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

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

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

1. ROLL CALL:

2. MINUTES: 10-22-1998. APPROVED

3. GUESTS:

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

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

ALL ISSUES ADRESSED WITHOUT THE NEED FOR VARIANCES IE. THE BARN, SHED, & FENCE WILL BE TAKEN DOWN. THE POND WILL BE REMOVED. NEW PLAN MEETS ZONING REGS.
CONDITIONAL APPROVAL. THE CONDITIONS: (1). THE SOLICITOR WILL REVIEW & ANSWER WHETHER SEWERS RATHER THEN SEPTIC ARE TO BE IMPLEMENTED. (2). THE SOLICITOR WILL DETERMINE IF AN EASEMENT IS REQUIRED. (3). THE ENGINEER'S ISSUES IN HIS MEMO, "HLAVIN LOT SPLIT", DATED 1-21-1999 ARE TO BE ADDRESSED & IMPLEMENTED. (MEMO IS ATTACHED).

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

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

FENCE SETBACK ZONING AMENDENT.
DISAPPROVAL.

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

4 OLD BUSINESS:

5. NEW BUSINESS: NEXT MEETING: 2-18-1999

6. ADJOURN: 9:20 P.M.

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

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

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

ABSENT: no one

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

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

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

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

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

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

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

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

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

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

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

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

Cotesworth second. Roll call. All ayes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sutliff asked, "In Plan B, is the only difference that the Pee-Wee field is smaller"? Demarco said, "T-Ball & Pee-Wee are smaller. We've reduced both fields down." Sutliff asked, "Does the softball field stay the same under any scenario?" "Yes." said Demarco. Sutliff continued, "And of course, they would never play T-Ball while they

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

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

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

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

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

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

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

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

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

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

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

#4. "The volume of traffic has been dealt with."

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

#6. "We touched briefly on parking."

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

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

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

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

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

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

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

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

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

The Mayor drove through the cul-de-sac tonight abutting the north border. He saw lights posted on the school property through the trees in the north. He said, "There has been discussion that if you move this back 80 to100 feet, there is fear some of the trees that are there will be subject to conditions that may be difficult for their survival. We have received complaints from some of the residents –in the past- about noise from the bus garage. I'm a little concerned about removing much, if any of this barrier."

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

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

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

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

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8

ACTION TAKEN AT THE PLANNING COMMISSION MEETING
January 21, 1999

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

Conditions of approval:

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

McIllrath second the motion. Roll call. All ayes.

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

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

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

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

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

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

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

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

It is zoned residential, R-1. Mr. Chesler does not own the land. He would like to buy it & build a15,000 square foot office structure. It would resemble a Victorian mansion.

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

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

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

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

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

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

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

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

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

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

Plan A is the original plan; clear 100 feet to the north of trees
Plan C, not clearing anything; current soccer field would be moved.
NOTE: My minutes don't reflect his comments above about Plan C.

Rick said we gave approval for Plan B. (My minutes show we conditionally approved Plan C.) He said the plan includes ½ of the original distance of 100 feet to be cleared. So, this is reduced to 50 feet of clearing of trees in the north. The existing soccer field remains. The ball fields go on top of the soccer field. To be added: a softball field – Rick called it a girl's high school softball field, not to be confused with a boy's high school baseball field. 250 feet to the foul line. Also added, a T-Ball field & a Pee-Wee field. At no time will more than two ball fields be used at the same time. I.e. Softball & Pee-Wee or Softball & T-Ball. Soccer is played in the fall & spring.

Maggie Tomaro

Memorandum

To: South Russell Village Planning Commission

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

Subject: *Gurney School Athletic Field Expansion*

Date: January 21, 1999

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

1. Approximately two (2) acres of wooded area will be eliminated including about 120 feet of the 220 feet along the north line. Depending on the type and condition of the remaining trees, that remaining buffer may not sufficiently buffer noise and sight over time. Some permanence to the visual/noise barrier needs to be guaranteed.

2. No provisions for adequate site erosion control are shown on the plan. Obviously much will be needed including but not limited to the following:

    a) Silt fence adjacent to fill perimeter.
    b) Straw bales at existing inlets.
    c) Limit fill area to about 3 to 4 acres at a time without permanent/temporary ground cover.
    d) Minimize proposed clearing limits.

3. All clearing debris/slumps must be disposed of off site.

4. Concern exists as to the volume of material to be trucked to the site relative to traffic, load limits, and mud on or along Bell Road. Certainly a "mud bond" will be required.

5. The timetable for and the duration of the work need to be outlined.

6. The added fields represent added parking needs. No additional area is reflected on the plan.

7. Generally the site drainage does not appear to be a problem. The new grades are consistent with existing typography and little, if any, hard surface area is being created. Actually the soccer fields will be flatter thus slowing run off plus the underdrain system should also improve site runoff.

CT CONSULTANTS, INC.
Engineers • Architects • Planners

35000 Kaiser Court
Willoughby, Ohio 44094
phone: 440.951.9000
fax: 440.951.7487

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

NFF:crf

cc. Mayor William Young, S. Russell Village
File

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ORDINANCE NO. _____

INTRODUCED BY: _____

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

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

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

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

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

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

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

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees on or after December 2, 1975, that resulted in formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 4. This Ordinance shall take effect and be in full force at the earliest time allowed by law.

Passed this _____ day of _____, 1998.

_____
Mayor - President of Council

Attest:

_____
Clerk

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

_____
Clerk

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

1. Steven Heintzman
2. Melinda Smith
3. Patrick Fraser
4. JEFF WIDMAR
5. RUTH ANN PLATE
6. DAVE AXNER
7. RICK DEMARCO
8. Mary Fisher
9. Bill Koval
10. MIKE CHESLER
11. JACK SCHRON, JR
12. BOB STANCIK
13. JACK WITHROW
14. Jim Butz
15. BILL DUNAGAN
16. Ann Fisher-Tan
17.
18.
19.
20.

Memorandum

To: **South Russell Village Planning Commission**

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

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

Date: **March 18, 1999**

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

1. The wooded area noted for removal is considerably less than originally proposes and consistent with the dimensions discussed. 140 feet to the North and 120 ft minimum toward the West.

2. Provisions for adequate site erosion control are shown on the plan.

    a) Silt fence is proposed adjacent to fill perimeter.
    b) Straw bales at all inlets.
    c) The maximum area exposed at one time is half the site.
    d) All clearing debris/slumps must be disposed of off site.

3. The issue regarding the hauling of fill to the site remains and a $5000 Mud Bond ,as noted at the meeting, will be required from the Contractor. The timetable for and the duration of the work is not currently specific but would need to be defined .

4. No additional parking area is reflected on the plan.

5. As noted before, the site drainage does not appear to be a problem. The new grades are consistent with existing typography and little, if any, hard surface area is being created. Actually the soccer fields will be flatter thus slowing run off plus the underdrain system should also improve site runoff.

6. Backstops are proposed to be 10 feet high maximum.

7. No illumination is proposed.

CT CONSULTANTS, INC.
Engineers • Architects • Planners

35000 Kaiser Court
Willoughby, Ohio 44094
phone: 440.951.9000
fax: 440.951.7487

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

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NFF:crf

cc: Mayor William Young, S. Russell Village
File H:\1999\memo\9903nff

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fax: 440.951.7487

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

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

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

1. ROLL CALL: Young, Sutliff, Cotesworth, McIlrath

2. MINUTES: 1-21-1999, amended & approved

3. GUESTS:

   BOB FLESHER OF 533 MANORBROOK DR. HE BUILT A HOUSE AT 534 MANORBROOK DR. (SUBLOT 65). HE WISHES TO DISCUSS HIS CONCERNS ABOUT A PIPE & WHETHER HE NEEDS TO COVER IT.
   MR. FLESHER APPEARED BEFORE THE PC ON 8-19-97 & 2-19-98.
   Determination: No action. Continued to 3-18-99.

4. OLD BUSINESS:

5. NEW BUSINESS: NEXT MEETING: 3-18-99 AT **7:00 P.M.**
   FORFEITURE HEARING

6. ADJOURN: 8:20 P.M.

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

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

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

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

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

ABSENT: Cathy Male

GUESTS: Bob Flesher of 533 Manorbrook Dr.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OLD BUSINESS: None.

NEW BUSINESS:

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

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

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

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

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

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

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

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

GUESTS: Charlie Daniels, 1168 Bell Road

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

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

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

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

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

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

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

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

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

PLANNING COMMISSION MEETING
MARCH 18,1999
7:00 P.M.

1. ROLL CALL: Young, Sutliff, Cotesworth, McIlrath, Male Hocevar, Foley, Ondrey

2. MINUTES: 2-18-1999 **approved**
3. GUESTS:

FORFEITURE HEARING.

BOB FLESHER OF 533 MANORBROOK DR. HE BUILT A HOUSE AT 534 MANORBROOK DR. (SUBLOT 65). HE WISHES TO DISCUSS CONCERNS ABOUT A TRASH RACK THAT IS TO COVER A STORM PIPE. THIS DISCUSSION IS CONTINUED FROM THE PLANNING COMMISSION MEETING OF 2-18 99.
No action. Continued until next meeting, 4-15-99 at 7:30 P.M.

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

4. OLD BUSINESS: **Foley wrote a memo, "Gurney School Athletic Field Expansion, Revised Drawings dated 3-15-99." "The plans meet the conditions stipulated & as such are approvable."** Refer to PC minutes of 1-21-1999 for conditions.

5. NEW BUSINESS: **Next meeting 4-15-99 at 7:30 P.M.**

6. ADJOURN: **8:10 P.M.**

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

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

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

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

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

GUESTS: Bob Flesher of 533 Manorbrook Dr.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OLD BUSINESS: None.

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

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

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

Memorandum

To: **South Russell Village Planning Commission**

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

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

Date: **March 18, 1999**

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

1. The wooded area noted for removal is considerably less than originally proposes and consistent with the dimensions discussed. 140 feet to the North and 120 ft minimum toward the West.

2. Provisions for adequate site erosion control are shown on the plan.

    a) Silt fence is proposed adjacent to fill perimeter.
    b) Straw bales at all inlets.
    c) The maximum area exposed at one time is half the site.
    d) All clearing debris/slumps must be disposed of off site.

3. The issue regarding the hauling of fill to the site remains and a $5000 Mud Bond ,as noted at the meeting, will be required from the Contractor. The timetable for and the duration of the work is not currently specific but would need to be defined .

4. No additional parking area is reflected on the plan.

5. As noted before, the site drainage does not appear to be a problem. The new grades are consistent with existing typography and little, if any, hard surface area is being created. Actually the soccer fields will be flatter thus slowing run off plus the underdrain system should also improve site runoff.

6. Backstops are proposed to be 10 feet high maximum.

7. No illumination is proposed.

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phone: 440.951.9000
fax: 440.951.7487

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

NFF:crf

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

VIKON CONSTRUCTION

1.**FINAL PLOT 845-96 dated 4/23/96 @ $449.02**-170 Sundew/Truch
NON COMPLIANCE OF CORRECT FINAL AS BUILT SUBMITTAL BY VIKON.
VIKON CONSTRUCTION HAS LEFT TOWN.
Vikon rerouted an "improvement" drainage ditch.-Correction required.
11/6/97: Drainage ditch enclosure rejected by engineer.
1/11/98: Revised calculations rejected by engineer.
3/13/98: Revised calculations approved by engineer.with contingencies.
3/28/98: Revised calculations approved by engineer.
NOTE; VIKON WOULD NOT CONTRACT TO HAVE WORK DONE.
8/01/98: Homeowners, and adjoining lot owner contracted to do work.
8/01/98: Drainage correction work started on site.
8/21/98: Engineer on site to review work.
9/1/98: Engineer on site with surveyor and homeowners.

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

4. **FINAL PLOT 673-94 dated 9/1/94 @ $428.19** -154 Sundew/Loftus.
NON COMPLIANCE OF CORRECT FINAL AS BUILT SUBMITTAL BY VIKON.
SAME FORFEITURE NOTATIONS AS 170 SUNDEW LANE ABOVE.

EMERALD LAKE DEVELOPMENT, INC.

5.**FINAL PLOT 665-94 dated 8/18/94 @$500.00**-117 Waverly/Model
6.**PERMANENT VEGETATION(Erosion Control)722-95 dated 3/1/95 @$500.00**
NON COMPLIANCE OF CORRECT FINAL AS BUILT SUBMITTAL SITE PLANS.
8/19/94:Notification to submit final as built site plans upon completion of grading.
3/1/95: Temporary Occupancy notice with request to submit Final As Built site plans.
3/3/95: Third notice to submit Final As Built site plans.
3/20/95: Fourth notice to submit Final As Built site plans.
10/16/95: Fifth notice to submit Final As Built site plans.
6/18/97: Sixth notice to submit Final as Built site plans or forfeiture of deposit request.
11/29/98: Final as builts submitted to avoid Council's forfieture of construction deposit.
Final as built submittals rejected by engineer's office for non-compliance.

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

EMERALD LAKE DEVELOPMENT, INC.

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

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

NON COMPLIANCE OF CORRECT FINAL AS BUILT SUBMITTAL SITE PLANS.

8/19/94: Notification to submit final as built site plans upon completion of grading.
3/20/95: Temporary Occupancy notice with request to submit Final As Built site plans.
10/10/95: Reminder notice to submit required paper work including final as builts.
6/16/96: Violation notice to submit required paper work.
6/17/97: Final violation notice sent to submit required paper work.
11/29/98:Final as builts submitted to avoid Council's forfeiture of construction deposit.
Final as built submittals rejected by engineer's office for non-compliance.

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

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

NON COMPLIANCE OF CORRECT FINAL AS BUILT SUBMITTAL SITE PLANS.

8/30/94: Notification to submit final as built site plans upon completion of grading.
4/3/95: Temporary Occupancy notice with request to submit Final As Built site plans.
10/16/95: Reminder notice to submit required paper work including final as builts.
6/16/966: Second reminder notice to submit required paper work.
6/17/97:Violation notice of forfeiture proceeding if requirements not met.
11/29/98: Final as builts submitted to avoid Council's forfeiture of construction deposit.
Final as built submittals rejected by engineer's office for non-compliance.

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

NON COMPLIANCE OF SUBMITTAL OF FINAL AS BUILT SITE PLANS.

3/21/94:Notification to submit final as built site plans upon completion of grading.
5/19/95:Temporary Occupancy notice with request to submit Final As Built site plans.
5/24/95:Reminder notice to submit required paper work including final as builts.
3/27/96:Violation notice of failure to clear on site items, and paper work.
7/17/97:Notice of forfeiture proceedings if requirements not met.
12/4/97:Second notice of forfeiture proceeding if requirements not met.
11/9/98:Construction deposit forfeited by Council for failure to meet requirements.

PATWIL HOMES, INC.

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

NON COMPLIANCE TO CLEAR REQUIRED SUBMITTALS.

4/20/94:Notification to submit final as built site plans upon completion of grading.
12/14/94:Temporary Occupancy notice with request to clear requirements.
1/11/95:Violation notice of failure to clear on site items and paper work.
3/16/95:Second violation reminder notice.
4/26/95: Reminder notice to submit requirements.
5/5/95:Third violation notice to submit requirements.

JEFF HENRY, INC.

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

NON COMPLIANCE OF SUBMITTAL OF FINAL AS BUILT SITE PLANS.

5/29/91:Notification to submit required paper work, including final as built site plans.
2/11/92:Temporary Occupancy notice with request to clear requirements/paper work.
2/25/92:Reminder notice to submit requirements to clear permit.
4/13/92:Third notice to submit requirements to clear permit.
7/11/94:Council forfeited construction deposit for failure to clear requirements.

TOM STANLEY BUILDERS, INC.

16.FINAL PLOT 513-92 dated 8/16/92 @$500.00-106 Leaview/Carson

17.PERMANENT VEGETATION (Erosion Control) 525-93 dated 1/8/93 @$500.00

NON COMPLIANCE OF REQUIRED SUBMITTALS INCLUDING FINAL AS BUILTS.

8/7/92:Notification to submit final as built site plans upon completion of grading.
2/1/93:Temporary occupancy granted with required submittals and inspections notice.
7/7/93:Violation notice forwarded with requirements to clear including final as builts.
2/16/99:Notice of due process for forfeiture hearing for failure to comply to code.

RENAISSANCE CONSTRUCTION, INC.

18.FINAL PLOT 516-92 dated 9/14/92 @$500.00-110 Champion/Bergman

NON COMPLIANCE OF SUBMITTAL OF FINAL AS BUILT SITE PLANS.

9/14/92:Notification to submit final as built site plans upon completion of grading.
6/11/93:Temporary occupancy granted with notice of required submittals & inspections.
10/14/93:Occupancy update notice of required submittals and inspections to clear permit.
2/10/94:Letter outlining requirements needed to clear permit and refund deposits.
4/17/95:Notice of due process for fortfeiture of deposits for failure to comply to code.
5/24/95:Reminder notice of failure to comply to code.

N.B.S. HOMES, INC.

19.FINAL PLOT 817-96 dated 1/22/96 @$500.00-536 Manor Brook/Adelson

NON COMPLIANCE OF SUBMITTAL OF FINAL AS BUILT SITE PLANS.

1/22/96:Notification to submit final as built site plans upon completion of grading.
8/23/96:Temporary occupancy granted with notice of required submittals & inspections.
9/10/965:Final as built site rejected by engineer's office for non-compliance.
10/24/96:CTConsultants engineer on site to review problems of grading/drainage.
3/31/97: Reminder to clear temporary occupancy requirement list of non-compliance.
6/11/97:Violation notice with pending forfeiture hearing if no compliance.
8/26/97:Letter regarding requirements of grading on site & inspections to clear.
2/24/98:Final notice that forfeiture process would proceed if non compliance.

20.FINAL PLOT 772-95 dated 7/18/95 @$500.00-538 Manor Brook/Luby

NON COMPLIANCE OF SUBMITTAL OF FINAL AS BUILT SITE PLANS.

7/22/95:Notification to submit final as built site plans upon completion of grading.
12/21/95:Temporary occupancy granted with notice of required submittals & inspections.
12/28/95:Reminder notice of required submittals & inspections.
1/5/96:Reminder notice to submit final as built site plans.
8/14/96:Engineer rejected final as built site plans for non-compliance.
8/23/96:Reminder notice to submit revised paper work & clear non-compliance items.
10/29/96:Engineer on site regarding grading problems.
3/26/97:Follow up reminder letter to 10/29/96 letter of grading problems.
4/9/97: Follow up reminder letter regarding grading problems.
5/28/97:Engineer on site again regarding grading with additional follow up letter.
7/21/97:Violation notice to contractor to meet code, clear violations.
8/26/97:Notice to contractor to clear violations.
12/29/97:Letter requesting compliance.
2/25/98:Violation notice-clear or due process of forfeiture would proceed.

