the site, which is presently indicated to be on the southerly boundary of the property, be approved by the South Russell Village Police Chief and that a letter be provided by the Police Chief to the building Inspector before a building permit is issued.

4) The Building Inspector be provided with written verification from Geauga County that a sanitary sewer connection is available to the site.

Cotesworth 2nd. Roll call, all ayes.

Markowitz stated Snavelly has not yet provided the Village with a mud bond for Reserve of Whitetail II. Markowitz stated he will send another letter requesting they comply with the Village regulations.

Markowitz also stated the grading on Sublots 8, 9, and 10, Emerald Lake II has not been completed. This item was previously discussed with Mr. Simon, he is aware it must

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be completed. Markowitz stated he will write another letter to Mr. Simon stating this must be completed or the Village will be forced to draw on the Maintenance Bond Letter of Credit to complete the work.

There being no further business, Cotesworth moved to adjourn, Butz-Voss 2nd. Roll call, all ayes.

Walter H. Sutliff, II, Chairman



Cathy Male, Secretary

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PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 16148

Held

MARCH 4, 1996

19

MEMBERS PRESENT: YOUNG, COTESWORTH, SUTLIFF

OTHER OFFICIALS: D. ONDREY, T. VOLDRICH, D. HOCEVAR

GUESTS: L. LECHMAN, F. & B. JENSEN, J. NOSOL, T. HLAVIN, P. SNAVELY, B. PORTER

Meeting was called to order at 7:30 p.m. Roll call, Butz-Voss was absent.

Chairman Sutliff asked for any additions or corrections to the January 4, 1996. There being no corrections, Young moved to approve the minutes as recorded, Sutliff 2nd. Roll call, ayes, Young and Sutliff, abstained, Cotesworth.

Chairman Sutliff called the Public Hearing to order at 7:45 P.M. Secretary read the public notice, published in the Geauga Edition of the Plain Dealer on February 23, 1996. Sutliff stated the application being heard is from Mr. Paul Snavely, 1617 Bell Road, requesting a variance from the maximum allowable height regulation for a proposed accessory structure to be constructed behind his home at the above address. Solicitor Ondrey stated any individual wishing to speak at the hearing needed to be sworn-in. Solicitor swore-in all wishing to speak at the hearing.

#4
Mr. Paul Snavely stated he has already been before the Zoning Board of Appeals, requesting a variance for the square footage of this accessory structure and was turned down. What he would like to do now is to make the structure smaller in size, but he will still need a height variance. He is currently asking for a four foot height variance for a building that exceeds the maximum allowable height. Snavely stated he will be redrawing the plans to show a building with the correct square footage, but it will exceed the height maximum of 15 feet, by how much, he does not know.

Chairman Sutliff asked if there was anyone present wishing to make a statement regarding this application.

Barb Jensen, 1607 Bell Road, stated she did not agree that to improve the aesthetics, the building must be taller than the maximum of 15 feet.

The Commission reviewed the site plan and the proposed structure.

Fred Jensen, 1607 Bell Road, stated he objects to the variance and has letters from three neighbors stating their objection to this proposal. Mr. Jensen stated he objects to the size and height of the proposed building.

#9
Building Inspector Hocesvar stated this plan has gone before the ZBA for the square footage, no formal action was taken. The ZBA agreed to meet on March 12, 1996, in hopes of the applicant and neighbors being able to come up with a compromise.

Mr. Tom Hlavin, 1204 Bell Road, stated he has a barn on his property, which is about 28 feet high, and he

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feels it is an aesthetically pleasing addition to his property. He also feels that the structure provides wonderful storage for items that would be unsightly if left out for everyone to look at.

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

Chairman Sutliff called the regular meeting to order at 7:46 P.M.

Chairman Sutliff asked for any discussion on the variance request of Mr. Snavelly. Cotesworth stated she did not see sufficient hardship and felt the accessory structure should fall within all zoning regulations. Chairman Sutliff stated he felt that as long as Mr. Snavelly is willing to stay within the 1,000 square foot requirement, he would like the ABR to rule on the height, if it needs a roof line that puts it above the 15 feet to be aesthetically pleasing, that would be alright with him and he would appreciate the ABR's input.

Following a brief discussion, the Commission asked Mr. Snavelly to present revised drawings, showing the accessory structure to be 1,000 square feet at the next meeting for their review. Mr. Snavelly agreed to submit a new set of drawings.

Solicitor stated he feels it will be important for the applicant to resubmit a new set of drawings however the Planning Commission must make a decision on the plan presented and not on what the ABR might recommend.

Mr. Snavelly stated he would be back at the next meeting with a new set of plans showing the accessory structure being no larger than 1,000 square feet.

Commission agreed they must set a new date for the April meeting. Following a brief discussion, Commission agreed to meet Thursday, April 11, 1996 at 7:30 P.M.

Bill Porter, Snavelly Bldg. Co., stated he is before the Commission with a landscaping plan for the entrance to Reserve of Whitetail between Emerald Lake III and Reserve of Whitetail I. Porter presented plans showing fencing, stonework, lighting and landscaping. Porter stated the sign will be exactly the same as found at the eastern entrance. Following a review and brief discussion, Commission agreed that the plan was a good plan and they did not have any objections. Cotesworth moved to approve the plan as presented, Young 2nd. Roll call, all ayes.

Bill Porter, Snavelly Bldg. Co., stated he is presenting a request to build a home at 528 Manorbrook Drive which will be 1.61 feet over the 33 foot maximum. The reason there is excess height is due to the slope of the land and the walk out basement.

The Commission reviewed the plan presented. Following a brief discussion, Young moved to approve the height of the home proposed for 528 Manorbrook Drive, Cotesworth 2nd. Roll call, all ayes.

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Held

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Mr. Tom Hlavin, 1360 Bell Road, stated he is before the Commission resubmitting their plan for a minor lot split application. Mr. Hlavin stated he has a parcel of land that contains his home, accessory structures and a pool that is a total of eight acres. Hlavin stated he would like to divide the property into three parcels. Mr. Hlavin presented his plan and the Commission reviewed it.

Mr. Hlavin stated he has received approval from the County for two additional septic systems.

Commission discussed the possible problems with placing driveways on Bell Road. Commission agreed to ask the Police Chief to look at this location and determine if there are any safety issues regarding the placement of any new driveways.

Building Inspector Hocevar stated there is one more issue that needs to be dealt with and that is the fact that the square footage of the accessory structures exceeds what is allowed by the Code, if lot #1 remains the same size as the plan proposes. Solicitor stated he would review this issue and determine whether or not it would be a problem.

Following a lengthy discussion, Commission stated they would like to have input from the Village Engineer, Village Solicitor and Police Chief regarding this proposed minor lot split. Mr. Hlavin stated he had no objection to that and would plan on attending the next meeting in April.

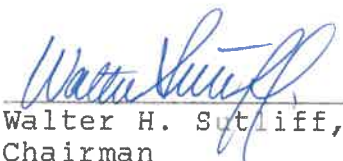
Chairman Sutliff stated they have the landscaping plans for Dr. Mark Rood's medical offices, which at the last meeting, Commission stated they wanted to review. Commission reviewed the plans. Bldg. Inspector Hocevar stated the Police Chief signed off on the driveway location and they have not yet received an OK from Dr. Eckstein, Village Hydrologist. Following review, Commission agreed to send the plans onto Knight and Stollar for their review.

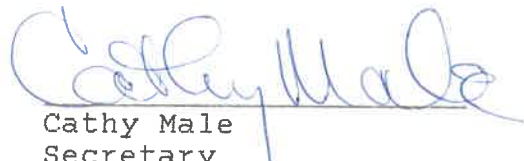
Dave Hocevar, Building Inspector, stated in Emerald Lake II, S/L# 8, 9, and 10, the grading plans have not been implemented. As of this date, the grading has not been completed. Commission stated they feel this work must be completed. Also, the Trust and Agency accounts for Mr. Simon are down and he has not acknowledged any of the letters they have sent, requesting funds. Dave Ondrey stated he thinks Dale Markowitz is in the process of writing Mr. Simon.

Commission asked if there had been any requests to open the borrow pit. Hocevar stated he has not, Simon has told him he does not plan on requesting any soil be taken from the borrow pit.

Eng. Voldrich stated Simon's letter of credit for the spur roads comes up April 15, 1996. Voldrich stated due to some punch items left, it will be necessary for Mr. Simon to request an extension.

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


Walter H. Sutliff, III
Chairman


Cathy Male
Secretary

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held _____ 19____

RECORD OF PROCEEDINGS

009

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

APRIL 11, 1996

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MEMBERS PRESENT: Butz-Voss, Butch, Young, Sutliff, Cotesworth

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: T. Hlavin, P. Snavely, B. Porter, J. Nosol, F. & B. Jensen, R. Gilbert, D. Gilbert, B. Neilson

Meeting was called to order by Chairman Sutliff at 7:30 p.m. Roll call, all members were present.

Sutliff asked if there were any additions or corrections to the March minutes. Sutliff stated there was a contradiction between paragraph #4 and #9 regarding the variance application of Paul Snavely, and the action that was taken. Paul Snavely stated in paragraph #4 that the ZBA denied his variance request, while in paragraph #9 Dave Hocevar stated there was no action taken. Due to the Secretary's absence, Commission agreed to hold any action on the minutes until the Secretary's return and further clarification can be made.

Mayor Young introduced the new member to the Planning Commission, RICHARD BUTCH, filling the vacancy made by the retirement of Charles Daniels. Young stated Mr. Butch has previously served on the Zoning Board of Appeals and he feels will be a wonderful addition to the Commission.

PAUL SNAVELY, 1617 BELL ROAD, stated he is before the Commission to present a revised plan for his proposed accessory structure and request a variance for the height of the structure. Dave Hocevar, Building Inspector, stated what Mr. Snavely was going to submit was a plan, down sizing the building so it would conform to the maximum square footage requirement of the zoning regulations, however it would still need a height variance.

Mr. Hocevar stated the plan presented still exceeds the maximum square footage allowed by the Code, which is 1,000 square feet. Hocevar stated the total square footage for the building as presented is 1,243.7 square feet. Hocevar stated he does not think Mr. Snavely counted the front porch in his total square footage figures. Hocevar stated he is counting the front porch area in the total square footage because the front porch has footers and a roof over it. Mr. Snavely stated he disagreed with the total square footage figure determined by Mr. Hocevar. Hocevar asked the Village Solicitor to determine if his calculations were correct. Solicitor Markowitz reviewed the Zoning Code and stated it was his interpretation that the front overhang is part of the exterior face of the structure so the area underneath should be considered part of the total floor area. Mr. Snavely stated he disagreed with this interpretation.

Mr. Hocevar stated the plan as presented shows an accessory structure of 19' 5" tall, 4'5" taller than what is allowed.

Held

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Mr. Sutliff stated he does not feel the Commission can take any action on the height variance due to the fact that the size of the building exceeds what the Code allows.

Markowitz stated because the plan does not show a conforming building, the Commission can not grant the height variance. Following a brief discussion, Cotesworth moved to deny the variance request on the grounds that the plan submitted does not show a building that conforms to the maximum allowable floor area, therefore the request for a variance from the maximum height regulation is denied, Young 2nd. Roll call, ayes, Sutliff, Young, Cotesworth; abstained, Butz-Voss, Butch.

MR. TOM HLAVIN, 1204 BELL ROAD, stated he is back before the Commission with his request for a minor lot split. Mr. Sutliff stated there was a question from the last meeting regarding the accessory structures that would be on lot #1, whether they would exceed the allowed square footage for the lot. Markowitz stated if the property was divided as proposed, the accessory structures square footage would exceed what was allowed by Code on lot #1. Commission discussed the necessity for Mr. Hlavin to go before the ZBA, to get a variance granted regarding this issue. Commission discussed these issues at great length. Following this lengthy discussion, Butz-Voss moved to defer ruling on the request for minor subdivision plat approval for Patricia Hlavin, for sublots #1, #2, and #3, pending application and approval of a variance obtainable from the Zoning Board of Appeals to permit the existing barn and shed that will be retained on subplot #1, which will exceed the maximum size of the accessory structures that would be permitted on the resulting subplot #1 and until such time a variance can be obtained for the two accessory structures, the Planning Commission will defer any ruling on the application for a minor subdivision plat, Cotesworth 2nd. Roll call, all ayes.

MR. DAVE HOLZHEIMER, stated he is before the Commission to informally discuss the idea of developing the Mezi Lumber property, located across the street from and a little south of the the Village Hall, on Chillicothe Road. Holzheimer stated he moved his architectural office to South Russell in 1984, sharing space with his brother at an office located at 1240 Bell Road. That space was approximately 1,500 square feet. They outgrew that space and then moved to Bainbridge into a 2,500 square foot space. They are quickly outgrowing that space and are looking for land where he can build a larger space. The Mezi Lumber property is 5.3 acres, currently zoned residential. Mr. Holzheimer stated he is looking to possibly rezone that piece of land to business use and would like to get a sense from Planning Commission as far as what they would think of this possibility. Holzheimer stated the use he would like to have is something like professional offices, perhaps some medical use, however there would not be any commercial type use. Mr. Holzheimer stated he is not sure how he would develop this property, however he would like to have approximately 10 to 15,000 square feet of building. Holzheimer stated he is not sure whether he would have one building or divided up into a couple of buildings. Commission discussed this proposal, agreed they did not like spot zoning however this might be a good compromise for limited offices, which would provide a good buffer between residential and commercial zoning. Mayor Young stated he does not like to rezone any of the land in South Russell unless it can be demonstrated that there is a significant value to the Village residents, i.e. tax revenue, better use

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of the land, etc. Young stated he will have to be convinced that there will be a benefit to the Village before he votes to rezone.

Mr. Holzheimer thanked the Commission for their input and he will take this information and go back and try to make a decision on whether or not to request that this property be rezoned.

Markowitz stated the letter of credit for Emerald Lake II has been extended to July 15, 1996 and it is for \$5,000 and it covers the remainder of the punch list items for the spur roads. Markowitz stated he has a punch list from the Village Engineer, dated 3-20-96, with 10 items listed. The items cover re-grading, seeding, inlet basins, erosion control, removing debris, etc.


Markowitz stated the issue of the re-grading of sublots #8, #9 and #10 has not been resolved as of this date. Commission discussed this issue at length and agreed Markowitz should try and contact Mr. Simon and schedule a meeting with the Village Engineer, Zoning Inspector, Mayor and Village Solicitor to try and finally resolve this issue.

Dave Hocevar stated all three subdivisions, Emerald Lake, Reserve of Whitetail and Fox Run, have negative balances in their development accounts. Hocevar gave the Solicitor an accounting for all three developments. Markowitz reviewed the accounting and stated he would write all three developers, requesting them to bring all accounts current.

Chairman Sutliff asked the Village Engineer about the issues in Fox Run that have been brought to the Villages attention by the Homeowner's Association, in a letter dated 2-28-96. Engineer stated one of the biggest issues in Fox Run are the trees. Knight and Stollar did an inspection in October, 1995, and there were 17 trees needing replacement. Engineer stated after speaking with the neighbors, he thinks that number has increased to 20. In addition to the trees, there is need of curb repairs in several areas. Mayor stated it is important to understand that the Village has a maintenance bond that lasts four years, long enough to make sure all these items are taken care of. Sutliff asked about the issue of the the gazebo, mentioned in the residents letter. Markowitz stated the gazebo is not within the right of way, therefore all repairs to the gazebo will be the responsibility of the homeowner's association. Engineer stated he is putting together a punch list of the items to be taken care of and this will be sent on to Mr. Carl Milstein, developer of Fox Run.

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

Walter H. Sutliff, Chairman


Cathy Male, Secretary

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held _____ 19____

RECORD OF PROCEEDINGS

009

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

MAY 2, 1996

19

MEMBERS PRESENT: SUTLIFF, YOUNG, BUTCH, COTESWORTH,
BUTZ-VOSS

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH

GUESTS: D. HOLZHEIMER, D. MARINO

Chairman Sutliff called the meeting to order at 7:30 p.m. Roll call, all members were present.

Sutliff asked for any additions or corrections to the March 4, 1996 minutes. Secretary stated there was some question at the last meeting with these minutes, re: action taken on the Snavelly variance before the ZBA. Secretary stated the minutes are correct as recorded, Mr. Snavelly did make the statement that the ZBA denied his variance, when in fact they did not take any action. The minutes record Mr. Snavelly's statement as he stated it, however, it was an incorrect statement. There being no further additions or corrections, Young moved to approve them as recorded, Sutliff 2nd. Roll call, Young, Sutliff, Butz-Voss, ayes; Butch, abstained.

Sutliff asked for any additions or corrections to the April 11, 1996 minutes. Butz-Voss moved to approve the minutes as recorded, Sutliff 2nd. Roll call, all ayes.

MR. DENIS MARINO, stated he is before the Commission to informally discuss the development of the Mezi Lumber property located on Rte. 306, south of the shopping center, on the west side of the road. Mr. Marino stated what he would like to propose is a multi-family development, with approximately six units to the acre. This parcel is about 5.25 acres and he anticipates between 25 to 30 units. Mr. Marino stated he feels there is a need for this type of development and it would be a better use for the Village than a commercial development. The price range would be between \$150,000 to \$175,000.

Mr. Marino stated what he is looking for from the Commission at this time, is some indication on whether or not he should proceed with more detailed drawings and whether or not the Village would be receptive to this type of development.

Chairman Sutliff stated as far as he was concerned, the Village has been very clear on the density regulations and this a dramatic change from the current regulations of one unit per acre and he feels the Village will not be supportive to the idea.

Mayor Young stated he does not feel he can support this proposal, he objects to any development that does not follow the one acre zoning. Young stated he does not feel the Village as a whole would ever support a development like this and he feels Mr. Marino would be wasting his time if he were to pursue this development.

Mr. Marino thanked the Commission for their time.

Held

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MR. DAVID HOLZHEIMER, stated he is back before the Commission to further discuss his proposal for the same piece of property, the Mezi Lumber property. Mr. Holzheimer stated he spoke with the Commission at the last meeting regarding a proposal to develop this property into a cluster office building development. Mr. Holzheimer presented a sketch showing four single story buildings, each 4,000 square feet, with one entrance drive. Holzheimer explained this plan is preliminary but shows what he is proposing. Holzheimer stated he would like to rezone this property to something similar to the B-4, limited business zoning.

Commission reviewed the plan presented by Mr. Holzheimer. Mr. Holzheimer stated his goal would be to keep as much green space as possible.

Mr. Holzheimer asked the Commission for their input on this proposed development. Mrs. Butz-Voss stated she is not in favor of rezoning. Mrs. Cotesworth stated she agreed and is not comfortable with changing zoning from residential to commercial. Cotesworth stated another issue that she is concerned with is if this is rezoned, the surrounding property owners will come in and request rezoning for their property.

Mr. Holzheimer stated he feels he has a sense of where the Commission stands on this request and he thanked them for their time.

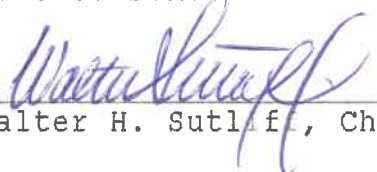
Chairman Sutliff stated the letter he received from Dr. Mark Rood requesting extra parking space from the Village on a short term basis, while his new building is being built, should Planning Commission take any action on this request. Mayor Young stated this issue is one that needs to be acted on by the Council, not the Commission.

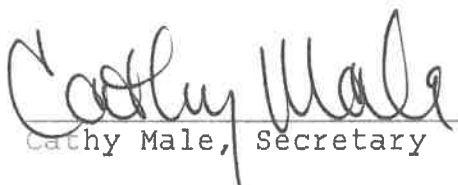
Secretary asked the Solicitor if Dr. Rood needed to come back before the Commission when he had decided how the remaining space in his building would be used? Markowitz stated he would have to come back before the Commission for development review, so issues such as water, parking, etc. can be checked. Mayor stated he would contact Dave Hocevar and make sure Dr. Rood is reminded to come back before the Commission to review plans for the remaining space of his office building.

Commission reviewed a letter from Solicitor Markowitz, May 2, 1996, written to Sid Simon regarding the final grading of sublots #8, #9 and #10. Markowitz stated he feels the best solution to this situation is to allow Sid Simon to provide the dirt needed for the grading and the owner of the lots to do the grading. Markowitz stated Hocevar is to contact the owner of the lots and present this proposal.

Voldrich reported he reduced the maintenance bond of Reserve of Whitetail from \$75,000 to \$63,000. Also, Knight and Stollar will be going out to Fox Run to review the landscaping. Mayor Young stated the residents of Fox Run have requested a meeting with the Engineer and Mayor to try and resolve some of the landscaping issues.

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


Walter H. Sutliff, Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10145

Held

JUNE 6, 1996

19

MEMBERS PRESENT: COTESWORTH, YOUNG, SUTLIFF, BUTZ-VOSS,
BUTCH

OTHER OFFICIALS: T. VOLDRICH, D. MARKOWITZ, D. HOCEVAR

GUESTS: B. PORTER, P. SNAVELY,

Meeting was called to order at 7:30 p.m. Roll call, all members were present.

There being no additions or corrections to the May minutes, Butz-Voss moved to accept the minutes as recorded, Young, 2nd. Roll call, all ayes.

BILL PORTER, SNAVELY BUILDING CO., stated he is before the Commission to request a height variance for a proposed home to be built at 601 Doe Court, Reserve of Whitetail. Porter explained that due to the walkout basement, the home is 1.85 feet taller than what the Code allows. Porter explained the first floor ceiling height is nine feet and the second floor is eight feet.

Commission asked Building Inspector Hocesvar if he saw any problems with this proposal. Hocesvar stated he did not have any problems with the request.

There being no further discussion, Butz-Voss moved to approve the variance request to allow a home to be built at 601 Doe Court at a height of 34.85 feet, Cotesworth 2nd. Roll call, all ayes.

Village Engineer stated he recently inspected the Fox Run Subdivision in May and also had Knight and Stollar do a tree by tree inspection. From that, there was a comprehensive list made noting all areas needing attention or replacement. A letter was sent May 14, 1996 and a phone call was made to follow up at the end of May. Voldrich stated Milstein stated he had received the letter and he would be attending to all the matters on the punch lists. Voldrich stated no work had been done as of this date.

Voldrich reported that in Emerald Lake II, they are considering an extension on the letter of credit, it will expire on July 15, 1996. There is not much left to do on the remaining three spur roads, but what there is left to be done will probably not be completed by that date. Following brief discussion, Commission agreed to have the Solicitor send a letter asking Mr. Simon if he want the letter extended or if the work will be completed.

Voldrich stated the situation with S/L #8, #9, and #10 remains the same. Markowitz stated the deal that they think has been worked out is Simon has offered to provide all the fill dirt if the lot owner will clear the trees and grade it. As of this date, no work has been done.

Voldrich stated the borrow pit area is stable, however the Commission should consider what they feel will

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be necessary to close this area permanently. Voldrich stated he questioned whether or not there should be a fence, due the fact that the pit area is under an acre in size. Voldrich stated he feels there might be a safety issue, due to the fact that the bottom of the pit is all silt and should a small child decide to walk into the pit, the situation might be very serious with a child being caught in the silt, the silt is like quick-sand.

PAUL SNAVELY, 1617 BELL ROAD, stated he is before the Commission to clarify what action was taken at the last meeting when he submitted his variance application, for an accessory structure. Mr. Snavely stated he did not realize his application was denied, he thought he would be able to revise and resubmit his application. Snavely stated the building department informed him he had to start again with a new application, if he changed his plan. Mr. Hocesvar explained that the Commission did deny the last application and Mr. Snavely has submitted a new plan that does not fall within the zoning regulations. Mr. Markowitz stated if it is a new plan, Mr. Snavely must submit a new application.

Commission, Mr. Snavely and Building Inspector Hocesvar reviewed how the square footage of an accessory structure is figured.

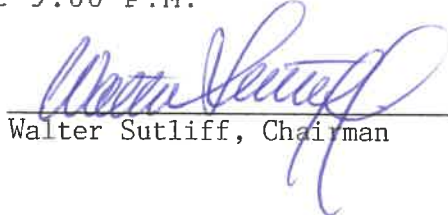

Mr. Snavely asked if he was able to make the structure the correct square footage but it would still be higher than what is allowed, would that plan have a chance to be approved. Mayor and Cotesworth stated they would not vote in favor of a plan that had a structure higher than 15 feet.

Mr. Snavely stated he would go back and try and redesign a structure that falls within the spirit of the Code.

Markowitz stated he has given the Commission copies of recently written FCC regulations for satellite dishes which basically state the Village will not have any regulations on dishes 2 meters in size or less. Markowitz stated what the Village will have to do if they want to continue to regulate the larger dishes, is amend the Zoning Code and state why we think we should be able to regulate any dish larger than 2 meters, and give specific guidelines on setback, height and yard regulations and do it in such a way where we will not be prohibiting them from any district, just providing guidelines. Commission stated they would wait to take any action on this matter.

Secretary stated the Zoning Code and Subdivision Regulations need to be updated, all recently adopted amendments need to be included. Secretary asked if the Commission would be willing to recommend to Council that the Solicitor's office be asked to update both the Code and Regulations and have them bound in a three ring binder so it will be easier in the future to add any new amendments. Secretary also reported the application forms need revision. Following brief discussion, agreed to recommend to Council that the Subdivision Regulations and Zoning Code be updated by the Solicitor's office.

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


Walter Sutliff, Chairman
Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held AUGUST 8, 1996 19

MEMBERS PRESENT: YOUNG, SUTLIFF, BUTZ-VOSS, BUTCH

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: D. LANUM, M. BEDI, B. PORTER

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

There being no additions or corrections to the June minutes, Butch moved to approve the minutes as recorded, Butz-Voss 2nd. Roll call, all ayes.

DONNA LANUM, REPRESENTING DR. BEDI, presented plans and a development review application for a veterinary clinic being proposed for 1184 BELL ROAD (HOLZHEIMER'S PROPERTY). Ms. Lanum stated the clinic would have one veterinarian and two additional employees. There would be a minimal amount of increased traffic, Dr. Bedi will see patients on an appointment basis. Ms. Lanum stated the exterior of the building would remain the same and there is no plan to increase the size of the building at this time. Lanum stated there would be no outdoor kennels built, all animals will remain in the building.

Solicitor Markowitz stated this proposed plan is a permitted use within the B-2 district. Markowitz asked if there is sufficient parking. Ms. Lanum stated there is plenty of parking, there is a lot in front and a larger one in the rear. Dave Hocevar stated there is sufficient parking.

Commission and applicant discussed the issue of water. Commission agreed that the number of employees and type of use is similar to the Holzheimer office, as far as water usage.

There being no further discussion, Butz-Voss moved to approve the development review application of Dr. Bedi, to operate a veterinary office at 1184 Bell Road, conditioned upon there being no boarding of any animal at the facility that is unrelated to being treated by a veterinary and further that there be no outside kennel runs, teathers or any other type of devices which could contain any type of animal on the outside of this building, and further conditioned upon that there be no change made to the structure without returning the the Planning Commission for approval, Butch 2nd. Roll call, all ayes.