N.B.S. HOMES, INC.

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

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

NON COMPLIANCE OF SUBMITTAL OF FINAL AS BUILT SITE PLANS.

2/28/96:Notification to submit final as built site plans upon completion of grading.
9/9/96:C.T.Consultants engineer rejected final as built site plans for non-compliance.
10/29/96:Engineer on site regarding grading problems.
2/11/97:Temporary occupancy notice with request to submit all paper work.
3/10/97:Temporary occupancy reminder notice to clear violations.
3/26/97:Letter requesting grading of lot per engineers on site visit of 10/26/96.
5/8/97:Letter requesting correction of grading per engineer's office.
5/28/97:Engineer again on site regarding grading problems + letter follow up.
6/11/97:Violation notice concerning possible forfeiture proceedings re:non-compliance.
7/17/97:Violation notice for Final as Built submittals.
8/26/97:Letter requesting violations be cleared.
2/24/98:Follow up letter stating process of forfeiture proceeding if not cleared.

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
David T. Hocevar **(440)338-1312 Fax:338-1606** **Building Commissioner**

February 16, 1999

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

RE:	Forfeiture of Final Plot Deposit Codified Ordinance Section 1446.07 ©
Reason:	Failure to clear required submittals.
Depositor:	Vikon Construction Keith Vertes P.O. Box 331377 Solon, OH 44139
Homeowner:	David & Wendy Truch
Location:	170 Sundew Lane
Deposit Type:	Final Plot
Deposit #:	845-96
Amount:	$449.02 Balance
Receipt:	4/23/96 #7744

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

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

David T. Hocevar — **Building Commissioner**

February 16, 1999

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

RE:	Forfeiture of Final Plot Deposit Codified Ordinance Section 1446.07 ©
Reason:	Failure to clear required submittals.
Depositor:	Vikon Construction Keith Vertes P.O. Box 331377 Solon, OH 44139
Homeowner:	William & Luann Christianson
Location:	168 Sundew Lane
Deposit Type:	Final Plot
Deposit #:	765-95
Amount:	$500.00 - 63.30 = 436.70
Receipt:	6/28/95 #7269

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell

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

David T. Hocevar — **Building Commissioner**

February 16, 1999

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

RE:	Forfeiture of Final Plot Deposit Codified Ordinance Section 1446.07 (c)
Reason:	Failure to clear required submittals.
Depositor:	Vikon Construction Keith Vertes P.O. Box 331377 Solon, OH 44139
Homeowner:	Patrick & Lauren Loftus
Location:	154 Sundew Lane
Deposit Type:	Final Plot
Deposit #:	673-94
Amount:	$428.19
Receipt:	9/1/94 #4990

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell

Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022

David T. Hocevar **(440)338-1312 Fax:338-1606** **Building Commissioner**

February 16, 1999

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

RE:	Forfeiture of Final Plot Deposit Codified Ordinance Section 1446.07 (c)
Reason:	Failure to clear required submittals.
Depositor:	Emerald Lake Development, Inc. Sidney Simon 4635 Richmond Rd., Ste 105 Warrensville Hts., OH 44128
Homeowner:	Model
Location:	117 Waverly Lane
Deposit Type:	Final Plot
Deposit #:	665-94
Amount:	$500.00
Receipt:	8/18/94 #4957

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell

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

David T. Hocevar — **Building Commissioner**

February 16, 1999

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

RE:	Forfeiture of Permanent Vegetation Deposit Codified Ordinance Section 1446.07 (b)
Reason:	Failure to clear required submittals.
Depositor:	Emerald Lake Development, Inc. Sidney Simon 4635 Richmond Rd., Ste 105 Warrensville Hts., OH 44128
Homeowner:	Model
Location:	117 Waverly Lane
Deposit Type:	Permanent Vegetation/Erosion Control
Deposit #:	722-95
Amount:	$500.00
Receipt:	3/1/95 #5381

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell

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

David T. Hocevar — **Building Commissioner**

February 16, 1999

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

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

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell

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

David T. Hocevar — **Building Commissioner**

February 16, 1999

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

RE:	Forfeiture of Permanent Vegetation Deposit Codified Ordinance Section 1446.07 (b)
Reason:	Failure to clear required submittals.
Depositor:	Emerald Lake Development, Inc. Sidney Simon 4635 Richmond Rd., Ste 105 Warrensville Hts., OH 44128
Homeowner:	Joseph Masseria
Location:	527 Manor Brook Dr.
Deposit Type:	Permanent Vegetation
Deposit #:	796-95
Amount:	$500.00
Receipt:	10/25/95 #7446

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell

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

David T. Hocevar — **Building Commissioner**

February 16, 1999

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

RE:	Forfeiture of Final Plot Deposit Codified Ordinance Section 1446.07 (c)
Reason:	Failure to clear required submittals.
Depositor:	Emerald Lake Development, Inc. Sidney Simon 4635 Richmond Rd., Ste 105 Warrensville Hts., OH 44128
Homeowner:	Marjorie Simon
Location:	109 Waverly Lane
Deposit Type:	Final Plot
Deposit #:	664-94
Amount:	$500.00
Receipt:	8/18/94 #4956

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell

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

David T. Hocevar — **Building Commissioner**

February 16, 1999

Certified & Regular Mail
Z 529 583 357

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

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

Gentlemen:

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

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

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

David T. Hocevar — **Building Commissioner**

February 16, 1999

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

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

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

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

David T. Hocevar — **Building Commissioner**

February 16, 1999

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

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

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

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

David T. Hocevar — **Building Commissioner**

February 16, 1999

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

RE:	Forfeiture of Final Plot Deposit Codified Ordinance Section 1446.07 (c)
Reason:	Failure to clear required submittals.
Depositor:	Emerald Lake Development, Inc. Sidney Simon 4635 Richmond Rd., Ste 105 Warrensville Hts., OH 44128
Homeowner:	Forrester
Location:	15 Kimberwick Court
Deposit Type:	Final Plot
Deposit #:	587-94
Amount:	$500.00
Receipt:	3/21/94 #4628

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell

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

David T. Hocevar — **Building Commissioner**

February 16, 1999

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

RE:	Forfeiture of Final Plot Deposit Codified Ordinance Section 1446.07 (c)
Reason:	Failure to clear required submittals.
Depositor:	Patwil Homes, Inc. Robert J. Belvin 2562 S. Arlington Rd. Akron, OH 44319
Homeowner:	McKay
Location:	5141 Chillicothe Rd.
Deposit Type:	Final Plot
Deposit #:	609-94
Amount:	$500.00
Receipt:	4/20/94 #4695

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell

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

David T. Hocevar — **Building Commissioner**

February 16, 1999

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

RE:	Forfeiture of Final Plot Deposit Codified Ordinance Section 1446.07 (c)
Reason:	Failure to clear required submittals.
Depositor:	Jeff Henry, Inc. 6227 Promler Ave., N.W. North Canton, OH 44720
Homeowner:	Ehlert
Location:	115 Champion Lane
Deposit Type:	Final Plot
Deposit #:	477-91
Amount:	$500.00
Receipt:	5/29/92 #3031

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell

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

David T. Hocevar — **Building Commissioner**

February 16, 1999

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

RE:	Forfeiture of Final Plot Deposit Codified Ordinance Section 1446.07 (c)
Reason:	Failure to clear required submittals.
Depositor:	Tom Stanley Builders, Inc. 38695 Gaelic Glen Solon, OH 44139
Homeowner:	Carson
Location:	106 Leaview Lane
Deposit Type:	Final Plot
Deposit #:	513-92
Amount:	$500.00
Receipt:	8/16/92 #3697

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

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

David T. Hocevar — **Building Commissioner**

February 16, 1999

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

RE:	Forfeiture of Permanent Vegetation Deposit Codified Ordinance Section 1446.07 (b)
Reason:	Failure to clear required submittals.
Depositor:	Tom Stanley Builders, Inc. 38695 Gaelic Glen Solon, OH 44139
Homeowner:	Carson
Location:	106 Leaview Lane
Deposit Type:	Permanent Vegetation/Erosion Control
Deposit #:	525-93
Amount:	$500.00
Receipt:	1/8/93 #3978

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell

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

David T. Hocevar — **Building Commissioner**

February 16, 1999

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

RE:	Forfeiture of Final Plot Deposit Codified Ordinance Section 1446.07 (c)
Reason:	Failure to clear required submittals.
Depositor:	Renaissance Construction, Inc. 19121 Ravenna Rd. Mantua, OH 44255
Homeowner:	Bergman
Location:	110 Champion Lane
Deposit Type:	Final Plot
Deposit #:	516-92
Amount:	$500.00
Receipt:	9/14/92 #3747

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell

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

David T. Hocevar — **Building Commissioner**

February 16, 1999

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

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

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell

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

David T. Hocevar — **Building Commissioner**

February 16, 1999

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

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

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell

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

David T. Hocevar — **Building Commissioner**

February 16, 1999

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

RE:	Forfeiture of Final Plot Deposit Codified Ordinance Section 1446.07 (c)
Reason:	Failure to clear required submittals.
Depositor:	N. B. S. Homes, Inc. 2355 Beachwood Blv'd. Beachwood, OH 44122
Homeowner:	Smith
Location:	540 Manor Brook Drive
Deposit Type:	Final Plot
Deposit #:	823-96
Amount:	$500.00
Receipt:	2/26/96 #7657

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell

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

David T. Hocevar — **Building Commissioner**

February 16, 1999

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

RE:	Forfeiture of Permanent Vegetation Deposit Codified Ordinance Section 1446.07 (b)
Reason:	Failure to clear required submittals.
Depositor:	N. B. S. Homes, Inc. 2355 Beachwood Blv'd. Beachwood, OH 44122
Homeowner:	Smith
Location:	540 Manor Brook Drive
Deposit Type:	Permanent Vegetation/Erosion Control
Deposit #:	912-97
Amount:	$1,000.00
Receipt:	2/11/97 #8274

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

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

Emerald Lake Development, Inc. #5, #6, #7, #8, #9, #10, #11, #12, #13.
The Mayor made a motion to forfeit to the Village items #5 - #13. McIlrath seconded. Roll call. All ayes.

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

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

Tom Stanley Builders, Inc. #16, #17.
Coteswoth made a motion to forfeit to the Village items #16& #17. McIlrath seconded. Roll call. All ayes.

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

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

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

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

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

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

PLANNING COMMISSION MEETING
APRIL 15, 1999
7:30 P.M.

1. ROLL CALL: Young, Sutliff, McIlrath, Male, Hocevar, Foley, Ondrey

2. MINUTES: 3-18-99, **approved**

3. GUESTS:

   1. Bob Flesher of 533 Manor Brook Dr. & Beth Krew of 534 Manor Brook Dr. Discuss trash racks. Cont. from 2-18-99 & 3-18-99. A trash rack to cover the northern end of the pipe (which is on the Krew's property) was recommended by the Village Engineer on 8-19-97.
   According to Beth Krew, she, Tom & Judy Harvey, who reside at 537 Manor Brook Drive, will split the cost of a trash rack at the southern end of the pipe. They desire trash racks at both ends to prevent children from going into the pipe.
   Conditional approval of a trash rack to be placed at the north end of the pipe on the Krew's property at 534 Manor Brook Drive & a trash rack to be placed at the south end of the pipe on the Harvey's property at 537 Manor Brook Drive.
   The conditions are as follows: 1. Subject to drawings of trash racks that Bob Flesher will prepare & give to the Engineer for his & the Building Department's approval, 2. Bar grids are to be no smaller then six inches, 3. It is the responsibility of the Krew's to maintain the trash racks & clean the culvert if it gets clogged.

   2. Snavely Co. for 401 Reserve Trail. SL# 30. Height variance. "The topography of the lot slopes down in the backyard causing the basement to be exposed. Thus, raising the height over the allowed 33 feet." The variance request is for 1.8 feet. Height of the house is 34 feet, 8 inches. **Approved.**

   3. Steve Heintzelman for Hlavin property, 1360 Bell Street. Sign the Milar. **Milar signed.**

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

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

4. OLD BUSINESS:

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

6. ADJOURN: 8:50 P.M.

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

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

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

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

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

ABSENT: Marilyn Cotesworth

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

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

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

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

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

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

1. ROLL CALL: YOUNG, SUTLIFF, MCILRATH, MALE

2. MINUTES: 4-15-99, AMENDED & APPROVED

3. GUESTS: ED KRIZ OF WHEELER LANDSCAPING & BARBARA BLAKE, PRESIDENT OF KENSINGTON GREEN HOMEOWNER'S ASSOCIATION

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

4. OLD BUSINESS:

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

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

6. ADJOURN: 8:30 P.M

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

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

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

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

OTHER OFFICIALS: Dave Hocevar, Building Inspector,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Determination: No action.

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

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

June 1, 1999

To: Planning Commission Members:

From: Maggie Tomaro

Greetings,

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

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

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

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

Sincerely,

Maggie

Maggie

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

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

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

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

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

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

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

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

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

ABSENT: Ned Foley, Engineer

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

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

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

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

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

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

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

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

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

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

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

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

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

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

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

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

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

1. ROLL CALL:

2. MINUTES:

3. GUESTS:

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

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

4. OLD BUSINESS: **TRASH RACKS ON MANOR BROOK DR. HOCEVAR TO CONTACT BOB FLESHER.**

5. NEW BUSINESS: **NEXT MEETING 7-15-99 AT 7:30 P.M.**

6. ADJOURN: **8:10 P.M.**

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

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

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

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

ABSENT: Ned Foley, Engineer

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

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

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

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

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

OLD BUSINESS:

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

NEW BUSINESS: None.

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

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

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

David T. Hocevar **Building Commissioner**

May 20, 1999

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

RE:	Forfeiture of Final Plot Deposit Codified Ordinance Section 1446.07 ©
Reason:	Failure to clear required submittals.
Depositor:	Riverview Home Builders Robert Votruba C/o North American Homes, Inc. 5222 Richmond Rd. Bedford Hts., OH 44146
Homeowner:	Gary Quast
Location:	312 Fox Way
Deposit Type:	Final Plot
Deposit #:	899-96
Amount:	500.00
Receipt:	10/30/96 #8035

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell

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

David T. Hocevar — **Building Commissioner**

May 20, 1999

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

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

Reason: Failure to clear required submittals.

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

Homeowner: Gary Quast
Location: 312 Fox Way

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

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
David T. Hocevar **(440)338-1312 Fax:338-1606** **Building Commissioner**

May 20, 1999

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

RE:	Forfeiture of Final Plot Deposit Codified Ordinance Section 1446.07 ©
Reason:	Failure to clear required submittals.
Depositor:	N.B.S. Homes, Inc. Sam Roth 2355 Beachwood Blv'd. Beachwood, OH 44122
Homeowner:	David Weisberg
Location:	115 Alderwood Trail
Deposit Type:	Final Plot
Deposit #:	929-97
Amount:	500.00
Receipt:	4/8/97 #8343

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Village of South Russell
Department of Building and Zoning
5205 Chillicothe Road
South Russell, OH 44022
David T. Hocevar **(440)338-1312 Fax:338-1606** **Building Commissioner**

May 20, 1999

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

RE:	Forfeiture of Final Plot Deposit Codified Ordinance Section 1446.07 ©
Reason:	Failure to clear required submittals.
Depositor:	N.B.S. Homes, Inc. Sam Roth 2355 Beachwood Blv'd. Beachwood, OH 44122
Homeowner:	Tim Gleason
Location:	117 Alderwood Trail
Deposit Type:	Final Plot
Deposit #:	928-97
Amount:	500.00
Receipt:	4/8/97 #8342

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

Please Print your NAME

6-7-99

Forfeiture Hearing 7:15 P.m.

Planning Commission meeting 7:30P.m.

1. Charles M. Daniels, Jr.
2. STEVEN HEATHERMAN
3. GREG QUAST
4. RICK DEMARCO
5. JOHN CULVA
6.
7.
8.
9.
10

5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

Please Print your NAME
6-7-99
Forfeiture Hearing 7:15 P.m.
Planning Commission meeting 7:30 P.m.

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

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

PHONE: (440) 338-7843
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RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION MEETING
JULY 15, 1999
7:30 P.M.

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

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

ABSENT: Ned Foley, Engineer

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

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

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

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

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

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

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

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

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

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

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PLANNING COMMISSION MEETING
JULY 15,1999
7:30 P.M.

1. ROLL CALL:

2. MINUTES: JUNE 7, 1999

3. GUESTS:

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

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

4. OLD BUSINESS:

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

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

6. ADJOURN: 8:29 P.M.

September 3, 1999

To: Planning Commission Members

From : Maggie Tomaro

Greetings,

Enclosed are the minutes from the PC Meeting of July 15, 1999.
Also enclosed is a zoning map & information about outdoor play areas given to me by the Building Department.

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

The agenda includes:
An informal discussion with Rob Meyer about the Mezzi property.
Review zoning issues; look at potential development along Route 306 & its impact on the Village
Discuss residential outdoor play areas. I.e. swing sets, play houses

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

SOUTH RUSSELL VILLAGE
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

Please Print Your Name

7-15-99

Planning Commission

7:30

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

Activist takes mission to reduce glare on road

By JOAN DEMIRJIAN

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

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

He was involved in a recent effort to persuade the Burger King restaurant in Chester to confine its lighting to its own property on Mayfield Road. Burger King agreed to replace some of its lighting fixtures. "It has made a dramatic difference," he said.

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

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

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

As an amateur astronomer, he values the darker rural skies, which allow him to view the constellations, Mr. Gorka said. He said he believes others do too.

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

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

Township zoning must be based on safety and health, and lighting affects safety, he said. Glare never improves visibility, Mr. Gorka said. "Vision can actually be impacted to the point where you can't see." He called it "disability glare."

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

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

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

Councilman might focus on state Senator's seat

By BARBARA CHRISTIAN

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

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

However, last year the emergency medicine physician expressed interest in the state Senate seat after incumbent Grace Drake decided to run for U.S. Congress.

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

Dr. Jotte announced he would run for another two-year term on Village Council this November. The end of that council term will coincide with Mrs. Drake's departure from the state Senate.

Invitations to an 11 a.m. July 4 family picnic at Chagrin Falls Township Hall were sent to Dr. Jotte's supporters and news media last week.

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

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



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

Resident to present views on fire station project

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

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

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

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

OLD BUSINESS:

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

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

NEW BUSINESS:

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

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

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

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

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

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

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

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

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

ABSENT: Ruth McIlrath

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rob Myers & David Hartt left the meeting.

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

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

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

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

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

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

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

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

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

OLD BUSINESS: None.

NEW BUSINESS:

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

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

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

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

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

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

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

PLANNING COMMISSION MEETING
OCTOBER 30,1999
10:00 A.M.

1. ROLL CALL:

2. MINUTES: 9-8-99 **APPROVED**

3. GUESTS:
ROB MYERS OF RHM HOMES CORP. FORMAL DISCUSSION ABOUT CHANGING THE WILBER/MEZI PROPERTY FROM RESIDENTIAL TO OFFICE DISTRICT. **NO ACTION.**

4. OLD BUSINESS:

5. NEW BUSINESS: NEXT MEETING, NOVEMBER 18,1999, 7:30

6. ADJOURN: NOON

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

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

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION MEETING
10-30 1999
10:00A.M.

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

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

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

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

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

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

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

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

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

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

Sutliff said, "For the benefit of the Board, Dave (Ondrey) could you run through this process?" Ondrey explained the procedure. Under South Russell regulations, a property owner or someone who has an interest in the property, has a right to make application for a zoning change. They could insist upon the Planning Commission voting on their specific proposal or if the Planning Commission decides to make modifications – with their consent – that final proposal could be voted on. According to regulations, a vote is to occur within 45 days after the filing date. The Planning Commission has an option to hold a public hearing, but doesn't have to. Once it's voted on, whether it's approved or disapproved, the applicant has a right to continue to Council. Council must hold a public hearing. Council can approve or disapprove. If Council goes against the Planning Commission's recommendations, Council must have a ¾ vote of the Council members.

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

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

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

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

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

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

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

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

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

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

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

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

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

McIlrath asked, "What is the frontage?" Hartt answered, "Over 600 feet. Total acreage is about 9 ¼ acres." McIlrath wondered about mounds. They will be similar to the mounds at Manor Brook.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OLD BUSINESS: None.

NEW BUSINESS: None.

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

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

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

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

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

1. ROLL CALL: **YOUNG, SUTLIFF, MALE, MCILRATH, TRIPP**

2. MINUTES: 10-30-1999 **APPROVED.**

3. GUESTS:

ROSEY'S RESTAURANT LOCATED AT 540 EAST WASHINGTON ST. IS BEFORE THE BOARD FOR A FORMAL COMMERCIAL DEVELOPMENT REVIEW. THE RESTAURANT WILL BE CONVERTED TO PANINI'S BAR & GRILLE. ADDITION TO THE LEFT SIDE & REAR OF THE BUILDING & INTERIOR ALTERATIONS.
CONDITIONAL APPROVAL. THE CONDITIONS ARE: (1.) THE WHOLE PARKING LOT IS TO BE PAVED WITH ASPHALT & STRIPED. (2). SURFACE DRAINAGE PLAN TO BE PRESENTED TO & APPROVED BY THE VILLAGE ENGINEER. (3). OUTDOOR EXISTING PATIO CAN REMAIN AS IS & NOT CONVERTED TO YEAR ROUND DINING. (4). WHEN THE OUTDOOR PATIO IS IN USE, THE PROPOSED ADDITION WOULD BE CLOSED & VICE VERSA. (5). EXISTING STORAGE BUILDING IN THE BACK PARKING LOT IS TO BE REPAIRED & BROUGHT UP TO CODE OR DEMOLISHED.

ROB MYERS OF RHM HOMES CORP. CONTINUE DISCUSSION ABOUT MEZI/WILBER PROPERTIES.
MOTION MADE TO REJECT THE APPLICATION MADE TO HAVE THE PROPERTY IN QUESTION REZONED. FOUR MEMBERS VOTED AGAINST REZONING; ONE MEMBER VOTED FOR REZONING.

4. OLD BUSINESS: **NONE**

5. NEW BUSINESS: **NEXT MEETING DECEMBER 9, 99 AT 7:30 P.M.**

6. ADJOURN: **9:45 P.M.**

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FAX: (440) 338-8776

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

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

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

GUESTS:

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

Rob Myers, of RHM Homes, 66 Morningside Trail
David Hartt of D.B. Hartt, Inc. Planning & Development Consultants, 1382 West Ninth St. #320, Crittenden Building, Cleveland, Ohio 44113
John Garvey, EDP Consultants, Inc. 9375 Chillicothe Rd., Kirtland, Ohio 44094-8501
Ted Galuschik, Traff-Pro Consultants, Inc.

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

Don Winovich, 1433 Bell Rd.
Mark N. Rood, MD 113 Silver Springs Tr. (h); 5192 Chillicothe Rd. is his business – The So. Russell Medical Center
George Stanek, 100 Southwyck Dr.
Bill Richards, 6000 Parkland Dr.; Board Member of the Chagrin Lakes Community
Bebe Ober, Realtor & resident, 129 Manor Brook Dr.
Barry Winovich, homeowner of new house on Chillicothe Rd.
Tom Harvey, 537 Manor Brook Dr.
Betty Lmog, 5248 Chillicothe Rd.
Anne VanWagoner, 1158 Sheerbrook Dr.
Alan Novish, 111 Silver Springs
Bill Murschel, 5240 Maple Springs, Pres. of Chagrin Lakes Homeowner's Assoc.
46 guests signed in. Refer to attached sheet.

Prior to the meeting the PC members received:

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

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

A copy of the water study done by EDP

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

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

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

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

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

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

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

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

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

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

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

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

McIlrath second. Roll call. All ayes.

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

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

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

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

Planning Commission's already received a modified proposal back from Mr. Myers in an attempt to address some of the issues that have been raised (11-15-99). Ultimately, this Planning Commission will take a vote on it. If it is a yes recommendation, it would take a ¾ majority of Council, who will consider it as an ordinance, to override it or modify it. If it is disapproved by Planning Commission, it still will go to Council & still take a ¾ majority to override the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

McIlrath addressed her comments to John Garvey, a Hydogeologist hired by Myers. "You've used well logs that were from the 1950's. I wondered why you used 40 year old well logs." Garvey answered, "In general that is what the ODNR (Ohio Dept. of Natural Resources) has readily available. We use those & additional references. ~~Two of them were~~ thesis ~~done~~ by Eckstein's students in the 1980's. In a more recent report that Dr. Eckstein has, but you folks don't have, we looked at what Dr. Eckstein ~~wanted us to~~. ~~We looked~~ at the effects of a pumping well on this commercial property, on water levels in the area. The conclusion was that the ~~calculations bear it out~~. ~~We~~ estimate that the pumping rate of this site, on the average, over the long term, will be about 3 ½ gallons per minute on a conditional basis. ~~Although that~~ isn't what's really going to happen when the office shuts down obviously. What we end up with is a net effect on the ground water level of about a foot change at a distance of 200 feet from the pumping well; that is if we're pumping at 3 1/2 gallons per minute continuously for 10 years. That's using the most conservative permeability transitivity value that was presented in the thesis. Given the size of the site, there should be no measurable effect on the water level of the property."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sutliff opened the discussion to the audience.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Please Print Your Name + Address
PLANNING COMMISSION MEETING
11-18-99
7:30

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11 STEVE CICIRETTO ARCHITECT / PANINIS
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22 GEORGE STANEK 100 SOUTHWYCK DR
23 ADAM LECHMAN 64 MAPLE HILL DR.
24 Jack Zilly 5231 Maple Springs Dr.
25 Jane Zilly 5231 Maple Springs Dr.
26 DARDELL BORTHOWSKI 35 WBOLMERDOW LN
27 Dennis & Lowada Roman 49 CASCADES DR.
28 MARY ANN KEESLER 37 CASCADES DR.
29 ROGER MILLS 33 CASCADES DR

CONT. ON NEXT PAGE

Please Print Your Name + Address
Cont. of Planning Commission meeting
11-18-99
7:30 P.M.

30. STEVE PANDY 48 E. BELMEADOW LN.
31. LAUREL HEATER 263 HIGH ST.
32. DON WINOVICH 1433 BELL RD
33 BARRY WINOVICH CHILLICOTHE RD NEW const.
34 C.K. TWEEDY 308 FOX WAY
35 RICHARD W. VOSS 800 BELL
36 William Richards 6000 Parkland Drive
37 JAMES & Betty MOG 5248 CHILLICOTHE RD
38 Kelley Winovich Chillicothe (New construction)
39. BLAKE & Mindy QUA 29 E. Bel-MEADOW Lane.
40. Anne Van Wagoner 1158 Sheerbrook Dr.
41 Matt Benes 107 Champion Ln.
42. Mark Chapin 10660 Bell Rd
43. Bill Murschel 5240 Maple Springs (Chagrin Lakes Assoc Board)
44 Gary Butchers Bell
45. Mark N. Rood MD 113 Silver Springs Trl
46 Tom Harvey 537 MANOR BROOK DR.

EXHIBIT I

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

Presentation of Rezoning November 18th, 1999

ReCap:

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

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

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

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

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

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

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

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

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

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

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

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

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

11-15-99

To: The Planning Commission Members

From: Maggie Tomaro, Secretary of the Planning Commission

Greetings,

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

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

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

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

1-14-2000

To: The Planning Commission Members

From: Maggie Tomaro, Secretary

Greetings! Happy New Year!

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

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

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

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

Maggie

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PLANNING COMMISSION MEETING
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25 Jane Zilly 5231 Maple Springs Dr.
26 DARRELL BORTHOWSKA 35 WBelmeadow Ln
27 Dennis & Lowada Roman 49 CASCADES DR.
28 MARY Ann Keesler 37 CASCADES DR.
29 ROGER Mills 33 CASCADES Dr

CONT. ON NEXT PAGE

Please Print Your Name + Address

Cont. of Planning Commission Meeting
11-18-99
7:30 P.M.

30. STEVE PANDY 48 E. BELMEADOW LN.
31. LAUREL HEATER 263 HIGH ST.
32 DON WINOVICH 1433 BELL RD
33 BARRY WINOUGH CHILDCOTHE RD NEW const.
34 C.K. TWEEDY 308 FOX WAY
35 RICHARD W. VOSS 800 BELL
36 William Richards 6000 Parkland Drive
37 James & Betty MOG 5248 CHILLICOTHE RD
38 Kelley Winovich Chillicothe (New construction)
39. BLAKE & Mindy QUA 29 E. Bel-MEADOW Lane.
40. Anne Van Wagner 1158 Sheerbrook Dr.
41 Matt Benes 107 Champion Ln.
42. Mark Chapin 10660 Bell Rd
43. Bill Murschel 5240 Maple Springs (Chagrin Lakes Assoc. Board)
44 Larry Berthers Bell
45. Mark D. Rood MD 113 Silver Spring Trl
46 Tom Harvey 537 MANOR BROOK DR.

built in South Russell the closest thing to Mr. Myers' project. It was built by Mr. Burns. He built something in the neighborhood of 30,000 square feet. From the day he got Planning Board approval, which was 7-10-86 for the first building & when the last building was occupied on 9-30-98, it was 12 years. It took that long to finish a project of 30,000 square feet. I can only imagine that this project might out live me. I don't think the property needs to be rezoned. I have publicly stated to the Board & to others in the past that I'm generally against rezoning. I definitely am when it comes to a vote. My vote will be no for rezoning."

McIlrath said, "I got a lot of calls on this. I did get two calls for the project. I got 20 calls against the project. And people that said I could quote them were James Rann who bought the old Wilber property. He has made a large commitment to updating the house & wants to keep it residential. Both Don & Barry Winovich obviously with the new house, want to keep it residential. The last person was Ann Malmquist who said she'd do anything to keep it residential. She couldn't come because she was ill."

Male said, "I was secretary for the Planning Commission for 19 years before I was put on the Board. I watched the Planning Commission, very diligently, as the commercial area of the Village was being developed & expanded. They worked very hard to make sure the transition was as close too residential as possible, but still maintain office space. As you go in each direction, you can see how they are really successful. I look at this project; I see the size as not really being an easy transition from commercial to residential. And that's the piece I have the biggest problem with. It's just much too big of a jump."

The Mayor made a motion to reject the application made to have the property in question rezoned. McIlrath second. Sutliff said, " A yea vote is a recommendation to not approve the rezoning change to Council."
Roll call. Tripp – Yea; McIlrath – Yes; Young – Yes; Sutliff – No; Male –Yes

Sutliff said, "Your (to Myers) next move will be to Council. They will have the Public Hearing & go from there."

OLD BUSINESS: None.

NEW BUSINESS: The next PC meeting is scheduled for December 9, 1999 at 7:30 P.M.

There was a motion to adjourn. The meeting ended at 9:45 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

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

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

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

1. ROLL CALL: **YOUNG, SUTLIFF, MALE, MCILRATH, TRIPP**

2. MINUTES: 10-30-1999 **APPROVED.**

3. GUESTS:

ROSEY'S RESTAURANT LOCATED AT 540 EAST WASHINGTON ST. IS BEFORE THE BOARD FOR A FORMAL COMMERCIAL DEVELOPMENT REVIEW. THE RESTAURANT WILL BE CONVERTED TO PANINI'S BAR & GRILLE. ADDITION TO THE LEFT SIDE & REAR OF THE BUILDING & INTERIOR ALTERATIONS.
CONDITIONAL APPROVAL. THE CONDITIONS ARE: (1.) THE WHOLE PARKING LOT IS TO BE PAVED WITH ASPHALT & STRIPED. (2). SURFACE DRAINAGE PLAN TO BE PRESENTED TO & APPROVED BY THE VILLAGE ENGINEER. (3). OUTDOOR EXISTING PATIO CAN REMAIN AS IS & NOT CONVERTED TO YEAR ROUND DINING. (4). WHEN THE OUTDOOR PATIO IS IN USE, THE PROPOSED ADDITION WOULD BE CLOSED & VICE VERSA. (5). EXISTING STORAGE BUILDING IN THE BACK PARKING LOT IS TO BE REPAIRED & BROUGHT UP TO CODE OR DEMOLISHED.

ROB MYERS OF RHM HOMES CORP. CONTINUE DISCUSSION ABOUT MEZI/WILBER PROPERTIES.
MOTION MADE TO REJECT THE APPLICATION MADE TO HAVE THE PROPERTY IN QUESTION REZONED. FOUR MEMBERS VOTED AGAINST REZONING; ONE MEMBER VOTED FOR REZONING.

4. OLD BUSINESS: **NONE**

5. NEW BUSINESS: **NEXT MEETING DECEMBER 9, 99 AT 7:30 P.M.**

6. ADJOURN: **9:45 P.M.**

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

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

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

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

GUESTS:

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

Rob Myers, of RHM Homes, 66 Morningside Trail
David Hartt of D.B. Hartt, Inc. Planning & Development Consultants, 1382 West Ninth St. #320, Crittenden Building, Cleveland, Ohio 44113
John Garvey, EDP Consultants, Inc. 9375 Chillicothe Rd., Kirtland, Ohio 44094-8501
Ted Galuschik, Traff-Pro Consultants, Inc.

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

Don Winovich, 1433 Bell Rd.
Mark N. Rood, MD 113 Silver Springs Tr. (h); 5192 Chillicothe Rd. is his business – The So. Russell Medical Center
George Stanek, 100 Southwyck Dr.
Bill Richards, 6000 Parkland Dr.; Board Member of the Chagrin Lakes Community
Bebe Ober, Realtor & resident, 129 Manor Brook Dr.
Barry Winovich, homeowner of new house on Chillicothe Rd.
Tom Harvey, 537 Manor Brook Dr.
Betty Lmog, 5248 Chillicothe Rd.
Anne VanWagoner, 1158 Sheerbrook Dr.
Alan Novish, 111 Silver Springs
Bill Murschel, 5240 Maple Springs, Pres. of Chagrin Lakes Homeowner's Assoc.
46 guests signed in. Refer to attached sheet.

Prior to the meeting the PC members received:

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

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

A copy of the water study done by EDP

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

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

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

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

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

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

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

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

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

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

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

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

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

McIlrath second. Roll call. All ayes.

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

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

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

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

Planning Commission's already received a modified proposal back from Mr. Myers in an attempt to address some of the issues that have been raised (11-15-99). Ultimately, this Planning Commission will take a vote on it. If it is a yes recommendation, it would take a ¾ majority of Council, who will consider it as an ordinance, to override it or modify it. If it is disapproved by Planning Commission, it still will go to Council & still take a ¾ majority to override the recommendation of the Planning Commission. Once it goes to Council, our regulations require a Public Hearing. So, there will be three readings for the

ordinance & somewhere we would schedule a Public Hearing on it, which requires newspaper notice 30 days in advance."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Tripp addressed lighting. He referred to the concern communities have in regard to light pollution. Tripp said, "The way this is drafted, it's going to be on ground signs. But, it goes on to say signs in a number of other areas- on buildings & the like. I wonder if you could explain what your anticipation is. Hartt said,

"We have taken the lighting standards that you have used in your districts & included them here. We have not tampered with that."

McIlrath addressed her comments to John Garvey, a Hydogeologist hired by Myers. "You've used well logs that were from the 1950's. I wondered why you used 40 year old well logs." Garvey answered, "In general that is what the ODNR (Ohio Dept. of Natural Resources) has readily available. We use those & additional references. Two of them were thesis done by Eckstein's students in the 1980's. In a more recent report that Dr. Eckstein has, but you folks don't have, we looked at what Dr. Eckstein wanted us to. We looked at the effects of a pumping well on this commercial property, on water levels in the area. The conclusion was that the calculations bear it out. We estimate that the pumping rate of this site, on the average, over the long term, will be about 3 ½ gallons per minute on a conditional basis. Although that isn't what's really going to happen when the office shuts down obviously. What we end up with is a net effect on the ground water level of about a foot change at a distance of 200 feet from the pumping well; that is if we're pumping at 3 1/2 gallons per minute continuously for 10 years. That's using the most conservative permeability transitivity value that was presented in the thesis. Given the size of the site, there should be no measurable effect on the water level of the property."

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

Tripp said, "I note the storm water run-off. You've got to anticipate there's going to be appreciable ground water recharge from that." Garvey said, "The difference in ground water recharge shouldn't be too appreciable. It'll go to detention & infiltration from there. It's not uniform across the site. But the recharge shouldn't change significantly." Tripp said, "No appreciable change on the recharge rate. You wouldn't change the face of the building?" Garvey said,

"That's right because the storm water is not being diverted to sewers & going off site. It's been converted to the detention basins." Tripp said, "So there is no drainage for the storm water?" "No", said Garvey.

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

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

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

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

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

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

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

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

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

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

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

Sutliff opened the discussion to the audience.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

built in South Russell the closest thing to Mr. Myers' project. It was built by Mr. Burns. He built something in the neighborhood of 30,000 square feet. From the day he got Planning Board approval, which was 7-10-86 for the first building & when the last building was occupied on 9-30-98, it was 12 years. It took that long to finish a project of 30,000 square feet. I can only imagine that this project might out live me. I don't think the property needs to be rezoned. I have publicly stated to the Board & to others in the past that I'm generally against rezoning. I definitely am when it comes to a vote. My vote will be no for rezoning."