BILL PORTER, RESERVE OF WHITETAIL SUBDIVISION II, stated he is before the Commission to request recommendation for dedication of phase II of the Reserve of Whitetail. Porter stated he is in a predicament and he in hopes the Village can work with him to resolve this problem. Porter explained they received a variance to build two homes, prior to dedication, with the stipulation there would be no

Held

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occupancy until dedication was granted. One of the homes has been sold and they anticipated getting dedication sometime in late spring or early summer. Due to the unfavorable weather this past spring, they have not been in the position to come before the Commission to request dedication. They are now in the situation where the homeowner needs to move in by the end of August and there are a few items that need to be completed, before dedication can be considered.

Eng. Voldrich stated the final list items includes trees that need to be replaced, curb repairs, final street cleaning, seeding and erosion control repairs, minor asphalt repairs, and the erosion problem within the CEI property.

Porter stated there is one tree that needed to be replaced, which has been done, Knight and Stolar has not been out to inspect this work. The curb repairs are probably the biggest issue, this work has not be completed. Final street cleaning and seeding and erosion control repairs and minor asphalt repairs can be done immediately. The erosion problem within the CEI property, phase 1, is scheduled to be completed at the end of August. Porter presented a preliminary plan showing the work to be done to correct the erosion problem.

Voldrich stated as far as the curbs, he inspected the road and has determined there are approximately 12 sections that need to be replaced. The total cost of the curb repairs will be approximately \$10,000 to \$ 12,000 and the other misc. items will total to about \$3,000, totalling to \$15,000.

Commission discussed the request for recommendation for dedication at great length. Following this discussion, Butch moved to recommend to Council acceptance of dedication of the improvements in the Reserve of Whitetail Run Subdivision II, specifically Reserve Trail and Doe Court conditioned upon the following:

1) The present punch list of the Village Engineer to replace certain curbs that have been damaged be completed by August 16, 1996 and that the maintenance bond provide an additional \$12,000 to cover the cost of those repairs and the remaining punch list items which are;

(A) Satisfaction of Knight and Stolar on the landscaping items, including seeding and tree maintenance in the right of way be completed by September 12, 1996;

(B) The minor repairs to the asphalt be completed by September 12, 1996;

(C) Final street cleaning be complete by September 12, 1996;

(D) The total bond amount covering the above three items is \$3,000 and both the amounts of \$12,000 and \$3,000 can be returned to the developer when the items are completed to the satisfaction of the village Engineer.

2) Outstanding fees owed to the Village in the amount of \$1,752.00 be paid to the Village by August 12, 1996 and all fees due to the Village in the future be paid in a timely basis by the developer.

3) The developer submit mechanic lien waivers from T.A. Hall Excavating Company and M. T. Impullitti and they be receive to the satisfaction of the Village Solicitor and the Zoning Inspector withhold occupancy permits until these are received.

RECORD OF PROCEEDINGS

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Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held _____ 19____


4) The maintenance bond be revised to cover the punch list items listed in Item #1 and that the maintenance bond and pledge agreement be executed by the developer, the Mayor and Security Federal Savings and Loan verifying that the funds are on deposit, Young 2nd. Roll call, all ayes.

Markowitz stated he has reviewed the issue of the Borrow Pit, Emerald Lake II. Markowitz stated he feels it could be considered a potential hazard and the Village should consider taking some action to eliminate this hazard. Mayor asked the Solicitor to write Mr. Simon a letter stating the Village is aware of this potential hazard and request he take the necessary action to eliminate the borrow pit or barricade the area. Markowitz stated he would send the letter.

Secretary stated the Solicitor has a conflict with our regular meeting date, the first Thursday of every month, and suggested the Commission change their meetings to the second Thursday. Following a brief discussion, Butz-Voss moved to change the Planning Commission meeting to the second Thursday of each month, Young 2nd. Roll call, all ayes. Secretary stated she would notify the press and Council of this change.

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


Wally Sutliff, Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

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Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held _____ 19____

RECORD OF PROCEEDINGS
PLANNING COMMISSION MEETING

SEPTEMBER 12, 1996

7:30 P.M.

MEMBERS PRESENT: Sutliff, Butz-Voss, Butch, Young

OTHER OFFICIALS: D. Markowitz, D. Hocesvar, T. Voldrich

GUESTS: M. Rood, L. Leachman

Meeting was called to order by Chairman Sutliff. Roll call, Cotesworth was absent. Commission agreed not to act on the minutes of the August meeting and defer the approval of the minutes until the next meeting.

Chairman Sutliff stated the first item on the agenda is Dr. Mark Rood requesting development review approval for the radiology firm of Drs. Hill and Thomas to occupy the remaining space in his medical office building currently under construction at 5606 Chillicothe Road. Sutliff explained Hill and Thomas is one of his biggest clients in his construction company, in fact they will be doing the finish work at this very site, and because of this connection, Sutliff stated he feels it is necessary to abstain from this discussion. Following a brief discussion, Butz-Voss moved to appoint Rick Butch as Chairman-Protem, Young 2nd. Roll call, all ayes.

Dr. Rood stated in addition to requesting the development review approval for Drs. Hill and Thomas, he is before the Commission to request a change in the parking lot size by increasing it by seven spaces along with adding an additional driveway. Rood stated he has already given this plan to Chief Laderer for his review and he has since provided a written approval of this plan. In fact, the Chief stated this revised plan is a better plan than the original parking plan presented. Commission discussed the revised access plan and increased parking spaces. Dr. Rood stated the revised plan shows the south access would be for the entrance and the north access would be for exit. Dr. Rood stated he is also showing an additional seven parking spaces making a total of 28 spaces. Commission discussed and agreed that having two driveways will provide easier access and safer entrance and exit than having one driveway. Commission discussed the need for signage for these two driveways. Commission agreed that the Police Chief and Street Commissioner be consulted for their input on the placement and wording of any needed signs. Following further discussion, Young moved to approve the parking lot and

driveway plan presented by Dr. Rood for his medical facility, conditioned upon the north driveway being used for exit only with signage stating the right lane is for right turn only and the left lane for left turn only, in addition to a sign stating the people turning to the north must yield to the daycare traffic and the south driveway being used for entrance only, with the condition that appropriate signage being provided as deemed necessary by the Police Chief and Streets Commissioner, Butz-Voss 2nd. Roll call, ayes, Butz-Voss, Young, Butch; abstained, Sutliff

Dr. Rood stated he is also before the Commission to request permission for Dr. Hill and Thomas to occupy the vacant space, approximately 1,200 square feet, in his building. Dr. Rood stated this radiology firm is considered one of the best in the area and he feels very fortunate to have them come into the area. The services that will be provided by Hill and Thomas will be diagnostic radiology services, mamography, ultra-sound and bone densitometry, which is a service not available in Geauga County at all.

Dr. Rood stated they have received approval from Dr. Eckstein, stating there is sufficient water for his entire building, however as far as asking for the specific use of a radiology office, he has not requested that specific use. Rood stated he did not feel this use would be a drastic change in what he originally asked. Hocevar stated he received the letter from Dr. Eckstein stating there is sufficient water, and he believes he was approving it based on the entire building. Hocevar presented a copy of Dr. Eckstein's letter and Markowitz reviewed it and stated Dr. Eckstein reports that all the tests showed there is sufficient water for the proposed medical facility. Markowitz stated when this letter was written, the plan did not include the radiology facility. Commission discussed this issue at length. It was decided that the Village would need the EPA to provide a letter verifying that there is sufficient ground water for the entire building, including the new tenants or alternatively a letter from Dr. Eckstein verifying the same

Dr. Rood stated he has approval from the EPA for this project. however he is being required to cap the test well that is on his property and he must drill a new well under specific guidelines. Dr. Rood presented the Commission with a letter from the EPA stating there is sufficient water for the entire facility. Commission and Markowitz reviewed the EPA letter and agreed it has been proven there is sufficient water for the entire medical building facility.

There being no further discussion, Butz-Voss moved to approve the development review application authorizing the occupancy of Hill and Thomas to the South Russell Medical Office Building based on the proof of sufficient water given by the Ohio EPA, Young 2nd. Roll call; ayes, Young, Butz-Voss, Butch; abstain, Sutliff.

Chairman Pro-tem Butch turned the meeting back over to Mr. Sutliff.

Chairman Sutliff asked for any old business. Markowitz stated the following items are left on the punch list of Reserve of Whitetail Run II; seeding, asphalt repair, tree

maintenance and final street cleaning. Engineer Voldrich stated he can not comment as to whether these items have been completed but he will find out.

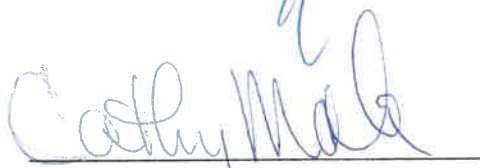
Markowitz stated another item of old business is the Emerald Lake borrow pit. Markowitz stated he has sent a letter asking that Simon take steps to fill in the retention ^{basin} basis and seed and put in more top soil in the areas that were bare. Markowitz stated he has spoken with Larry Butler and he stated they were not planning on using the borrow pit and had already ordered that the seeding and top soil work to be done. Hocevar stated as of Friday, they were grading it out and the landscaper stated they would be seeding it when finished. Hocevar stated they also had the fencing material to fence in the retention basin on site.

Markowitz stated the bond on the the three spur roads, Sorrelwood, Holly and Chestnut was extended but runs out September 30, 1996. Markowitz asked the Village Engineer if all the work had been completed on these spur roads. Voldrich stated most of the work has been completed except some minor modifications with swails and ditches on some of the lots. Markowitz stated the letter of credit will expire September 30th and should they reduce it, extend it or what? Voldrich stated he felt it should be extended but not reduced. Following a brief discussion, Young moved to extend the Letter of Credit until November 30, 1996, for Sorrelwood, Holly Lane and Chestnut Lane, Butz-Voss 2nd. Roll call, all ayes.

Swales

There being no further business, meeting adjourned at 8:55 P. M.


Walter Sutliff, Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS
MINUTES OF PLANNING COMMISSION MEETING
NOVEMBER 18, 1996

MEMBERS PRESENT: Butz-Voss, Cotesworth, Butch, Sutliff, Young

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: B. Porter

Meeting was called to order at 8:30 P.M. Roll call, all members were present. Chairman Sutliff asked for comments on the August 8th minutes. Markowitz made the following corrections: page 013, 6th paragraph, third last line, should read "upon there being"; next line should read "without returning to the"; 7th paragraph, 4th last line should read "he hopes"; page 014, first paragraph, should read "final punch list items include"; page 017, first paragraph, 4th line should read "Mayor, and Security Federal Savings and Loan who shall verify". Chairman Sutliff made the following corrections: page 014, last paragraph, third line should read "they should be received to the satisfaction of the Village Solicitor and the Zoning Inspector shall withhold..". There being no further corrections, Butz-Voss moved to approve the minutes as amended, Cotesworth 2nd. Roll call, all ayes.

Chairman Sutliff asked for any amendments to the September minutes. Markowitz made the following corrections: third page, first paragraph, third line basis should be corrected to read "basin"; fifth line should read "work be done"; 2nd paragraph, forth line, "swails" should be corrected to "swales". There being no further corrections, Cotesworth moved to approve the minutes as amended, Butz-Voss 2nd. Roll call, all ayes.

Bill Porter, Snavelly Building Co., stated he was before the Commission to request permission to construct a home at 403 Reserve Tr Porter explained that the home as drawn exceeds the maximum height allowed by the Zoning Code of thirty feet. The average height of the home as figured by the Building Department is approximately 37 feet and this is due to the topography as well as a walk out basement. Commission reviewed the plans. Markowitz stated because the height exceeds 35 feet Mr. Porter will have to go through the variance process. Commission advised Mr. Porter he would have to file a variance application, make the proper deposit and the meeting will have to be advertised. Secretary stated the date of the

meeting could be in December if the proper paperwork is filed within the next week. Mr. Porter stated he would get the paperwork submitted as soon as possible.

Mr. Dragen Sugar stated he is before the Commission to informally discuss the development of the five acre parcel on Rte. 306, south of the shopping center, known as the Mezi Lumber property. Mr. Sugar stated he currently is in the automotive brake and tire business and what he would like to build on this property is a tire and brake service center. Markowitz stated this parcel is currently zoned residential and would not allow this type of development without rezoning. Commission briefly discussed this proposal and stated that they would not be in favor of any rezoning of this type. Mr. Markowitz stated there have been several different proposals made to the Commission for this property which would require rezoning and the Commission has stated they are not willing to rezone this property. Mr. Sugar thanked the Commission for their time.

Mayor Young stated he is concerned about an issue regarding the final as-built approval process and a problem the Building Department is having in Emerald Lake. Mayor stated there is a situation where a home is completed, the owners have moved in and the final as-built has not been approved by the Village Engineer. The grading around home is not correct and they are having trouble getting the proper grading completed. Solicitor Markowitz stated as the regulations are written, the Village is not supposed to give any occupancy permits until the final as-built is approved. Building Inspector Hocesvar stated the past policy of the Village was to grant temporary occupancy permits until the corrected and approved as-builts are submitted. Commission discussed this issue at length and agreed to discuss further at the next meeting.

Commission discussed **Mr. Sid Simon and the Emerald Lake Development** and agreed that Engineer Voldrich would contact Mr. Simon by letter regarding outstanding issues with Alderwood Trail failures and the raised manhole cover located on one of the spur roads.

Commission asked Solicitor Markowitz to contact Mr. Simon regarding his past due accounts with the Village.

Engineer Voldrich presented a plan to enclose a drainage area in Emerald Lake III that is being proposed by Sid Simon which will allow S/L # to be built upon. Engineer stated his office has approved the plan conditioned upon getting sufficient as-built information for the proposed home. Mayor Young stated he is concerned with making sure the excavator doing the work does it correctly and to all the Village requirements. Young stated he would want a bond submitted to make sure the work is done correctly. Commission agreed putting in the culvert will enhance the property as long as it is done correctly.

Solicitor Markowitz stated he has been contacted by David Joyce, Geauga County Prosecutor, who is asking whether or not the Village has any interest in participating in an idea he has for the townships and South Russell along the Rte. 306 corridor to group together to hire a land use planner who would look at, on a comprehensive regional basis, a land use plan. The idea would be to get Chester, Russell, South Russell, Bainbridge, Auburn and Newbury to work together. The idea would not be to all have the same zoning but to hire one planner, who would hopefully be able to coordinate some things through zoning as well as trying to deal with traffic and infrastructure problems that the townships and villages might face. Commission discussed this idea and asked the Solicitor to let him know they are interested and would like to have more information.

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

Walter H. Sutliff, II

Cathy Male, Secretary

RECORD OF PROCEEDINGS
MINUTES OF PLANNING COMMISSION MEETING

JANUARY 7, 1997

MEMBERS PRESENT: Cotesworth, Butz-Voss, Young, Sutliff

OTHER OFFICIALS: Dave Hocesvar, Dave Ondrey, Ned Foley

GUESTS: S. Ciceretto, B. Althans, J. Althans

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

Mayor Young announced that Tom Voldrich has stepped down as Village Engineer and Mr. Ned Foley, who is present tonight, will be filling his shoes. Young stated Mr. Foley works for CT Consultants and has experience with road programs in other municipalities and will be an excellent replacement of Tom Voldrich.

Chairman Sutliff asked for additions or corrections to the November 18, 1997 minutes. Following the correction of several typographical errors, Butz-Voss moved to approve the minutes as corrected, Cotesworth 2nd. Roll call, all ayes.

Mr. Steve Ciceretto, architect representing Althans Insurance Company, stated he is before the Commission to informally discuss the possibility of expanding their office building located at 543 East Washington. Mr. Ciceretto stated what the Althans would like to do is add 3,000 square feet to the rear. This addition will fall within the maximum allowable lot coverage. As far as parking, they will need an additional 8 spaces. They believe they will request to "land bank" 5 spaces, spaces which could be put in the front of the building but if they do not need the additional spaces, they would prefer to leave the green space.

Mr. Ciceretto presented a preliminary plan illustrating what they are proposing. Commission discussed the plan at length. Mayor stated if they need to land bank any parking spaces, they would have to go before the Zoning Board of Appeals and request a variance. Commission discussed and explained the Development Review process, application to be filed and deposits required to be made.

Mr. Ciceretto stated they would finalize plans and file the application and deposits. Mr. Ciceretto and the Althans thanked the Commission for their time.

Dave Hocevar stated there is some concern being stated regarding the neon sign at Hunans. Hocevar asked if the Commission felt it was necessary to possibly look into some anti-neon legislation. Mr. Ondrey stated he would pass this along to Mr. Markowitz for his review.

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

Walter H. Sutliff, Chairman

Cathy Male, Secretary

corrected

RECORD OF PROCEEDINGS
MINUTES OF PLANNING COMMISSION MEETING

FEBRUARY 13, 1997

MEMBERS PRESENT: Cotesworth, Butz-Voss, Young, Sutliff, Butch

OTHER OFFICIALS: Dave Hocesvar, Dave Ondrey, Tom Voldrich

GUESTS: Bill Porter, John Althans, Buzz Althans, Steve Cicerretto, Larry Butler

Meeting was called to order by Chairman Sutliff at 7:35 p.m. Roll call, all members were present. Butz-Voss asked that the Commission delay action on the January minutes until the next meeting. Commission agreed.

Bill Porter, Snavely Building Co., presented a development review application for subplot #37, 403 Reserve Trail, for a height variance. Porter stated the average height of this proposed home is 35 feet and he is asking the Planning Commission to approve this variance request. Porter explained that there is a walk out basement, which increases the average height of the home. Dave Hocesvar, Building Inspector, stated he has no problem with this plan. Following a brief discussion, Cotesworth moved to approve the development review application for 403 Reserve Trail, allowing the construction of a home with the average height being 35 feet, Butz-Voss 2nd. Roll call, all ayes.

Steve Cicerretto, architect for Althans Insurance, 543 East Washington Street, stated he is before the Commission requesting action on the plans for a rear addition to their office building that were informally discussed at the last meeting. Cicerretto stated at the last meeting they spoke of 5 parking places that they could place in the front but would prefer to put in the rear, in order to maintain as much green space in the front as possible. However, in order for the parking to fit in the back, they would need a side yard setback variance. The side yard that is involved would be one which abuts Braun-Prenosil property. Cicerretto stated they have spoken with Damon Braun and he would not have any objection to this variance. The Commission discussed the layout of the parking in the rear of the property. Commission explained the procedure for requesting a variance.

John Althans stated they are adding onto their building because they need additional office space, storage space and machinery space. Cicerretto stated they have sufficient number of parking spaces, it is just a matter of how they will be laid out on the lot.

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Planning Commission Minutes

Mr. Cicerreto stated they would like to request that they approve this plan contingent upon the approval of the Zoning Board of Appeals for the side yard variance for the parking spaces in the rear of the building.

Following further discussion, Butch ^{moved to} conditionally approved the Development Review application of Althans Insurance Agency contingent upon the Zoning Board of Appeals granting a side yard variance for additional parking in the rear of the property, Cotesworth 2nd. Butz-Voss stated she is not comfortable with the parking configuration in the rear. There being no further discussion, roll call; ayes, Sutliff, Cotesworth, Butch, Young; nays, Butz-Voss.

Larry Butler, Emerald Lake Development, stated he is before the Commission to discuss the release of performance bonds for work that has already been completed in the Emerald Lake developments. Mr. Butler stated he has a list of different bonds that have been filed with the Village and would like to ask that they be released. Engineer Voldrich stated these bonds cover a variety of projects that have been done and some are complete and some are not and he would like to go over each one with the Commission and Mr. Butler and determine which ones can be released and which ones can not be released.

The Planning Commission took the following action on the performance bonds as listed:

Chestnut, Sorrelwood, Holly \$5,000.00

There are items left to be done, no monies will be released.

Arrowwood, Sundew \$3,000.00

Engineer stated all work is complete. Building Inspector stated the cul de sacs are not seeded or landscaped. Commission agreed to retain \$1,000.00 to cover the cost of the remaining work to be done.

Buttonbush, Teaberry, Woodrush \$5,000.00
Bellflower

All the work has been completed, Commission agreed to release all funds.

Borrow Pit \$8,000.00

Commission agreed not release any of these funds

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Planning Commission Minutes
February 13, 1997

Emerald Lake II Tree Deposit \$6,000.00

Mr. Butler explained these funds were posted by the landscaper, Mike Suglia, and he would like the Commission to consider releasing some of these funds. Engineer stated he would be comfortable if the Village released \$3,000.00. Commission agreed to release \$3,000.00.

Following a brief discussion, Cotesworth moved to make the above releases as listed, Butch 2nd. Roll call, all ayes.

Mr. Butler stated another issue he would like to discuss is the possibility of opening the borrow pit this spring. Mr. Butler stated they need to fill four sublots and once that is done, they will close the borrow pit forever. Mayor Young stated what is imperative as far as he is concerned is a plan must be presented and approved, stating how much dirt will be coming out of the borrow pit, a plan showing the final restoration that is acceptable to both the Commission and the Village Engineer and a reasonable time table that ensures the restoration to be complete prior to next winter. Commission agreed. Mr. Butler stated he will try and get this information for the next meeting.

Village Engineer stated there is one important issue that Mr. Butler must keep in mind when doing the final restoration plan and that is the final restoration and erosion control plan has to be accomplished without retention. The last cover has to be done without any form of retention, there will have to be a silt fence and a real heavy mulch until the seeding comes up.

Solicitor Ondrey reported they are working on legislation for wireless communication towers. Council has passed an ordinance creating a moratorium on the construction of the towers for 90 days, so it is important to get legislation adopted by the end of the 90 days. Ondrey stated he will be sending out copies of what they will propose before the next meeting. Commission discussed this at length.

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

Walter H. Sutliff, Chairman

Cathy Male, Secretary

RECORD OF PROCEEDINGS
MINUTES OF PLANNING COMMISSION MEETING
FEBRUARY 13, 1997

Should be
4/29/97

MEMBERS PRESENT: Cotesworth, Butz-Voss, Young, Sutliff, Butch

OTHER OFFICIALS: Dave Hocevar, Dale Markowitz, Tom Voldrich

GUESTS: L. Butler, R. Flesher, A. Owen, S. Schmall, C. Daniels

Meeting was called to order at 7:30 P.M. Roll call, all members were present.

There being no additions or corrections to the January 7, 1997 minutes, Cotesworth moved to approve the minutes of the January 7, 1997 meeting as recorded, Butch 2nd. Roll call, all ayes.

Chairman Sutliff asked for any corrections to the February 13, 1997 minutes. Mr. Markowitz stated "Cicerreto" should be spelled "Cicirreto". Also, on page 2, second paragraph, following "further discussion" it should read "Butch moved to conditionally approve..." . There being no further corrections, Butch moved to approve the minutes of the February 13, 1997 meeting as amended, Cotesworth 2nd. Roll call, all ayes.

Sharon Schmall presented a plat and application requesting development review approval on her request to use the property located at 5203 Chillicothe Road for an orthodontist's office. This property was previously used by Dr. Mark Rood for his medical practice. Dr. Schmall stated her office would have a total of three employees, including herself. Dr. Schmall stated she would not have to do much in the way of renovating this space.

Commission discussed the parking and Mayor explained that Dr. Rood had permission to use Village property to be able to park the cars of his employees on the south side of the building. Dr. Schmall stated she does not feel at this time she would need this extra space. Dr. Schmall stated she had previously been in general dentistry and is now starting an orthodontic practice. Dr. Schmall stated she is hoping if her practice becomes a success, she will then move to a larger space. At this time, she is only signing an 18 month lease.

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April 29, 1997

Following brief discussion, Butz-Voss moved to approve the development review application of Dr. Schmall for an orthodontic office to be located at 5203 Chillicothe Road, Cotesworth 2nd. Roll call, all ayes.

Ann Owen, 103 Laurel Road, came before the Commission requesting permission to operate a dog grooming business in her home. Ms. Owen stated she could accommodate 3 to 4 cars easily in her driveway. The maximum number of dogs she could groom in one day is approximately four and generally the drop off and pick up times would be staggered so parking would not be a problem. The business would be in her basement. Ms. Owen stated she would be doing this only two days a week and she works mostly with small dogs. Ms. Owen stated she has spoken with her neighbors and they have not had any objections to her request. Mr. Markowitz stated this would be considered a home occupation and there is nothing about dog grooming that would be prohibited in the regulations. Mr. Markowitz reviewed the requirements of home occupations. Mayor stated he thought it would be important that there be some stipulation that none of the dogs are kept outside for any of the time they are there to be groomed. Markowitz stated that prohibition is covered by the Zoning Code. Following brief discussion, Cotesworth moved to approve the application of Ms. Owen for a dog grooming business to be located at 103 Laurel Road, Butz-Voss 2nd. Roll call, all ayes.

Mr. Gene Muggleton, 1030 Bell Road, stated he would like to split off one acre from his parcel of land so his daughter can build a home. Mr. Muggleton stated he owns 74.47 acres and would be splitting off one acre, with access onto Bell Road. Commission reviewed the plat as presented by Mr. Muggleton. Dave Hocesvar, Building Inspector, stated this property is located in the 5 acre minimum ground water zone. Markowitz explained to Mr. Muggleton that the Zoning Code requires that in the area of this lot split that there be a minimum of 5 acres per home due to it being a water sensitive area. Markowitz stated he would have to meet the ground water map requirements or do a water study which would prove that there is sufficient ground water on that site to allow for one acre density. Commission discussed the plat as presented. Markowitz stated the plat would also have to show all existing structures on the entire parcel.

Commission suggested that Mr. Muggleton contact Dr. Eckstein to review what would be required to prove sufficient water to support one acre density. Mr. Muggleton stated he would do so and come back to Commission when he has more information.

Mr. Muggleton asked the Commission to continue this application until he has more information regarding the water.

Mr. Robert Flesher stated he is before the Commission to discuss Sublot # 65, Emerald Lake III. Mr. Flesher stated he has been talking to Sid Simon about purchasing this piece of property and the only concern is a drainage ditch that is currently located on this property. Mr. Flesher presented a basic profile showing the existing stream versus what he is proposing if he develops the lot. Mr. Flesher stated this is a half acre parcel which needs to be raised three feet in order to build a home and the stream needs to be re-routed. Mr. Flesher would like some feed back from the Commission regarding the needed changes. Mr. Flesher stated what he would like to achieve would be something similar to the look of the stream that is found on the Harvey property.

Building Inspector Hocevar stated this lot is a very difficult lot to build upon. Hocevar explained there is a stream that runs through this property that comes from the west, flowing east and it drains four sublots. Hocevar is concerned with what is going to happen to this drainage which runs right through the middle of Sublot #65.

Commission stated the plan presented is a preliminary plan without much information on it and this lot has some challenges. Mayor stated they need more specific information before they can make any significant recommendation. Commission asked Mr. Flesher to bring in a grading plan and more information regarding his proposed plan for the drainage ditch.