McIlrath said, "I got a lot of calls on this. I did get two calls for the project. I got 20 calls against the project. And people that said I could quote them were James Rann who bought the old Wilber property. He has made a large commitment to updating the house & wants to keep it residential. Both Don & Barry Winovich obviously with the new house, want to keep it residential. The last person was Ann Malmquist who said she'd do anything to keep it residential. She couldn't come because she was ill."

Male said, "I was secretary for the Planning Commission for 19 years before I was put on the Board. I watched the Planning Commission, very diligently, as the commercial area of the Village was being developed & expanded. They worked very hard to make sure the transition was as close too residential as possible, but still maintain office space. As you go in each direction, you can see how they are really successful. I look at this project; I see the size as not really being an easy transition from commercial to residential. And that's the piece I have the biggest problem with. It's just much too big of a jump."

The Mayor made a motion to reject the application made to have the property in question rezoned. McIlrath second. Sutliff said, " A yea vote is a recommendation to not approve the rezoning change to Council."
Roll call. Tripp – Yea; McIlrath – Yes; Young – Yes; Sutliff – No; Male –Yes

Sutliff said, "Your (to Myers) next move will be to Council. They will have the Public Hearing & go from there."

OLD BUSINESS: None.

NEW BUSINESS: The next PC meeting is scheduled for December 9, 1999 at 7:30 P.M.

There was a motion to adjourn. The meeting ended at 9:45 P.M.

Walter Sutliff, Chairman Maggie Tomaro, Secretary

Please Print Your Name + Address
PLANNING COMMISSION MEETING
11-18-99
7:30

1 Patricia Eden 5197 Chillicothe Rd.
2 James Eden 5197 Chillicothe Rd.
3 J. Aveni 1300 E. 9TH ST. cleveland, OH 44114
4 ALAN Novish 111 SILVER SPRINGS TRL.
5 J. Newman 66 Morningside Dr.
6 John Garvey EDP Consultants
7 K. MONTANARI WESTWORK ARCH.
8 David Hartt D.B. Hartt, Inc.
9 Rob Myers RHM Homes Corp
10 TED GALUSCHIK TRAFF-PRO CONSULTANTS, INC.
11 STEVE CICIRETTO ARCHITECT / PANINIS
12 N Remley C.V.T. (Nancy Remley, article in CVT, 11-26-99 Pp. 7
13 Mary Hewett 5189 Chillicothe Rd.
14 MARSHALL J. KING 5189 Chillicothe Rd Chagrin Falls Ohio
15 Lynda Core 5243 Maple Springs Drive, So. Russell
16 FLORENCE OLSON 52 DAISY LANE
17 Roger Wilber 5244 Chillicothe
18 Barb Wilber 5244 Chillicothe
19 MATT BRETT 158 LAKEVIEW LANE
20 GAIL BARRY 174 LAKEVIEW LANE
21 Bebe Oberg 129 Manor Brook
22 GEORGE STANEK 106 SOUTHWYCK DR
23 ADAM LECHMAN 64 MAPLE HILL DR.
24 Jack Zilly 5231 Maple Springs Dr.
25 Jane Zilly 5231 Maple Springs Dr.
26 DARRELL BORTHOWSKA 35 WBOLMEADOW LN
27 Dennis & Lowada Roman 49 CASCADES DR.
28 MARY Ann Keesler 37 CASCADES DR.
29 ROGER Mills 33 CASCADES DR

CONT. ON NEXT PAGE

Please Print Your Name + Address
Cont. of Planning Commission meeting
11-18-99
7:30 P.m.

30. STEVE PANDY 48 E. BELMEADOW LN.
31. LAUREL HEATER 263 HIGH ST.
32. DON WINOVICH 1433 BELL RD
33 BARRY WINOVICH CHILDCOTHE RD NEW const.
34 C.K. TWEEDY 308 FOX WAY
35 RICHARD W. VOSS 800 BELL
36 William Richards 6000 Parkland Drive
37 JAMES & Betty MOG 5248 CHILLICOTHE RD
38 Kelley Winovich Chillicothe (New construction)
39. BLAKE & Mindy QUA 29 E. Bel-MEADOW Lane.
40. Anne Van Wagner 1158 Sheerbrook Dr.
41 Matt Benes 107 Champion Ln.
42. Mark Chapin 10660 Bell Rd
43. Bill Murschel 5240 Maple Springs (Chagrin Lakes Assoc Board)
44 Gary Berthers Bell
45. Mark N. Rood MD 113 Selwyn Springs Trl
46 Tom Harvey 537 MANOR BROOK DR.

Rosie's

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

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

4. OLD BUSINESS:

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

6. ADJOURN: 8:50 P.M.

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

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

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

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

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

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

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

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

Rosie's

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

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

Rosie's

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

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

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

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

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

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

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

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

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

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

EXHIBIT I

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

Presentation of Rezoning November 18th, 1999

ReCap:

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

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

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

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

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

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

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

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

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

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

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

1-14-2000

To: The Planning Commission Members

From: Maggie Tomaro, Secretary

Greetings! Happy New Year!

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

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

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

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

Maggie

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

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

PLANNING COMMISSION MEETING
JANUARY 20, 2000
7:30 P.M.

1. ROLL CALL: **O'DONNELL, YOUNG, SUTLIFF, TRIPP**

2. MINUTES: NOVEMBER 18, 1999; **AMENDED & APPROVED.**

3. GUESTS:
COMMERCIAL DEVELOPMENT REVIEW PRESENTED BY ARCHITECT, ANN DUNNING FOR DR. SHARON SCHMAHL'S BUILDING LOCATED AT 1184 BELL RD.
1.) ALTER EXISTING BUILDING – 24'2" X 76'3" & FRONT VESTIBULE, (COVERED & RAIL); NEW WINDOWS, SIDING, PLUMBING & HVAC. TENANT IMPROVEMET LATTER
2.) ATTACHED COVERED WALKWAYS BETWEEN FRONT EXISTING & NEW REAR BUILDING, 6'6" W X 100' LG.
3.) NEW TWO-STORY BUILDING, 55' X 86' – 4065 SQ. FEET, (66 X 91 O/A) & PARKING
CONDITIONAL APPROVAL. PLAN "B" IS ACCEPTED BUILDING TO BE CLASSIFIED AS "OFFICE USE" RATHER THAN CURRENT CLASSIFICATION, "PERSONAL SERVICE"
THE CONDITIONS ARE:
1.) ANY FUTURE PERSONAL SERVICE USE REQUIRES RESUBMISSION TO THE PLANNING COMMISSION
2.) SITE PLAN & DRAINAGE TO BE APPROVED BY THE VILLAGE ENGINEER
3.) SITE LIGHTING, LANDSCAPING, SCREENING PLAN TO BE SUBMITTED & APPROVED BY THE PLANNING COMMISSION
4.) ANY FUTURE PARKING IN THE FRONT OF THE EXISTING BUILDING REQUIRES PLANNING COMMISSION APPROVAL

4. OLD BUSINESS:
5. NEW BUSINESS: **NEXT MEETING, 2-17-2000 AT 7:30 P.M.**

6. ADJOURN: **8:30P.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 THEPLANNING COMMISSION MEETING
JANUARY 20, 2000
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Kathleen O'Donnell, Ike Tripp

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

MEMBERSHIP: Council member, Ruth McIlrath exits the PC effective today. Council member, Kathleen O'Donnell joins the PC effective today.
PC member, Cathy Male moved out of South Russell in January 2000. She withdrew from the PC effective today.

GUESTS:
Ann Dunning, Architect
Dr. Sharon Schmahl, Orthodontist, owner of office building located at 1184 Bell Road
Dr. Mike Powers, Oral Surgeon (spouse of Dr. Schmahl)

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

The minutes from the PC meeting of 11-18-1999 were amended & approved.

Commercial Development Review: Ann Dunning Architect for Dr. Sharon Schmahl. Dr. Schmahl owns a building at 1184 Bell Road that she hopes to renovate. She intends to add a two-story building behind the existing building.

At the present time, this building is classified as "Personal Service." (I.e. barber shop, dry cleaners, retail) Hocevar & Ondrey recommended that the building be changed to "Office Use." The parking situation changes if the building is classified as Office Use. Hocevar said for Office Use the parking regs. read one parking space for every 300 square feet. Whereas, Personal Service reads five parking spaces for every 1,000 square feet.

Dunning presented plans of the proposed renovations to the PC. She had two sets of plans, "A" & "B". Dunning hoped the PC would approve Plan

"B". The overall project equals 7,200 square feet.

The existing building which is 1,800 square feet, will be leased to a tenant. Dr. Schmahl intends to add a new building behind the existing building. There will be a covered walkway from a parking lot behind the new building to the existing building.

The first floor of the new building will be all orthodontics: treatment, offices, lobby, patients. The second floor, which is 1,300 square feet, is for staff. A staff lounge, mechanical room, conference room & staff offices are housed on the second floor.

Plan "A" has parking in the front of the existing building. Currently, there are 3 parking spaces in the front. Plan "B" provides for 27 parking spaces. The parking is behind the new building.

Matters discussed:

There is one bathroom in the existing building. It will be brought up to ADA standards. According to Dunning, only one lav. is required.

Presently, Dr. Schmahl has six employees. There are five chairs. Eventually, she anticipates having 12-15 employees.

Hocevar said the existing building complies with South Russell's regulations i.e. setback, lot coverage. If the building is classified, "Office Use", Plan "B" has sufficient parking in the rear.

The intention, according to Dunning, is to light the back parking lot. PC members want to approve the plan prior to its installation.

The drainage is in the front of the existing building. The detention area will be in the back parking lot (behind the new building). Sutliff wants Foley to look at the ditch in front of the existing building. He wants to know how this property discharges into the ditch. PC members want the Engineer to approve the drainage plan before it is implemented.

Total square footage for the project is 7,200. Hocevar reported that the covered porch & walkway is not part of the calculations. Square footage is based on the perimeter of the buildings.

Driveway is 22 feet wide. No need to widen it.

Building materials: siding, shakes on the second floor, Timberline shingles

The Mayor wondered if a sewer permit from the County is required & if the property owners have to pay for another sewer connection.

Is another well needed? Dunning didn't think so. Dr. Schmahl didn't think so. She provides sterile water for treatment. Dunning said that the well is about 10 feet from the building. The Mayor asked Dr. Schmahl to provide the flow rate on the well.

Parking in front is not prohibited in a B-2. It must be 25 feet off the road. PC members want to approve future front yard parking.

Screening in back: Dunning said they hope to keep the scrub that's there. PC wants to review & approve the landscaping & screening plan prior to implementation.

O'Donnell made a motion to **conditionally approve Plan "B". Building to be classified, "Office Use" rather than current classification, "Personal Use".**

The conditions are:

1.) **Any future personal service use requires resubmission to the Planning Commission**
2.) **Site plan & drainage to be approve by the Village Engineer**
3.) **Site lighting, landscaping, screening plan to be submitted & approved by the Planning Commission**
4.) **Any future parking in the front of the existing building requires Planning Commission approval.**

Tripp second the motion. Roll call. All ayes.

OLD BUSINESS: None.

NEW BUSINESS:

Muggleton property located at 972 Bell Road; two parcels- 74.4 acres & 12.38 acres. Property owner, Eugene Muggleton died. PC wondered if anyone is aware of plans for the property.

The PC will continue to meet the third Thursday of the month at 7:30 P.M.

Sutliff asked about the old Chem. Masters property located at 477 Industrial Parkway. Tripp said two environmental mediators purchased it. They are supposed to prepare a mediation plan. That plan has to be approved by the Ohio EPA. There is a "For Lease" sign on the property. According to Tripp, even if someone leases it, the tenant will do a Phase I. They are going to want to show what the building is like before they occupy it. If they do a Phase I & fail it, they won't lease it. The Brownfield Legislation in Ohio is up in the air. It's going to be when & if they want to file for remediation.

Tripp heard that the two people who bought the property are professional environmental consultants. Tripp said, "That building, its location & the remediation that is necessary, is going to cost more than they figured."

Hocevar reported that there are new windows, new roof, new siding & the inside has been cleaned.

Tripp said, "Any tenant, who's smart, will do a Phase I to show that it's clean. They'll do another Phase I when they move out."

Hocevar referred to the property at 306 & Bell Rd. Realtors, Grubb & Ellis contacted him about a sign. They want to put "For Sale" or "For Lease". The property is zoned B-2. Tripp asked the adjoining neighbor, Tim Martien, at 1229 Bell Road, if he were interested in the property for a Bed & Breakfast. It's too expensive.

The next meeting is scheduled for Thursday, February 17, 2000 at 7:30 P.M.

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

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

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

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

PLANNING COMMISSION MEETING
APRIL 20,2000
6:30 P.M.

1. ROLL CALL: **YOUNG, TRIPP, O'DONNELL HOCEVAR, FOLEY, ONDREY**

2. MINUTES: APPROVE MINUTES FROM 1-20-2000 AT NEXT MEETING

3. GUESTS:

COMMERCIAL DEVELOPMENT REVIEW FOR MARK JANSEN OF JANSEN CONSTRUCTION FOR TECTONIC DEVELOPERS INC. LOCATED AT 477 INDUSTRIAL PARKWAY. EXTERIOR ALTERATIONS: SIDING & WINDOWS, INTERIOR DIVISION & ALTERATIONS, MECHANICALS, NEW PARKING (REAR PARKIING IS 10''FROM RESIDENTIAL AREA LOCATED IN BAINBRIDGE) **CONDITIONAL APPROVAL. EXTERIOR & INTERIOR ALTERATIONS APPROVED AS PRESENTED. CONDITIONS INCLUDE: ALL PARKING SPACES UTILIZED ARE STRIPED. IF ADDITIONAL PARKING IS REQUIRED IN BACK, THAT IS TO BE STRIPED ALSO.**

RICK SMITH, ARCHITECT FOR GURNEY SCHOOL COMFORT STATION LOCATED AT 1155 BELL RD.
THESE PLANS WERE REVIEWED AT THE ABR ON 4-18-00. CHANGES RECOMMENDED: CHANGE DIMENSIONS FROM 35'4" X 32'8" TO 35'4" X 33'4" & USE HARDI-SIDING NOT T-1-11 SIDING

PC GRANTED CONDITIONAL APPROVAL FOR THE COMFORT STATION. CONDITIONS INCLUDE: (1). A $500.00 MUD BOND IS IMPOSED. THE ENGINEER'S STIPULATIONS ARE: (2). DOWNSPOUTS SHALL BE OUTLETTED TO SPLASH BLOCKS OR GRADE. (3). DELETE PROPOSED INLET BASIN & STORM SEWER AS SUFFICIENT GRADE EXISTS. (4). CONDITIONS ARE SUBJECT TO THE ENGINEER'S APPROVAL.

MATT BENES FOR TOM & PATTI HLAVIN, SINGLE FAMILY HOME, 1350 BELL RD. REQUESTS HEIGHT VARIANCE FROM 33' TO 35'.
CONDITIONAL APPROVAL OF THE MAIN RESIDENCE TO BE 35 FEET. THE CONDITIONS ARE: (1). THE HEIGHT OF THE SILO IS NOT TO EXCEED THE HEIGHT OF THE PEAKED ROOF. (2). THE CUPOLA, CURRENTLY LOCATED ON THE HOUSE, IS TO BE MOVED TO THE GARAGE OR ELIMINATED.

THIS PLAN & HOUSE IS IN KEEPING WITH A BARN THAT WAS FORMERLY LOCATED ON THE PROPERTY WHOSE HEIGHT EQUALED OR EXCEEDED 35'. THE SUBSTANCE OF THE STRUCTURE IS SIMILAR TO THAT WHICH WAS THERE. FOR THAT REASON, THE VARIANCE REQUEST IS APPROVED.

4. OLD BUSINESS:

5. NEW BUSINESS: **NEXT MEETING IS THURSDAY, MAY 18, 2000 AT 7:30 P.M.**

6. ADJOURN: **7:36 P.M.**

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

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

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
APRIL 20, 2000
6:30 P.M.

MEMBERS PRESENT: Chairman William Young, Ike Tripp, Kathleen O'Donnell

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

GUESTS:
Mark Jansen of Jansen Construction Co. for Tectonic Developers Inc. 477 Industrial Parkway
Rick Smith, Architect for Gurney School Comfort Station, 1155 Bell Rd.
Matt Benes for Tom & Patti Hlavin, 1350 Bell Rd.

Chairman Young called the meeting to order at 6:30P.M.

The minutes from January 20, 2000 will be amended & approved at the next meeting.

Commercial Development Review. Mark Jansen of Jansen Construction for Tectonic Developers Inc. located at 477 Industrial Parkway. Exterior alterations: siding & windows; Interior division & alterations; Mechanicals; New parking

Hocevar explained that interior alterations to the building & mechanicals are being done. PC is reviewing this because of the new use. The footprint of the building remains the same. The building has been vacant for 15 – 18 years.

Jansen explained that the warehouse would remain as a warehouse. He will close off part of the building for office use. Existing parking will remain the same with new parking up against the building. Hocevar said, "You may want it striped." Since the parking goes up against the Bainbridge boundary, the Village does not impose a setback requirement. Board members reviewed the plans.

Tripp asked what the building is used for. Jansen said wholesale water valves.

Tripp asked if the site is being remediated.(sp.?) Jansen answered that they are currently in the process. By the time the paper work is done, it'll take another five years. Tripp asked about the barrels that were on the property. Jansen said they've been taken off the property. Jansen has 4 wells on his property; 2 in front of the building on his property, 2 in the back on his property.

There are 20 test wells in the back woods in Bainbridge & Chagrin Falls. Each has to be monitored. They are in what would have been the old Chagrin watershed.

O'Donnell asked if the EPA plan is a 25 year plan. Jansen said he didn't know. He said they are changing the classification from REFRA classification to a new classification. He doesn't know what that means yet. He will meet with officials on 4-28-000 & get more information. Tripp asked, "Ohio Region 5?" Jansen said, "Yes."

The Mayor asked how many employees would be in the building. Jansen answered, two with the water valves. He has a letter of intent from another company that has two employees. Perhaps an architect will utilize some space. He has two employees plus himself. (7 total) The building will be divided into 3 parts to accommodate these people.

Discussion about parking. It is currently concrete & will remain concrete. The rear parking lot will not be used as a parking lot at all. There is a loading dock back there that will be utilized. They will only use the side parking lot. Two handicap spaces will be added. The Mayor said that if the rear parking lot is used in the future, it should be relined.

Tripp made a motion to **conditionally approve the proposal. Exterior & interior alterations approved as presented. Conditions include: All parking spaces utilized are striped. If additional parking is required in back, that is to be striped also.** O'Donnell second. Roll call. All ayes.

Development Review. Rick Smith, Architect for Gurney School comfort station located at 1155 Bell Rd.

These plans were reviewed by the ABR on 4-18-2000. Recommended changes: Change dimensions from 35'4" X 32'8" to 35'4" x 33'4" & use Hardi-Siding not T-1-11 Siding

Smith described the building. There will be two bathrooms, a concession stand & storage. The C.F. Dad's Club is donating time & money to fund this project. It will be a split- face masonry building with a green asphalt roof. There will be wood siding on a gable. Hardi-siding will be used on the outside of the walls of the structure. It looks like wood & is low maintenance. It'll have a pay

phone, drinking fountain & 2 handicap toilets. They hope it will be 19'4" high. A height variance will be sought because the maximum allowed is 15 feet. There will be 8 skylights; 2 translucent to allow privacy over the toilets, 6 clear. There are full block masonry walls between the toilets. The toilets face south, not toward the parking lot.

Discussion occurred. Plans reviewed. Re: drainage. Foley made two recommendations. They are: Downspouts to be outletted to splash block or grade. Delete the proposed inlet basin & storm sewer because sufficient grade exist. (Refer to letter from Engineer, dated 4-20-000)

Smith reported that Gurney School would do the excavation & tie the utilities at the comfort station into the main school building. Once it is built, the school will maintain the comfort station. The building will be locked at night.

O'Donnell asked about the approach to the building. Smith said there are 3 concrete walks from the soccer fields to the building.

A mud bond was discussed. Other fees are waived.

O'Donnell made a motion to **conditionally approve the comfort station. Conditions include: (1.) A $500.00 mud bond is imposed. The Engineer's stipulations are: (2.) Downspouts shall be outletted to splash blocks or grade. (3.) Delete proposed inlet basin & storm sewer, as sufficient grade exists. (4.) Condition's are subject to the Engineer's approval.**

Tripp second. Roll call. All ayes.

Matt Benes for Tom & Patti Hlavin, 1350 Bell Rd. Construction of new single family home; requests height variance from 33' to 35'.

The property had been 8 acres. It is now divided into 4 separate lots, each 2 acres.

Benes explained that there was a big barn on the property. It was demolished because it was deteriorating. The new house is being built to resemble a barn. It is being built near the same spot as the old barn.

Benes requests the additional height because the former barn was as tall or taller. He'd like to keep a 12- foot pitch. This allows sufficient head room in the third floor. The second floor is a loft with a bedroom & a bath.

Discussion occurred about the cupola. It may have to be moved to the roof of the three- car garage instead of being perched on the top of the house. Otherwise, the house's highest point could reach 37-38 feet.

O'Donnell asked about other houses being constructed at this location. Benes said he is building one house. It will be 33' tall. Ronan Marra is building the other house. Hocevar said, "Both are within the code.

The Board reviewed plans. Benes said the ceilings on the first floor would be 9 feet. The second floor will have 8- feet high ceilings & the third floor is a cathedral ceiling. The frame is Eastern White Pine. The roof is Cedar shakes. All natural materials are being used.

The Mayor asked about drainage. Benes said, "It drains east. There is a catch basin & an 18" pipe out to Bell Rd." Tripp commented that the drainage is going toward the other two houses that are being built. Benes said, "In between them. There's a catch basin on Rolland's property & water will be diverted in an 18" pipe to Bell Rd." Hocevar said, "They're not doing anything different from what was there. We had them remove the pond from the front yard as a requirement of zoning before they built the two houses. In doing so they lost their retention, & they were draining that site onto Bell Rd. Water was always going into the same direction."

Height discussed. O'Donnell referred to the third floor. She asked what would happen if the height were only 33 feet. Benes said, "You'd compromise the third floor. They'd loose head room in the bathroom & lessen the ability to build a bathroom in that space." Hocevar added, "They need a step up for the bathroom, about 8 inches to conceal the plumbing which is in the floor. And, you'd loose the headroom."

Tripp asked about the foundation of the other house. The house being built for the Brondel's is 56' X 36'. This one is 30' X 36.' It is 2,700 square feet. The silo has the mudroom & laundry room on the first floor. The library is on the second.

Discussion occurred about the original barn. It was at least 35' high. According to board members, it was a very large structure. The size of the new house should retain a semblance of history in terms of size. Cupola must move to the garage. All members agreed.

Tripp made a motion to **conditionally approve the main residence to be 35 feet. The conditions are: (1). The height of the silo is not to exceed the height of the peaked roof. (2). The cupola, currently located on the house, is to be moved to the garage or eliminated.**

This plan & house is in keeping with a barn that was formerly located on the property whose height equaled or exceeded 35'. The substance of the structure is similar to that which was there. For that reason, the variance request is approved.

Young second. Roll call. All ayes.

OLD BUSINESS: None.
NEW BUSINESS: The next meeting will be Thursday, May 18,2000 at 7:30 P.M.

There was no further business. The meeting adjourned at 7:36 P.M.

Bill Young, 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
JULY 20, 2000
7:30 P.M.

1. ROLL CALL: **MAYOR WILLIAM YOUNG, CHAIRMAN WALTER SUTLIFF, IKE TRIPP, KATHLEEN O'DONNELL**

2. MINUTES: **JANUARY 20, 2000 & APRIL 20, 2000 APPROVED.**

3. GUESTS: JWAN H. YAWER, 517 BELL RD. FORMAL DISCUSSION ABOUT A LOT SPLIT. **Conditional approval. The lot split is approved with the provisions: (1). The shed as indicated on the drawing – that is not done to scale- is to be removed or moved so that there is a 20- foot setback between the shed & the proposed driveway. (2). A survey is to be completed & each lot is to be at least one acre. (3). Planning Commission has final approval of the survey plat.**

4. OLD BUSINESS: **None.**

5. NEW BUSINESS: **Review the So. Russell Zoning Code; fine tune Comprehensive Plan, the language of B-4, etc.**

6. ADJOURN: **Unknown. Secretary not at meeting**

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

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

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
JULY 20, 2000
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Ike Tripp, Kathleen O'Donnell

OTHER OFFICIALS: David Hocevar, Building inspector, David Ondrey, Solicitor

GUESTS: Jwan H. Yawer, 517 Bell Rd.

Chairman Sutliff called the meeting to order at 7:32P.M.

The minutes from the PC meeting of 1-20-2000 & 4-20-2000 were amended & approved.

Jwan H. Yawer, 517 Bell Rd. Formal discussion about a lot split. Ms. Yawer owns 2.14 acres. She hopes to split this into two lots; a rear lot & front lot that has her house built on it. Ms. Yawer said Chagrin Falls would provide water access to the rear lot. The sewer will be tied into Chagrin Falls water & sewer. The County has given its approval. She has a signature on Form S-1 from the Geauga County Sanitary Engineer, Douglas Bowen, dated 7-11-00. Hocevar said the dimensions on the drawing are correct.

Discussion occurred. Members reviewed the drawing. Ondrey asked why there are two different options in terms of size for the front lot. Ms. Yawer answered because of the triangle. She calculated different ways this could be laid out. Ondrey clarified, & said, "One side is longer. It's not a 90 degree angle when it hits the road." O'Donnell asked Hocevar about the zoning on this property. Hocevar answered, "R-1-A, one acre residential." O'Donnell asked if the driveway were taken out, would there still be an acre on the front lot. Hocevar answered, "I believe so." Tripp asked, "Because the easement for the sanitary remains as part of the front lot?" Hocevar said, "Yes." Members referred to the GIS from Chardon.

O'Donnell asked what the address would be for a new house on the rear lot. The Mayor said, "Something between 507 & 517." Yawer was asked if she intends to build a house on the rear lot. She said she's thinking about it.

The Mayor reported that Gus Sikley called him to ask if the Village had any problems with additional tap ins in the existing area. The Mayor said he told him he didn't see that as a problem. Sutliff said, "In addition to the tap in, the McFarland sewer on Bell St. needs to be extended." Yawer said if she builds a house or anyone else builds a house, they are responsible for the tie in. Sutliff said, "That would involve extending the sewer in the Village easement & running it west for about 50 feet."

O'Donnell asked who the easement belongs to. Ondrey said, "The easement would be granted to the county." O'Donnell asked, "Are we paving the way for that easement to be granted at this time? If we say yes to the lot split, we have to make a provision for an easement. Right?" Ondrey answered, "The county's attitude is; if it's OK with us, they will extend the lines anywhere in the vicinity. In this case, if the property owner wants to come down on that side of the property, which would mean an easement across the front, the county's OK with it if we're OK with it. If we approve this, part of the approval is that an easement would be created."

Comments about another house on Bell Rd. belonging to Norma Burrows. It was not tied in. PC members think she put a sewer in about a year ago.

Ondrey asked Hocevar if there would be any problems with the homes on Fairview. Hocevar said, "She's got quite a bit of area over there. The houses on Fairview sit close to Fairview."

Tripp asked for clarification as to how far So. Russell's sewer line goes. O'Donnell answered, "It runs to a house that is on the west side of Fairview." Sutliff asked if there are any other zoning issues. Hocevar said, "No. It's cut & dried. The only concern I had was this easement for the sanitary sewers." To Ondrey, Hocevar said, "I don't know how to list that. Is that a dedicated 30 easement?" Ondrey answered, "I don't know if we have to make any provisions. The same owner controls all the property. The driveway is available to run some of these items."

O'Donnell had a concern with the 30 foot wide driveway that extends 200 some feet. She wondered if the front lot would still conform to an acre. Sutliff explained the dimensions & determined each lot is over an acre.

Tripp moved to **approve the lot split request at 517 Bell Road with the provisions: (1). The shed as indicated on the drawing – that is not done to scale - is to be removed or moved so that there is a 20- foot setback between the shed & the proposed driveway. (2). A survey is to be completed & each lot is to be at least one acre. (3). Planning Commission has final approval of**

the survey plat. O'Donnell second the motion. Roll call. All ayes. **CONDITIONAL APPROVAL.**

OLD BUSINESS: None.

NEW BUSINESS:

The Mayor initiated discussion about the So. Russell Zoning Code. In two different places, a Comprehensive Plan is referred to. The Village is not required by law to have a Comprehensive Plan. The Mayor said, "We have interpreted that the Comprehensive Plan is reflective of our zoning map with the water sensitive overlay. But, that doesn't have Comprehensive Plan written across the top. We need to modify the language or come up with an alternative plan." Another area of concern, "The language in section B-4 is weak," said the Mayor.

Ondrey said, "If the Village is committed to developing a Comprehensive Plan, you'll have to pay a land use planner to assist which could be costly. If you're not going to have a Comprehensive Plan, then you should eliminate reference to it." Ondrey provided some history. At the time the first zoning code was presented to the Village, there was a Comprehensive Plan. It was not passed at the time. Reason unknown. Ondrey said, "If we had a Comprehensive Plan, it's an extra weapon to use when defending the zoning. You deprive yourself of one additional tool without a Comprehensive Plan."

Comprehensive Plan discussed. Townships have to have a Comprehensive Plan. Sutliff suggested deleting reference to it. Ondrey said it would take a zoning amendment.

B-4 problems: (1). There's not a clear-cut limitation of how many buildings are allowed on the property, (2). Excluded from the square footage is the parking; there is a maximum lot coverage, but it doesn't include parking, (3). Need to review the definition of "Structure".

The Mayor said other things are problematic like neon signs. Prohibiting neon signs, needs to be put into the sign ordinance.

Tripp suggested a revision record.

The Mayor asked, "What is the relationship between the zoning code & the subdivision rules?" Ondrey answered, "They are independent documents. The zoning code is a set of zoning requirements & the other one is standards for housing, subdividing property." The Mayor asked, "Should the subdivision regs. be addressed?" Hocevar, said, "Yes." The Mayor cited driveways for new construction as an issue to be reviewed. He'd like to see a regulation that would require a hard surface to the edge of the Village's right-of-way.

The next meeting is scheduled for August 17, 2000 at 7:30P.M. PC members will review the zoning code between now & the next meeting.
Tripp will not be available for the September meeting.

There was a motion to adjourn.

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
SEPTEMBER 21, 2000
7:30P.M.

1. ROLL CALL: **Young, Sutliff, Tripp, O'Donnell**

2. MINUTES: JULY 20, 2000 **amended & approved**

3. GUESTS:

COMMERCIAL REVIEW; ARCHITECT, JOE FRANZESE, REPRESENTING PANINI'S AT 540 EAST WASHINGTON STREET, DISCUSS CHANGES TO THE RESTAURANT:
(1.) ADD OUTDOOR DINING AT REAR OF BUILDING – 40 SEATS,
(2.) ADD FENCE, (126 LINEAL FEET) TO ENCLOSE NEW OUTDOOR DINING AREA,
(3.) ADDITIONAL PARKING; CURRENT # OF SPACES, 5 7. TOTAL SPACES AFTER REMODELING, 73. CURRENT # OF SEATS, 114 TOTAL SEATS IN RESTAURANT AFTER REMODELING, 146
(4.) ADD TRELLIS; FRONT NORTH & EAST WALLS
(5.) USE OF GAME ROOM & WEST SIDE PATIO/PORCH, DINING SIMOLTANEOUSLY; FALL/WINTER/SPRING. WOULD REQUIRE CONVERTING THE PATIO/PORCH TO YEAR ROUND USE.

NO ACTION. PRIOR TO PC ACTION, ISSUES NEED TO BE WORKED OUT I.E.
VARIANCES NEEDED FOR PARKING – ON THREE SIDES. VARIANCES NEEDED TO CONVERT PATIO/PORCH INTO FOUR-SEASON ROOM. DRAINAGE NEEDS TO BE ADDRESSED. CURRENTLY, CATCH BASIN AT REAR OF BUILDING OVERFLOWS. CATCH BASIN IS LOCATED WHERE NEW OUTDOOR DINING IS INTENDED TO GO. OTHER THINGS TO BE WORKED OUT: PARKING LOT LIGHTING, SNOW REMOVAL, LOCATION OF TRASH DUMPSTERS

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

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

REVIEW & AMEND THE SOUTH RUSSELL ZONING CODE
FOR THE NEXT MEETING, EVERYONE IS TO READ & START TO FINE TUNE CHAPTER 4, RESIDENTIAL. ONDREY WILL BRING A PROPOSAL FOR "STANDARDS FOR A VARIANCE"

4. OLD BUSINESS: **NONE**

5. NEW BUSINESS: **NEXT MEETING OCTOBER 26, 2000 AT 7:30P.M.**

6. ADJOURN: **9:05 P.M.**

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

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

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
SEPTEMBER 21, 2000
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Kathleen O'Donnell, Ike Tripp

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

GUESTS: Joe Franzese, Architect for Panini's, 540 East Washington St.

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

The minutes from July 20, 2000 were amended & approved.

Commercial Development Review. Joe Franzese presented preliminary plans for renovations at Panini's Restaurant located at 540 East Washington St. (1.) Add outdoor dining to rear of building – 40 seats. (2). Add fence, in rear, to enclose outdoor dining (126 lineal feet), (3.) Additional parking; current, 57 spaces, after remodeling, 73. (4.) Add trellis, front north & east walls, (5). Use of game room & west side patio/porch, dining simultaneously; fall/winter/spring. This would require converting the patio/porch into year round use.

Mr. Franzese explained that the parking lot would be reconfigured to add spaces & increase seating capacity to 146 in the restaurant. Currently, there are 114 seats. The outdoor porch, located on the west side of the building, is suitable for summer dining only. The intention is to convert it to year round use. According to the plans, there would be 56 seats in that area during the fall/winter/spring. In the summer, there would be 34 seats. The current porch would be demolished & reconstructed as a fully enclosed space.

Franzese said that an addition would go on the rear of the building - referred to as the outdoor patio. This space is used for summer dining only & has 40seats. The plans show two different breakdowns: summer dining & fall/winter/spring dining. At specific times of the year, areas are modified. Seats are removed from one area & moved to other areas that are operating.

The trellis is to enhance the appearance of the front of the building. It would go along the north & east side of the building. There would be flags to help distinguish the front of the building & add color.

Sutliff asked Hocevar if there are sideline issues with Dr. Panhuis. (located next door, west of Panini's at 536 East Washington St.) Hocevar explained that a variance was requested & received for an open- air patio on the west side of the building. According to the variance, it was never to be enclosed. At some point, it was enclosed & now exists as a porch.

Sutliff asked if the porch is to be torn down & a new structure is to be built. Franzese has not evaluated for structural sufficiency. He suspects there is no foundation under the porch. Sutliff asked if that variance is still applicable if that structure is torn down & rebuilt. Ondrey responded, "If you've got a variance & construction was undertaken that exceeded that variance, now if you want to reconstruct that, you have to go for another variance."

Franzese asked what the side yard setback is. Hocevar answered, "Fifteen feet for the structure, three feet for the fence & 15 feet for the parking spaces." Tripp commented that they'd loose 20 spaces down that side. Franzese said they'd have to ask for a variance. Tripp asked what percentage of the lot is presently covered by the building & parking lot. Hocevar said, "Probably the whole lot. If not parking, at least asphalt. The code states 25% coverage. That only includes the footprint of the building. It doesn't include asphalt." Ondrey added, "Parking is not included in lot coverage." Young added, "If this parking plan is accepted, you'll need variances on all three sides."

O'Donnell added that a variance would be required for the outdoor patio. The plans show the new fence sitting on the property line. Franzese, answered, "With what's going on inside, moving the fence three feet wouldn't impede the utility of the space." O'Donnell said, "It would upset Dr. Panhuis."

Sutliff asked what side yard setback exists for the porch now. Franzese thinks it is about 15 feet except where it flares out at the rear of the building. He added, "We have to have a survey done. All I'm looking for here is that we might get conceptual approval for this so we can go further."

O'Donnell asked about fire exits. There's a fire exit at the front for emergency's that leads directly to the front parking lot.

Tripp asked Ned Foley if he had any comment about the drainage plan. Foley said, "Due to the fact that it was predominantly paved before, I don't think that there would be too much of a problem. Some of the underground detention would have to be changed to accommodate more hard surface." Hocevar said, "There's a small problem with the catch basin. It is still holding water."

Ondrey asked why they are requesting these changes considering they were here in November. Franzese, answered, "They are looking at the utility of that porch & how many seasons they can use it. The rear room that was constructed has billiard tables. So, its not used much for dining. The porch is the only place for diners."

Ondrey asked if they were given permission to pave to the boundary line. Hocevar said, "Everything, but the rear property line. The back was all gravel before." Ondrey asked if PC permitted parking along the side. Hocevar said, "No." Franzese explained that he striped it differently. Presently it is striped for 57 cars. His plan allows for 73 parking spaces. Three would be ADA spaces. Tripp asked for clarification. He asked if the whole back yard was gravel. Hocever said, "Yes. If you go back there now, there's no new grading."