Larry Butler, Emerald Lake Development, stated he is before the Commission requesting permission to open the borrow pit May 15th and close it around June 15th and they would then commence to restore the borrow pit as per the agreed plans and complete the work by the end of July. Butler presented a grading plan showing what areas would be excavated and how the remaining areas would be restored. Village Engineer stated the plan shows not doing any major excavation, what it does show is taking surface material off to generate the needed fill as shown in the cross-hatched area. Chairman Sutliff asked the Village Engineer if he had approved the plan presented. Engineer stated yes he has approved it, however he wants to make sure all erosion control measures are in place prior to any work being done. Engineer explained he does not want to close the area for good until early 1998. Engineer feels it is important that they would be able to monitor the restoration, if it is necessary to go in and do some final restoration, he wants to have easy access. Engineer stated he would like the access drive to remain until 1998 so they can have easy access. It will be necessary to monitor the retention basin which will have to be pumped down and filled and touched up in the spring. Cotesworth stated the access road is on a lot that has been sold, but no house constructed. Will that be a problem to have the access road remain open for that period of time? Butler stated he did not believe it would be a problem.

Mayor stated that the plan before them shows only doing restoration work on areas that will have topsoil taken, does it show any restoration work on any areas that have theoretically been restored. Engineer stated no it does not. Building Inspector stated he went out to the area today and took pictures and there are several areas that need more top soil and seed. Hovevar presented photos showing the restored areas. Mayor asked if there was any erosion in the areas that had been restored. Hovevar stated yes there was quite a bit and showed which areas in the photos.

Chairman Sutliff asked Mr. Butler if this plan made any provisions for additional restoration of the areas that have been previously restored. Butler stated this plan does not address that issue, they have an original plan which addresses the restoration of the entire area, and they understand they are to meet that plan. Mr. Sutliff asked Mr. Butler if he understood that the restoration of the areas that have already have been restored need additional work. Mr. Butler stated he knows they agreed to meet and complete the requirements of the original plan.

Markowitz stated the Village has a bond for \$8,000 to ensure the restoration work will be done. Markowitz stated whatever the original restoration plan shows, it will require an amendment to show this revised plan. Markowitz stated any approval given on the plan presented tonight should have some stipulation regarding the work needed to be done on the previously restored areas. Hovevar stated there are some areas that will have to have more top soil brought in as well as additional seed. Hovevar stated he was very concerned with this plan as presented due to the potential run-off. If the area before the wet land is stripped, there will not be any buffer to catch the run-off in a heavy rain. Voldrich stated the remaining retention pond will be used until all work is done and then it will be filled.

Commission voiced their concern with the fact that previous restoration is not complete and will any future restoration be incomplete. Commission reviewed original restoration plan approved in 1995. Chairman Sutliff asked Mr. Butler if he would be willing to restore the area previously seeded prior to reopening the pit. Mr. Butler stated he would not, he will go in and restore the entire area when they are finished removing all the need soil. Mr. Butler stated if the Village requires him to do the restoration work prior to opening the pit, he will not open the pit at all. Commission stated they would require Mr. Butler to do the restoration work prior to opening the pit. Mr. Butler stated he will not open the pit and the Village will have to be faced with heavy trucks traveling on their roads in order to bring in the dirt.

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April 29, 1997

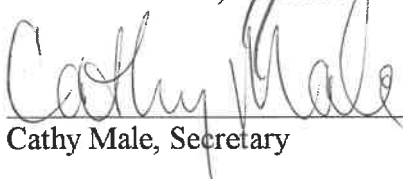
Chairman Sutliff stated if Mr. Butler has decided not to open up the pit, he would like to see the restoration of the pit to commence immediately. Commission asked the Solicitor to write Mr. Butler and let him know what the Commission expects him to do. Markowitz stated he will review the original agreement and then send a notice of what is required.

Solicitor Markowitz presented the proposed revised wireless communication tower ordinance. Commission reviewed the ordinance. Sutliff asked if towers could be excluded from residential area all together. Markowitz stated no, because the business and industrial area of the Village is so small, it would be, in essence, denying someone the opportunity to build a tower. What they have done is to say if the company can't find a commercial or industrial area, they then can go into a residential area but the residential areas are limited to institutional areas and utility easements. Markowitz stated he feels there are enough locations within the Village that fall under these restrictions, so that nobody can come in and say they cannot find an area to build a tower.

Commission reviewed and discussed the proposed ordinance. Markowitz stated the four month moratorium that Council enacted on tower construction is up in June so it is important that the Commission take action as soon as feasible. Commission agreed that the following modifications needed to be made prior to them taking action. First, if a company co-locate, the equipment buildings be attached or shared. Second, a provision be added that states all structures are required to be reviewed by the Architectural Board of Review. Third, the sign should just identify the company, their phone number and address. Fourth, add language which will require mono-pole or lattice without guide wires unless they can't reasonably install it without it and in the event they do, the guide wires have to conform to the 100 ft. minimum. Solicitor stated he would make these changes and get the revised copies out to the Commission.

Commission agreed to set the date of the next meeting for Tuesday, May 13, 1997 at 7:30 P.M. At this meeting, they will be prepared to make a recommendation to Council on this proposed ordinance for wireless communication towers.



Walter H. Sutliff, Chairman

Cathy Male, Secretary

VILLAGE OF SOUTH RUSSELL

5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (216) 338-7843

FAX: (216) 338-8776

TENTATIVE PLANNING COMMISSION AGENDA

APRIL 29, 1997

7:30 P.M.

1. ROLL CALL
2. MINUTES - FEBRUARY 13, 1997
3. GUESTS: SHARON SCHMAHL - DEVELOPMENT REVIEW APPLICATION
FOR 5203 CHILLICOTHE (DR. ROOD'S PREVIOUS
OFFICE) TO BE USED FOR ORTHODONTIC OFFICE.

ANN OWEN, 103 LAUREL ROAD, INFORMAL DISCUSSION
ON OPENING A DOG GROOMING BUSINESS IN HER
HOME.

ROBERT FLESHER - INFORMAL DISCUSSION ON
BUILDING ON SUBLOT #65, EMERALD LAKE III.

LARRY BUTLER, EMERALD LAKE DEVELOPMENT,
DISCUSSION ON REOPENING THE BORROW PIT AND
DISCUSSION ON SUBLOT #65 EMERALD LAKE III
4. OLD BUSINESS - WIRELESS TELECOMMUNICATION TOWER
LEGISLATION
5. NEW BUSINESS
6. ADJOURN

RECORD OF PROCEEDINGS
MINUTES OF PLANNING COMMISSION MEETING
JULY 16, 1997

MEMBERS PRESENT: Butz-Voss, Young, Sutliff, Butch

OTHER OFFICIALS: Dave Hocesvar, Dale Markowitz, Ned Foley

GUESTS: Ruth Ann Plate, Ray Corby, Dave Axner, Greg Stricker, Jim Butz, Rick DeMarco, Howard Roth, Janice DiMichele,

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

Chairman Sutliff asked for any additions or corrections to the May 13, 1997, minutes. There being no additions or corrections, Young moved to approved the minutes as recorded, Butz-Voss 2nd. Roll call, all ayes.

Chairman Sutliff stated the next order of business is the **Public Hearing** that they will be holding for the **Chagrin Falls Village Exempted Schools** who are requesting **Conditional Use Permit for the proposed addition to Gurney School**. Secretary read the legal notice, announcing the time and date of this hearing which was published in the Geauga edition of the Cleveland Plain Dealer on June 25, 1997. Chairman Sutliff asked the Village Solicitor to swear-in all parties which will be giving testimony at the public hearing. Solicitor Markowitz swore in all those individuals wishing to speak.

Dr. Ruth Ann Plate, Superintendent of the Chagrin Falls Schools, gave a history of the Gurney School project and stated they are before the Commission requesting a conditional use permit for a proposed addition. Plate explained that Gurney School will go from a Kindergarten through 2nd grade building to a Kindergarten through 3rd grade. This will create additional students and the need for additional classrooms. Dr. Plate stated what they are proposing is an additional gymnasium with a new library/media center and also a two-story classroom addition. Dr. Plate introduced the architects from the firm of Burgess & Niple, who will be working on the Gurney School property, Ray Corby, Jim Butz, and Rick Di Marco.

Ray Corby presented site plans and explained the locations of the proposed additions to the Gurney School. Corby stated the new gymnasium will be located at the

west end of the building and the library-media center and two story , twelve classroom addition, will be located on the east end of the building. Corby then presented preliminary elevations of the renovation and stated the exterior finishes will match the existing finishes as closely as possible.

Mr. Corby stated on the east side of the existing building there is a hill which is approximately 15 feet tall, from the Gurney first floor elevation. The neighboring properties, east of the school, are about level with the second floor of the new addition. Standing in the back yard of one of the neighboring homes, you can look straight out to the second story only, the first floor is down below the crest of the hill.

Mr. Corby stated as far as the noise level, the existing play areas are really the noise generators. The new play areas will be located in the rear of the building, between the two new additions. This will be surrounded on three sides by the building itself and on the fourth side, there is dense vegetation which will absorb a lot of the noise.

Corby stated the storm water drainage plan has been done and what they plan to do is create a retention system, 3,000 cubic feet storage capacity for storm water detention to handle the run-off. In fact, after the project is complete the storm water run-off system will be much better than what is in existence today.

Corby stated as far as the water supply, they have the hydrologists report from when the two wells were drilled in 1993. At that time, the capacity of those two wells was 57,600 gallons per day, currently the school is using 6,600 gallons per day. After the addition is built and the additional students are in the building, they project the use to be sightless less than 12,000 gallons per day and this is about 20% of the capacity of those wells. They feel that the increased use of the wells will have a negligible effect on the surrounding wells.

As far as bus traffic, the existing bus maintenance facility and the bus storage facility is currently on the Gurney property and all the buses will continue to run from this spot for all three schools. There will not be any increase in bus traffic.

Sutliff questioned how they were going to handle the storm water. Corby stated they are going carry it two ways by collecting it in catch basins and oversized underground piping system and then allowing it to slowly flow into the streams on the east and west side of the property, near Bell Road.

Sally Butz-Voss stated she has a real concern regarding the water supply. Butz-Voss stated the report from Dr. Eckstein that states the water capacity reported by Mr. Corby comes from the tests done in 1993 and there has been a great deal of development since that time. Corby stated they do have a letter from Dr. Eckstein dated July 14, 1997, stating he does not feel that this additional development will negatively affect the surrounding properties. Butz-Voss stated she read the latest communication from Dr. Eckstein, however there has not been any actual new pumping tests done and she would like to have that data before she is convinced there is sufficient water.

Janice DiMichele, 26 Sugar Bush Lane, stated she is very concerned with the storm water run-off plan. She lives directly across the street from Gurney school and their lake, Hidden Lake, has been severely damaged by previous developments and she wants to make sure the plan for the run-off is one that will protect Hidden Lake. Mr. DiMarco stated there are very strict guidelines that they must follow to prevent damage done by siltation and they plan to follow all the required regulations. In addition, the Village Engineer must approve the plan they present.

Dr. Plate stated she would like to go back to the water issue and make sure the Commission understands that from the pumping tests done in 1993, there is far more than sufficient water for this proposed development. Butz-Voss stated she understood what Dr. Plate was saying, however, due to all the development that has taken place since 1993, she would like to have current pumping tests completed prior to giving an approval on this development. Mr. Corby stated Dr. Eckstein is currently out of the country for the next three weeks, however when he returns they will see to it that the necessary tests be done to get the information that Mrs. Butz-Voss is requesting.

Howard Roth, 110 Manor Brook, stated several of the residents of Manor Brook are concerned with future noise levels and are most concerned with where the ball field will be relocated that currently is located where the addition will be built.

Mr. Corby stated the field will be re-located to the west side of the building.

Dave York, 1101 Bell Road, asked where the wells are located that they will be using for the school. Dr. Plate stated the two wells are located west of the building, in the upper soccer field. Dr. Plate stated both of these wells are super water producers as the tests show that were done in 1993. Corby stated that both wells are used alternately to supply the water to the school.

Greg Stricker, 208 Fox Trail, stated he has two children who have gone through

Gurney School and one who will be attending this year and he is very supportive of the schools. However, he is very concerned with the location of the proposed addition being so close to his home. He is very upset with the idea that when he looks out his backyard, he will be looking onto a two story school addition. Mr. Stricker stated he and his neighbors have written a letter which he would like to present to the Commission that requests the School Board put in substantial screening for not only visual screening but noise screening as well. Mr. Corby stated he understands Mr. Stricker's concerns and what they plan to do is work with the neighbors of Fox Run to develop a proper screening plan that will work well year round. Corby explained that due to the homes being so much higher than the addition, in order for the screening to be effective, some of the screening will have to be placed on the homeowners property. There is a question of how much land is the homeowner going to be willing to give up for screening as well as how much can be done technically due to the current slope.

There being no further discussion, Chairman Sutliff closed the Public Hearing at 8:35 P.M.

Chairman Sutliff called the regular Planning Commission to order at 8:35 P.M.

Mayor Young asked the Solicitor to give a summary of what information needs to be provided and what is needed for the Commission to take action on the Conditional Use Application.

Markowitz stated tonight's Public Hearing was on the Condition Use Application request. The application that has been presented for the school addition requires not only a conditional use permit but due to the fact it is in the ground water sensitive zone, it requires the Commission review under the development review regulations. The issues that need to be looked at under are as follows: Circulation, Screening, Grading, Paving, Privacy, Architecture, Parking, Loading, Signs and Water Supply. The Commission has 15 days to make their decision following the public hearing and they also have the ability to impose whatever conditions that are set out in the Zoning Code as well as any that are reasonably necessary to protect the health, safety and welfare of the residents.

Markowitz stated as far the letter written by Dr. Eckstein, dated July 14, 1997, which addresses the water supply for Gurney School, he does not state anything in the letter which says based on the criteria of what is being proposed at the school, the available capacity is sufficient. What the letter states, is when he did the water report in 1993, he could not allow more than a one foot draw down in the aquifer on the surrounding properties. In other words, the cone of influence can drop on your own

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property, but outside your property, it can not drop any more than one foot. Markowitz stated he is not troubled by the letter of July 14 but it does not specifically give the exact information they need to be assured there absolutely is sufficient water.

Mr. Butch questioned what they planned for siltation protection. Corby stated they would use a system of straw bales and siltation fences. Butch questioned the use of straw bales, he felt they are very ineffective. Butch asked if they had considered any form of a retention basin during the construction. Corby stated they had considered retention basins, however considering that the work being done is for a school with small children, they wanted to stay away from retention basins.

Commission discussed the storm drainage system at great length. Butch stated he felt it was very important that the storm drainage system be completely contained within the school property, so if it does fail, it will be the school's responsibility to fix it and not the Villages.

Commission discussed the issue of the fact that the plans for the Gurney School renovation had just come to the Village this afternoon and no one has really had the opportunity to review them. Corby asked if any action could be taken, with conditions attached? Commission felt very uneasy taking any action prior to the Village Engineer and Village Solicitor having an opportunity to review the plans.

Corby stated they are under a very tight time frame and they would ask that any action that could be taken, be taken as soon as possible so they could get started be able to get some of the construction completed before the bad weather sets in.

Commission advised the applicant they also have to go before the Architectural Board of Review prior to getting a building permit. Corby stated as soon as they have the elevation drawings completed, they will go before the ABR.

Commission discussed the Conditional Use Permit application at length. Markowitz stated if they decide to give an approval with conditions attached, the conditions have to be very specific. Markowitz stated he uncomfortable with the Commission taking any action on the plans before them because he has not seen these plans at all until tonight. He has seen the plans presented to the Zoning Board of Appeals, however they were preliminary and not to scale. Commission discussed the issues that concerned them, those being water, drainage, and screening.

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Following a lengthy discussion, Commission decided to delay any action until they can meet on Thursday, July 24, 1997 at 7:30 P.M. Commission asked that 8 more sets of plans be delivered to the Village, so that they can be reviewed prior to the next meeting on the 24th.

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

Wally Sutliff, Chairman

Cathy Male, Secretary

RECORD OF PROCEEDINGS

MINUTES OF PLANNING COMMISSION MEETING

JULY 24, 1997

MEMBERS PRESENT: Young, Sutliff, Butch

OTHER OFFICIALS: Dave Hocevar, Dale Markowitz, Ned Foley

GUESTS: Ruth Ann Plate, Greg Stricker, Jim Butz, Rick DeMarco, Janice DiMichele, D. Withrow, A Withrow, D. Coyne,

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

Chairman Sutliff asked for any additions or corrections to the July 17, 1997, minutes. Commission agreed to take action on these minutes at their next meeting due to not having sufficient time to review them.

Chairman Sutliff stated the only item on the agenda is the continuation of the **Conditional Use Permit Application for the Gurney School** renovation. Sutliff asked the Village Engineer Foley to review his letters dated, July 23, 1997, Gurney School Addition - Plan Review and July 23, 1997, Storm Water Retention Plan which address specific issues on the plans for the Gurney School renovation. Copies of letters are attached. Foley stated one area of concern he had was the entrance road, the entrance radii needs to increased to 50 feet and he is not clear with the pavement repair plan. Foley stated the entry road is in need of repair, what he needs to know is if the road will be repaired or whether the concrete will be replaced. Rick DeMarco, Burgess & Niple, stated there is a plan developed by their civil engineer, John Bush. DeMarco explained what has happened to the entry road over time, is the control joints have given way and water has gotten down into the cracks and the pavement has heaved and pushed. What has been done to repair this in the past is to use asphalt, mound it up over the concrete so it is not laying flush. What they plan to do is clean out all the asphalt, clean out all the cracks and control joints and then go in and repair concrete with a concrete repair, make it flush to the existing deck and then go back in and seal all the control joints. Engineer stated this plan should be done after all the construction is complete.

Foley stated another comment he made was to revise the storm outlet to connect with the proposed Bell Road Improvement Project west of the entrance drive. Foley

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explained the Village is currently getting bids for a storm sewer improvement project which is located along Bell Road which will coincide with a sanitary sewer improvement project Geauga County is doing. The timing is right for these two projects to be done at the same time and it is his recommendation that the Gurney project connect with this new storm sewer instead of flowing into the creek, as it has done in the past. If this is done, it will eliminate some of the problems the Village has experience in this area. This modification will require an addition of a couple of hundred feet of pipe, but will be in everybody's best interest if it is taken in that direction. Foley stated there are joint benefits for tying into this new sewer for both the school and the Village as far as work being done and restoration work being completed.

Foley stated what is being proposed for erosion control appears to be normal and adequate. There needs to be some notes regarding temporary or permanent lighting.

Jim Butz, Burgess & Niple, stated they are prepared to meet with Mr. Foley and discuss and work out all his comments in the July 23, 1997 plan review.

Sutliff asked what plan had been developed that would provide the screening asked by the neighbors to the east. DeMarco stated there is a plan for screening which includes 32 Austrian pines, 4 to 6 feet tall, to be placed 15 feet on center at the location that will be coordinated with the property owners along the east property line. De Marco stated all the trees would be placed on school property.

Sutliff asked if there is anymore information regarding the water and Dr. Eckstein? Dr. Ruth Ann Plate, superintendent, stated Dr. Eckstein is out of town and will not be back for a couple more weeks. However, she has spoken to Dr. Eckstein, through his secretary, and when asked if there is sufficient water considering all the development that has taken place in the past, and what he said was there is, without question, adequate water for the addition to the school as well as all the surrounding homes. Sutliff asked if it was mentioned to Dr. Eckstein that the Village was asking for another pump test? Dr. Plate stated yes it was and his response was that this was not needed, this was not questionable and he was absolutely sure there is sufficient water. Dr. Plate stated Dr. Eckstein will return on August 4, 1997 and they will get a report in writing stating what he reported through his secretary.

Sutliff asked about the area where the ball field is being proposed, isn't there a lot of trees that will have to be removed that might expose it to the neighbors. Planning Commission discussed the proposed placement of this ball field. Commission stated they are concerned with the amount of buffer that will be removed by the placement of this field and they suggested that this portion of the plan be put on hold until it can be discussed further, in order not to hold up the major portion of this project. Dr. Plate stated she would have plans for the entire athletic facility drawn up for review at the next meeting.

Mr. Butch voiced concern with the placement of the material that will be excavated during the project and the run-off. Butch stated his concern is for Hidden Lake and the damage that run-off could cause. Mr. Butz stated what they could do is survey the pond before they start working and survey it after the job is completed and this will determine if there is any damage has been done. If there has been any damage done, the school will be required to rectify it.

Commission reviewed the Village Engineer's letter of 7-23-97 and discussed his comments and recommendations at length. Copy attached.

Planning Commission reviewed the parking requirements and the architects stated they have determined that they needed an additional 24 spaces. Mr. Butz stated the additional spaces needed are provided for on the plan presented.

Village Engineer stated the Village will be undertaking a sanitary sewer project that will come within 400 feet of the Gurney School drive. What the Village would like to propose is the school tie their storm sewer into the Village project, which will take the school's storm water and drain it off away from Hidden Lake. Village Engineer stated the cost to the school will not be excessive because the Village will be doing the digging for the pipe, the school will have to pay for just the pipe, not the labor. Village Engineer stated the extra amount would not be a huge amount. Mayor stated this would have to be presented to Council because it would change the specs and the total cost of the Village's project. Mayor stated he felt confident that the specifics and details could be worked out in order for this to work.

There being no further discussion, Butch moved to grant the request for a conditional use permit and to grant developmental review approval subject to the following conditions:

1. A well pump test be performed on wells #2 and #3, in the same manner that they were done in the August, 1993 study, which was a three, two hour step variable rate production test and the 24 hour constant production test. The results must be provided to the Village with a certification by the hydro-geologist that there is sufficient water based on current data and Village standards to provide potable water supply for the present school and with the proposed addition and that be provided before the construction of anything else other than foundation and site work.

2. The commission has not been presented with the plans for the actual first and second stories of the building, the only plans are a site plan, foundation plan, and grading plan. The school must come back for additional conditional use approval for the actual construction of the buildings to be located on the site in the locations as presented by the site plans that were submitted by Burgess and Niple, July 1997.

3. No new baseball fields or any other recreational fields be added or moved on the schools property without submitting an application for a conditional use permit to the Planning Commission and obtaining conditional use approval.

4. The screening on the east side of the property, shown on page C-1.1 of the Burgess and Niple Plans shall provide for 6 foot Austrian pines with the quantity of 32 trees to be located 15 feet on center with the location to be approved by the school board and the property owners, the Coyne's, Stricker's and Williams'. In the event the parties cannot agree, the plan will be submitted to the Village landscape architect, Knight & Stollar, who will be the final arbiter of any disagreements between the parties. The cost of Knight and Stollar will be paid by the school.

5. The surface drainage to Bell Road will be tied into the new storm sewer project that the Village will undertake this year. The Village will add an addendum to their present bid for the storm sewer pipe, using the size of pipe as approved by the Village Engineer. The school board will reimburse the Village for the additional cost of installing the pipes, in order for the drainage to flow in a westerly direction.

6. The school shall provide a 50 foot turning radius in the entrance drive from Bell Road.

7. The contractor for the school must provide a mud bond, to guarantee that on a daily basis the mud and dirt will be kept off Village streets. This bond will be guaranteed with a \$5,000 deposit in cash or a letter of credit from a bank acceptable to the solicitor or in a pledge account in a financial institution acceptable to the Solicitor. The bond will be prepared by the Solicitor and executed by the school and its contractor.

8. Siltation and erosion control plans be prepared by the successful contractor and be approved by the South Russell Village Engineer.

9. The school will undertake, at its cost, with the consent of the owners of Hidden Lake, a survey of the present bottom elevation of the lake and upon completion of the school project, another survey will be performed at the school's cost to determine if there has been any significant change in the elevation of the bottom of Hidden Lake. If a change has occurred, the cost of the remedy will be provided by the Chagrin Falls School District.

10. The school shall comply with the requirements of the Village Engineer in terms of additional information or changes in the plans prepared by Burgess & Niple, dated July, 1997, that are required as noted in the letter dated July 23, 1997 to Burgess and Niple and the July 24, 1997 letter from the Village Engineer to Burgess and Niple regarding the storm water plan.

11. To the extent that any exterior lighting will be installed by the school, it must first be presented to the Planning Commission for review and approval before installation.

12. Any signs, temporary or permanent for the project, must comply with South Russell Village ordinances and permits must be obtained from the South Russell Zoning Inspector.

13. The Planning Commission finds that the school will add 28 parking spaces, 12 which are denoted west of the gymnasium and provide for an addition of 20 spaces on the play area, creating a total of 88 spaces on the property and this additional parking will cause the project to comply with the zoning regulations of the Village.

14. All construction vehicles will be required to enter the Village from State Rte. 306, proceeding westerly on Bell Road to the construction site and exit the Village easterly on Bell Road to State Route 306.

Mayor 2nd. Chairman Sutliff asked for any further discussion.

Dennis Coyne stated he is very concerned with the language being used in the motion, it is very vague and very evasive. He feels the Commission should hold the school to a higher standard. He feels the screening plan is insufficient and will not provide the proper amount of protection for the Fox Run residents.

Dave Withrow, President of the Fox Run Homeowners Assoc., stated he is very disappointed with the school system and the Planning Commission with the action they have just taken. Withrow stated he feels there has not been sufficient public meetings to discuss and work out the concerns they have brought to the table. Withrow stated he is extremely concerned with the excavation that will be done and the existing water table of his well. Withrow stated he feels that the level of the water in his well, is higher than what the grade will be at the Gurney site. He is afraid that the grading done will drain his aquifer. Withrow also stated he feels the configuration of the proposed addition is not a good one and should be reconfigured.

There being no further discussion, Sutliff asked for the roll call. Roll call taken, all ayes. Motion carried.

There being no further business, meeting adjourned at 10:20 P.M.

Walter Sutliff, Chairman

Cathy Male, Secretary

RECORD OF PROCEEDINGS
MINUTES OF PLANNING COMMISSION MEETING
AUGUST 19, 1997

MEMBERS PRESENT: Young, Sutliff, Butch, Cotesworth, Butz-Voss

OTHER OFFICIALS: Dave Hocesvar, Dave Ondrey

GUESTS: Ruth Ann Plate, Greg Stricker, Jim Butz, Rick DeMarco, D. Withrow, M. Cipriani, R. Myers, K. Starling, P. Kiffner, R. Flesher.

Meeting was called to order at 7:30 p.m. Roll call, all members present.

Chairman Sutliff asked that the minutes of the July 16th and the July 24th meetings be held for action until the next meeting. Secretary asked that the motion made for the Conditional Use permit for the Gurney School renovation be reviewed and acted upon so the application can be sent to the building department for processing. Butch stated on the first page, item #1, there should be a comma following "three" in the statement "which was a three two hour step .."; item #4, fourth line, should read "15 foot on center" ; item #9, a last sentence should be added to read, "If a change has occurred, the cost of the remedy will be provided by the Chagrin Falls School District.". Sutliff stated in item #13, second to last line should read, "this additional parking will cause the....". There being no further amendments, Young moved to approve the motion as amended, Butch 2nd. Roll call, all ayes.

Mike Cipriani, 5210-D Chillicothe Road, stated he is before the Commission requesting a change of use for the space previously occupied by the Flower Shop. Cipriani stated he is proposing a dentist office that will be occupied by Dr. Rosenthal. This space is 1,200 square feet and they will have two to four employees. Dave Hocesvar stated there is sufficient parking for this use. Mr. Cipriani stated he does not feel the water use will increase over that used by the Flower Shop. There being no further discussion, Butz-Voss moved to approve the developmental review application for Mr. Cipriani., Cotesworth 2nd. Roll call, all ayes.