Sutliff asked if plans were submitted on the drainage when that area was paved. Hocevar answered, "Yes & approved." The Mayor asked if the current parking on the west side complies with the 15-foot setback. Franzese, answered, "No." Hocevar added, "But there's no marking on the westerly side of the last parking space so, the first stripe is within the 15 feet."

The Mayor asked where the snow would be plowed to & where is the dumpster located. Franzese responded, "They'd have to remove the snow from the lot." The Mayor asked how many employees. There are at least 10.

PC members referred to the preliminary plans. Discussion occurred about: roof line, the trellis, flags, and the communication tower.

Sutliff voiced his concerns about parking & snow removal. O'Donnell did not like the parking going to the edge of the property. She is empathetic to Dr. Panhuis because he has been infringed upon by this building. She said the new outdoor patio would infringe on him.

Franzese asked, "Can we develop the outdoor dining area if the fence is three feet off the property line? And, we'd like to enclose the porch so it becomes a full season utility rather then just summer use." Sutliff answered, " This Board has no choice, but to turn this down." Ondrey said, "We've been asked for our reaction to the development before the required variances. You don't have to turn it down just because it needs zoning variances. The issue is if they obtain the variances, is this an acceptable plan."

Ondrey explained that to enclose the porch, a variance is required. He added, " It's an area variance. The ZBA is going to have to look at practical difficulties. They have to decide what kind of impact there would be on the neighborhood, neighbors, how big a variance is it. There's been a wall existing there with a roof over it for a number of years. This is a relevant consideration."

Sutliff said, "To answer your first question about outdoor dining, I like it. I would be in favor of it so long as the parking plan complies." Sutliff asked if anyone objected to outdoor patio dining. O'Donnell answered, "I've said that Dr. Panhuis should not be infringed upon." Sutliff said, "We're in agreement that the west fence has to be in compliance." The Mayor is ok with outdoor dining. He has a concern with the lighting in the back of the building, the parking lot & how it affects the neighbors. He objects to the flags in the front of the building. He said there are too many seats being requested & too much parking.

Hocevar asked, "What will you do with the catch basin that is located where the new patio would go?" Franzese answered, "We'll figure out a way to work around it." Hocevar voiced his concern about drainage. He said, "The north end of the parking lot-to the rear of the building- is shedding water right down to the new patio. The catch basin has to be increased to a 2 x 2 catch basin. It's sitting by the game room, right outside the door." Franzese commented that he could build a deck above the catch basin. Hocevar answered, "A deck is a structure. It would have to be 15 feet from the property line."

Franzese asked, "Do we have to get a variance to reconstruct that porch?" Ondrey replied, "Yes." Hocevar suggested that Franzese come to the Building Department to review the original variance that was granted & proceed from there.

No Action.

Review & amend the South Russell Zoning Code. O'Donnell suggested that the book be divided up rather then everyone reading all of it.

Ondrey reviewed the Administration Chapter, #3 & thinks it needs virtually nothing. However, he'd like the PC to review the section under Administration dealing with standards for area variances. He thinks they are ignored because they are outdated. "We have no reference to the Practical Difficulties Test which is what the Ohio Supreme Court has said you're suppose to use for area variances. We should revise them & bring them up to date."

Other critical parts that need close scrutiny are: Chapter 4, Residential. The Mayor wants to review Pps. 29 & 30, Home Occupation. Chapter 5, Business Districts, Chapter 6, Industrial Districts & Chapter 8, Parking & Loading Regulations need to be examined.

For the next meeting, it was decided that everyone would review Chapter 4, Residential Districts. Ondrey will bring a proposal for "Standards for a

Variance". Tripp wants to start a Revision Record that enumerates the changes & has a little record as to why the changes were made.

OLD BUSINESS: None.

NEW BUSINESS: None.

The next meeting is scheduled for Thursday, October 26, 2000 at 7:30 P.M.

There was a motion to adjourn. The meeting ended at 9:05 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

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

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

PLANNING COMMISSION MEETING
OCTOBER 26, 2000
7:30 P.M.

1. ROLL CALL: **SUTLIFF, YOUNG, TRIPP**

2. MINUTES: SEPTEMBER 21, 2000 – **APPROVED**

3. GUESTS:
(A). LENNY MAY, ATHLETIC DIRECTOR OF CHAGRIN FALLS SCHOOLS, REPRESENTED THE BOOSTER CLUB & PRESENTED PLANS FOR DUGOUTS AT GURNEY SCHOOL, 1155 BELL RD.
TWO DUGOUTS: 8' DEEP X 24' LONG X 81/2' HI, BLOCK FRAME
FOUR AREAS OF CONCERN WERE HIGHLIGHTED BY THE ABR IN THE SPRING OF 2000. THE CONCERNS HAVE BEEN ADDRESSED IN ACCORDANCE WITH THE ABR RECCOMMENDATIONS. (1). THE ROOF WILL BE INCREASED TO ¾ SHEETING. THE SHINGLES WILL MATCH THE SHINGLES ON THE COMFORT STATION. (2). A CONCRETE FLOOR WILL BE INSTALLED AS OPPOSED TO GRAVEL. (3). THE FOOTERS HAVE BEEN EXTENDED TO THE SPECIFICATIONS THAT WERE ASKED FOR BY THE ABR. (4). THE EXTERIOR BLOCK WILL MATCH THE COMFORT STATION.
TRIPP MOVED TO APPROVE THE PLANS OF 10-23-2000 WITH THE CONDITION THAT THE CONCRETE FLOOR BE PITCHED SUCH THAT WATER WON'T BE ALLOWED TO STAND IN THE DUGOUT. YOUND SECOND. CONDITIONAL APPROVAL THESE PLANS WERE REVIEWED, APPROVED & SIGNED BY THE ABR ON 11-7-2000.

(B). HOWARD R. SELEE, ENGINEER, REPRESENTING THE NARRAGANSETT GROUP; FORMAL DISCUSSION ABOUT A MAJOR SUBDIVISION. PROPERTY LOCATED AT 1638 BELL ROAD, PERMANENT PARCEL # 29030400 -FORMERLY THE KINGWOOD GUN CLUB-
TO BE CALLED THE ASHLEIGH SUBDIVISION, 61.9341 ACRES LOCATED SOUTHEAST SECTION OF SO. RUSSELL
18 LOTS, EACH 2.5 ACRES = 58.0606 ACRES
RIGHT OF WAY = 3.1034 ACRES
BELL RD. = .7701 ACRE **NO ACTION. AREAS OF CONCERN:**

**(1). NEED TO SEE THE WETLAND STUDY,
(2). WATER RUNOFF TO THE LAND IMMEDIATELY TO THE WEST OF THE PROPOSED DEVELOPMENT, WHICH IS PART OF THE LAND CONSERVANCY, (3). WANT TO INSURE THAT THE PRISTINE NATURE OF THE LAND IMMEDIATELY TO THE WEST OF THE PROPOSED DEVELOPMENT REMAINS AS SUCH, (4). GROUND WATER**

C. SIGN FINAL PLANS FOR DR. SCHMALL, 1184 BELL RD.
SIGNED. ABR APPROVED & SIGNED PLANS 10-24-00.

D. LETTER DATED 10-2-2000 FROM ALLTEL; PROPOSED ALLTELL EASEMENT – C.E.I. SUBSTATION- A FIBER OPTIC TERMINAL, 4' X 4' X 3'; ON C.E.I. PROPERTY; BELL RD.
TRIPP MOVED TO APPROVE THE PROPOSED ALLTEL SUBSTATION ON BELL ROAD WITH THE PROVISIONS SET OUT IN THE LETTER DATED OCTOBEER 2, 2000. YOUNG SECOND. CONDITIONAL APPROVAL

E. REVIEW & FINE TUNE CHAPTER 4, RESIDENTIAL DISTRICTS OF THE SOUTH RUSSEL ZONING CODE
DAVID ONDREY TO PRESENT A PROPOSAL FOR "STANDARDS FOR A VARIANCE"

(1). Pp. 28 (d), Stop after "traffic patterns." Omit: according to the Comprehensive Plan. Villages are not required by law to have a Comprehensive Plan.

(2). Pp. 28 Churches are omitted as Conditional Use. Yet, on the chart following Pp. 68, churches are included as Conditional Use, -R-1-D. Also, on Pp. 50, churches are listed under Conditional Use. For consistency, add churches to Pp. 28 under Conditional Uses, R-1 & R-2 Districts. Add churches to chart after Pp. 68 under R-2.

(3). Perhaps a definition for church is needed. Ondrey will research definitions for church.

(4). LOT COVERAGE: On the chart following Pp. 68, under Conditional Use, there is no # for maximum lot coverage. This applies to churches, schools.

-On Pp. 111, Chapter 10, DEVELOPMENTS REGULATIONS, 10.01, "Any conditional, multi-family, residential... shall comply with the following developmental standards."
Some standards exist, but they are not specific. Perhaps PC may want to create specifics for maximum & minimum lot coverage. Reasonable lot coverage? Maybe 25%. Maybe 40%.
-Refer to Pp. 10, definition of lot coverage (#62). The definition is risky. Recommendation: Parking should be included in lot coverage definition.
Hocevar will prepare 2 sketches. One will depict structures with 25% lot coverage & one will show 40%.

(5). HOME OCCUPATION: Pp. 29 ©. Omit last sentence. "All home occupation uses shall require the approval of the (cont. on Pp. 30) Commission...& Section 4.10 (b) 6." Keep: "Anything sold or offered... home occupation."
-Typo: "No visitors shall be permitted between the "hours" (not, the house)

(6). Supplementary Use regulations (b) Pp. 29. Referring to the regulations; Ondrey thinks So. Russell passed regulations, but no one knows where they are.

(7). Landscaping Pp. 31, #5. Change: "thirty-five (35)" feet of the centerline of any right of way or street, to thirty (30) feet

(8). Pp. 33-34 – No changes. Pp. 39-40 – No changes.

(9). Private Cluster Residential Development (i), Pp. 44. Refers to Emerald Lake II. Overlooked "rear yard". Side yard & dimensions between structures exist.

(10). Open Space, Pp. 47, 4.05 vs. Common Land, Pp. 48(a)
Open Space definition is on Pp. 12. Common Land definition is on Pp. 7. Common land is to be used only by owners of the subdivision. Open space, to remain vacant. Public use is different then common ownership. Public includes everybody, like a park. NO CHANGES. JUST CLARIFICATION.

(11.) Public land, Pp. 48 (b) Omit: "Wherever the Comprehensive Plan shows...proposed subdivision." Start: The Commission may require the dedication of such (insert word Public) I.e. Public land in lieu...in this section."

(12.) SIGN REGULATIONS 4.08, Pp. 51
On Pp. 13 under definitions; Political signs, "shall be removed within ten (10) days following the election." Painesville was struck down in the Supreme Court for determining how many days "before" (17) an election a sign may be erected. So. Russell may be OK because its definition doesn't include "before" the election. Since political signs aren't referred to in Section 4.08, So. Russell might want to plug them into this section.
Ondrey's recommendation: Table it because Painesville is currently resubmitting & Mentor is working on the same issue. So. Russell may want to model its regulation after Painesville or Mentor resolves the matter.

(13.) New way to frame South Russell's standards for granting variances. Refer to Pp. 24, APPEALS 3.07 & Pps. 25 & 26, Paragraphs # 1-7. Ondrey said So. Russell's current regulations are confusing & he doesn't know what the original motivation for them was.
Ondrey's handout. He prepared it for Burton Village. It addresses what the Standards for Practical Difficulties Test is & the Use Variance. Ondrey suggested that PC members review it & determine if it is more understandable then So. Russell's current standards.

Ondrey will prepare a first draft of the referred to changes. After all the changes are made, then they can be taken to Council so there is one public hearing.

4. OLD BUSINESS: **NONE**

5. NEW BUSINESS: **NEXT MEETING: 11-16- 2000 AT 7:30 P.M.**
REVIEW ONDREY'S HANDOUT
FINE TUNE CHAPTERS 1 & 2 IN THE ZONING BOOK

6. ADJOURN: **9:25 P.M.**

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

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

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION MEETING
OCTOBER 26, 2000
7:30P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Ike Tripp

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

GUESTS:
-Lenny May, Athletic Director of Chagrin Falls Schools, Re. Dugouts at Gurney
-Howard R. Selee, Engineer for the Ashleigh Subdivision. Permanent parcel # 29030400 at 1638 Bell Rd.

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

The minutes from the PC meeting of 11-18-1999 were approved.

Lenny May, Athletic Director, presented final plans for two dugouts at Gurney School, 1155 Bell Rd.

When the original plans were presented to the ABR in the spring of 2000, four changes were requested. The changes have been made. They are: (1.) The roof will be increased to ¾ sheeting. The shingles will match the shingles on the comfort station. (2.) A concrete floor will be installed as opposed to gravel. (3.) The footers have been extended to the specifications that were asked for by the ABR. (4.) The exterior block will match the comfort station.

The Mayor asked about drainage & expressed concern about standing water on the concrete floor in the dugout. There is no drainage. The Mayor suggested that the concrete floor be slanted/sloped so that the water may runoff & out of the dugout.

The Mayor asked if any of the existing trees need to be moved to accommodate the dugout. None of the trees have to be moved.

The Mayor asked if the scoreboard was to be lighted. Mr. May said if there is a scoreboard, it'll be solar powered. The Mayor commented that these

projects (the ball fields & dugouts at Gurney) were approved & lights were never part of the plan.

Tripp moved to approve the plans of 10-23- 2000 with the condition that the concrete floor be pitched such that water won't be allowed to stand in the dugout. Young second. Roll call. All ayes. **CONDITIONAL APPROVAL.**

Howard R. Selee, Engineer, had a formal discussion with the PC. He shared preliminary plans for the Narragansett Group of a proposed subdivision. It is to be called Ashleigh, located at 1638 Bell Road- formerly the gun club- approximately 62 acres.

The plan shows 18 lots, each 2 1/2 acres, minimum frontage 150 feet. There will be a new road that is 2,000 feet. The homes will go for $500,000 & up.

Tripp asked about mediation for the lake. Selee answered, "That's being investigated now by Solar Testing." Sutliff asked Hocevar if there were any zoning issues. Hocevar replied, "None." Sutliff asked if water studies have been done in so far as wells & available water. Selee said, "No not yet." Sutliff asked if it would be septic tanks. Selee replied, "Correct, septic & wells." The Mayor commented that utilities would be underground & it would be a dedicated road. Selee said, "Correct." Hocevar asked if Mr. Thomas would be the exclusive builder or just sell the lots. Selee answered, "I think he's going to be exclusive." Sutliff asked what the designations meant, I.e. EHB & MGB. Selee said, "That's the type of soil."

Tripp asked if the location of the driveway is right where the exact driveway is. Selee said, "It may be very close to there." Tripp noted that there is a curve in the road & that it's fairly hazardous. Selee said, "We'll meet criteria for sight distance." This property is on the border of Newbury & South Russell. A concern was voiced that the speed limit in Newbury is 45 MPH & South Russell is 35 MPH.

Sutliff asked how they intend to handle storm runoff. Selee answered that he is "sure Soil & Water will want some type of retention." The Mayor said, "It's not Soil & Water. It's us". Selee said, "We have sufficient room there to retain the water." The Mayor said, "We (South Russell) monitor erosion control. Geauga County Soil & Water has nothing to do with it." The Mayor asked about topography. Selee said, "It's semi-rolling. It goes up & down, nothing really steep."

Hocevar said, "This is a formal discussion. The next step is a preliminary plat." Ondrey added, "Tonight is an opportunity to give feedback & state potential concerns."

The Mayor explained that the land immediately to the west of this proposed subdivision is in a land conservancy. The concern is that there is a pristine stream on that property. He wants it to stay that way. He Said, "One of the things we will want to be very careful about is erosion control & to keep that stream pristine. Take extra care with water retention & detention. If we can manage water, that solves most of our problems."

Tripp asked if a wetland analysis has been done. It currently is being done. Tripp commented that the plans show two culverts going across wetlands. In the first culvert to the south, Tripp suspects wetlands will be found.

Discussion about a stainless steel pipe. Selee said he looked on the adjacent subdivision plat & it showed, "a 30" pipe line on a 30' easement for transporting coal in Newbury." The Mayor thinks part of it was in South Russell, it was valuable & it was removed about 10 years ago.

Ondrey explained the procedures to Selee. He is to make application for, prepare & submit a preliminary plat. He needs to get the County Health Department & Water Resource approval. Then he is to return to the PC.

Tripp summarized the areas of concern: (1.) need to see the wetlands study, (2.) water runoff to the land immediately to the west of the proposed development, which is part of the land conservancy, (3.) want to insure that the pristine nature of the land immediately to the west of the proposed development remains as such, (4.) ground water **NO ACTION.**

Sign final plans for Dr. Schmall's building, 1184 Bell Road

PC reviewed the plans. Note: The ABR approved & signed these plans on 10-24-2000.

Signed by the PC Chairman, Walter Sutliff & the secretary of the PC, Maggie Tomaro.

Letter dated 10-2-2000 from Alltel; proposed Alltel easement – C.E.I. Substation – on C.E.I. property

Discussion occurred. The proposed piece of property is 20' X 40'. It is a fiber optic terminal, 4' X 4' X 3'. It looks like Gurney School's terminal.

Ondrey said, "South Russell can & should act on it. Then they'll go to the county." Tripp moved to approve the proposed Alltel substation on Bell road with the provisions set out in the letter dated October 2, 2000. Young second. Roll call. All ayes. **CONDITIONAL APPROVAL**

Review & fine tune Chapter 4, Residential Districts of the South Russell Zoning Code; David Ondrey to present a proposal for "Standards for a variance"

Refer to agenda for all proposed changes to the Zoning Code, Pps. 2-4. Ondrey provided guidelines to frame South Russell's standards for variances.

OLD BUSINESS: None

NEW BUSINESS:

The next meeting is scheduled for November 16, 2000 at 7:30 P.M. PC members will review Chapters 1& 2 of the Zoning Code & make appropriate changes. They will also review the handout from Ondrey & decide if this should be used.

There was no further business. The meeting adjourned at 9:25 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

from David Onsey
to PC 10-26-2000
Standards for a variance

(c) A decision of the Board shall not become final until the expiration of ten days from the date such decision is made unless the Board finds the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record. (Ord. 914. Passed 11-8-66.)

1117.05 APPEALS TO COMMON PLEAS COURT.

Any person, firm or corporation, or any officer, department, board or agency of the Municipality, or any interested elector of the Municipality who has been aggrieved or affected by any decision of the Board of Zoning Appeals may appeal from such decision to the Geauga County Common Pleas Court by filing notice of intent to appeal within ten days and filing a petition with the Clerk of Court within twenty days from the date of the decision and setting forth the facts of the case.
(Ord. 914. Passed 11-8-66.)