Robert Myers, RHM Homes, 66 Morningside Drive, stated he is before the Commission to request approval for his home office. Mr. Myers stated he runs his construction business from his home, he has no employees and has a small office in his home. There being no further discussion, Cotesworth moved to approve Mr. Myers home occupation, Young 2nd. Roll call, all ayes.

Kathy Starling, Color Me Beautiful, 513 Fawn Court, stated she is also before the Commission asking for approval of her home occupation which is an independent image consultant. She has no employees and has a small office in her home. There being no further discussion, Cotesworth moved to approve the request of Kathy Starling for a home occupation, Butz-Voss 2nd. Roll call, all ayes.

Dennis Marino, Peerless Home, 124 Southwyck Drive, stated he is before the Commission requesting approval of his home occupation. Mr. Marino stated he runs his construction business from his home. He has no employees and has a small office in his home. There being no further discussion, Cotesworth moved to approve the request for a home occupation, Butz-Voss 2nd. Roll call, all ayes.

Jim Butz, Burgess & Niple, stated they are before the Commission to further discuss the development of the baseball field on **Gurney School property.** Mr. Butz stated this was not part of the approval of the Conditional Use Permit and they would like to pursue at this time. Mr. Butz stated they would like have the Commission consider the development of the one field as presented on the site plans presented at the last couple of meetings. Mr. Butz asked the CAA President, Paul Kiffner to speak on the necessity of maintaining as many fields as possible.

Mr. Kiffner stated the construction coming up at Gurney and at the High School will actually destroy three baseball fields, two at Gurney and one at the High School. What he would like to request is to be able to grade and develop the south field at the Gurney School. Mr. Kiffner stated it would be an ideal time to do this work, when dirt is being brought out of the Gurney construction area, it could be used to grade the area for the south baseball field. This field will be used for students who attend Sands.

Mr. Kiffner stated they will be doing an overall plan for the athletic fields at Gurney with Burgess & Niple however what they are asking for tonight is approval for the south baseball field.

Mayor stated he is in agreement that getting the grading done for the south field during the initial construction of the Gurney site is a good idea and should be approved.

Butch asked if there was any consideration given to the increased traffic caused by these additional fields. Kiffner stated he did not feel there would be any more additional traffic than there is when the soccer games are over on Saturday.

There being no further discussion, Young moved to approve the development of the southern baseball field at the Gurney School property, Butz-Voss 2nd. Roll call, ayes, Cotesworth, Young, Butz-Voss, Sutliff, nays, Butch.

Robert Flesher, S/L #65, Emerald Lake III, stated he is before the Commission requesting to install a thirty-six inch culvert for surface water drainage. Flesher stated he

needs to lengthen the existing culvert pipe by 120 feet and he has submitted site and grading plans to the building department and Village Engineer for their review and approval. Flesher stated Dave Hovevar asked that he appear before the Commission for their review and approval of this plan.

Commission reviewed the plans presented. Solicitor Ondrey stated one of the existing problems seems to be that there was an existing easement for the drainage way and apparently the culvert did not match up with the easement so it had to be re-platted and they made the easement 30 feet wide. The problem is the pipe is right at 30 feet and what is being recommended is the easement be increased. Ondrey stated if the legal description can be given to him, he can do the easement language.

Following a very lengthy discussion, Butz-Voss moved and seconded by Butch, to approve the installation of the thirty-six inch (36") underground culvert and appurtenances, grading plans and other improvements (the "Improvements") indicated on a Site Plan submitted by Robert Flesher for Sublot 65 located on Manor Brook Drive in Emerald Lake Subdivision No. 3, as approved by CT Consultants, Inc., dated 8-18-97, upon the following conditions:

1. Applicant Flesher shall cause to be executed an additional drainage easement in favor of the Village as indicated in the shaded portion of said Site Plan.
2. Applicant Flesher shall submit a cash bond, in a form acceptable to the Solicitor in the amount of \$2,500.00 (to be refunded to applicant as soon as the Improvements are approved by the Village's Building Inspector)
3. Applicant Flesher shall pay all inspection fees of CT Consultants, Inc. arising from inspection of the installation of the Improvements.
4. Applicant Flesher shall cause a Deed Restriction to be imposed on Sublot 65 which will require subsequent owners of said Sublot to maintain, repair, and replace said culvert.
5. Any devices to restrict access to said culvert pipe shall be approved by the Village's building inspector and shall be installed (on applicant's premises) at applicant's cost.
6. Any required rip-rap be approved by the Village's Building Inspector.
7. Applicant shall meet all other requirements set forth in the site plan as indicated by the Village Engineer on said Site Plan.

Roll all, all ayes. Motion carried.

Mayor reported he received a letter from the Fox Run Homeowners Association asking that the Village use remaining funds from the Fox Run Subdivision development deposits for replanting the mounds with proper ground cover. Following brief discussion, Commission asked the Solicitor to write the Association and state the Village will not replant the mounds.

There being no further business, meeting adjourned at 9:10 P.M.

Walter Sutliff, Chairman

Cathy Male, Secretary

RECORD OF PROCEEDINGS
MINUTES OF PLANNING COMMISSION MEETING
SEPTEMBER 25, 1997

MEMBERS PRESENT: Young, Sutliff, Butch

OTHER OFFICIALS: Dave Hocesvar, Dave Ondrey

GUESTS: Jim Butz, M. Smith, B.Koval, Ruth Ann Plate, R. De Marco, S. Cicerretto

Meeting was called to order at 7:30 p.m. Roll call, Butz Voss and Cotesworth were absent.

Chairman Sutliff asked for any additions or corrections to the July 16, July 24 and August 19 minutes. There being none, Butch moved to approve the minutes as recorded, Young 2nd. Roll call, all ayes.

Jim Butz, Burgess and Niple, stated he is before the Commission representing **the Chagrin Falls Schools and CAA**. Mr. Butz stated they are before the Commission as a follow-up on previous meetings regarding the Gurney School athletic facilities. At previous meetings they discussed the need for a master plan for the site relative to the athletic facilities because the new school facilities currently under construction eliminate three athletic fields. Mr. Butz stated they have met with the school administrators, CAA officers, architects and engineers on site, and have developed a plan that establishes parameters that cover the immediate need for more ball fields but also long term. Mr. Butz presented drawings and plans showing their proposal for soccer, softball, t-ball and baseball fields. Butz stated what they are proposing is taking the area that they are already using and reconfiguring it. They have not impacted the green space to the north. They are proposing to overlay two baseball fields on top of the soccer field which would allow the field to be used next spring. Also they proposing is to turn the soccer fields so they run east/west which will then provide two regulation fields on the site. There would be area for four baseball fields, without infringing upon alot of the green space that surrounds the site. Butz stated there would be a "comfort station" constructed sometime in the future and there will be no lighting for evening play.

Mr. Butz reviewed the available parking and what the needs would be during the peak use of all the fields. Mr. Butz stated as they figure it, there will be sufficient parking. They will have a total of 163 parking spaces and they feel that will fill the need.

Mr. Butz stated another concern is traffic along Bell Road and they had their traffic engineer do an analysis of the situation. What they determined is that Bell Road can handle the traffic that will be generated on Saturday and Sunday during the peak playing times for soccer and baseball.

Mr. Butz stated this master plan is a preliminary one only. After the Commission reviews it and makes their recommendations, it will go to the school district for their review and then on to be finalized. The master plan will be divided up into smaller projects and funding must be found for each project.

Commission stated they liked the preliminary plan as presented by Mr. Butz and complemented their efforts to save as much green space as they have saved. They understand the need for all the additional fields. Mayor stated his one concern would be the possibility of other programs coming in and wanting to use the fields at Gurney. Mayor Young stated he definitely did not want adult leagues to start to play at Gurney. Mr. Butz stated the baseball fields will not be large enough for adults and the soccer fields will be taken up with CAS teams and the high school teams. Mayor Young stated he feels it is very important that these fields are going to be used only by the school programs and CAA programs and there will not be any plans in the future to light the fields.

Mr. Butz stated they have noted all their concerns and appreciate the support the Planning Commission is giving to this plan. They must now present it to the school board for their review and when they have the final plan drawn, they will be back before the Commission for final approval.

Steve Cicerretto, architect for Tom Burns, stated he is before the Commission requesting development review for the third building of the **Park Place Office Campus**. Cicerretto presented the plan which was approved when they built the second building, and this plan included the third building. Cicerretto stated they would like to request a change in the plan as approved and that change would be to change the shape of the third building from an "L" shaped building to a "T" shaped building. What this will allow is a little more green space. Commission reviewed the revised plan. Cicerretto stated the parking as approved previously is still sufficient, now additional spaces will be needed. Commission reviewed the parking requirements with Mr. Cicerretto and agreed that there was sufficient parking.

Cicerretto stated they will go to the Architectural Board of Review following receiving the Commission's approval. There being no further discussion, Butch moved to approve the development Review Application of RTB Partners, LTD for a proposed office building to be constructed at 527 East Washington Street (100 Park Place) contingent upon the following items:

1. There only be indirect lighting of the parking lot to prevent lighting onto adjoining residential properties.

2. If the land bank areas need to be used for parking, applicant must come before Planning Commission for their approval of such use.

3. Parking lot must have final coat of asphalt and stripping prior to occupancy permits being issued.

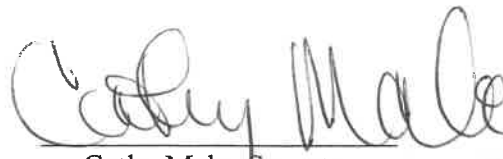
4. Landscaping plans must be submitted and approved by Knight and Stollar.

5. The .597 acres held by C. V. Limited Partnership and the adjoining acreage owned by RTB Partnership, Ltd., at volumn 693, pg. 1352, be conveyed to the exiting condominium association, in a manor approved by the Village Solicitor.

Following a brief discussion, Commission agreed the next meeting would be held on Thursday, October 16, 1997 at 7:30 p.m.

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


Wally Sutliff, Chairman


Cathy Male, Secretary

September 25, 1997

Action taken by the Planning Commission on September 25, 1997 on the **Development Review Application of RTB Partners, LTD** for a proposed office building to be constructed at **527 East Washington St. (100 Park Place)**:

Development Review Application is approved contingent upon the following items:

1. There only be indirect lighting of the parking lot to prevent lighting onto adjoining residential properties.
2. If the land bank areas need to be used for parking, applicant must come before Planning Commission for their approval of such use.
3. Parking lot must have final coat of asphalt and stripping prior to occupancy permits being issued.
4. Landscaping plans must be submitted and approved by Knight and Stollar.
5. The .597 acres held by C. V. Limited Partnership and the adjoining acreage owned by RTB Partnership, Ltd., at volumn 693, pg. 1352, be conveyed to the existing condominium association, in a manor approved by the Village Solicitor.

Roll call, all ayes.

A handwritten signature in blue ink, appearing to read "Walter Stollar", written over a horizontal line.A handwritten signature in blue ink, appearing to read "Cathy M. Cole", written over a horizontal line.

VILLAGE OF SOUTH RUSSELL

5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843

FAX: (440) 338-8776

PLANNING COMMISSION MEETING

JANUARY 15, 1998

7:30 P.M.

1. ROLL CALL:

2. MINUTES:

3. GUESTS: NICKIE CHOPRA
DISCUSS OPPORTUNITY TO RENT SPACE AT:
5210 CHILLICOTHE RD. (FORMERLY JEZEBEL'S)
SPECIFICALLY, UNITS 5210C AND B

FOX RUN HOMEOWNER'S ASSOCIATION

4. OLD BUSINESS:

5. NEW BUSINESS:

6. ADJOURN:

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

PHONE: (440) 338-7843
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**RECORD OF PROCEEDINGS
MINUTES OF PLANNING COMMISSION MEETING
JANUARY 15, 1998
7:30 P.M.**

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

OTHER OFFICIALS: David Hocesvar (Building Inspector), David Ondrey (Solicitor)

ABSENT: Ned Foley (Engineer)

GUESTS: David McNally – Fox Run, Michael Cipriani - Cipriani Investments, Nickie Chopra – Restaurant, Philip Alexander – Fox Run, Nancy Gallagher, Gary L. Brockett – Annadale Dr., Kathy O'Donnell – Angler's Dr., Matt Brett – Lakeview Lane, Sally Butz-Voss – Bell Rd.

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

New Planning Commission members, Cathy Male and Ruth McIlrath were sworn in by Mayor Young.

Nickie Chopra and committee members held an informal discussion concerning the proposal of a Greek Restaurant at **5210 Chillicothe Rd.** (Formerly Jezebel's, Units 5210C and B)

David McNally and Philip Alexander of the Fox Run Development participated in an informal discussion about procedures for

presenting a grading plan for the screening mounds of the Fox Run Development. If Fox Run chooses to change the ground cover, there is no need to return to the Planning Commission. If the development intends to change the grading of the mounds, the Homeowner's Association needs to present a formal plan to the Planning Commission.

OLD BUSINESS:

Update on Gurney School construction project: There is a partial roof over the gym. All the interior concrete has been poured. A precast floor is in place. The plumber's are working on water supply to existing classrooms & into the gym. The sanitary sewers have been tied in. The storm sewers have been tied in although not all the catch basins are being utilized. The athletic fields probably won't be updated until next year.

Comments about the well fields: The Armory & 20 acres occupy this area. People are looking into developing athletic fields there.


Emerald Lakes Development: Road repair this year is holding up. The dead trees in the development are replaced promptly. The developer, Mr. Simon, has not paid a bill of \$2,609.44. The Solicitor will send a letter about the outstanding bill.

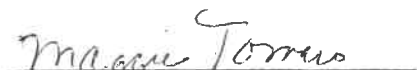
NEW BUSINESS:

Clarification of S. B.158: David Ondrey, Solicitor, said, "They are standardizing what legal description will be adequate when you submit either a deed or a subdivision". Wanted is a uniform system in regard to how surveyor's describe things. "It will not, at all, impact our ability to approve or disapprove subdivisions. Nothing has changed in that regard," reported Ondrey.

Confirmation of day: The Planning Commission will meet the third Thursday of the month. The next meeting will be February 19, 1998 at 7:30 P.M.

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


Walter Sutliff, Chairman


Maggie Tomaro, Secretary

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
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PHONE: (440) 338-7843
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PLANNING COMMISSION MEETING
FEBRUARY 19, 1998
7:30 P.M.

1. ROLL CALL:

2. MINUTES:

3. GUESTS:

BOB FLESHER OF 533 MANORBROOK DR.
HE IS BUILDING A HOUSE AT 534 MANORBROOK DR.
(SUBLOT 65). HE WISHES TO DISCUSS BILLS HE HAS
RECEIVED FROM THE SOLICITOR REGARDING SUBLOT
65.

Solicitor Ondrey
will review the bills. Question
of who pays for a pipe that was
moved will be reviewed

Approved 2-19-98

J.K. TARICKSKA & ASSOCIATES INC.,
DISCUSS ATM MACHINE THROUGH WALL OF
CHARTER ONE BANK, 1194 BELL ROAD.

4. OLD BUSINESS:

5. NEW BUSINESS:

6. ADJOURN: 8:30 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 PLANNING COMMISSION MEETING
FEBRUARY 19, 1998
7:30 P.M.**

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

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

GUESTS: Bob Flesher, 533 Manorbrook Dr.
James Brill, Charter One Bank, 1215 Superior Ave. Cleveland, Ohio.
South Russell Branch; 1194 Bell Rd.
Joe Taricska of J.K. Taricska & Associates Inc. Citizens Bldg., 850
Euclid Ave. #720, Cleveland, Ohio 44114. Architect for Charter One.

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

Minutes of January 15, 1998 meeting approved.

Joe Taricska of J.K. Taricska & Associates Inc. & James Brill of Charter One explained the design of a proposed ATM for Charter One located at 1194 Bell Rd. The drawings were studied and pictures looked at by the committee. Discussion occurred. The curb adjoining the building will be removed. There will be enough room for two cars to pass. Lights were discussed.

The Mayor asked about the sign. The sign will have the Charter One logo & name. He wanted to make sure that the sign abided by the South Russell sign ordinance.

The Mayor commented that some people don't pay attention to one way in, one way out. He encouraged Charter One to clearly mark the direction of traffic. Mr. Brill said that was a concern to Charter One as well. Charter One intends to strip the pavement designating two lanes.

Chairman Sutliff asked for a motion to approve passage of the ATM. McIlrath so moved. Male second. Roll call. All ayes.

Bob Flesher of 533 Manorbrook Dr., South Russell is building a house at **534 Manorbrook Dr. (sublot 65)**. He requested to be on the agenda to discuss a bill he received from the Solicitor, David Ondrey.

Discussion proceeded about the drainage Mr. Flesher created on sublot 65 in Emerald Lakes II. Mr. Flesher said he petitioned the village to relocate the stream on the property, put a pipe in and cover it with dirt. He was granted permission. He then signed off on the notion that he'd have to expand the easement area of the sublot to accommodate the pipe that goes under the public street. He did it in accordance with the village's rules he said. He then received a "sizable legal bill" in terms of rewriting the easement.

Mr. Flesher showed drawings dated November 1994. The pipe was in the original easement. He thought the pipe was in the wrong place which has caused him to have to rewrite the easement for sublot 65. He would like the Village of South Russell to share in that expense.

The Mayor asked Mr. Flesher to explain why the Village of South Russell would be responsible. Mr. Flesher said, "In 1994, or even earlier, when Sid Simon approached the Village of South Russell about building a dedicated street, he was given a dedicated location for that pipe that was going underneath Manorbrook Dr. The pipe is not where it belongs. The pipe is actually further to the left. Therefore, it's out of the easement. It's on an angle that is out of the easement. It's not where it is described in the drawing".

Mr. Flesher continued, saying, "When I approached South Russell to build on sublot 65, I was asking for permission to put the stream back where it belongs on this drawing. The pipe is outside the 20-foot easement. Therefore, it's not in the proper location. I had to suffer some of the expenses because it's my desire to build on this lot. But I don't feel that the pipe, because it's not inside of this easement that was dedicated back at least in 1994 or earlier, should be my full expense."

The Mayor looked at the drawing and asked where the pipe should be if it were put in the right place. Mr. Flesher answered, "Being a 20-foot easement, I would say it would be in the center. I'd say 10 foot off the property line, ½ inch off of this property line", on the drawing.

Engineer Foley said, "The construction drawing may reflect the pipe being installed where it is. But, there may be a discrepancy."

Mr. Flesher said he asked to pipe the stream for building purposes. He had discussed with Solicitor, David Ondrey's associate, that an easement needed to be expanded in the front. He agreed with that, he said. He realized that there would be some legal expense involved but not \$900.00.

Solicitor Ondrey reported that the physical and legal description of it did change. "I'm not sure that I can attribute though much of the legal expenses to that fact. Most of them were associated with; we had to draw new language to reflect the fact the Village required you to..." Flesher added, "be responsible for the integrity of the pipe." Ondrey continued, "And give us the ability to get on there if we wanted to."

Ondrey added, "I doubt that the legal, physical description change is the reason for the bill". Mr. Flesher also said he is being billed for "phone calls between your secretary and Dixie about following up on past due invoices that I was unaware of." Ondrey said, "Everything our firm did for the Village that month is on the bill. We need to separate out what pertains to Mr. Flesher."

Chairman Sutliff said, "The Planning Commission can't authorize the Village spending money. That's an issue Council has to deal with. There's a procedure to appeal these."

Solicitor Ondrey said, "If the complaint is that the legal bills were unreasonable in the sense that too much time was spent; the required procedure is that within 30 days of getting the invoice, you have to fill out a written appeal with the Village summarizing your complaint, give us a chance to respond and then the Planning Commission hears the appeal. I'm not certain that Mr. Flesher is contesting the reasonableness of the time spent on the issue, so much as he feels that because the area of the easement had to be changed, that added to his legal cost and that is what he feels isn't his fault. He's not the one who installed that pipe in the improper place. I do agree that, in fact, the pipe was not located where it should have been for that easement."

Hocevar said, "The pipe isn't out 30 foot. It's real close within the 20 foot easement." The Mayor asked Mr. Flesher if Dave Hocevar could go on his property and measure it again. "Sure," answered Mr. Flesher. Solicitor Ondrey added, "The Planning Board can not wave fees".

OLD BUSINESS:

The September 25, 1997 minutes were amended. Cotesworth moved to accept them. McIlrath second. Roll call. All ayes. The minutes were approved.

Re: Nickie Chopra, who came before the Planning Commission January 15, 1998, to informally discuss opening a Greek Restaurant at 5210 Chillicothe Rd. (formerly Jezebel's) has not contacted the Village since January 15, 1998.

The Mayor commented that a couple of years ago, the Holzhemier property on Bell Rd. was approved for a Veterinarian. He asked, "How long does approval hold up"? Ondrey answered, "I didn't think there was a time restriction. There is a time restriction with a variance, maybe a year time limit."

Re: Gurney School. Hocevar reported it's going well. But there's a difference of opinion about the stage area – specifically- sprinkling it. "They don't have enough water to support one head on a domestic line," said Hocevar. "The storage room has been redefined, so they don't need sprinklers. Now they need the stage area to be redefined, so

they don't need sprinklers. Redefine or design. The alternative is to go to Akron and appeal it," he said.

The Architects, Burgess & Niple, intend to call Hocevar. "We are looking at what they define as a stage area & jointly why the book says it has to be sprinkled. I don't see a difference. Not at all," Hocevar said.

Chairman Sutliff asked, "Why can't they get water to it"? Hocevar answered, "They can't get enough pressure to take a float test on a domestic head; not enough water flow."

Hocevar asked the Solicitor to comment on a definition for "structures" such as: RR ties, tennis courts and stuff in the front yard. Ondrey said, "Our definition of structures is extremely broad. If we wanted to we could justify calling these RR ties structures. It is somewhat confusing and leaves us subject to some criticism". A recent incident occurred. Ondrey told Hocevar that RR ties should not be considered a structure. Re. Tennis courts. Ondrey said, "If its becoming routine, we should find a way to deal with it".

The Mayor asked the Solicitor to update the Commission members about the Bellwood Sewer Project. Ondrey explained, "The County's Water Resources Dept. needs a pump station. The water dept. proposes to put it on a 60-foot wide strip of property that was dedicated to the Village by the developer of Bellwood. A pump station is not a permitted use. It won't meet the rear or side yard requirements. The County has made an application and it was denied. Now the County will appear before the ZBA on 3-25-1998 to ask for a variance." Ondrey said he will recommend to the Village that because it's another subdivision and they can show a necessity for this function; he does not believe that they have to strictly conform to our zoning. "The standard for them is that they have to make a reasonable attempt to conform. If they can't and can show us engineering-wise why it is impossible, I don't think we can turn them down. Frankly, the Village doesn't want to turn them down because we're under orders from the EPA now," explained Ondrey.

There are some issues with an adjacent property owner named Harrington. He is not happy that the pump station will be next to his property.

According to Ondrey, the County has gone through all of the procedures they needed to as far as assessments, public hearings. They hope to put this out for bid this spring (1998). They hope to start construction in July 1998 and anticipate finishing within a year. The size of the pump station is 17X35. Screening was discussed.

Re: Sewer project on Bell Rd. It is pretty much resolved. The County costs are way up. "They will be done with pipe installation in a couple of days," said Engineer Foley.

NEW BUSINESS:

The Mayor said there may be some pressure to rezone parts of Route 306.

Re: The Armory. The preliminary designs of the athletic fields are done. It will probably be used by people who live in this school system. Hopefully, it will be funded by volunteers, fund-raisers and grant money.

Re: Chem. Masters. There was a sheriff sale today (2-19-1998). Nobody bid on it. The second sheriff's sale will be in March 1998. If it doesn't sell, an auditor's sale will be in the summer of 98'. If it doesn't sell hopefully, the County & Village can turn it over to the state.

Re: Brunch. South Russell Village will host a brunch at Punderson on March 15, 1998 for its employees and members of its various Boards.

The next meeting is scheduled for March 19, 1998 at 7:30 P.M.

Chairman Sutliff asked for a motion to adjourn. The Mayor moved to adjourn. McIlrath second. Roll call. All ayes.

There being no further business, the meeting adjourned at 8:25 P.M.


Walter Sutliff, Chairman


Maggie Tomaro, Secretary

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

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

PLANNING COMMISSION MEETING
FEBRUARY 19, 1998
7:30 P.M.

1. ROLL CALL:

2. MINUTES:

3. GUESTS: BOB FLESHER OF 533 MANORBROOK DR.
HE IS BUILDING A HOUSE AT 534 MANORBROOK DR.
(SUBLOT 65). HE WISHES TO DISCUSS BILLS HE HAS
RECEIVED FROM THE SOLICITOR REGARDING SUBLOT
65.

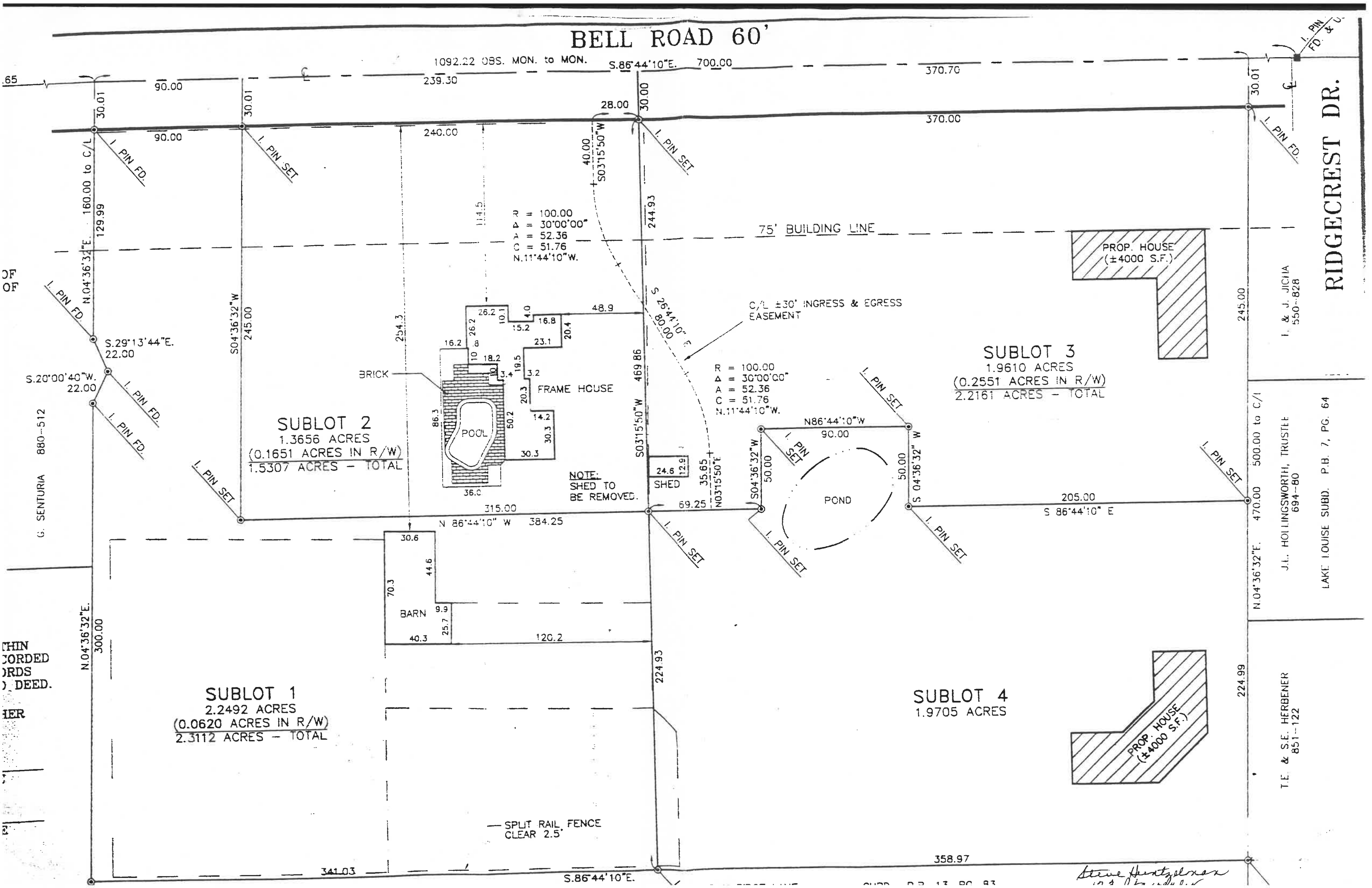
J.K. TARICKSKA & ASSOCIATES INC.,
DISCUSS ATM MACHINE THROUGH WALL OF
CHARTER ONE BANK, 1194 BELL ROAD.