1117.06 POWERS OF THE BOARD.

(a) Exceptions and Interpretations. The Board of Zoning Appeals shall have the power to hear and decide, in accordance with the provisions of the Zoning Ordinance, applications filed as hereinbefore provided for special exceptions or for interpretation of the District Map, or for decisions upon other special questions on which the Board is authorized by the Zoning Ordinance to pass. In considering an application for a special exception or interpretation of the District Map the Board shall give due regard to the nature and condition of all adjacent uses and structures; and in authorizing a special exception the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in the Zoning Ordinance for the particular special exception or as the Board may deem necessary for the protection of adjacent properties and the public interest.

(b) Administrative Review and Variances.

(1) The Board shall have the power to hear and decide appeals, filed as hereinbefore provided, where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the Zoning Inspector or other official in the interpretation of the provisions of the Zoning Ordinance.

(Ord. 914. Passed 11-8-66.)

(2) A. The Board shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of the Zoning Code as will not be contrary to the public interest. Where the appellant seeks a variance pertaining to the use of property, no variance may be granted unless, owing to special conditions pertaining to the property at issue, the literal enforcement of the provisions or requirements of the Zoning Ordinance would cause undue and unnecessary hardship.

B. Where the appellant seeks a variance pertaining to an area requirement otherwise applicable to the property, no variance may be granted unless the appellant has demontrated the literal enforcement of the provisions or requirements of the Zoning Ordinance pertaining to area requirements would cause the appellant practical difficulties. The factors to be considered and weighed in determining whether an appellant seeking an area variance has encountered practical difficulties in the proposed use of his property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
2. Whether the variance is substantial;
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
5. Whether the appellant purchased the property with knowledge of the zoning restrictions;
6. Whether the appellant's predicament feasibly can be obviated through some method other than a variance;
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

(3) Where the Board has determined that literal enforcement of the requirements of the Zoning Ordinance would involve practical difficulties or would cause undue hardship, unnecessary to carry out the spirit and purpose of the Zoning Ordinance, the Board shall have power to authorize a variance from such strict application so as to relieve such hardship or difficulties so that the spirit and purpose of the Zoning Ordinance shall be observed and substantial justice done. In authorizing a variance the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it deems necessary in the interest of the furtherance of the purpose of the Zoning Ordinance and in the public interest. In authorizing a variance with attached conditions the Board shall require such evidence and guaranty or bond as it may deem to be necesary to ensure that the conditions attached are being and will be complied with.

(4) No such variance in the provisions or requirements of the Zoning Ordinance shall be authorized by the Board unless the Board finds that the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of the Zoning Ordinance or the public interest.
(Ord. 1632-90. Passed 10-15-90.)

(5) No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property or the intended use of the property for which variance is sought, one or the other in combination, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

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

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

PLANNING COMMISSION MEETING
NOVEMBER 16, 2000
7:30P.M.

1. ROLL CALL: **Young, Sutliff, O'Donnell, Tripp**

2. MINUTES: October 26, 2000 **Amended & approved**

3. GUESTS:

   SIGN NEW, FINAL PLANS FOR DR. SCHMALL. 1184 BELL RD.
   DIFFERENT PLANS THEN WHAT WERE SIGNED ON 10-26-00
   Signed by Chairman Sutliff & Maggie Tomaro

   REVIEW & FINE- TUNE CHAPTERS 1 & 2 OF THE SOUTH RUSSELL ZONING CODE
   MAKE A DECISION TO ACCEPT OR REJECT DAVID ONDREY'S DOCUMENT, "STANDARDS FOR A VARIANCE"
   Reviewed & made changes to Chapters 1 & 2.
   No decision about the document, "Standards for a Variance".

4. OLD BUSINESS: **None.**

5. NEW BUSINESS: **The next meeting will be Thursday, December 14, 2000 at 7:30 P.M. For that meeting, review & fine-tune Chapter 3, Administration & Chapter 5, Business Districts.**

6. ADJOURN: **9:20 P.M.**

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

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

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
NOVEMBER 16, 2000
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Kathleen O'Donnell, Ike Tripp

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

ABSENT: Ned Foley, Engineer

GUESTS: A newspaper reporter

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

The minutes from the meeting on October 26, 2000 were amended & approved.

Sign final plans for Dr. Schmall, 1184 Bell Rd. The plans were reviewed & signed by Chairman Sutliff & Maggie Tomaro, secretary of the PC.

Review & fine-tune Chapters 1 & 2 of the South Russell Zoning Code.

(1.) Pp.1, 1.01 PURPOSE needs clarification. Add #1, #2, #3, # 4. Ondrey will redo this section.

(2.) Pp.1, 1.00 OBJECTIVES. Change this to 1.02.

(3.) Pp.1, bottom, District Title Abbreviations Move to top of Pp. 2. Residential

CHAPTER TWO: DEFINITIONS

(4.) Pp. 5, (1) Accessory Structure: Change the word, incident to "incidental".

(5.) Pp. 5, (5) Automotive sales: Sale, (Add, "or lease") of new automobiles & used automobiles only when the used automobiles are sold (Add, "or leased") in conjunction with new automobiles. Stop. Ondrey will redo this section.

(6.) Pp. 6, (18) Commercial Amusements: No firm decision made about bowling alleys.

(7.) Pp. 7, (34) Dwellings: and excluding transient housing. Ondrey will insert something to describe transient housing.

(8.) Pp. 8, (44) Floor Area: The total area of all floors, (Add, "including the basement") measured from the exterior faces of a structure. Floor area, used for storage or packaging of merchandise (Add, "will") be excluded (Add, "unless otherwise") approved by the Commission.
Garage was not added because it is not habitable.

(9.) Pp. 8, (46) Front yard: The yard extending between the front wall of a structure & front lot line (Add, "or right of way") the full width of the lot.

(10.) Pp.10, (58) Limited Offices: Ondrey will redo this section.

(11.) Pp. 10, (62) Lot Coverage: The percentage of lot area occupied by the total floor area of structures (Add, "parking area & driveways.")
Refer to charts after Pp. 54, Business Districts. Once language on Pp. 10, (62) is changed, PC needs to change the Business Districts charts so there is consistency.

(12). Pp. 11, (67) Main Use: Delete last sentence.

(13.) Pp. 13, (85) Personal Services: re. Bed & Breakfasts. Ondrey said a conditional use could be established in a B-2 District which includes East Washington St. & the four corners at Bell & 306. Ondrey will research B&B's. Consider: owner/occupied or manager occupied.

(14.) Pp. 13, (87) Political Sign: Ondrey's recommendation; table this because Painesville is currently resubmitting its ordinance because of the Supreme Court's decision & Mentor is working on the same issue.

(15.) Pp. 13, (95) Public Land: It should read, "Land which is formally offered for a-n-d dedicated by..."

(16.) Pp. 13, (96) Real Estate & Development Sign: A (Add, " temporary") sign directing attention...

To date, Chapters 1, 2, & 4 of the South Russell Zoning Code have been reviewed by the PC. No decision has been made about the document, "Standards for a Variance".

OLD BUSINESS: None.

NEW BUSINESS: The next meeting will be Thursday, December 14, 2000 at 7:30 P.M. Prior to the next meeting, PC members will review & fine-tune Chapter 3, ADMINISTRATION & Chapter 5, BUSINESS DISTRICTS.

There was no further business. The meeting adjourned at 9:20 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

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

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

PLANNING COMMISSION MEETING
JANUARY 18, 2001
7:30P.M.

1. ROLL CALL: **Young, Sutliff, O'Donnell, Tripp**

2. MINUTES: November 16, 2000 **Amended & approved**

3. GUESTS: FORMAL DISCUSSION WITH THE NARRANGANSETT GROUP, WHO IS DEVELOPING THE ASHLEIGH SUBDIVISION AT THE OLD GUN CLUB. PRELIMINARY PLAT WAS DELIVERED 1-17-01 & LABELLED #3. **No action.**

   REVIEW CHAPTER 3, ADMINISTRATION & CHAPTER 5, BUSINESS DISTRICTS OF THE SOUTH RUSSEL ZONING CODE **Reviewed & made changes to Chapters 3 & 5. To date, the PC has reviewed Chapters: 1,2, 3, 4 and 5.**

4. OLD BUSINESS: **None**

5. NEW BUSINESS: **Next meeting February 15, 2001 at 7:30P.M. Review & fine tune Chapters 6, 7, & 12 of the South Russell Zoning Code**

6. ADJOURN: **9:50 P.M.**

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

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

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
JANUARY 18, 2001
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Kathleen O'Donnell, Ike Tripp

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

GUESTS:

Bruce Thomas, 9825 Music St., Novelty, Ohio 44072
Howard Selee, 9701 Brookpark Rd., Cleve. Ohio, 44129
Fran & Tom Cahill, 7822 East Washington St., Bainbridge

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

The minutes from the meeting on November 16, 2000 were amended & approved.

Formal discussion with the Narrangansett Group, developers of the Ashleigh Subdivision, on Bell Road.

PC received, in advance of the meeting, a copy of a letter from the General Health District addressed to Howard Selee & Assoc. Inc. The Building Dept. of South Russell received a copy of this letter on December 15, 2000, written by Larry Burkey. The letter outlines, "potential obstacles you may need to overcome when attempting to obtain approval for individual on-lot household sewage disposal system permits."

Fax - Memorandum from Ned F. Foley dated 1-17-2001 to PC. Subject: Ashleigh Subdivision Preliminary Plat

Howard Selee presented 5 revised copies of a Preliminary Plat, labeled #3. He explained that the width of the Rite-of-way has been revised to a two-lane road coming into the development from Bell Road. It is an 80 foot Rite-of-way.

Sutliff asked about the outer lot, which is not part of the subdivision. (There were 18 lots initially. Now, the plan shows 17 lots.) Selee said a spec. house will be built there. The front of the house might front on Ashleigh. The Mayor asked if this met So. Russell's standards. Hocevar answered, "Yes, depending on where the house will be placed. They have to meet the 150- foot building line."

Sutliff referred to the Subdivision Regs. that called for open space. Thomas said there are larger lots in the back & a flood plane exists on the property. He is thinking of establishing a conservancy easement on that piece of property. Sutliff asked Hocevar if there are zoning issues. Hocevar answered, "The zoning comes into play once he gets the site of each individual house. Everything else looks good as far as setbacks, the radiuses."

Sutliff said the open space would require 4%, which is 2 ½ acres. The Mayor asked if all 17 houses have to have access to the open space. Ondrey said, " Some minimum amount has to be useable." Foley commented, "The code says 20,000 square feet of it has to be useable. So ½ acre of the 2 ½ acres has to be landed where it has some use other then intention or conservancy." (Subdivision Regs. Pp. 30, second paragraph) Ondrey added, "Narrangansett can apply for a variance through the PC. If he provides open space, then he doesn't have to go through So. Russell's variance process."

Sutliff asked Thomas what his thoughts were about open space. Thomas said they were hoping to establish it near the conservancy because there is a lake & shelter down there. He was hoping the residents could use that. That would be between sublots 6&7. Tripp added that the flood plane comes down to the common ground.

Tripp had reviewed the soil study & there are wetlands. (.680) He asked if Thomas would be going to the Corps for a permit. Thomas responded, "Yes." Tripp said, "The Orwell goes up. The most concern to you (Thomas) is sublots 10 & 11 because of the flood plane." O'Donnell asked what happens when it rains. The Silver Creek fills up. Tripp suspects Thomas will have an issue obtaining a Nationwide Permit.

Young referred to a report by the soil consultant that said, "The soil has moderately severe limitations." Thomas doesn't think there's a problem.

Sutliff asked if water or a Perc test had been done. Thomas responded, "Not yet. Three wells have been dug & it's good water." They will be abandoned. A study was done by Solar Testing who is monitoring the lead remediation.

The Mayor referred to the fax Foley sent. Foley said he assumed they widened the intersection to put an island there & he wants to make sure it doesn't extend too far into the road.

Sutliff asked who the builder is. Thomas said Tommy Cahill. The Mayor asked if the cul-de-sac will be totally paved or will there be an island in the middle. Totally paved.

Bruce Thomas owns the Gun club property that is in Newbury. The County told him it would not allow a cut through street that joins Newbury & South Russell.

Ondrey explained that approval for this subdivision may not be granted tonight. The requirements are that this needs to go before Council who will provide recommendations to approve it or not approve. Then, within 30 days it will come before the PC to be granted approval or disapproval. (Pp. 12 Subdivision Regs.) Ondrey added, "When the drawings are revised with open space (2 ½ acres) between sublots 6 & 7 & 11 & 12, then they can be presented to Council." Ondrey reviewed the application. He thinks it was received January 10th. To Bruce Thomas, Ondrey said, "Normally, it would be 30 days to act. Could we have on the record that you waived the 30 days & you are willing to consent to 60 days?" Thomas answered, "That's fine."

The Mayor asked about water runoff. Selee reported that the highest point is Bell Road & water will drain out to the back creek. He added, " Maybe sublot 1 will go onto Bell Rd."

Tripp summarized. "You've done the test wells. You know there's water. You've got the wetland survey & Solar survey. You know what you're going to have to do with remediation. You're doing that."

Hocevar said, "I would think we need some type of erosion plan submitted; a mud bond for the downstream effects of silt." Tripp added, "I was wondering that. He (Thomas) said he'd indicate that on the next plan exactly where the range water is, where the remediation would be." Thomas showed Tripp where it would be on the preliminary plat. Tripp responded, "That's great because it's flat." Sutliff said, "The water records have to be reviewed."

The Mayor asked the price of the lots. Thomas answered, "The lots will start at $185,000. The houses will be a minimum of 3,500 square feet, a traditional theme. All materials will be natural; no aluminum siding, no plastic chimneys."

The Mayor added, "Historically, South Russell has been very aggressive in trying to control soil erosion & protect the environment. Anything you (Thomas) can do to move in that direction would be good. Then, we don't have to talk about what more should be done or how it might be changed."

Thomas will return to the next PC meeting in February with revised plans. **No action.**

Review & fine-tune Chapter 3, Administration & Chapter 5, Business Districts of the South Russell Zoning Code. Ondrey will present a proposal for "Standards for a Variance."

CHAPTER 3, ADMINISTRATION:

(1). Pp. 17, (c) Action. Refer to fourth line. Change the word complete to "completed" application.
(2). Pp. 18, 3.03 (a) Referral. Within five (5) (Add, "working") days...
(3). Pp. 19, (e) 1. Change the word consonant to "harmonious" which...
(4). Pp. 21, 3.04 (e) 4. All of the proposed development – delete: to comport (Add, "to be compatible") with the groundwater...
(5). Pp. 21, 3.05 (b) Review & Hearing. Change the word complete to "completed" application.
(6). Pp. 22, 3.05 (b) Review & Hearing. Notice (Add, "shall") be given...
(7). Pp. 22, 3.06. Add, (b) before, If initiated by...
(8). Pp. 22, 3.06 #2. Change the refundable fee from $50.00 to "$100.00."
(9). Pp. 23, 3.06 (b) 2. In the event the actual cost and fees exceeds... Ondrey will rewrite the language to incorporate the idea that if the deposit goes below $250.00, it will be replenished to $1000.00.
(10). Pp. 23, 3.06. Change (b) Director of Transportation Review to "(c)".
(11). Pp. 23, 3.06. Change © Recommendation to "(d)".
(12). Pp. 23, 3.06. Change (d) Council Hearing to "(e)".
(13). Pp. 24, 3.06 Change (e) Council Action to "(f)".
(14.) Pp. 24, 3.06 (f) Council Action. At the end of the paragraph delete 1. It will read, "(3/4) of the Council members."
(15.) Pp. 24, 3.07 (a) 2. Change a non-refundable fee of $50. to a non-refundable fee of "$100."
(16). Pp. 24, 3.07 (b) Review & Hearing. Change the word complete to "completed" application.

(17). Pp. 25, 3.07 © Action. Ondrey handed out a sheet, Standards for a Variance. There are two different tests. One is a Practical Difficulties Test, with seven standards, used for area variances & the other is an Unnecessary Hardship Test used to change the use of the property. Delete # 1-4 on Pp. 25 & insert Ondrey's sheet. Keep #5.
(18). Pp. 26, 3.07 © Action. Keep #6 & 7.
(19). Hocevar will review forms; update & simplify them.
(20). There are two Pps. 27. Change the first Pp. 27 with 3.10 Fees & Deposits to "27A". Change the second Pp. 27 to "27B".
(21). Pp. 27B. Last line reads, fees incurred are to the municipality. Change to read, fees incurred are "paid" to the municipality.

CHAPTER 5, BUSINESS DISTRICTS:

(22). Pp. 53, 5.00 Intent, ©. Delete, according to the Comprehensive Plan.
(23). Pp. 53, 5.01 Use Regulations, Conditional Use, B-1. Delete Drive-in.
(24). Pp.53, 5.01 Use Regulations, Conditional Use, B-2. Ondrey will provide a definition for a Bed & Breakfast. B&B will be inserted under Conditional Use, B-2. Delete the word, None.
(25). Pp. 54, 5.02 Area, Yard 7 Height Regulations. Delete 7. Insert "&".
(26). Pp. that follows Pp. 54 is a chart labeled Business Districts. Under B-1, Maximum Lot Coverage, change 25% to "35%" which includes the building, parking lot, & driveway. Under B-2, Maximum Lot Coverage, change 25% to "35%". Same changes under B-3 & B-4.
(27). Pp. that follows Pp. 54 is a chart labeled Business Districts. Under B-1, Accessory, delete Signs.
(28). Second page of chart, labeled Business Districts (continued), B-4, Minimum Lot area, (Acres) (13). Delete the parenthesis around 3 and 1.
(29). Pp. 57, 5.05 Parking Regulations. Under LOADING, delete the parenthesis around 3.
(30). Pp. 58. Delete footnote (2) One space for each 20,000 sq. ft. Change (3) to "(2)".
(31). Pp. 61, 5. Illumination. In no case shall blinking, flashing, moving (Add: "neon-type") or other such signs be permitted.
(32). Pp. 59 e. Temporary Signs. where other signs are permitted, (Add: "for 30 days") in addition to...

OLD BUSINESS: To date, the PC has reviewed & made changes to Chapters 1, 2, 3, 4 & 5 of the So. Russell Zoning Code.

NEW BUSINESS: The next meeting is February 15, 2001 at 7:30P.M. Review & fine-tune Chapters 6, 7, & 12 of the South Russell Zoning Code.

There was no further business. The meeting adjourned at 9:50P.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
FEBRUARY 22, 2001
7:30P.M.