4. OLD BUSINESS:

5. NEW BUSINESS:

6. ADJOURN:

BELL ROAD 60'



ORDINANCE

SOUTH RUSSELL VILLAGE

ZONING CODE

RECEIVED
APR 24 1995

SOUTH RUSSELL
BLDG/ZONING DEPT

*sent Member
P/C given a copy of this
in packet 3-23-98*

REVISED

1992-9

1992-46

1993-37

1994-54

SEP 10 92

1992-2-92

9-92

8-93

11-94

Form Z-4 shall also be mailed by the Clerk at least thirty (30) days before the hearing to property owners within, contiguous to or across the street from the area involved.

(e) Council Action: Within thirty (30) days after the completion of the required readings, or any waiver thereof, Council shall by ordinance adopt, modify or deny the amendment. No Council action however, shall overrule a Commission recommendation except by an affirmative vote of three-fourths (3/4) of the Council 1 members.

3.07 APPEALS - The Board shall hear and determine any question or dispute involving the interpretation of the provisions of this Code and may grant variances according to the following procedure, standards and criteria. Any party adversely affected may file an appeal to the Board from any administrative action including the granting or denial of a zoning permit or occupancy permit.

(a) Application: Applications shall be filed with the Secretary within twenty (20) days after the date of any action to be appealed from and shall include the following data:

1. One (1) copy of Form Z-6 completed by the applicant.
2. The deposit specified on Schedule 1. Every appeal shall include a non-refundable fee of \$50 and the deposit shall be utilized to cover all costs of the municipality as set forth in Section 3.10 of this Code. In the event the actual cost and fees exceeds the amount of the deposit, the applicant shall submit the same to the Clerk upon receipt of an invoice for such additional costs or fees and no permit shall be issued until the same has been paid to the municipality.

Went this one
(b) Review & Hearing: Upon receipt of a complete application, the Secretary shall notify the Chairman of the Board who shall schedule a public hearing within thirty-five days of the filing date of the application. Notice of the hearing on Form Z-4 shall be given at least one (1) publication in a newspaper of general circulation in the municipality at least ten (10) days before such hearing. Form Z-4 shall be mailed by the Secretary of the Board at least ten (10) days before the hearing to the applicant and property owners contiguous to, across the street from and within the property involved. Failure to deliver such notice, however, shall not invalidate any Board action.

(c) Action: Within fifteen (15) days after the public hearing, the Board shall approve, conditionally approve or disapprove the application. Board action, including any conditions thereto shall be certified by the Secretary on Form Z-6 and one (1) copy shall be returned to the applicant and one (1) forwarded to the Zoning Inspector. Any rights obtained by variance and any permit issued shall become void if such permit would become void under Section 3.01 (d) of this Code. In determining whether or not the application should be approved,

*Each member of PLC
gives a copy of this in
packet 3-23-98*

*- Previous way Zoning Code is
written (prior to 2-16-93)
NOTE: SAME PROCEDURES NOTED ON THIS PAGE
have been used until 2-1998*

Form Z-4 shall also be mailed by the Clerk at least thirty (30) days before the hearing to property owners within, contiguous to or across the street from the area involved.

(e) Council Action: Within thirty (30) days after the completion of the required readings, or any waiver thereof, Council shall by ordinance adopt, modify or deny the amendment. No Council action however, shall overrule a Commission recommendation except by an affirmative vote of three-fourths (3/4) of the Council 1 members.

3.07 APPEALS - The Board shall hear and determine any question or dispute involving the interpretation of the provisions of this Code and may grant variances (other than as to the height of any residential dwelling) according to the following procedure, standards and criteria. The Planning Commission shall hear and determine any variance to the maximum height regulations of Chapter 4 of this Code according to the following procedure, standards and criteria. Any party adversely affected may file an appeal to the Board from any administrative action including the granting or denial of a zoning permit or occupancy permit, however, the Board shall not hear appeals from any final decision of the Commission requesting a variance to the maximum height regulations of Chapter 4 of this Code. (Amended by Ord. No. 1993-37, passed 8-16-93)

(a) Application: Applications shall be filed with the Secretary within twenty (20) days after the date of any action to be appealed from and shall include the following data:

1. One (1) copy of Form Z-6 completed by the applicant.
2. The deposit specified on Schedule 1. Every appeal shall include a non-refundable fee of \$50 and the deposit shall be utilized to cover all costs of the municipality as set forth in Section 3.10 of this Code. In the event the actual cost and fees exceeds the amount of the deposit, the applicant shall submit the same to the Clerk upon receipt of an invoice for such additional costs or fees and no permit shall be issued until the same has been paid to the municipality.

(b) Review & Hearing: Upon receipt of a complete application, the Secretary shall notify the Chairman of the Board, or the Commission as to residential height variances, who shall schedule a public hearing within thirty-five days of the filing date of the application. Notice of the hearing on Form Z-4 shall be given at least one (1) publication in a newspaper of general circulation in the municipality at least ten (10) days before such hearing. Form Z-4 shall be mailed by the Secretary of the Board, or the Commission, as the case may be, at least ten (10) days before the hearing to the applicant and property owners contiguous to, across the street from, and all others within five hundred (500) feet of any yard of the property involved. Failure to deliver such notice, however, shall not invalidate any Board or Commission action. (Amended by Ord. No. 1993-37, passed 8-16-93)

stop

*Lead member of PIC given a copy of
this in packet 3-23-98*

Planning Commission Meeting
March 24, 1998

Re: Zoning procedures of neighboring communities, 3-19-1998

Chagrin Falls: Ben Himes, contact person. C.F. Village contacts residents 300 feet from the homeowner requesting a variance. A circle is drawn around the homeowner's property. Residents within the 300 feet are sent a notice. Also C.F. Village publishes the variance request.

Bainbridge: Linda Zimmerman, contact person. Applicants provide the names & addresses of the property owners contiguous to, next door and across the street from the homeowner requesting the variance. A certified letter is sent. Each letter costs \$2.77. The zoning rules state that residents up to 300 feet are to be notified. Linda said, Bainbridge doesn't follow that. Bainbridge publishes the variance request.

Bentleyville: Carm Pitts, contact person. Property owners adjoining, across the street from, on each side & in the rear are notified. No foot requirement. Bentleyville publishes the variance request.

Moreland Hills: Greg Potts, contact person. The immediate neighbor on the side where the fence or addition is to be built is notified. In the past there was a foot requirement & others were notified. M.H. residents complained about receiving notices that didn't effect them. They stopped that procedure. Village residents receive a newsletter. The notice of the variance request is in the newsletter.

VILLAGE OF SOUTH RUSSELL
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PLANNING COMMISSION MEETING
APRIL 30, 1998
7:30 P.M.

1. ROLL CALL:
2. MINUTES:
3. GUESTS: STEVE SHERGALIS, FACILITIES MANAGER OF CHAGRIN FALLS SCHOOL SYSTEM, & MELINDA SMITH, PRESIDENT OF THE SCHOOL BOARD, WISH TO DISCUSS WIDENING OF THE DRIVEWAY AT GURNEY SCHOOL

RICK DEMARCO OF BURGESS & NIPLE AND BILL DUNAGAN, ENGINEER, WISH TO DISCUSS PROPOSING A THIRD LANE AT THE ENTRANCE OF GURNEY SCHOOL
4. OLD BUSINESS:
5. NEW BUSINESS:
6. ADJOURN:

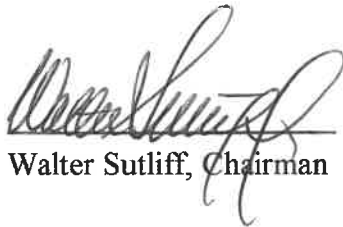
acre. The Mayor answered, "If we approve a zoning change." Hocevar doesn't think there is water sensitivity. Ondrey will ask Dale Markowitz who the property owner is. The Mayor and Ondrey will decide who will contact the property owner.

The Mayor initiated discussion about the sign at Hunan by the Falls Restaurant on East Washington Street. It's neon & it's legal. The Mayor wondered if the Planning Commission would like to make a recommendation for or against neon signs in South Russell. McIlrath will look into this. The Planning Commission will discuss neon signs at the next meeting.

The Cleveland Clinic has taken over The Chagrin Valley Medical Center located at 551 East Washington St. Hocevar will meet with the Cleveland Clinic representatives Monday, May 4, 1998 to discuss a new sign for the building. Currently, it is 7 feet. The Clinic hopes to expand it to 12 feet.

The next Planning Commission meeting will be Thursday, May 21, 1998 at 7:00 P.M.

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



Walter Sutliff, Chairman



Maggie Tomaro, Secretary

**RECORD OF PROCEEDINGS
MINUTES OF PLANNING COMMISSION MEETING
APRIL 30, 1998
7:30 P.M.**

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

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

ABSENT: Cathy Male

GUESTS: Charles S. Wanan, Bill Dunagan, Engineer, Rick DeMarco, Architect at Burgess & Niple for Gurney School, Steve Shergalis, Facilities Manager of Chagrin Falls Schools, Melinda Smith, President of the C.F. School Board

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

The minutes from the Planning Commission meeting of February 19, 1998 were approved.

Rick DeMarco of Burgess & Niple, Bill Dunagan, engineer and Steve Shergalis of C.F. School presented a plan to widen the driveway at Gurney School starting at the Bell Road entrance. They propose three lanes; two to enter, one to exit. The new entrance lane furthest to the east would allow adults to drop off & pick up without hindering the buses. The buses will use the middle lane to enter the school. All traffic will exit from the western most lane.

Steve Shergalis explained that during the 1998-99 school year, Gurney will have two additional grades, third & fourth. This is due to Sands School on East Washington Street being closed. Construction on that site will occur. When Sands reopens, Gurney will retain the third grade.

Steve Shergalis verbalized other reasons for 3 lanes: The new gymnasium will have additional activities that will bring in more traffic. The playing fields attract traffic. With additional enrollment, he anticipates 46-60 cars dropping off/picking up students. Currently, the driveway has space for 22 cars.

Mr. Shergalis stated advantages to widening the driveway: 1. improved sight accesses, 2. Since more parents will be attending school programs due to increase enrollment, this will get traffic off Bell Road quickly, 3. Emergency vehicles will not be hampered & be able to get onto the property efficiently, 4. The new lane can be used for overflow parking

Mr. Shergalis proposed: a third lane that starts at the Bell Road entrance, a 12 foot extension to the east of the current driveway to accommodate the new lane, relocate the existing trees located in the Jeff Rankin Arboretum, remove 2 of the 3 CEI poles, retain one at the apron with a light, install the wires underground, grade & slope the new lane toward the new catch basins for proper drainage. These to be tied into existing drainage system that was put in the overall plan in the renovations at Gurney. Concrete driveway with 6-inch slab with appropriate aggregate base, along with a Geo-Tech fabric on the subsurface for added stability, design appropriate lane markers to direct traffic i.e. (Right lane, enter only & go right, Center lane, enter only. Go left or right. Left lane, exit only), no need to replace drainage & concrete of west lane; they are in good condition, replacement of damaged part of existing concrete driveway, (replace the proposed center lane).

Questions & discussion followed. Mr. Shergalis said the school can accommodate 46 cars in the loop with the new lane. Sutliff asked, "What happens if there are 60 cars? Do they park out on Bell?" Mr. Shergalis said they intend to dissuade parents from dropping off/picking up. "And the line moves. It is not static. We hope 46 will be adequate."

The Mayor asked how long it would take if there were 46 cars. "About 10-15 minutes," Shergalis said.

Sutliff asked about the existing sidewalk. It would be removed & a new sidewalk installed.

Melinda Smith, C.F. School Board President, said, "We are trying to be proactive & prevent congestion on Bell Rd."

Shergalis said they anticipate a problem with the backup with parents waiting.

The Mayor asked about the white fence that lines the West Side of the driveway. DeMarco said he believes it will go back up.

The Mayor asked what the width of the Gurney right-of-way is. DeMarco said between 50 & 60. The existing road is 22 feet wide. Foley said the right-of-way is 72 feet wide.

The Mayor asked if some of the trees of the Jess Rankin Arboretum are in Fox Run. Yes, they are. Dennis Barriball, landscaper, has been hired to ball the trees & move them. They will be moved near the new classroom building.

Sutliff asked if he were a staff member arriving late, where would he park. Staff arrive ½ hour before students.

Sutliff asked if the apron near Bell Road is to be torn out & redone. The apron has been recently replaced. It will remain. A new section of the apron will be added to accommodate the new lane.

Sutliff asked if there is a catch basin on the East Side. There are two catch basins.

The Mayor talked about drainage for the new east lane. Foley responded. "The existing drain goes west & crowns in the middle."

The Mayor asked how much it would cost to replace the entire road. Dunagan answered, "\$25,000.00 to \$30,000.00. There is no indication that it is needed. There is no cracking, no movement. It's very serviceable. The concrete is in good shape. There would be removal costs, new drainage, preparation, gravel base, concrete service base costs."

Sutliff asked if it would be done before school starts in the fall of 98'. Yes.

The Mayor asked Foley if he sees a problem with the portion of the road (driveway) that they intend to leave as is. Foley reported, "It's serviceable". He'd like to see a rolled curb rather than a swale & ditch. He'd like to get rid of the ditch. Foley said his concerns about traffic, the trees & power poles have been addressed.

Discussion occurred about the rolled curbs. Shergalis said, "It's a maintenance problem for running the plows that would be added costs from initial installation to long term maintenance". The Mayor responded, "There are a lot of rolled curbs in the Village, our plows are heavy & there is no problem." Shergalis asked what is the purpose of the rolled curb. Foley answered, "1. The ditch might need more maintenance than the curb, 2. As you carry across the lanes & bring that to a crown, you are going to be down 6 inches. Putting in a rolled curb will bring you back to existing grade & make the area between the pavement & new sidewalk blend into the existing. 3. Probably it will improve the drainage, 4. A swale & ditch off the edge may be more of a problem in terms of cars getting off the edge of the pavement, 5. Overflow parking; if they park off the concrete, then they will create ruts, whereas, the curb would contain the cars on the pavement. 6. Dollars are always an issue. I don't think a rolled curb represents a big number."

Sutliff asked what will be done on the West Side of the drive. Nothing. It is static. An aesthetic problem is that there would be a rolled curb on one side & not on the other.

The Mayor asked how many feet the rolled curb would be. About 300-400 feet. Sutliff said you should save money because there is no catch basin. Foley added, "As you get down to the end of the road, the curb would taper down to virtually nothing."

Sutliff said he would like a recommendation from the Chief of Police in regard to traffic control, painted signs and stop signs. Hocevar talked to the Chief today. He said the Chief said, without seeing the drawings, he won't comment on it. The Mayor asked Hocevar to call the Chief, show him the drawings & get feedback.

The Mayor asked what the next step is. Shergalis answered that there is a school board meeting Monday, May 4, 1998. He will present this proposal to the Board & hopes it gets approved.

Melinda Smith said that at Solon the pick up time is delayed until the buses leave. This will be discussed at the school board meeting.

Cotesworth asked if there would be any parking spaces in the middle of the parking lot. There will be some parking available. The Mayor asked about handicap parking. Sutliff said he assumed the ADA parking issue has been addressed. Dunagan answered, "ADA requirements have been adequately addressed."

McIlrath expressed concern about the trees that will be relocated from the Jess Rankin Arboretum. She wants a commitment to replace them if they do not survive the move & transplanting.

The Mayor asked, "How close will the new sidewalk be to the utility box?" Five-six feet was the answer. "How close will the telephone pole be to the paving?" Foley answered, "Four feet from the travel surface."

The Mayor said, "Our concerns have been dealt with". He would like to see a rolled curb because of the recommendation by the engineer that it will help drainage & aesthetics. He'd like to make a motion to accept the proposal with conditions: approval from the police chief, rolled curb & trees relocated. McIlrath second. Roll call. All ayes.

Ondrey prepared a motion re. Gurney school Driveway.

"The plans submitted by the Chagrin Falls School system to improve Gurney School drive off Bell are approved subject to the following conditions:

- 1. Approval of the plan by the Village's Police Chief;**
- 2. Construction of a four inch integral rolled curb as part of the east lane;**
- 3. All reasonable efforts shall be undertaken by the school in order to preserve and replant the heritage trees currently existing alongside the driveway."**

OLD BUSINESS:

The minutes of the Planning Commission meeting on March 24, 1998 were discussed. There was a question concerning content of one subject. Cotesworth moved to approve the minutes with the condition that we rephrase the wording. McIlrath second. Roll call. All ayes. The Mayor abstained from voting because he was not in attendance at the March 24, 1998 meeting. (Note, it has been changed, 5-1-1998)

Bob Flesher's bill was discussed. Ondrey already sent Mr. Flesher a letter. Sutliff recommended that Ondrey write another letter.

Hocevar initiated discussion about Emerald Lakes. He said, "Emerald Lakes is out about \$2,600.00". The Village has reimbursed the engineer & Ondrey's office for

bills incurred by the Emerald Lakes development. Ondrey has sent a letter. No response to date. Sutliff recommended that Ondrey send another letter.

The Mayor referred to a newspaper article from December 12, 1985. The Village rezoned property called, "The Mushrush Farm," which consisted of 15 acres. The front part of the 15 acres was rezoned R-5. The back part was rezoned to assisted living, a special category.

The last sentence of the 1985 article reads, "Mr. Wilson said that if Council adopts the zoning change, construction will begin in the spring and would be completed by the winter of 1986 with occupancy in the spring of 1987."

The Mayor wondered if this is in the best interest of the Village, fair to the developer. He wanted to know if there is an interest to rezone it. It could go back to R-1, which is one house/one acre. Sutliff asked if legally this could be done. Ondrey said, "After 11 years, we are safe to rezone."

Sutliff referred to a builder, Rob Myers. He is interested in the 4-acre parcel for sale on Rte. 306. Mr. Myers is interested in developing it commercially. According to Sutliff, Mr. Myers wondered who would pay \$65,000.00 an acre on Rte. 306, then pay additional money to build a house. The mayor explained, "Originally there were eight acres. A couple of years ago, the Village approved a 4-acre lot split. At the present time, there are 4, one acre lots and 2, two acre lots." Sutliff said the woman who owns the lots told Myers she is trying to sell 4 lots at \$65,000.00 a lot.

Sutliff asked, "What is the Village's position toward expansion?" The Mayor answered, "I don't want to see anymore Village real estate zoned commercial for business." He referred to Mezi Lumber. Jim Mezi talked to the Mayor about property he owned. The Mayor told Mr. Mezi, "Generally, we've taken the position that we want no expansion of the commercial zoning district." The Mayor said to the Planning Commission, "Anytime we break our zoning, we're opening ourselves to future problems."

Sutliff asked, "What is left to develop commercially?" Nothing north of the B.P. station located at Bell Road & Rte. 306. Next door to the Dairy Mart on Rte. 306, there is a little piece of land that is zoned commercially.

Ondrey said a problem may occur if someone really could not develop the property for residential because of traffic and proximity of other commercial things in the district. Ondrey wondered if the Commission wants to plan exactly what the commercial uses would be as opposed to having a court settle it.

Back to assisted-living: Original plan: an assisted-living facility on the back 10 acres, accommodate up to 100 residents, have an access road through the farm in front, leave 5 acres parallel to Rte. 306 in tact. McIlrath asked if it could be one house/one

SOUTH RUSSELL VILLAGE PLANNING COMMISSION:

MOTION RE: GURNEY SCHOOL DRIVEWAY

The plans submitted by the Chagrin Falls School system to improve Gurney School drive off Bell are approved subject to the following conditions:

1. Approval of the plan by the Village's Police Chief;
2. Construction of a four inch integral role curb as part of the east lane;
3. All reasonable efforts shall be undertaken by the school in order to preserve and replant the heritage trees currently existing alongside the driveway.

*note: mailed to Maggie Tomaro from David
On May 5-6-1998, this motion has been
incorporated into the April 30, 98 minutes.
M.D.T.*

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

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

PLANNING COMMISSION MEETING
MARCH 24, 1998
7:30P.M.

1. ROLL CALL:

2. MINUTES:

3. GUESTS: STEVE HEINTZELMAN. INFORMAL DISCUSSION
ABOUT LOT-SPLIT ON HLAVIN PROPERTY

MAGGIE TOMARO. PROPOSE A ZONING AMMENDMENT
TO THE SOUTH RUSSELL ZONING CODE. RE: REVIEW
& HEARING

4. OLD BUSINESS:

5. NEW BUSINESS:

6. ADJOURN:

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

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

**RECORD OF PROCEEDINGS
MINUTES OF PLANNING COMMISSION MEETING
MARCH 24, 1998
7:30 P.M.**

MEMBERS PRESENT: Walter Sutliff, Cathy Male, Marilyn Cotesworth,
Ruth McIlrath,

OTHER OFFICIALS: David Hocesvar (Building Inspector), David Ondrey(Solicitor)

ABSENT: Mayor William Young, Ned Foley (Engineer)

GUESTS:Steven Heintzelman, 123 Waverly Ln.
Maggie Tomaro, Secretary of Planning Commission

Chairman Sutliff called the meeting to order at 7:33P.M.

Waived approval of minutes from the meeting on February 19, 1998 to the next meeting.

Steven Heintzelman and the committee members held an informal discussion concerning splitting **Tom and Patti Hlavin's** property located at **1360 Bell Rd., South Russell**. Currently, there are eight acres. This property had been discussed at a prior Planning Commission Meeting. No action was taken previously.

Mr. Heintzelman said he wants basic information, any legalities so he can properly do the drawings. He handed out a drawing of the property.

Discussion occurred about splitting the lot that houses the Hlavin's home, pond, barn, pool and developing buildable lots. A variance would be required

to meet the side-yard setback regulations (25 ft.) for the barn, which the Hlavin's are considering converting into a residence. The pool is regarded as an accessory structure. Again, a variance would be required to meet the 25 ft. rear yard setback requirement.

There is a split-rail fence now. The parts across the rear property line and side property line must be relocated because they encroach on the new properties Heintzelman hopes to develop. Another variance is required because the fence is supposed to be 3 feet off the property line.

The shed, on parcel subplot #3, requires a variance to remain. The pond is governed by a 20-foot setback regulation. It needs to be removed or seek a variance. The pond is about 30 feet across, about 4 ½ feet deep, not spring fed. Hlavin developed it as a run off. Another variance is required because ponds are not allowed in the front of properties. If this lot is split and homes built as shown on the drawing, the pond ends up being in the front of the house. If the pond is removed, the property line will be straightened out.

Another variance is needed between the barn & the property line. Driveways and the driving lane were discussed. Another variance is necessary because the rear lots do not originate at the street. Lots are defined as abutting the street, Ondrey thought. He will look into this.

Ondrey is going to look into whether a variance is necessary to create subplot #4. Ondrey will communicate directly with David Hocesvar about this.

Ondrey said another concern when this was addressed previously, was the sight distances. He said to think about utilizing the existing driveway and not have new driveways installed. Also consider a deed restriction so a new driveway can not be installed latter on.

Sutliff asked about the minimum lot size allowed. Hocesvar answered 1 ½ acres. Sublot #2 is an insufficient size. If the property line were moved, then it would be acceptable. Sutliff suggested that Kurt Laderer, the Police Chief, look at the property and get his thoughts about sight lines.

Sutliff asked about water. Hocesvar told Heintzelman to get approval from the county for septic systems.

Comments were made about the barn. The zoning regulations do not permit accessory structures. Ondrey said a condition – if the variance is granted – is that the barn be used as a residence.

Ondrey wondered if the Planning Commission needs to think about requirements of easements between the different lot owners for use of the driveway. This is so there is no arguments in the future about one person crossing another person's property. Heintzelman said he talked with Hlavin about having deed restrictions to create an association that is binding. It is like a development that has a Homeowner's Association. The Hlavin's agreed to this according to Heintzelman.

Hocesvar asked Ondrey what to do about utility easements going to the rear property. Sublot #4 is effected. Ondrey said a condition of the approval is that subplot # 4 should be granted an easement for utilities from subplot # 3.

Ondrey is going to look into the right-of-way and minimum lot size. He will get back to Hocesvar.

Maggie Tomaro, Planning Commission Secretary, approached the Planning Commission and **proposed a zoning amendment to the South Russell Zoning Code Re: Review & Hearing.**

Prior to 8-16-1993, the Review & Hearing section read, "Form Z-4 shall be mailed by the Secretary of the Board at least ten (10) days before the hearing to the applicant and property owners contiguous to, across the street from and within the property involved." As of 8-16-1993 it read, "to the applicant and property owners contiguous to, across the street from, and all others five hundred (500) feet of any yard of the property involved."

Neither the Building Department nor the Secretary of the Planning Commission was aware of the 500 feet requirement until February 1998.

Three variances were requested in February 1998. To satisfy the notification of property owners within 500 feet, it required: (1). an employee of the Building Department and the Planning Commission Secretary to spend 4 hours each looking up names and addresses of the property owners, (2). nearly 100 letters to be written, envelopes addressed and mailed (as compared to approximately 6 per variance), (3). additional postage.

Once property owners received the notification, there were 2 telephone calls. They asked why they were notified. One complained of wasting tax dollars. A resident who lives in Country Estates questioned Councilwoman, Kathy O'Donnell. He wanted to know why he was informed of a variance request in Emerald Lakes II.

Prior to tonight's meeting, the Secretary contacted surrounding communities and inquired about their notification procedures. A copy of the responses is attached to the minutes.

Based on the reasons listed above, the secretary requests a zoning amendment to change the zoning code to what it was prior to 8-16-1993.

Discussion occurred among committee members. Ruth McIlrath made a motion to recommend to Council an amendment of Section 3.07 point B, Review and Hearing, of the zoning code to eliminate the 500 feet requirement of notice. Marilyn Cotesworth second. Roll call: McIlrath, yes, Cotesworth, yes, Male, yes, Sutliff, no. The motion passed. Ondrey will introduce this motion to Council in April.

OLD BUSINESS:

Bob Flesher was present at the February 19, 1998 Planning Commission Meeting. He voiced concerns about a bill for legal services from the Village Solicitor. Ondrey said he is convinced his office did not have to spend any significant, additional time because of the need to relocate the easement. Sutliff said the Planning Commission is in no position to spend Village money. He told Ondrey to send Mr. Flesher a letter to that fact. "If he has a further complaint," Sutliff said, "send him to Council because it is up to Council not us."

NEW BUSINESS:



The committee discussed the document, "Geauga County Transfer & Conveyance Standards". Ondrey said the county now has a set of standards regarding legal descriptions for subdivision plats. The standards will be imposed before the county records a plat. There will be an extra step before the plat is filed. The developer will have to make certain that his description is approved by the Engineer in this village and By the County Engineer's Office. South Russell still approves it with the same standards. Hocevar will notify Heintzelman of this change.

Christina Livers, Russell Twp. Board of Trustees, sent a letter opposing passage in the U.S. Senate of H.R.1534. Cotesworth agreed with Livers. Ondrey said Council is thinking about this at the present time.

Hocevar asked about fees. Under Fee Schedule #1, there is no fee for an occupancy permit. Latter in the zoning book, under Administration, Zoning Permits (Pp. 17, Chapter 3), there is a \$75.00 charge for a "change of occupancy". Hocevar requests clarification. Ondrey said the Village is charging \$75.00 for a new zoning permit. The Village is not charging for a new occupancy permit.

The next meeting is scheduled for Thursday, April 30, 1998 at 7:30P.M. Cathy Male will not be available.

There being no further business, the meeting adjourned at 8:40 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

To: Planning Commission Members
From: Maggie Tomaro, Secretary
March 23, 1998

Enclosed is :

1. Agenda & minutes from the meeting on 2-19-98
2. A document called, "Geauga County Transfer & Conveyance Standards"
3. A letter & additional information re.: Subdivision Plats, from Solicitor Markowitz
4. A letter from Christina Livers, Russell Twp. Board of Trustees re.: opposing passage in the U.S. Senate of H.R. 1534
5. Agenda for meeting scheduled 3-24-1998
 - A. A map of Hlavin property
 - B. South Russell Zoning procedure re.: Review & Hearing
 - C. Zoning procedures of neighboring communities

Pl/RL
TRACY A. JEMISON, A.A.S.
GEAUGA COUNTY AUDITOR
231 MAIN STREET, ANNEX
CHARDON, OH 44024

ROBERT L. PHILLIPS, P.E., P.S.
GEAUGA COUNTY ENGINEER
470 CENTER STREET, BLDG. 5
CHARDON, OH 44024

RECEIVED

Re: Geauga County Transfer and
Conveyance Standards

DEC 11 1997

South Russell Village

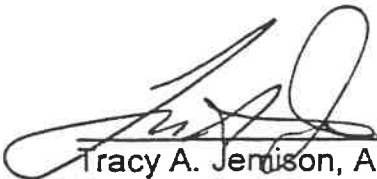
Dear Municipal Planning Commission:


In May 1996, the Ohio Legislature passed Senate Bill 158 requiring County Auditors and Engineers to adopt standards governing the transfer and conveyance of real property within the County. After some clean-up legislation, (S.B. 262 and S.B. 282), the law took effect on March 18, 1997. Shortly thereafter, our joint offices adopted the Geauga County Transfer and Conveyance Standards. Our standards were amended in August 1997, to accommodate some of the comments made during the first public hearings. Enclosed herewith, please find a copy of our current standards.

The purpose of this correspondence is to notify your municipal planning commission that all lot splits and subdivisions within your territorial jurisdiction will be reviewed by the County Engineer's Tax Map Department in accordance with the Minimum Standards for Boundary Surveys O.A.C. 4733-37-01 to 07 prior to being submitted to the County Auditor for transfer. We have worked out standard plat cover sheet language with the County Planning Commission in lieu of stamping the plat. We anticipate the need to work together to familiarize each other with county and municipal requirements in order to keep the platting process flowing to everyone's satisfaction. Enclosed are samples of the stamp language and County Planning Commission language for your information.

Please review the enclosure. Should you have any questions, kindly contact the Auditor's Office at (440) 285-2222, Ext. 4270 or the Engineer's Office at (440) 286-3936.

Cordially,


Tracy A. Jemison, A.A.S.
Gauga County Auditor


Robert L. Phillips, P.E., P.S.
Gauga County Engineer

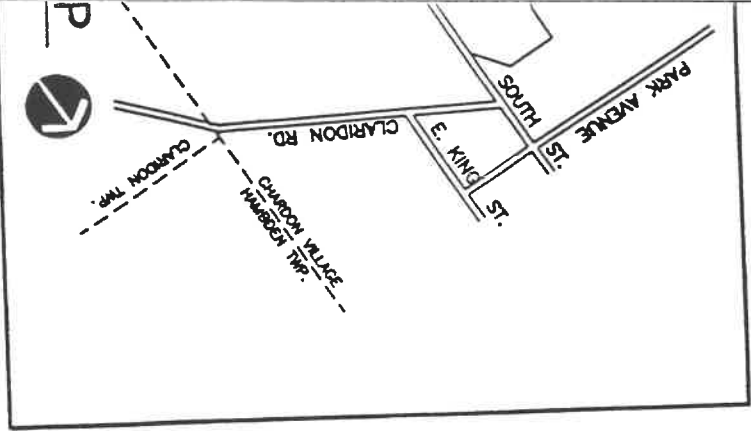
LWM:ckf
Enclosure

cc: *Mayor*
Pl/RL → gave each member of P/C a copy in a packet of info.
Betsy - Vass
Bldg. Dept.
on 3-23-98

OFFICE OF THE
GEAUGA COUNTY ENGINEER

ANE

GEAUGA, STATE OF OHIO AND
ST DIVISION, TRACT NO. 1 AND
SAID TOWNSHIP AND CONTAINING
YED TO THE BURLINGTON GROUP,
AGE 580 AND VOLUME 1006,



THE ATTACHED PLAT IN ACCORDANCE
THE OHIO ADMINISTRATIVE CODE AND
FEET AND DECIMAL PARTS THEREOF,
KNOWLEDGE AND BELIEF. IRON
L BE SET IN PLACE BEFORE FINAL
ENTS BY THE GEAUGA COUNTY ENGINEER.

8-21-96
NO. 7082

APPROVALS:

APPROVED AS TO LEGAL FORM THIS 9th DAY OF September, 1997.

John A. Givens
ASST. GEAUGA COUNTY PROSECUTOR

APPROVED THIS 18th DAY OF November, 1996.

Cynthia Cloutier
CHAIRMAN, GEAUGA COUNTY
PLANNING COMMISSION

PURSUANT TO OHIO REVISED CODE SECTION 711.041, I HAVE CHECKED THE CONSTRUCTION
OF ROADWAY IMPROVEMENTS OF THE ROAD DEDICATED TO PUBLIC USE HEREIN, AND DO
HEREBY FIND THAT THE SAME HAVE BEEN CONSTRUCTED, ARE IN ACCORDANCE WITH THE
APPROVED PLAT, SPECIFICATIONS AND CONSTRUCTION DRAWINGS, ARE IN GOOD REPAIR
AND HAVE MET ALL MAINTENANCE ROAD REQUIREMENTS.
THIS PLAT HAS BEEN REVIEWED AND MEETS THE MINIMUM STANDARDS FOR BOUNDARY
SURVEYS CODIFIED IN CHAPTER 4733-37 OF THE OHIO ADMINISTRATIVE CODES.

THIS 21st DAY OF October, 1997.

Robert A. Bell
GEAUGA COUNTY ENGINEER

APPROVED THIS _____ DAY OF _____, 19____, CONSTITUTING AN
ACCEPTANCE OF THE DEDICATION OF ANY RIGHT-OF-WAY SHOWN
HEREON FOR PUBLIC USE AND BENEFIT AND THE ACCEPTANCE FOR MAINTENANCE
OF SUCH IMPROVEMENTS CONTAINED WITHIN THE RIGHT-OF-WAY.

GEAUGA COUNTY COMMISSIONER

GEAUGA COUNTY COMMISSIONER

TRANSFERRED THIS _____ DAY OF _____, 19____.

GEAUGA COUNTY AUDITOR

GENERAL

In accordance with Section 319.203 of the Ohio Revised Code, the Geauga County Auditor and the Geauga County Engineer, by agreement, hereby establish the following standards governing the conveyance of real property in Geauga County.

It is the intent and purpose of these standards to provide a uniform method of reviewing instruments conveying real property to insure that property is accurately and properly described.

It is understood that all situations and circumstances cannot be covered by these standards and when those situations and circumstances arise they will be addressed by the County Auditor's Office and the County Engineer's Office.

All authors of conveyance instruments are encouraged to contact the County Auditor's Office well in advance of transfer.

**TRANSFER AND CONVEYANCE STANDARDS OF THE GEAUGA
COUNTY AUDITOR AND THE GEAUGA COUNTY ENGINEER
ADOPTED PURSUANT TO OHIO REVISED CODE SECTION 319.203**

EFFECTIVE AUGUST 22, 1997

**Section 1. APPLICATION OF TRANSFER AND CONVEYANCE
STANDARDS.**

These standards apply to any transfer and/or conveyance of an interest in real property, made by conveyance, partition, devise, descent, court order, certificate of transfer, affidavit, land contract, or any other document that would cause the following:

(A) Change in the Name of Owner(s) of Land.

Any instrument that creates, transfers, or terminates any interest in land or minerals that would cause a change in the name of the record owner or any one of the record owners must be presented to the County Auditor pursuant to O.R.C. 319.20;

(B) Change in Description.

Any instrument that changes, corrects, or amends the description of any parcel of land must be reviewed by the County Engineer pursuant to ORC 315.251 and then presented to the County Auditor.

Section 2. AFFIDAVITS.

The following affidavits must be reviewed by the County Auditor and/or County Engineer.

(A) Affidavit of Next of Kin.

An affidavit under the law of descent and distribution shall be made in accordance with ORC 317.22 or any other applicable section of the law. A certified copy of the death certificate or other official acknowledgment of death must be attached to the affidavit.

(B) Affidavit of Survivorship Interest.

An affidavit of a survivorship interest shall be made pursuant to O.R.C. 5302.17, only upon certificate of transfer or upon affidavit accompanied by a certified copy of the deceased joint tenant's death certificate.

(C) Affidavit on Facts Relating to Title.

The correction of a legal description may be made by affidavit pursuant to O.R.C. 5301.252 (B)(4) and (B)(5); such affidavit must be reviewed by the County Engineer. The legal description with the original stamp must be attached to the affidavit.

**Section 3. SPECIFIC REQUIREMENTS FOR ALL INSTRUMENTS OF
TRANSFER.**

All instruments conveying an interest in real property that are subject to O.R.C. 319.20, including all court orders and certificates of transfer, shall contain the following;

Section 5. SUFFICIENCY OF DESCRIPTION.

(A) Identification.

The description of land must allow the County Auditor and/or County Engineer to unambiguously identify the land being transferred. Descriptions determined by the County Auditor or County Engineer's Offices to contain clerical errors that do not affect these offices ability to identify the property will be accepted provided the clerical errors can be corrected upon the face of the description.

(B) Description of Tax Parcels.

All conveyance documents transferring an interest in a tax parcel shall contain one of the following types of description:

(1) Platted Lot.

A platted lot shall be described by its lot number or other designation, the name of the subdivision as platted pursuant to O.R.C. 711.101, the Volume and Page number of the plat, and the total acreage. Approval by the County Engineer shall be evidenced on the Plat.

(2) Condominium Unit.

A condominium unit shall be described by its unit number or other designation and the name of the condominium project as set forth in the declaration pursuant to O.R.C. 5311.10.

(3) Metes and Bounds Description.

Each tract of land that is neither a platted lot nor a condominium unit shall be described by a metes and bounds description. Said description shall bear the approval stamp from the County Engineer in accordance with these standards. If the metes and bounds description or the land to be conveyed is different from the legal description of the land conveyed in the most recent conveyance of all or part of that land a new metes and bounds description is needed.

(C) Permitted Exceptions in Description.

No single conveyance document may contain more than two (2) exceptions provided the original and the excepted parcels have their own legal descriptions and said description is accurate.

- (1) Deeds of record that have been recorded prior to May 8, 1996, may contain their original number of exceptions.

Section 6. REVIEW OF DIVISION OF LAND.

(A) Subdivision of Existing Parcel.

Any transfer or conveyance that is a subdivision as defined in O.R.C. 711.001 and the Geauga County Subdivision Regulations must bear the approval stamp of the Geauga County Planning Commission prior to being accepted by the County Auditor for transfer.

Section 9. REQUIREMENTS FOR ALL LOT(S) OF RECORD.

(A) Any parcel, outlot or portion of a lot or other designation must have an accurate description to enable the County Engineer and County Auditor to determine the residue or balance left, based on existing available records. Lots within a recorded subdivision must be vacated prior to being split or combined pursuant to O.R.C. 711.25, or an amended plat must be filed pursuant to O.R.C. 711.24.

(B) Any area being conveyed that is not within a subdivision must have an accurate metes and bounds description.

(C) The County Auditor will not convey or transfer a parcel that does not have frontage along an existing roadway unless it is transferred to an adjacent land owner or transferred with an adjacent property that has road frontage.

Section 10. REQUIREMENTS FOR EXISTING METES AND BOUNDS DESCRIPTIONS OF RECORD.

(A) All existing metes and bounds descriptions of record must be described verbatim as witnessed by the instrument of previous record and transfer, and will be checked by the County Auditor.

(B) Any existing real property that has a metes and bounds description and has been incorporated into a municipality or other political subdivision by means of annexation, since the most previous conveyance, must be changed to reflect its new location within the instrument of conveyance.

(C) All instruments of conveyance attempting to convey the remainder or balance of an existing tax parcel(s) from which outlots or exceptions exist must incorporate the following requirements:

(1) Each outlot or exception of the original tract(s) must be described verbatim as witnessed by the previous conveyance of record.

(2) Each documented exception must refer to its recorded source if any, by which it can be verified.

(3) All instruments of conveyance using exceptions to convey the balance or remainder of a tax parcel(s) must incorporate a statement identifying the tax parcel(s) and district to be conveyed, and the current taxable area as set forth on the County Auditor's tax list for the subject conveyance. (i.e. it is the intent of this instrument to convey all of Tax Parcel(s) number and district, containing acreage or square footage, as shown by the County Auditor's records).

(4) The County Auditor will make the necessary marginal notations on the instrument of conveyance to verify the tax parcel(s) to be conveyed.

(5) Legal descriptions may be submitted for pre-approval prior to the creation of the final instrument of transfer.

(D) Individuals intending to convey land with exceptions added to the legal description must present a copy of the most recent deed of record for the land being conveyed to the County Auditor.

(C) Requirements for New Metes and Bounds Descriptions.

(1) All new metes and bounds descriptions, not previously recorded, must be prepared by a registered Professional Surveyor and must be in compliance with the Ohio Administrative Code Chapter 4733-37.

(2) In addition, the following items shall be required:

(a) The situate must denote the state, county and municipality or township, range, tract, lot and section.

(b) The situate must denote recorded title and deed reference as to the tract(s) of origination.

(c) All descriptions must be referenced to an established point of beginning such as centerline intersections of streets or roads or record, established property corners of record.

(d) Each course of a new metes and bounds description should be a separate paragraph.

(e) Each course of a new metes and bounds description must contain a bearing expressed in degrees, minutes and seconds and a distance recited in feet and the decimal parts thereof as measured or calculated to the second decimal place, from the point of origination to the point of termination of each course.

(f) Any course of a new metes and bounds description which is a curve must contain the curve delta, its length, its direction (right or left), the radius (in feet and decimal parts thereof as measured or calculated to the second decimal place), and the long chord bearing and distance (in feet and decimal parts thereof as measured or calculated to the second decimal place).

(g) All references to roads, rivers, streams, railroads, etc., must use current or existing names of record. Old or original names should also be mentioned.

(h) All new metes and bounds descriptions must give the area contained within its perimeter in acres calculated to the third decimal place. Total calculated square footage may also be mentioned, if so desired.

(i) Whenever a new metes and bounds description encompasses two or more taxing districts, or two or more tax parcels, a breakdown of the total area must be recited for each tax district or parcel.

(j) All new descriptions will be subject to verification as to the accuracy of the closure and area described. Ohio Administrative Code Section 4733-37-04 states that in all new deed descriptions and plats of survey, the lengths and directions of the lines shall be specified so that the mathematical error of closure of the property boundary does not exceed 0.02 feet in latitudes and 0.02 feet in departure.

Chicago Title Agency of Northern Ohio Inc.

P.O. Box 170 147 Main Street Chardon, Ohio 44024

(440) 942-8464 286-4101 fax 942-5600

Servicing Lake and Geauga Counties

NEWS

Dale Markowitz

To: Our Surveyor, Attorney and Developer Customers;

From: Jim Hendley

Re: Subdivision/Condominium Plat Review

March 17, 1998

Please find the attached letter from Robert Phillips/Tracy Jemison regarding plat review that will go in effect April 15, 1998. I contacted Tracy Jemison regarding the process when the plat goes to a Village Municipality for approval and was instructed to have the plat go through the Engineer's Office process first then to the village. If the village changes the newly described plat legal parcel, then the plat would have to go back to the engineer's office prior to recordation to review the change which would cause an additional delay. If the property is in Chardon Village additional delay may occur in getting the plat released from the village to the county engineer. These delays and the five day review period should be figured in when contemplating a lot sale out of a new subdivision.

If I can answer any questions, please call.

each member of P/C given a copy
of this 3-23-98

TRACY A. JEMISON, AAS
GEAUGA COUNTY AUDITOR
231 MAIN STREET, ANNEX
CHARDON, OH 44024

ROBERT L. PHILLIPS, P.E., P.S.
GEAUGA COUNTY ENGINEER
470 CENTER STREET, BLDG. 5
CHARDON, OH 44024

March 13, 1998

Re: Plat Review

To Whom It May Concern:


In accordance with Section 319.203 of the Ohio Revised Code, the County Auditor and the County Engineer have set up the Geauga County Conveyance Standards. These standards went into effect August 22, 1997.

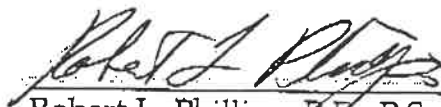
After further review, the County Auditor and the County Engineer will require all plats to be reviewed in accordance with the County Conveyance Standards. This practice will go into effect April 15, 1998.

The County Engineer requires up to 5 days for the reviewing process, prior to transferring and recording the plat.

Should you have any questions regarding this matter please do not hesitate to contact either office.

Sincerely,

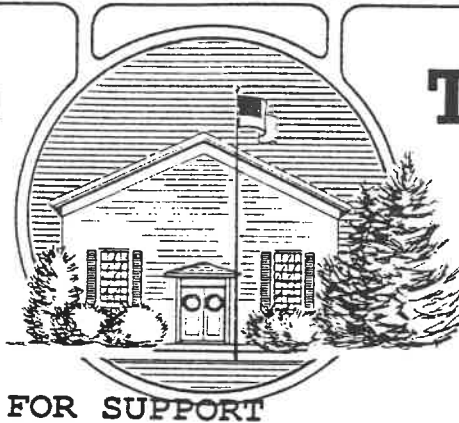

Tracy A. Jemison, AAS
Gauga County Auditor


Robert L. Phillips, P.E., P.S.
Gauga County Engineer

each member of PIC given a copy of
this in packet 3-23-98

RUSSELL

8501 Kinsman Road
P.O. Box 522



TOWNSHIP

Novelty, Ohio 44072

RECEIVED

MAR 12 1998

South Russell Village

REQUEST FOR SUPPORT

FROM: Russell Township Board of Trustees
TO: Geauga County Board of Commissioners
Gauga County Boards of Township Trustees
Gauga County Mayors & Village Councils
DATE: MARCH 10, 1998
RE: Keeping local control of local zoning by opposing
passage in the U.S. Senate of H.R. 1534

Dear Fellow Local Officials:

The United State Senate is considering passage of a bill that was approved in the U.S. House of Representatives last December as HR 1534. "Governing Magazine" described HR 1534 as "...the all-purpose planning and zoning preemption."

This bill would allow developers and others to bypass local courts and go into Federal court to challenge decisions of local zoning and planning boards.

At its March 4, meeting the Russell Township Board of Trustees adopted a Resolution opposing passage of this bill in the Senate. We are asking for your support. By adopting a similar Resolution and sending it to our U.S. Senators John Glenn and Mike DeWine, you will be working to keep local zoning a matter for local officials and their residents to decide.

Included is a copy of our Resolution 98-5 and "the National Zoning Nanny" article from "Governing Magazine". If you have any questions, please call.

Sincerely,

Christina Livers
Christina Livers,

Chairman: Russell Twp. Board of Trustees

Write to:

U.S. Senator John Glenn
200 N. High Street, Room 600
Columbus, OH 43215
Phone: (614)469-6697

U.S. Senator Mike DeWine
200 N. High Street, Room 405
Columbus, OH 43215
Phone: (614)469-6774

cc: Mayor
Council

ZBA

PL/BH - eat

Board of Trustees
(440) 338-8912

marker gives a copy in a packet 3-23-98

RESOLUTION 98-5

A RESOLUTION OPPOSING PASSAGE OF HR 1534 AND ITS U.S. SENATE VERSION TITLED "CITIZENS ACCESS TO JUSTICE ACT OF 1997"

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF RUSSELL TOWNSHIP, GEAUGA COUNTY, STATE OF OHIO, that in regular session on the 4th day of March, 1998, at the Russell Township Police Building with the following members present: Christina Livers, Gary G. Gabram and Clyde P. Evans.

That Mr. Gabram Moved the adoption of the following resolution:

WHEREAS, Senators Hatch, Reid, Coverdell, Thurmond, Gramm, and Burns have introduced the Citizens Access to Justice Act of 1997, requesting adoption by the United States Senate; and

WHEREAS, because this legislation would SO RADICALLY CHANGE present judicial procedures relating to local zoning and planning Boards at the Federal as well as the state and local levels SO AS TO CONSTITUTE A WHOLESALE FEDERAL PREEMPTION OF STATE AND LOCAL AUTHORITY OVER LAND USE AND LAND USE PLANNING, and

WHEREAS, the Department of Justice and U.S. Conference of Mayors strongly oppose this legislation, and

WHEREAS, the Russell Township Board of Trustees in Geauga County, Ohio recognize that Russell Township through a township-wide vote has had zoning in place since 1948 and is in its third decade of comprehensive land use planning, and

WHEREAS, the Russell Township Board of Trustees, through a township-wide survey of its 6000 residents, has documented evidence of the overwhelming support of its citizens for local land use planning and zoning, and

WHEREAS, the past three decades of comprehensive planning and strong zoning are credited with creating an attractive and desirable community which enjoys strong property values, stable quality of life, a tax base capable of providing excellent schools, roads, police and fire services; and

WHEREAS, property owners purchase property in Russell Township based on Russell's long history of maintaining a planned community that is in concert with the ideals and principles of a democracy and its residents; and

WHEREAS, FEDERAL PREEMPTION OF LOCAL PLANNING AND ZONING WOULD LEAD TO CATASTROPHIC FINANCIAL LOSSES TO ITS RESIDENTS in the form of devalued property and its corresponding loss of tax base, inability to maintain the high quality public services now provided, and inability to maintain the schools at their current high level of performance,

NOW, THEREFORE BE IT RESOLVED BY THE RUSSELL TOWNSHIP BOARD OF TOWNSHIP TRUSTEES, COUNTY OF GEAUGA IN THE STATE OF OHIO:

Section 1. That it is hereby resolved that the Russell Township Board of Trustees is unanimously opposed to the adoption of the euphemistically titled Citizens Access to Justice Act of 1997 and further urges all federal legislators to defeat this legislation.

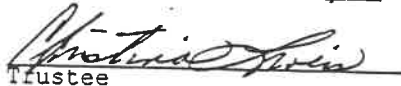
Resolution 98-5/2

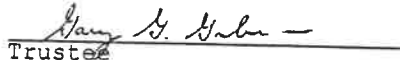
Section 2. That the Clerk-Treasurer of Russell Township shall forward a certified copy of this Resolution to the Senators from the State of Ohio and any other appropriate federal legislators.

Section 3. That is hereby founded and determined that all formal actions of this Board of Trustees concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board and that all deliberations of this Board on March 4, 1998, that resulted in such formal action were in a meeting open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. That this Resolution shall become effective upon its adoption by the Russell Township Board of Trustees, Geauga County, State of Ohio in public session March 4, 1998, and signed by said Board of Trustees.

Mr. Evans seconded the Resolution and the roll call resulted as follows: Mrs. Livers yes, Mr. Gabram yes, Mr. Evans yes.


Trustee


Trustee


Trustee

I certify that the above was adopted by the Board of Trustees of Russell Township, Geauga County, State of Ohio at its March 4, 1998 meeting.


Geraldine Heck, Clerk-Treasurer

The National Zoning Nanny

In its more meddlesome moments, Congress has been accused by some local governments of trying to act as the nation's "city council," dabbling in the minutia of issues from law enforcement to environment that are best left up to communities to handle themselves.

Those complaints have died down a bit in recent years as Devolution Fever has replaced Potomac Fever as Capitol Hill's infection of choice. But lately, Congress—which has been crowing about pushing authority down to the state and local level where it more appropriately belongs—has been evincing a weird penchant for being something worse than the nation's city council: It has decided to be its planning and zoning board.

Right now, this relapse of arrogance is on display in two very closely related policy areas. The first has to do with the siting of broadcast towers, as the cellular phone and high-resolution-television industries scramble to develop the infrastructure each needs to keep America glued to the phone and the tube. That infrastructure includes significant numbers of broadcast towers to be liberally salted on the hilltops and across the flatlands of America.

The second area of congressional meddling involves the legal process that must be pursued by developers and other private petitioners who challenge the decisions of local zoning and planning boards. Currently, petitioners who feel aggrieved must start in local or state court and work their way up. But HR 1534, backed by the National Association of Home Builders and passed by the U.S. House at the end of last year's legislative session, would nullify this particular piece of state and local authority. It would allow developers to bypass the lower courts altogether and go directly to federal court.

And so, with the fight over unfunded mandates only recently considered won, community interests now find themselves in a new broad-based battle with Congress over the wholesale federal preemption of state and local authority in land use and land use planning.

It was easy to see the broadcast tower wars coming. The seeds were sown with the passage of the Federal Communications Act of 1996, when a Congress at its cutest—or sleepest—included two provisions that even the most amateur analyst knew were asking for trouble. The first declares that nothing in the law is meant to preempt local zoning and planning authority. Sounds good. The problem is that a subsequent provision in the law says that neither state nor local governments can ultimately do anything to prevent communications companies from achieving their goal of statewide or interstate coverage.

Localities, being the creative and resilient creatures that they are, responded to the contradictory message in a logical way: Knowing that they couldn't ban towers outright, they started

using their zoning powers to steer placement and construction in a way that was kindest to the local health, safety and general welfare—not to mention topography. In many cases, that meant asking companies to prove that they had investigated all options for sites that were as non-invasive as possible. Some communities even asked that new towers be made to look like trees or farm silos if neither co-location nor relocation were viable options.

The communications industry played along, but only for a short while. After meeting resistance from dozens of localities over the siting of towers, the industry took a more expeditious route:

It asked the Federal Communications Commission to spin up new rules that in essence make local zoning and planning decisions on towers subject to direct FCC review and reversal. The FCC, which is vying for the decade's intergovernmental chutzpah award, went right along, cranking out the rules and then opening them up for public comment.

Which is when it heard from the Thistle Hill Neighborhood Alliance in Cabot, Vermont. The Alliance happened to be in the midst of fighting a 120-foot broadcast tower that NYNEX wants to plunk down on a hilltop heretofore dominated by 40-foot sugar maples. The residents of Cabot vowed not to roll over for NYNEX or the feds. They started making lots of noise.

At that point, the FCC started hearing from a few other Vermonters, including U.S. Senators Patrick Leahy and James Jeffords, who sent the wireless communications industry ballistic by introducing a bill to block the industry-backed FCC land grab. Vermont Governor Howard Dean, who has never been one to

mince words when it comes to protecting either states' rights or Vermont's rural character, has written the White House, but prefers to frame the issue as typical of a preemption-happy Republican Congress. "It's just another example of this Congress being two-faced about devolution

and states' rights," says Dean, who vows to take the FCC fight to the U.S. Supreme Court if he has to. The Vermont congressional delegation has unanimously asked the FCC to suspend all rule-making on tower sites for at least a year, rather than deciding this month, as the agency appeared willing to do.

Actually, there are more important questions involved here than whether the FCC—and the communications industry—get to tell state and local governments what to do with their land. If Washington decides it's going to be the last word on tower siting, then states and localities can certainly expect the National Association of Home Builders to be back with a vengeance in the next legislative session to push HR 1534, the all-purpose planning and zoning preemption. And given Congress' reappearing weakness for restoring bureaucrats in Washington to preeminence over state and local governments, the home builders will have every reason to be quite confident.

JONATHAN WALTERS

Prodded by industry, Washington is starting to meddle in matters that used to be purely local.

VILLAGE OF SOUTH RUSSELL

5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843

FAX: (440) 338-8776

PLANNING COMMISSION MEETING

JUNE 11, 1998

7:30 P.M.

1. ROLL CALL:
2. MINUTES:
3. GUESTS: DAVE PITZ, 5261 CHILLICOTHE RD.
INFORMAL DISCUSSION REGARDING LOT- SPLIT ON HIS
PROPERTY

STEVEN HEINTZELMAN, FORMAL DISCUSSION
CONCERNING LOT-SPLIT OF HLAVIN'S PROPERTY
1360 BELL RD. (AN INFORMAL DISCUSSION WAS
HELD REGARDING THIS PROPERTY 3-24-1998).
4. OLD BUSINESS:
5. NEW BUSINESS:
6. ADJOURN:

PLANNING COMMISSION MEETING
JUNE 11, 1998
7:30 P.M.

1. ROLL CALL:

2. MINUTES:

3. GUESTS: DAVE PITZ, 5261 CHILLICOTHE RD. FORMAL DISCUSSION REGARDING LOT-SPLIT ON HIS PROPERTY. **Determination: No Action Taken.**

STEVE HEINTZELMAN, FORMAL DISCUSSION CONCERNING LOT-SPLIT OF HLAVIN'S PROPERTY 1360 BELL RD. (AN INFORMAL DISCUSSION WAS HELD REGARDING THIS PROPERTY 3-24-1998).
Determination: No Action Taken.

DR. RUTH ANN PLATE, SUPERINTENDENT OF THE CHAGRIN FALLS SCHOOLS & RICK DE MARCO, ARCHITECT AT BURGESS & NIPLE, REQUESTS PRELIMINARY APPROVAL FOR A NEW PARKING LOT AT GURNEY SCHOOL, 1155 BELL RD.
Determination: Conditional approval based on Engineer's approval of drainage.

4. OLD BUSINESS:

5. NEW BUSINESS:

6. ADJOURN:

**RECORD OF PROCEEDINGS
MINUTES OF PLANNING COMMISSION MEETING
JUNE 11, 1998
7:30 P.M.**

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

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

ABSENT: Marilyn Cotesworth, Ned Foley, Engineer

GUESTS: Dave Pitz, regarding lot-split, Tom Gwydir, sitting in for Ned Foley, the Engineer, Steve Heintzelman, regarding Hlavin property lot-split, Dr. Ruth Ann Plate, Superintendent of Chagrin Falls Schools & Rick DeMarco, Architect at Burgess & Niple, regarding a proposed parking lot at Gurney School, 1155 Bell Rd. and David H. Plate

Chairman Sutliff called the meeting to order at 7:33P.M.

The minutes from the Planning Commission meeting of April 30, 1998 were amended and approved.

Dave Pitz of 5261 Chillicothe Rd., South Russell held a formal discussion with the Planning Commission concerning a lot-split of his property. Mr. Pitz provided details about his property. The back parcel would be 2.714 acres. There is a 60-foot right-of-way for access. A sewer tap in has existed since 1960 or so.

Sutliff asked what the zoning is. Hocesvar answered, "R1A".

Ondrey asked about the frontage. Hocevar said, "Mr. Pitz meets all the requirements as far as zoning; the one acre, the 75 foot front yard, the side yard conforms to our zoning (25 feet). The only thing he may have to look at as far as zoning is the accessory structure. How many are on the lot?" asked Hocevar. Mr. Pitz said, "There's just one, but it's going to be further away. I can move it. It's a little shed by the driveway. It's going to be 25-40 feet off the property line. It is 16' X 8'." Hocevar said, "That's all right then."

Hocevar checked on water sensitivity. "It's not water sensitive," said Hocevar.

The Mayor asked if the long-range plan was to build a house in the back. Pitz said he planned to sell the lot.

Sutliff asked, "What has to be submitted now?" Ondrey responded, "It's a lot-split. The formal procedure is that he gets a formal application, completes it. That gets forwarded to the Engineer. The Engineer gives his report. It gets placed on our agenda. We have to approve, conditionally approve, or disapprove the application within seven days."

Ondrey read from the book, Village of South Russell, Subdivision Rules section Minor Subdivision, 2.07a, Pp.9: "Our standards are that the parcel to be subdivided abuts a public street and does not involve opening, widening or extension of the street ('You've got that', said Ondrey) or does not include more than 5 lots after the original parcel has been completely subdivided. It appears to me that without any zoning problems, he meets the standards. It's a matter of going through the formal application process," said Ondrey.

Sutliff said Pitz has submitted form S-1. Pitz said he paid the \$900.00. The Mayor asked, "How anxious are you to move forward on this?" Pitz said he intends to put it up for sale this year or next year.

Comments were made about a plat. Ondrey referred to the same book that was used above, section 3.01e, Pp.11. "Following Commission approval of a Minor Subdivision, the developer shall submit a plat thereof to the Engineer. If the Engineer finds that the plat conforms to the approved subdivision he shall certify the approval on Form S-1 and the original tracing of the plat". Hocevar said, "The S-1 is a basic zoning form for a minor subdivision approval".

McIllrath asked for clarification regarding the shed. Pitz said, "The property is 230 wide and if we split the property down the middle, it would go through the shed. So, if you come from the other side, you've got 100 feet." The Mayor asked if there were other little shelters towards the back. Pitz said, "It's a fuel tank."

The Mayor asked about surrounding properties. Theodora Cyrus, 5269 Chillicothe Rd., lives next door to Mr. Pitz. Property that touches the back part of Mr. Pitz' property is part of Mushrush. Warren Wolfson, 5277 Chillicothe Rd., owns that now. The Mayor asked if Mr. Pitz knew if the back part that touches his property is zoned for assisted-living. "Yes," said Mr. Pitz.

Sutliff told Mr. Pitz the Engineer will look at the forms and sign off on it. **No action was taken on the Pitz property.**

Steve Heintzelman held a formal discussion concerning a lot-split of **Hlavin's property located 1360 Bell Road**. Mr. Heintzelman had appeared before the Planning Commission for an informal discussion concerning this property on 3-24-1998.

Mr. Heintzelman said, "I'm looking for approval to split Hlavin's property." He added, "All the points discussed previously have been addressed i.e. The drawings show the distances between new properties and the right-of-way. The shed will be removed. The lot split worked out because of Ned Foley's recommendations. Everything's fallen into place," said Heintzelman.

Sutliff asked Heintzelman to refresh his memory. Heintzelman said, "The barn will be converted into a house on a separate lot in the back with its own driveway." Sutliff asked, "On the barn, what is considered the side yard and what is the front yard?" "The barn sits on 2.1 acres", said Heintzelman. He continued, "The original farm house and pool sit on 1.6 acres. A lane was created so that there isn't multiple driveways coming down a hill. The lane will feed three properties. The shed is removed."

Pointing to a drawing, Sutliff asked about a dimension. Heintzelman answered, "Basically, 28 feet from the corner to the back corner of the fenced part of the pool. This dimension here is approximately six feet from the side of this barn to the property line." Sutliff asked, "Is that in compliance?" Hocevar answered, "The barn is not in compliance as it sits." Heintzelman responded, "That's to the pool. If you come back here, (pointing to the drawing) you're 62 feet to the back of the actual structure. Here are the dimensions from the corner to where the garage sits now. This is a fence around the back of the pool. So, that of anything, is in close proximity."

Sutliff asked Hocevar, "From the north of the barn to the south property line, subplot 2, is that a side yard?" Hocevar answered, "Across the front, the 270 going from east to west, that's considered the front yard. The front yard is the north side of the barn." The Mayor clarified and said, "The north side of this front yard, the barn is six feet off the property line."

The Mayor asked, "What's our normal setback?" Hocevar answered, "75 feet from the road". The Mayor asked, "What is it from the property line?" Hocevar responded, "It (the code) doesn't refer to that; only 75 feet from the road and side yard and rear yard be maintained."

Sutliff asked, "What does the code say as far as distance between structures?" Hocevar said, "In this type of situation, it's a matter of front yard, side yard and rear yard setback. It doesn't have a distance between structures. We only do that in Emerald Lakes."

Sutliff asked, "So, this barn can technically be two feet from the property line and the pool?" Hocevar said, "He's got frontage on the road. Our book says

you've got to have 75 feet frontage from the main road setback for your front yard, which he does have." Hocevar also said, "The building line has to be 150 feet wide before he starts his house, which it is."

McIllrath said she had a problem with the driveway. "There's a blind spot." She continued, "I'd be happy to see them delete the driveway and include the barn in this driveway. (pointing to a drawing) Basically, one driveway to service four properties. Heintzelman responded, "The reason Hlavin's want this is that a year ago or so, the Hlavin's had someone from the police or fire department do an evaluation of the driveway. That was the recommendation." Heintzelman also said, "Hlavin's want privacy. They intend to live in the barn once it's converted."

The well was discussed. The Mayor asked if the Health Department tells where to put the well and the septic. Hocevar answered, "They approve the plans. The well can't be any closer than 10 feet to the structure and the septic tank has to be approved by the County".

Sutliff said, "I'm still confused the way the barn relates to the south property line of subplot 2. Am I hearing that it can be on the property line?" Hocevar answered, "As far as I can tell, it can be. As best as I can tell you, it's pretty similar to what we have down at Snavelly's when he built his house. We've got the Snavelly lot, we've got the driveway that goes back to the Kimballs and comes out right up to the property line. It's 2 different lots with the house right there. You have to go the width of the lot, which it does."

The Mayor commented that, "There's 2 acres of land with the living structure six feet from the property line and 62 feet from another house." Heintzelman said, "to build a foundation and move the barn would be \$78,000.00."

The Mayor asked how tall the fence around the pool is. Hentzelman answered, "Eight feet. There's also a fence hidden behind Pine trees." Hocevar said, "This was before zoning."

Sutliff asked about the pond. Heintzelman said, "The pond is subjective. It is spring fed. It's fed by run off. Where the house is positioned, the pond appears to be in the front of the house. According to South Russell, you can't have a pond in the front yard. The grounds on a whole are to be kept so they are congruent." Hocevar added, "If a variance was granted to let the pond remain, it will still need-if it's less than ½ acre- a fence around it." Heintzelman said, "It's not a problem to fill it in."

The Mayor asked about retention/detention to keep the water from going into the houses in Lake Louise. He continued, "If the pond is removed, I have concern how it would impact these residents down stream." Hocevar asked what the size of the pond is. McIllrath read from the minutes of March 24, 1998 and answered, "30 feet across, about 4 ½ feet deep."

Sutliff referred to the March 24, 1998 minutes. Pp.1, last paragraph: "Discussion occurred about splitting the lot that houses the Hlavin's home, pond, barn, pool and developing buildable lots. A variance would be required to meet the side yard setback regulations (25 feet) for the barn, which the Hlavin's are considering converting into a residence." Sutliff said, "This goes back to my original question that the barn, as it presently sits, is plus or minus 6 feet from the property line." Hocevar said he's going to have to look into this. Hocevar added, "My thinking is that the frontage is almost like a pie-shaped lot. I think we've done it before, but I'd like to look into it before you make a decision."

Ondrey said, "Before we considered it a side yard because it is the side of the potential barn house. I think David's (Hocevar) interpretation is the better one; that it is still considered front yard given how we define front yard in our zoning code. That's not an unreasonable interpretation calling it the front yard."

Sutliff referred to a sentence of the March 24th minutes Pp.2. paragraph 6: "Sutliff suggested Kurt Laderer, the Police Chief, look at the property and get his thoughts about sight lines." Sutliff asked, "Have you got any input?" Heintzelman responded, "Prior to me getting involved in this, he had already done this. Hlavin would prefer to have it there (where it is located on the drawing), but if you all came back and made a decision to have it come off one lane and serve all 4 properties, then I'll just redesign it that way." The Mayor asked for McIlrath's observations. She answered, "I wouldn't want my driveway there. I wouldn't want to make a left or right turn. There's a blind spot."

The Mayor said he thought this was done to meet the frontage. "If we remove the top of the L and make this a rectangular lot, then we may have the setback consideration," explained the Mayor. He continued, "If you were not to move the barn, square off the lot and all access through one driveway, then you'd need a variance". Ondrey said, "Only the Zoning Board can grant a variance from the Zoning Regulations."

Ondrey asked McIlrath, "Is your objection to that driveway is that you think the sight distances on the road aren't good there?" "That's correct," McIlrath answered. "That ought to be checked out," said Ondrey. The Mayor said, "We ought to take a look at this (driveway). Maybe you (Heintzelman) could revisit that issue with the Hlavins. We need to look at the barn. There might be a need for a variance."

Sutliff asked, "Why do they have to square off the property?" The Mayor responded, "They don't have to. It would make sense to do that." Heintzelman said, "It could be eliminated, but it was being developed as a way to get to the barn without going out the same driveway. That was the whole premise." Hocevar said, "You can't do that (square off the property) because you need the frontage on the main road." The Mayor responded, "OK maybe you can't do that, but we can still look to have one driveway."

Hocevar suggested that Heintzelman stake out the 30-foot easement so everyone can take a look at it. Heintzelman said he'd stake out the proposed driveways.

The Mayor said, "The remaining issues are the driveway and the pond." Heintzelman said, "Why don't you let the pond be decided based on the positioning of the house?" He continued saying, "David (Hocevar) told me if we find out where the sewer and water tap is going to go, and if the positioning of the house puts the pond in the front yard then, according to South Russell, the pond is not approved. Hocevar said, "It's got to be in the front."

No action taken on Hlavin property.

Dr. Ruth Ann Plate, the Superintendent of the Chagrin Falls Schools, and Rick DeMarco, Architect at Burgess & Niple, appeared before the Planning Commission seeking preliminary approval for a new parking lot at Gurney School, 1155 Bell Road.

Dr. Plate highlighted the renovations at Gurney: 12 new classrooms, a platform, beautiful library, trees from the Jess Rankin arboretum have been transplanted. The school system is \$85,000.00 to the good. They are in Phase II. The project is ahead of schedule.

Rick DeMarco said, "I'm here to ask for preliminary approval for a new parking lot. " He referred to a drawing showing the Maintenance Building on Gurney's property. Next to it, Mr. DeMarco explained, "is a temporary construction lot which was approved in the initial approval of this plan. Currently, it is ODOT 304 gravel with a filter fabric base, then with the amount of gravel we thought was needed for temporary parking. We'd like to now pave that lot. The profile on the drawing shows there's no more encroachment on the existing land. We'd like to add about 29 parking spaces to the 88 existing parking spaces. Approximately 60 are up front, 20 in the back & 8 over here." (Pointing to a drawing)

Mr. De Marco continued, "As far as existing topography, the high side is the north side. The water naturally drains across & around on the side. We propose to cut in a new swale on the upper northern portion along the western portion. Some of the water would be directed down to a natural swale & end up at a new catch basin. Then, it would go to the retention storage system. Any water coming across the parking lot, would be picked up by a swale (he pointed to a drawing) & direct it down to a catch basin."

Mr. DeMarco said, "The square footage of the pavement is approximately 10,000 square feet which during a 25 year storm, would bring us .4 cubic feet per second of water. It is a minor amount." According to DeMarco's Engineer, reported De Marco, "The impact wouldn't be to great for our existing system. Our system can contain that much water & have no problems."

Sutliff asked if concrete curbs would go around the parking lot. DeMarco answered, "No, just grass right up to it. Sidewalks will be introduced on the west side & across to our existing sidewalk."

Sutliff asked if this has been discussed with CSA (Chagrin Soccer Association) & the baseball folks. DeMarco answered, "At some of our previous

meetings, we'd discussed the master plan. Part of the master plan was the discussion of locating that parking lot up there. Currently, they are using that lot now. A comfort station is planned for the future. It will still work with this new parking lot."

Sutliff asked if the new parking lot would be designated for employee parking. Dr. Plate responded, "We see the lot being filled with our regular staff. We need it for special programs." Sutliff said, "I would personally encourage any additional parking up there."

Hocevar suggested that Sutliff look at the water. Dr. Plate said, "We can certainly run that by Ned." (Foley, the Village's Engineer)

The Mayor said, **"I make a motion to accept these plans based on the condition that the Engineer approves the drainage." McIlrath second. Roll call. All ayes.**

Informal questions: The Mayor asked, "What else needs to be done that we as the Planning Board need to be concerned about?"

LIGHTING: Hocevar said, "Any exterior lighting, we want to see the plan before it's installed." DeMarco said, "We have not introduced any pole lighting. But, what we do have in the front is low, recessed lights that are recessed in the wall itself. They sit approximately 3 feet high. They have an upper lens cap on them so they direct light down. It's diffused light for emergency purposes to illuminate the walkways." The Mayor asked if these are around the library. DeMarco said, "Yes, on the library. They are located in the courtyard. They are low voltage, low profile."

Sutliff referred to lights on the second floor of the classroom addition. "Correct," said DeMarco. He also said, "There are lights on the back side of the classroom, on the back sides of the north side & western side of the gymnasium." Sutliff asked if they were on now. DeMarco answered, "I don't think so. But there is power to them." The Mayor said, "We should sign off on those at a point."

The Mayor asked Hocevar where he is with his inspections. Hocevar answered, "They are working on the smoke alarms." Dr. Plate said, "The asbestos abatement has to be done & then test the smoke alarm system."

Hocevar told Dr. Plate & DeMarco he needs copies of the elevator inspection & carpets. "Someone from the state has to check the boiler & I need a copy of that," stated Hocevar.

Male asked if Mr. Stricker's trees have been planted. Dr. Plate said, "We agreed on the amount of money & number of trees. He wanted a mixture of Austrian Pines & Hemlocks. We were flexible."

Dr. Plate reported that Dennis Barribal has cleaned up the grounds around Gurney.

Sutliff asked what the schedule was for the front road. DeMarco said, "We have solicited bids. The school's intention is to start as soon as we can." Dr. Plate said, "By June 22nd, we should be getting the lane in. The entrance lane going in on the right side will be torn up."

OLD BUSINESS:

Ondrey introduced proposed neon sign legislation. The Planning Commission looked at drawings of proposed signs for The Chagrin Valley Medical Center, 551 East Washington St. The Mayor wants the Planning Commission to think about getting something in writing about neon signs.

Ondrey said, "We've already got a prohibition against blinking, moving or other such signs." He added a prohibition against neon to the same sentence. Ondrey explained, "In 1989, a sign ordinance was passed. People were given to July 1994 to revise their signs. With the new amendment, a property owner who has a neon sign already, has five years to comply once this is proposed. For example, Hunan has five years to change their neon sign."

Ondrey researched Ohio Law & couldn't find any cases on neon signs specifically. He said he could look nationally. He continued saying, "It might be tough to justify why you would want an illuminated sign, but not neon sign. What is the distinction between them?" Ondrey continued, "Courts are more & more liberal about giving communities some ability to consider aesthetics in their zoning then they used to be. On an aesthetics basis, we can argue that there is a difference, but that is probably the potential weakness of this kind of prohibition."

"Colors of signs have to be compatible with the building according to the sign ordinance," said Ondrey. A question was asked if the ABR reviews signs. Hovevar answered, "Yes".

Sutliff suggested, "Read it, give it some thought & we'll address it at the next meeting."

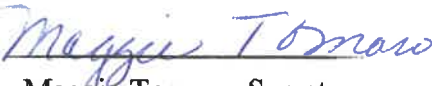
Sutliff asked if anyone wanted to discuss the Wolfson property, 5277 Chillicothe Rd. that is zoned, Assisted Living. "There's been some discussion to convert it back to residential," he said. Sutliff said, "We'll table it for the next meeting."

NEW BUSINESS: None.

The next meeting is scheduled for July 23, 1998 at 7:30 P.M.

There was a motion to adjourn. The meeting ended at 8:45 P.M.


Walter Sutliff, Chairman


Maggie Tomaro, Secretary

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

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

PLANNING COMMISSION MEETING
AUGUST 5, 1998
7:30 P.M.

1. ROLL CALL:
2. MINUTES:
3. GUESTS:
 1. DRS. PAUL GIGLIOTTA & LORI BIEBER, 5210 CHILLCOTHE RD. UNIT PART B & C.
FORMAL DISCUSSION ABOUT USING THE SPACE AS A FULL-SERVICE VETERINARY HOSPITAL. (NO BOARDING, NO GROOMING) **Determination: Conditional approval. Conditions are: (1). Police parking lot a minimum of three times a day, more if needed. Clean up urine and waste. Use a disinfectant. (2). The facility is not designed as a kennel. No grooming or boarding except for a medical necessity. (3). Pet owners are required to have the animal on a leash or have it properly contained when entering or leaving the building.**
 2. C.B. LIMITED PARTNERSHIP – R THOMAS BURNS, JR.
525 EAST WASHINGTON ST.
FORMAL DISCUSSION REGARDING: (A). ADDITION TO SIDE, 16' X 20', (B). DEMOLISH EXISTING DECK. FOR THE CHAGRIN VALLEY TIMES. **Determination: Conditional approval. Condition: Remove current deck.**
 3. DAIRY MART, 306 & BELL RD. INFORMAL DISCUSSION REGARDING PROPOSED NEW DAIRY MART STORE & SELF SERVE GASOLINE PUMPS. **Determination: No approval or disapproval. This body will defer action until Dairy Mart goes through the Zoning Board of Appeals.**
4. OLD BUSINESS:
AT THE JUNE 11, 1998 PLANNING COMMISSION MEETING, DR. PLATE, SUPEINTENDENT OF THE C.F. SCHOOLS & RICK DE MARCO, ARCHITECT AT BURGESS & NIPLE, PRESENTED A

AGENDA
PC, Pp.2
8-5-1998

PLAN FOR A NEW PARKING LOT. CONDITIONAL
APPROVAL WAS GIVEN BASED ON THE ENGINEER'S
APPROVAL OF DRAINAGE,

JULY 27,1998, NED FOLEY WROTE A LETTER IN FAVOR
OF THE PLAN. "IT IS MY RECOMMENDATION THAT
THIS PLAN BE ACCEPTED & APPROVED AS IT MEETS
THE CRITERIA ESTABLISHED BY PLANNING
COMMISSION."

5. NEW BUSINESS:
6. ADJOURN:

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

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

**RECORD OF PROCEEDINGS
MINUTES OF PLANNING COMMISSION MEETING
AUGUST 5, 1998
7:30 P.M.**

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

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

ABSENT: Marilyn Cotesworth,

GUESTS: Drs. Lori Bieber & Paul Gigliotti, Veterinarians
Mike Cipriani, Rep. For landlord's office of 5210 Chillicothe Rd.
Sandra McKew, P.K.G., Engineer, for Dairy Mart Inc.
Steve Ciciretto, Architect for R. Thomas Burns, Jr., C.B. Limited Partnership,
525 East Washington St.
Matt Brett

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

The minutes from the Planning Commission meeting of June 11, 1998 were amended and approved.

Lori Bieber and Paul Gigliotti, Veterinarians, held a formal discussion with the Planning Commission concerning opening a full-service Veterinary Clinic at **5210 Chillicothe Rd., Unit: part B & C. (formerly occupied by Jezebel's).**

Dr. Paul Gigliotti introduced his wife & himself. They live in Hambden, east of Chardon. They plan to move to Chesterland. Both are Veterinarians. They've been in practice four years. Currently, he is employed at The Village Veterinarian Clinic in Mayfield Village. She works for Relief Services for Vets in the Cleveland area.

Dr. Paul explained that the clinic would be a full-service hospital conducting medical/surgical procedures – no boarding, no grooming.

Issues discussed:

Potential problems: stool deposits left by the patients. They will pick that up three times a day or as needed. Urination will be washed away immediately.

Boarding: Dr. Paul said, "If an animal undergoes a surgical procedure, then that animal might need to stay overnight." Such cases include a cat being d-clawed, a dog being spayed. Mike Cipriani commented, "The area that houses the animals who stay overnight will be a self-contained room, not on either of the outside walls against other tenants."

Euthanasia: The Vets perform Euthanasia. A company picks up & disposes of the animal once a week or as needed. Pick up of animals will occur through the back of the building.

Inspections: The clinic would be inspected by OCEA, not the Health Department.

Disposal of needles: A certain type of container is used. Someone comes & disposes the used needles because they are regarded as biohazard. OCEA oversees this.

X-Ray equipment: They intend to have x-ray equipment. Lead walls needed? Dr. Lori answered, "As far as I know, you don't have to. We're looking into possibly doing that."

Retail Sales: Pharmaceuticals, special prescription food & flea products would be sold.

Odors: Dr. Paul said, "There would be less smells then when Jezebel's occupied the space."

Hours of clinic: Eight hours a day.

Number of patients: Two hours of surgery, then three patients per hour. Total: 18 patients per day.

Zoning issue: Ondrey said, "We permit professional offices. We think it's a permitted use."

Signs: Will stay with what's on the building now.

Place where animals relieve themselves: Five or six feet behind the building is grass. Animals can relieve themselves there.

ADA: Currently, one handicap parking space exists in front of the computer store.

Cipriani said they intend to change one of the bathrooms that exist now in the Jezebel space and turn it into ADA accessible. Both will be unisex.

Neighbors: At this time, the dentist & the computer store are not aware of a proposed Vet. Clinic in the plaza.

If animal bites somebody in the parking lot: Ondrey responded, "The Vets should have insurance to cover that claim. We can make it a condition of approval."

Lease: The Mayor asked Cipriani if he would be willing to share the non-financial parts of the lease with the Planning Commission. Cipriani answered, "Sure. Absolutely. We're not even done with it." Cipriani commented that the lease will be very strong because the owner's stand to lose the most in regard to other tenants.

Male made a motion to approve with conditions: **(1). Police parking lot a minimum of three times a day, more if needed. Clean up urine and waste. Use a disinfectant. (2). The facility is not designed as a kennel. No grooming or**

boarding except for a medical necessity. (3). Pet owners are required to have the animal on a leash or have it properly contained when entering or leaving the building.

Second by Sutliff. Roll call. All ayes.

Hocevar asked if these conditions are not met, does the Village have the right to revoke the zoning permit. Ondrey said, "I don't think we can revoke it. You go to court and say these are the conditions. They are not complying. I want you to judge; to make them comply or close them down."

C.B. Limited Partnership – R. Thomas Burns, Jr. 525 East Washington St. Burns was represented by Steve Ciciretto who held a formal discussion with the Planning Commission. They discussed an addition to the side of the building, 16' X 20' & demolishing the existing deck.

The Planning Commission looked at plans & discussed the deck. Comments made: The side yard setback is 15 feet. This is a non-conforming building. There is no problem adding a deck because it doesn't encroach. The original structure is not in compliance. But, the addition is in compliance.

The Mayor made a motion to conditionally approve this project subject to removal of the current deck. McIlrath second. Roll call. All ayes.

Sandy McKew of P.K.G. held an informal discussion with the Planning Commission. She requested direction from the Planning Commission. The intention is to close the current Dairy Mart located in the Plaza at 5210 Chillicothe Rd., then to open a 2,700 square foot, free-standing Dairy Mart with four self-serve gasoline pumps. This is to be located on the southwest corner of Bell Rd. & 306. The land is 7/10 of an acre.

McKew provided details: The new store is the smallest model, 2,700 sq. feet instead of 4,000 sq. feet. Normally, all the stores have 8 pumps instead of 4 gasoline pumps. It has been scaled back to fit the site.

Issues addressed by McKew:

1. The lot size is 7/10 of an acre. The Village requires one acre. It doesn't meet the minimum lot size.
2. They've received generalized approval from the EPA as far as the water. They anticipate using 600 gallons of water a day. EPA's isolation radius for the well is anything under 2,500 gallons a day is a 50 - foot radius. Wells would be used on site.
3. There would not be a drive through or a car wash.
4. Dairy Mart doesn't want to give up its geographical location here.

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P.C.
8-5-98

5. The current store doesn't meet corporate rules any more.
6. Dairy Mart is aware that it will need a great deal of variances.
7. McKew said, "We don't know if we should be applying for a zoning change or whether we should be looking at the possibility of a Use- variance."

McKew emphasized, "The generalized site plan is to give you an idea of how it would work. We're trying to match the mass situation; the BP across the street, the existing shopping center & blend in with the bank."

Sutliff asked if this is a permitted use. Ondrey answered, "The Zoning department has a list of potential zoning problems that they'd need variances for."

Ondrey read:

1. In the B-2 district, which this is, a retail operation is not a permitted use. Offices & personal services are the permitted uses in B-2.
2. There is a one-acre minimum requirement.
3. The plan as proposed would have a rear setback problem. We require 15 feet. It's less then that on the drawing.
4. We do not permit accessory structures in a front yard area of a B-2. The canopy & gas pumps are considered accessory structures in the front.
5. The sign is at the corner of 306 & Bell Rd. It doesn't meet the setback requirements for those two roads.
6. The canopy doesn't meet the 15-foot height limit.
7. One sign is a pole sign. We don't permit pole signs.
8. There are several signs that exceed the 36 square foot limit.
9. We have a 25% maximum lot coverage requirement for the permitted uses in that district. You're covering probably 90%.

McKew questioned #9. She said, "That lot coverage is specifically defined as floor area within the building. I don't think we have a problem with that."

Sutliff asked, "Does that include the area underneath the canopy?" McKew answered, "Yes. We're O.K. on that." Sutliff clarified, "So, if you take the building area plus the area underneath the canopy, that's less then 25%." McKew said, "That's it." She added, "The canopy would be 18 feet high, not as high as the B.P. across the street. Candidly, a lot of the elements that you have in the code related to these things, really don't mesh with the concept of trying to deal with a gas station concept."

McKew commented on access. "If something can be worked out with the existing shopping center, we can consolidate the curb cut. So, we would need no new curb cut. We could use the bank on Bell & the shared one with the shopping center." (onto 306)

The Mayor noted that the approval of the fast cashier on the side of the bank was based on one way access on that side of the building.

Options identified by Sutliff & Ondrey: This property is B-2. Dairy Mart can try to include this type of retail use, which is a potential zoning change, or keep the current zoning, go to the ZBA & ask for variances.

McKew asked if the B.P. Station is a non-conforming use. Hocevar & Ondrey didn't know the history, unable to answer.

McKew asked if there is any land zoned for B-1. Hocevar reported that there's B-1 on East Washington.

The Mayor said, "We have not rezoned a lot of property here. You can draw certain conclusions from that."

McKew said, "We've got sewers on Bell & Chillicothe. That's not a problem. The big issues are the curb cut issue, the design issue & how it'll fit within the site. Lighting is something you would want to control. The things we would expect for you to want to give input into are: signage, the # of signs, which is a flexible issue, the lighting, which is a flexible issue, the corporate color scheme is a flexible issue, the amount of brick on the building & access point. Normally, Dairy Mart wants 4 access points, but we'll work it out."

Male asked if Dairy Mart purchased the property. McKew said, "They have an option."

The Mayor asked, "Who holds the liquor license that the current Dairy Mart has? Is it transferable?" "Dairy mart owns it," said McKew.

McKew reported, "Dairy Mart is not interested in trying to find another parcel in this area. We're really interested in keeping the activity at the intersection."

It was clarified to McKew that each point identified earlier requires an individual variance. If these are granted by the ZBA, then Dairy Mart returns to the Planning Commission to discuss & decide lights & site plan. Lastly, Dairy Mart would go to the ABR.

Ondrey said, "We are not disapproving nor approving. This body will defer any action until you go through the ZBA."

OLD BUSINESS:

Driveway revision at Gurney. Foley said, "The plans submitted are acceptable." Gurney is replacing the entire driveway.

Hocevar said a fire inspection & occupancy inspection of Gurney is scheduled for Monday, August 10, 1998.

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8-5-98

The Mayor suggested that the police be available on Bell Rd. near Gurney the first day of school. Anticipates traffic problems with additional students going to the school.

Neon sign proposal, tabled.

Hlavin driveway: Police Chief, Kurt Laderer, wrote a letter, July 23, 1998 to Chairman Sutliff approving the proposed driveway.

NEW BUSINESS:

Hocevar had landscaping plans for Burns, 100 Park Place. Previously, the P.C. asked to review the landscaping plans & approve them. Tabled.

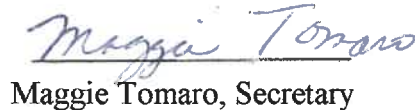
Hocevar reported a developer wants to build two houses south of Village Hall & have the driveways access from 306. Developer needs to get State Highway approval.

The next meeting is scheduled for Thursday, September 17, 1998 at 7:30 P.M.

There was a motion to adjourn. The meeting ended at 8:45 P.M.



Walter Sutliff, Chairman



Maggie Tomaro, Secretary

VILLAGE OF SOUTH RUSSELL

5205 CHILICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843

FAX: (440) 338-8776

PLANNING COMMISSION MEETING

SEPTEMBER 17, 1998

7:30 P.M.

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

ABR, ARCHITECT, JOE FRANZESE
INFORMAL DISCUSSION: WISHES TO DISCUSS SIGNS &
FUTURE DEVELOPMENT. **No action.**

J.K. TARICKA & ASSOCIATES FOR CHARTER ONE BANK,
1194 BELL RD.

DEVELOPMENT REVIEW APPLICATION: (1). CANOPY AT
DRIVE THRU AUTO TELLER, 4' X 8' X 8'3", (2). NIGHT
DEPOSIT ON REAR WINDOW WALL. **Conditional approval
based on ABR recommendations on 10-6-98**

DAVID PITZ, 5261 CHILICOTHE RD.

MINOR LOT SPLIT - PARCEL OF 3.88 ACRES:

(1). 1.003 ACRES WITH EXISTING HOUSE & ACCESSORY
STRUCTURE, (2). 2.714 ACRES- VACANT LOT

MR. PITZ APPEARED BEFORE THE PLANNING
COMMISSION 6-11-1998. **Conditional approval subject to the
Engineer's & Solicitor's approval.**

R.T.B. PARTNERS, 100 PARK PLACE. (527 EAST
WASHINGTON): REVIEW LANDSCAPING PLANS. **No
action.**

4. OLD BUSINESS:
5. NEW BUSINESS: LT. JAMES S. HOLT, SR. RETIREMENT
PARTY FROM THE POLICE DEPT. FRIDAY, OCTOBER
9, 1998 AT 7:00 P.M., AT THE BROWN BARN, \$35.00 PER
PERSON, CONTACT NANCY GALLAGHER, 338-7843.

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

PHONE: (440) 338-7843
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**RECORD OF PROCEEDINGS
MINUTES OF PLANNING COMMISSION MEETING
SEPTEMBER 17, 1998
7:30 P.M.**

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

OTHER OFFICIALS: Jim Holt, Assistant Building Inspector, David Ondrey, Solicitor, Ned Foley, Engineer

ABSENT: Marilyn Cotesworth, David Hocevar, Building Inspector

GUESTS: Joe Taricska & Jim Brill for Charter One Bank
Dave Pitz
Joe Franzese, ABR Architect

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

The minutes from the Planning Commission meeting of August 5, 1998 were amended and approved.

David Pitz of 5261 Chillicothe Rd. held a formal discussion with the Planning Commission about a minor lot split. (Mr. Pitz appeared before the Planning Commission 6-11-98). The parcel is 3.88 acres. The existing house and an accessory structure sits on 1.003 acres. The remaining property, 2.714 acres, is vacant.

The plans were submitted September 11, 1998 to the Village Building Dept. The Engineer had not seen the plans prior to this meeting. The legal description is on the plans. The accessory structure has been added to these plans.

Sutliff said, "The last time these plans were reviewed, Hocevar said everything appeared to be in order. A question involved the structures." Pitz said there is 46 feet from the out building to the property line. He stated that Hocevar told him the other day that everything is O.K. Holt agreed with Pitz comments. Pitz also needed a signature from the county water department. He has received that. Male said, "We can approve condition upon the Engineer's approval and David Ondrey's approval."

Sutliff made a motion to approve the minor subdivision subject to the Engineer's approval and the Solicitor's approval. Male second. Roll call. All ayes.

Joe Taricska, Architect, & Jim Brill of Charter One Bank, located at 1194 Bell Rd. held a formal discussion regarding a 4' X 8' X 8'3" canopy over the drive thru teller & a night deposit box on the rear wall.

Commission members reviewed the plans. Sutliff asked if the canopy were to have shingles. Taricska answered, "Shingles on the top & 111 panels on the side." Sutliff asked if there were to be additional lighting. "No," said Taricska. Ondrey asked how it effects the rear lane. "Do we have a problem with rear yardage?" asked Ondrey. Taricska responded. "There are two lanes; a 22 foot lane & a 10 foot lane". Sutliff said, "There's 32 feet from the property line to the building line. The canopy sticks out four feet. So, we have 28 feet." He asked Holt if were O.K. on that. Holt said, "Yes. It butts up against another commercial lot. The setback is 15 feet."

This has to go to the ABR. The next ABR meeting is October 6, 1998 at 6:30 P.M.

Sutliff asked about the banner, "Totally Free Checking". He asked if it is a temporary sign. Mr. Brill didn't respond.

McIlrath made a motion to approve the changes proposed by Charter One subject to approval of the ABR. Male second. Roll call. All ayes.

Joe Franzese, ABR Architect, held an informal discussion with the Planning Commission about signs in South Russell. He expressed concern: about the number of signs on buildings, those buildings whose mutton bars have been removed to display signs. He cited the banner at Charter One as an example. "It's been there over a year. Following the spirit of the sign ordinance, it's way outside of it."

"The doctor's office on the corner has had a sign on its window since it opened. That sign in the window exceeds the sign on the street by a wide margin," said Franzese. He continued, "There are little ground signs up & down East Washington St. At the shopping district, (Burns building) there are signs in every one of the windows that exceed the size of the sign at the street. The new Meridia signs got an increase (from ZBA) on the basis of it being an emergency care center. But, they are not open 24 hours a day. They really are not like a hospital. Their center sign is over 8 feet tall and almost 7 feet wide. They have 2 other signs to go along with it. At each driveway, they are going to have a 4 1/2 foot tall by almost 4 foot wide sign."

Holt responded. "ZBA made an adjustment on that. They made them drop the height of the sign by 2 feet. Originally, they asked for the sign to be 10 feet high. Also the sign ordinance states that it must be 25 feet from the edge of the road. They went 25 feet from the edge of the right-of-way. So, the sign can be back an extra 30 feet."

Ondrey said he recalled that they were taking down signs that were larger than what they were asking the ZBA to grant them. Franzese said, "The old signs weren't as tall as these. The trend is pushing the envelope in regard to signs, adding signs in windows & adding ground signs. People are way beyond the original intent of the sign ordinance."

Sutliff asked if our zoning addresses signs inside a building. Holt responded, "Yes it does."

Franzese explained, "The ABR becomes involved because the sign becomes part of the building. To have a window totally obscured by a sign defeats the purpose of a window. At Burns commercial building, they have taken the mutton bars out which is part of the buildings original design & character & put in full size signs."

Sutliff asked if this is a zoning issue or a policing issue. Franzese said, "I'm not sure. If you write a letter to Charter One & say the banner has to go. It's not an approved sign. Perhaps they'd have to get a permit for a specific period of time after which it has to come down."

Sutliff said he agreed with the policing issue. He asked if Dave (Hocevar) is taking a look at this. The Mayor answered, "He hasn't. We haven't. We should be theoretically, enforcing them all. Policing should be Hocevar or me. Then either he or his staff goes around & makes suggestions on their own or someone has to direct them to do that. That would be me."

The Mayor told Franzese that the Hunan sign is a disappointment. He didn't know that it was going to be neon. Neon is allowed. The Mayor said he is hopeful that there will be a change to the sign ordinance – anti-neon. Franzese said neon & other illuminating devices could be a problem. "It gives them a wide variety of illumination techniques, neon being one of them."

Franzese added, "We argue about colors & sign shapes. We argued with Dairy Mart when they brought in the new sign about exactly how much light was to come out of this thing. It's a lot brighter than we anticipated. The Hunan sign is another one. The colors are way off. We're not exactly sure what steps we take. Can you revoke someone's permit if they fail to do what they said they were going to do? Is that something the Village wants to do? If someone puts a sign inside the building that exceeds the size of the legal sign, do you want to tell them, take it out of the window? What method do you have to enforce it?"

The Mayor asked, "What is the penalty for exceeding the signage?" Ondrey responded, "If they won't do it voluntarily, then you issue a citation & get the court to order them to take it out. We probably have some kind of penalty provision built in per day in violation. We haven't found a judge yet who will impose a monetary penalty for signage. But they will enforce the regulation. They will issue orders to have them take it down. If we can demonstrate on the record, either by what you (ABR) approved or through the minutes that in fact there was a promise to conform to the colors, we could force them to do it."

Franzese responded. "After the design is approved & then they alter the building structure by not putting shutters, removing mutton bars & putting signs in windows; that's a problem ABR has. I don't know how much voluntary compliance you're going to get."

Franzese said, "The real question is neon, illumination. Is there a point where you say the amount of illumination can be a percentage of the sign? Do we have a model? One thing we don't want to see is a precedent set. Well, they've got a sign 3 x as big. Why can't we?"

The Mayor said that he & Joe should look at the signs that are there & see what they can do about them. "This Board has considerable less, if anything, to do with illumination & neon," said the Mayor.

Franzese asked, "What power does this Board have if someone comes in about a subdivision; to get them to do a cohesive set of design requirements for the neighborhood"? Ondrey answered, "Very little. We don't have the authority to do architectural. We're supposed to look at safety & impact on traffic. Aesthetics is not listed as a factor that the Planning Commission is entitled to consider."

Discussion focused on: available parcels left in the Village to develop, the property next door to the Village Hall that was recently purchased by the Village. Franzese said, "Our primary concern is that when we see the next major development, that we're better able to control the extent of the design styles & not have such a wide disparity of design styles. We think it makes for a more cohesive neighborhood."

Sutliff referred to the signs by asking the Mayor if he & Dave (Hocevar) intend to look into them. The Mayor responded to Jim Holt. "When Dave (Hocevar) gets back, why don't you & he make an informal inventory of the commercial district for the signs that appear to exceed what's approved?" Holt answered, "OK."

Franzese concluding remarks were to inform the Planning Commission that ABR needs another committee member, a resident.

R.T.B Partners, 100 Park Place, 527 East Washington St. The Planning Commission looked at landscaping plans. Jim Holt said everything is O.K. No action.

OLD BUSINESS:

Sutliff asked if we've heard from the proposed Vet Clinic. Drs. Gigliotti appeared before the Planning Commission August 5, 1998 to discuss using the space at 5210 Chillicothe Rd. for a Vet Clinic. No contact since the meeting.

Hlavin property: No contact from Heintzelman since he appeared before the Planning Commission on June 11, 1998.

9-11-98

To: Planning Commission members
From: Maggie Tomaro

The next Planning Commission meeting is scheduled for Thursday, September 17, 1998 at 7:30 P.M.

The agenda includes two items:

- 1.) ABR, Architect, Joe Franzese, wishes to discuss signs & future development.
- 4 2.) Review landscaping plans for Burns, 100 Park Place.

2. 100 Park Place
3. 100 Park Place

Please call me if you do not intend to be at the meeting. My home phone is 338-1807. The office phone number is 338-3859. Thanks.

**CT Consultants, Inc****Engineers • Architects • Planners**

35000 Kaiser Court, Willoughby, Ohio 44095

Telephone 440/951-9000

Fax 440/951-7488

October 13, 1998

Mr. Dave Hocevar
Village of South Russell
5205 Chillicothe Road
S. Russell, Ohio 44022

RE: Pitz Lot Split

Dear Mr. Hocevar:

We have reviewed the plat submitted for the Pitz lot split on Chillicothe Road and find that it is in conformance with the requirements and as such approvable by the Village.

I have signed the plat and I am returning it along with three (3) unsigned prints for your use and/or files. Let me know if any further action is needed.

Respectfully,

CT CONSULTANTS, INC.

Ned F. Foley, P.E.

NFF:crf

Attachment

cc: Maggie Tomaro, Secretary ✓
S. Russell Village Planning Commission
File

H:\1998\98036\CORRESP\9810NFF.DOC

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Dairy Mart: No contact since P/C meeting of August 5, 1998. Ondrey said he talked to Steve Ciciretto, Architect, & asked if he would be willing to act as an expert witness on the Village's behalf. "If they do come in & ask for variances, we would want someone to be able to tell the ZBA if developing that property, as currently zoned, is feasible." Ciciretto indicated to Ondrey that he would be willing to do that.


NEW BUSINESS:


October 15, 1998, Gurney Grade School is having a dedication ceremony at 7:00P.M.

Jim Holt's retirement party from the Police Dept. is scheduled for October 9, 1998 at 7:P.M. at the Brown Barn.

The next Planning Commission meeting is scheduled for October 22, 1998 at 7:30 P.M.

There was a motion to adjourn. The meeting ended at 8:25P.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 22, 1998
7:30 P.M.

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

CYNTHIA F. GALE & CYNTHIA D. PRESTON, 1148
BELL RD.
FORMAL MINOR SUBDIVISION APPLICATION
PARCEL: 1.8364 ACRES
LOT A, 1.0330 ACRE
LOT B, .8034 OF AN ACRE
WE HAVE BEEN PROVIDED WITH A MILAR, 8 SITE
PLANS, 1 IMPROVEMENT PLAN & 2
APPLICATIONS.
**P/C RECOMMENDED NOT TO ENDORSE THE
LOT SPLIT. THE PARTIES MAY ASK FOR A
VARIANCE & GO BEFORE THE ZBA.**

DONALD PLZAK, GEORGE PLZAK & DORIS PLZAK
GILBERT, 1600 BELL RD. MINOR SUBDIVISION
APPLICATION
38 ACRES TO BE DIVIDED INTO 3 PARCELS
**P/C APPROVED THE LOT SPLIT WITH CON
DITIONS. THE VILLAGE IS GIVEN ACCESS
TO THE PROPERTY.**

DAVID PITZ PROPERTY, 5261 CHILLICOTHE RD.
LETTER DATED OCTOBER 13, 1998 FROM NED
FOLEY, ENGINEER, THE PLAT "IS IN
CONFORMANCE WITH THE REQUIREMENTS
& SUCH APPROVABLE BY THE VILLAGE."
NEED SOLICITOR'S APPROVAL, & WE CAN SIGN
THE MILAR.
**THE SOLICITOR GAVE HIS APPROVAL. THE
MILAR WAS SIGNED.**

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

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

**RECORD OF PROCEEDINGS
MINUTES OF PLANNING COMMISSION MEETING
OCTOBER 22, 1998
7:30P.M.**

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

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

ABSENT: Ruth McIlrath, wrote & sent a letter of appreciation to the Plzak family. Sutliff read it during the meeting.

GUESTS: Cynthia Gale & Cynthia Preston, 1148 Bell Rd.
Denis Marino
Mary Fisher, Chagrin Valley Times
Bill Murschel, Pres. of the Chagrin Lakes Home Owner's Association
Edward Meyers Esq., Arter & Hadden Law Firm
George Plzak, 1600 Bell Rd.

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

The minutes from the Planning Commission meeting of September 17, 1998 were approved.

Cynthia F. Gale & Cynthia D. Preston of 1148 Bell Rd. held a formal discussion with the Planning Commission regarding a minor lot split. The parcel is 200X 370 which equals 1.8364 acres. They hope to develop two lots. Lot A, 200 X 195 will be 1.0330 acre. Lot B, 175 X 200 will be .8034 of an acre. Ms. Gale & Ms. Preston's measurements differed from the ones noted above. They had 200 X 225 & 200 X 155.

Discussion occurred. Plans reviewed. Sutliff asked about the lot size. "Is this area zoned one-acre?" Hocevar answered, "Correct". Hocevar said regarding the front lot, "They'll be a tad short, under an acre. We take our measurements from the right-of-way. The 225 comes from the center line of the road." After calculating, Sutliff responded, "The whole parcel from the right-of-way is 74,000 square feet. Two acres would be 88,000 square feet. It's a good bit under two acres".

Hicks explained that the Planning Commission can make a recommendation & send it to the ZBA.

Sutliff asked what the intent is. They intend to build a house with the driveway coming off of Maple Springs Rd. The Mayor asked if a house could be built with all the appropriate setbacks. Hocevar answered, "I think it could."

Cotesworth said, "I personally could never recommend going under the acre zoning. The Mayor said, 'I agree with my associate & couldn't recommend a lot split less than an acre even though the Building Inspector feels you could construct a house & meet the requirements of the Village.'"

The residents provided names & addresses of neighbors whom they notified of the possible lot split.

The Mayor made a motion, "that we do not recommend to the ZBA that they approve the lot split." Cotesworth second. Roll call. All ayes.

Sutliff informed Ms. Preston & Ms. Gale that the next step is the ZBA if they wanted to.

Ed Meyers of Arter & Hadden Law Firm accompanied George Plzak of 1600 Bell Rd. Mr. Plzak, his brother, Donald & sister, Doris Plzak Gilbert intend to donate part of their land to the Chagrin River Land Conservancy. Mr. George Plzak appeared before the Planning Commission seeking approval of a lot split.

Mr. George Plzak shared a little history. His father purchased the land in 1922. He farmed it, raised chickens, had cows & pigs. Evergreens that beautify the property were planted in 1948. After the Korean War, George Plzak's brother, Donald, built the dam & created the lake.

Mr. Meyers explained that the Conservancy takes a Conservation easement. "The owner is relinquishing his development rights. Or in perpetuity, I hereby grant to you, The Chagrin River Conservancy, (which is a charitable land trust) this easement which I am asking you to enforce forever."

Sutliff asked about maintaining the lake or the dam. Mr. Meyers responded, "The property will be maintained by the fee owner & the fee owner can sell the property to the easement. The Conservancy takes the obligation called the stewardship which means they come in annually & make sure the trees aren't being cut, the dam's not being breached, nothing's being built."

The Mayor said he requested that the Village have access to the property to look around, inspect the dam. "If there were problems downstream at Silver Creek we'd (the Village) like to make a quick inspection," he said. The Mayor explained that, "There's a separate agreement that allows the Village to drive up Don's driveway."

Doris Plzak Gilbert's property is currently a separate parcel. At this time, there are three parcels to be donated to the Conservancy. Eventually, Mrs. Gilbert's property will be donated to make it four parcels. Donald, George, Mrs. Gilbert, the Village of South Russell & the Conservancy will sign the easement agreement.

Sutliff read a letter of appreciation to Mr. Plzak written by Planning Commission member, Ruth McIlrath, who was absent. Other Planning Commission members expressed their appreciation to Mr. Plzak & his family.

A motion was made to accept the lot split by Cotesworth with the contingency that the Village has access to the property & all parties will sign the easement agreement. Male second. Roll call. All ayes.

David Pitz 5261 Chillicothe Rd. Milar for lot split to be signed. Mr. Pitz appeared before the Planning Commission 6/11/1998 & 9/17/98 requesting a lot split. Conditional approval was given on 9/17/98 subject to the Engineer & the Solicitor's approval. The Engineer, Ned Foley wrote a letter dated October 13, 1998 giving his approval for the lot split. Mr. Todd Hicks, Solicitor, gave his approval for the lot split at this meeting. (10/22/1998). The Engineer, Solicitor & the Planning Commission secretary signed the milar.

OLD BUSINESS:

Dairy Mart: may withdraw its application. Note: Dixie telephoned 10/29/98 & said that Dairy Mart had in fact withdrawn its application.

Vets: Drs. Paul M. & Lori Gigliotta have presented drawings. The drawings have been approved. They will open a Vet. Clinic at 5210 Chillicothe Rd. (Jezebel's space)

NEW BUSINESS:

Chagrin Valley Medical Center might file for a variance regarding the setback of the signs. Hocesvar said, "They filled out paperwork, but it was never officially filed for the variance. He's lacking something."

Parking lot at the Chagrin Valley Medical Center – repaving & looks like drainage is being done.


Roof at the Chagrin Valley Medical Center is done.

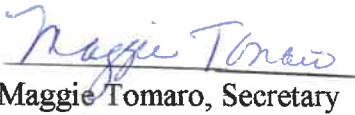
P/C
10/22/98
Pp.4

Signs in the Village: The Mayor said he is aware that David Hocevar is looking around at signs in the Village. Architect, Joe Franzese, expressed concern about abuse of signs in the Village.

The next Planning Commission meeting is scheduled for Tuesday, November 10, 1998 at 7:30 P.M. A tentative date is set in December for December 10, 1998.

There was a motion to adjourn. The meeting ended at 8:15 P.M.


Walter Sutliff, Chairman


Maggie Tomaro, Secretary