1. ROLL CALL: **Young, Sutliff, O'Donnell, Tripp**

2. MINUTES: JANUARY 18, 2001 **Amended & approved**

3. GUESTS:

FORMAL DISCUSSION WITH THE NARRANGANSETT GROUP, DEVELOPERS OF THE ASHLEIGH SUBDIVISION. PRELIMINARY PLATT, #4.

Approval of the preliminary plat, #4, is subject to the following conditions:

1.) The entrance will be relocated to the east to improve sight conditions subject to the approval of the Village Engineer & will be designed subject to his approval as to the island & the width of the entrance.

2.) The open space appearing on the preliminary plat will remain undisturbed beyond that disturbance necessary for construction of the actual improvements.

3.) The developer will provide screening across from the entranceway on Bell Street provided the private property owners approve of such screening.

4.) Dry hydrants would be installed in any retention basin, which is capable of retaining any permanent supply of water.

5.) All appropriate permits be obtained for wetland disturbance & copies given to the Village.

6.) Upon completion of lead remediation, Solar Testing is to prepare another test report to confirm that the soil is below the Housing Urban Development, (HUD) limit of 400 milligrams per kilogram. The report is to indicate that the lead removal plan has been accomplished.

7.) Erosion control measures, as dictated by the Village Building Department, would be adhered to.

Moved by O'Donnell; second by Sutliff. Roll call. All ayes. Conditional approval.

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

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

DEVELOPMENT REVIEW FOR DR. MARK ROOD OF SOUTH RUSSELL FAMILY PROPERTIES, LTD. 5192 CHILLICOTHE RD. ARCHITECT: STEVE CICIRETTO, BUILDER: MEZAK.
ADDITION: RIGHT SIDE OF EXISTING, 60' X 72'
No action. Conceptual approval.

FORMAL DISCUSSION FOR MINOR SUBDIVISION FOR DONALD & PATRICIA HROVAT, 1565 BELL RD. PARCEL # 29-088630, 11.07 ACRES DIVIDED INTO TWO PARCELS; 2.57 + WITH EXISTING HOME & 8.5+ ACRES
No action. Conceptual approval.

REVIEW & FINE-TUNE CHAPTERS 6, 7 & 12 OF THE SOUTH RUSSELL ZONING CODE
Reviewed & made changes to Chapters 6, 7 & 12. To date, PC has reviewed Chapters: 1, 2, 3, 4, 5, 6, 7 & 12.
Ondrey handed out a definition of Bed & Breakfast & a copy of a proposed ordinance noting changes to the So. Russell Zoning Code up to & including 1-18-01.

4. OLD BUSINESS: **None**

5. NEW BUSINESS: **Next PC meeting is scheduled for March 8, 2001 at 7:30 P.M. Review & fine-tune Chapters 8, 9, 10 &11.**

6. ADJOURN: **9:45 P.M.**

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

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

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMITTEE
FEBRUARY 22, 2001
7:30P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Kathleen O'Donnell, Ike Tripp

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

GUESTS:
Matt Bryant of Gutoskey & Assoc. Inc. for Donald & Patricia Hrovat. Minor subdivision. 1565 Bell Rd. Parcel # 29-088630

Howard Selee, Bruce Thomas, Tom & Fran Cahill for the Ashleigh Subdivision, Parcel # 29-030400

Dr. Mark Rood & Architect, Steve Ciciretto for South Russell Family Properties, 5192 Chillicothe Rd. An addition

Nancy Remley, Chagrin Valley Times

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

The minutes from the PC meeting on January 18, 2001 were amended & approved.

Formal discussion with the Narrangansett Group, developers of the Ashleigh Subdivision. Preliminary plat #4

Letter from the So. Russell Police Chief, Jim Wetzel

PC members received a draft of the minutes from the So. Russell Council meeting on 2-12-01. Council's concerns & conditions for approval of the subdivision were highlighted. Council had reviewed plat #4. The same plat was distributed to the PC members at this meeting.

The previous plat, #3, showed 17 lots & one outer lot to be used for a spec. house. Plat #4 has incorporated the outer lot & it is a part of the subdivision. (18 lots total) The new plat also shows designated common area, which was discussed at the PC meeting on 1-18-01.

Tripp asked if #4 reflects a widened entrance to the subdivision & additional open space. Young answered, "In fact, it doesn't. They didn't put the island where the street is. #4 did not have the adjustment for the island."

PC referred to the draft of concerns & conditions from Council. Sutliff cited Pp. 3, lighting, & asked for clarification. The Mayor explained that all subdivisions off Bell have streetlights. It would be consistent to have a streetlight there. Any other lighting on signage that identifies the subdivision is subject to normal rules the Village has.

Tripp voiced concern about placement of the entrance, which is below a curve on Bell Road. As drivers exit the subdivision, he wondered if they could see cars on Bell Rd. going west from Newbury. It may be a high accident area.

Cahill responded. He did elevations on the road using ODOT's formula; eye height at 3 ½' at the entrance. One should be able to see an object 500 feet down the road that is 4'3" off the ground. He said, "As you can see, this is feasible." The Mayor commented that, "The line of sight is a concern. Based on police activity, most cars are not going the speed limit of 35 MPH. They may be going 45 or 50 MPH." The Mayor explained that he & Hocevar went to Kensington Green, which has a similar layout as Ashleigh. They watched drivers exit the subdivision. Cars pulled out, stopped & checked before they turned onto Bell Rd. These cars were on the edge of traffic. The Mayor added, "My concern is that the engineering is correct. What people do is all together different then what the #'s show." The Mayor recommended & asked for a condition that the entrance road be moved 30'-35' to the east to eliminate potential accidents. He referred to the letter from the Police Chief who recommended that the entrance be moved further east.

PC reviewed the plat. If the entrance were moved thirty feet to the east, the first lot would be reduced in size & the new location of the entrance is close to a curve on Bell Road in Newbury. Foley said, "It would be better if the road came in perpendicular to the pavement. It would take advantage of the higher ground. By rotating it, you're actually getting more on the high ground."

The Mayor said, " I'd like to have a condition that it's moved to the east & still have the 2 ½ acre minimum & try not to effect lot # 18 too much & let the two engineers settle it."

Other topics Council identified as concerns:
No interconnection with Newbury. The plat doesn't show a connection; not an issue. Lighting. Ondrey said the permanent plat & improvement plans shows the lighting. Open space. Thomas talked with the land conservancy. He's not sure if they want it. The Mayor talked to the land conservancy. They have a concern accepting parts of a subdivision. They want the open space disturbed as little as possible. Tripp commented that the open space was not in the wetlands. Thomas said, "Some of it is in the wetlands." He showed Tripp on the plat.

Young asked Foley if a retention basin would be required. Foley answered, "I would think so; not in the wetlands, not on the creek because of the flood plane. Probably, it would be on the south side of the culvert."

Other items Council identified as concerns: Screening for the house on Bell Road across from the entrance of the subdivision (1633 Bell Rd.) Mounds & Pines if the homeowner wants it. Fire protection. If a retention pond is put in & has the ability to hold water, then a dry hydrant is to be installed. Landscaping along Bell Rd. The final landscape plan will be presented with the final plat. EPA, lead removal & wetlands. Thomas said lead removal is not within the jurisdiction of the EPA. Appropriate permits & approval are being sought for the wetlands. Solar monitors & approves lead removal. Tripp referred to Solar's report.

Sutliff verbalized his concern about location & design of wells. Foley said most of the wells are uniform. A couple of the lots have to work in isolation. Hocevar said the County dictates location of the wells. Ondrey suggested that Council enact an ordinance. "Because of the sensitivity & nature of the ground water supply, the location & nature of each well has to be approved by the Village Hydro Geologist."

Approval of preliminary plat, #4, is subject to the following conditions:

1. **The entrance will be relocated to the east to improve sight conditions subject to the approval of the Village Engineer & will be designed subject to his approval as to the island & the width of the entrance.**
2. **The open space appearing on the preliminary plat will remain undisturbed beyond that disturbance necessary for construction of the actual improvements.**
3. **The developer will provide screening across from the entranceway on Bell Street provided the private property owners approve of such screening.**
4. **Dry hydrants would be installed in any retention basin, which is capable of retaining any permanent supply of water.**
5. **All appropriate permits be obtained for wetland disturbance & copies given to the Village.**
6. **Upon completion of lead remediation, Solar testing is to prepare another test report to confirm that the soil is below the hud; 400 milligrams per kilogram. The report is to indicate that the lead removal plan has been accomplished.**
7. **Erosion control measures, as dictated by the Village Building Department, would be adhered to.**

Moved By O'Donnell; second by Sutliff. Roll call. All ayes. **Conditional approval.** The plat was not signed.

Before PC moved onto the next topic on the agenda, Tripp said to Thomas, "We have an understanding. No more work is going to go forward until everything is done." Thomas answered, "I agree. Remediation might be worked on, getting out the lead."

To be addressed latter by PC: landscaping & mud bond

Development review for Dr. Mark Rood of So. Russell Family Properties, LTD. 5192 Chillicothe Rd. Architect, Steve Ciciretto Addition: Right side of existing, 60' x 72'

Ciciretto showed plans which include an addition to consider presently & a future addition. He explained with 25% maximum lot coverage, the total build out of the building is 14, 250 square feet. The original building is 5,028 square feet. The new proposed addition is 4,111 square feet. The future addition is 5,111 square feet. The rooflines will meet.

The addition calls for 48 parking spaces. The plan shows 53 spaces. The side yard setback is 15 feet. The north side is 20 feet & the rear yard setback is 30 feet. The additions will stay within the setbacks. No variances required. There will be a firewall. There is an easement on a sewer line in the back.

Hocevar commented that if the zoning changes go into effect, the maximum lot coverage will be altered & it will effect plans for the future addition. He said, "They'd have a difficult time making that work with the second building." (future addition) Ondrey said, "If we change the regulations, they are not grand fathered. They'd have to get an area variance to justify it." If this plan is approved, they have one year to start building according to zoning.

The property line is two feet from the driveway. In the back, it's five feet. The Mayor suggested that the driveway be graded so that whenever the snow is piled, it'll melt toward the drainage.

The Mayor commented that the Village has received an occasional complaint that the garbage cans are out a lot of the time. Dr. Rood said something about them being 10 feet away from the road. With the addition, there will be more garbage cans. The Mayor asked if there were a place on the side of the building to put them. Sutliff said, "With a 10,000 square foot addition, you're (to Rood) going to need a dumpster." The Mayor added, "A provision should be made for a dumpster somewhere."

Hocevar said, "More engineering is required. They are looking for approval of concept." No one objected to the plan. Sutliff said, "You've got the green light from this Board to proceed to the next phase."

No action.

Formal discussion for minor subdivision for Donald & Patricia Hrovat, 1565 Bell Rd. Parcel # 29-088630, 11.07 acres divided into two parcels: 2.57 + with existing home & 8.5 acres

Matt Bryant, a surveyor, explained that like the previous people on the agenda, he's seeking conceptual approval. Both lots have frontage on Bell Rd. This is a single lot. It is not part of a subdivision. These are referred to as flag lots. Hocevar said, "Our frontage is dictated by the building line. There's a culvert pipe that might be a problem. Some of it's going to be in the Rite-of-Way."

The PC reviewed the plans. The side yard setbacks were ok & no problems with the existing structures. The septic system goes to the rear. The well is in the front of the house.

Sutliff asked if there were any objections. None. **No action.**

Review & fine-tune Chapters 6, 7 & 12 of the South Russell Zoning Code.

Ondrey handed out a definition of a Bed & Breakfast & a copy of a proposed ordinance noting changes to the So. Russell Zoning Code up to & including 1-18-01.

Chapter 6, INDUSTRIAL DISTRICTS:

(1). Pp. 62, 6.00 ©. Delete: Comprehensive Plan.

(2). Chart after Pp. 62, Re. Maximum Lot Coverage. Change 30% to 35% in both places that it appears. This represents the total floor area of structures, parking & driveways.

(3). Pp. 66, 6.06 Sign Regulations, (e.) Temporary Signs: Change the first sentence to read, "Signs announcing sales, new products & special business events shall be permitted to a maximum of 30 days with a limit of one per building on the outside of buildings & in yards where other signs are permitted, in addition to permanent business signs, providing such signs do not exceed 50 square feet." Continue this paragraph with the original words; Banners, flood lights, mobile spot light...

(4). Pp. 67, 6.06,5 Illumination. Refer to the last sentence; In no case shall blinking, flashing, Add: "neon or neon-type," moving or other such signs be permitted.

Chapter 7, CONDITIONAL USE REGULATIONS:

(5). Chart after Pp. 68, Under maximum lot coverage, Add: 35%

(6). Under B-2, Add: proposed definition of B&B that Ondrey handed out. "Bed and Breakfast" an owner/occupied residence with no more than five guests rooms to accommodate lodgers for compensation and serving meals to lodgers only. All new construction and exterior alterations associated with the bed and breakfast, including nonstructural improvements, shall be reviewed by and require the approval of the planning commission. Certificates from the fire and health officers shall be required for each conditional use permit requesting approval for a bed and breakfast. Each paying lodger may stay at a bed and breakfast for not more than 7 consecutive nights at any single visit. One off-street parking space shall be provided for each guest room and one off-street parking space for the dwelling unit. Such off-street parking spaces may be provided in an existing driveway. One on-premise sign shall be permitted for each bed and breakfast not to exceed 8 square feet in area. The sign shall not be internally illuminated. Applicable standards of Chapter 5 shall apply unless otherwise superseded by this section.

(7). Pp.71, 7.02 REGULATIONS: (M) 1. The decision that grave markers be flushed with the ground will be reviewed by the Cemetery Committee.

Chapter 12, NON-CONFORMING USE REGULATIONS: No Changes.

OLD BUSINESS: None

NEW BUSINESS: The next meeting is Thursday, March 8, 2001 at 7:30P.M. Review & fine-tune Chapters 8, 9, 10 &11.

There was no further business. The meeting adjourned at 9:45P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

Proposed definition for "Bed and Breakfast":

"Bed and breakfast" an owner/occupied residence with no more than ~~four~~ 5 guest rooms to accommodate lodgers for compensation and serving ~~breakfast~~ meals to lodgers only. All new construction and exterior alterations associated with the bed and breakfast, including non-structural improvements, shall be reviewed by and require the approval of the planning commission. Certificates from fire and health officers shall be required for each conditional use permit requesting approval for a bed and breakfast. Each paying lodger may stay at a bed and breakfast for not more than 7 consecutive nights at any single visit. ~~No more than a total of 14 nights in any given calendar year~~. One off-street parking space shall be provided for each guest room and one off-street parking space for the dwelling unit. Such off-street parking spaces may be provided in an existing driveway. One on-premise sign shall be permitted for each bed and breakfast not to exceed 8 square feet in area. The sign shall not be internally illuminated. Applicable standards of Chapter 5 shall apply unless otherwise superseded by this section.

F:\WP51\WP\DMO\SRUSSELL\Ordinance\2000\Definition for bed and breakfast.doc

2-22-02
from Ondrey
P.C.

2/21/01 12:25 PM
ORDINANCE NO.: 2000-_____ FIRST READING _____
SECOND READING _____
INTRODUCED BY: _____ THIRD READING _____

ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF SOUTH RUSSELL.

SECTION 1. Section 1.01 shall be amended to read as follows:

1.01 PURPOSE – This Code is passed to promote and protect the public health, safety, convenience, comfort, prosperity and general welfare by (1) regulating the use of structures and land for residential, business, industrial or other uses, by (2) regulating the area and dimensions of lots, yards and other open space, by (3) regulating the location, bulk, height, design and land coverage of structures, by (4) regulating the density of population, by (5) establishing districts of such classification, number and dimensions as may be considered best to implement comprehensive planning.

SECTION 2. Current Section 1.01, the full text of which follows, is hereby repealed.

1.01 PURPOSE - This Code is passed to promote and protect the public health, safety, convenience, comfort, prosperity and general welfare by regulating the use of structures and land for residential, business, industrial or other uses, by regulating the area and dimensions of lots, yards and other open space, by regulating the location, bulk, height, design and land coverage of structures, by regulating the density of population, by establishing districts of such classification, number and dimensions as may be considered best to implement comprehensive planning.

SECTION 3. In Chapter 1, the second paragraph mislabeled "1.00" shall be designated as **"1.02 OBJECTIVES".**

SECTION 4. In Section 1.03 the headings "District Title, Residential" and "Abbreviations", appearing on page 2 of the Zoning Code revised 7-2-96, shall be eliminated as typographical errors.

SECTION 5. Section 2.01(1) shall be amended by changing the word "incident" to "incidental".

SECTION 6. Section 2.01(5) "Automotive Sales" shall be amended to read as follows:

2.01(5) – Automotive Sales: Sale/lease of new and used automobiles only when the used automobiles are sold/leased in conjunction with new automobiles; or the sale/lese of boats, bicycles, or motorcycles. Retail sales of new accessories and parts for automobiles, boats, bicycles, and motorcycles is permitted. Service and repair of automobiles, boats, bicycles or motorcycles shall be

permitted only in conjunction with the sale as an accessory use within an enclosed structure.

SECTION 7. Current Section 2.01(5), the full text of which follows, is hereby repealed:

2.01(5) – Automotive Sales – Sale of new automobiles and used automobiles only when the used automobiles are sold in conjunction with new automobiles, boat, bicycle, or motorcycle retail sales outlet with the retail sales of new accessories and parts for automobiles, boats, bicycles and motorcycles. Service and repair of automobiles, boats, bicycles or motorcycles shall be permitted only in conjunction with the sale as an accessory use within an enclosed structure.

SECTION 8. Chapter 2, "Definitions" shall be amended at Section 2.01 by adding, in the appropriate alphabetical order, the following term:

Church:

SECTION 9. Section 2.01(44) Floor Area shall be amended to read as follows:

2.01(44) Floor Area: The total area of all floors, including the basement, measured from the exterior faces of a structure. Floor area used for storage or packaging of merchandise will be excluded, unless otherwise required by the Commission.

SECTION 10. Current Section 2.01(44) Floor Area, the full text of which follows, is hereby repealed:

2.01(44) Floor Area: The total area of all floors measured from the exterior faces of a structure. Floor Area, used for storage or packaging of merchandise will be excluded, if approved by the Commission.

SECTION 11. Section 2.01(46) Front Yard shall be amended to read as follows:

2.01(46) Front Yard The yard extending between the front wall of a structure and front lot line, or right of way, the full width of the lot.

SECTION 12. Current Section 2.01(46), Front Yard, the full text of which follows, is hereby repealed:

2.01(46) Front Yard The yard extending between the front wall of a structure and the front lot line the full width of the lot.

SECTION 13. Section 2.01(58) Limited Offices shall be amended by adding the following sentence at the end of paragraph (58):

2.01(58) Limited Offices: No more than one structure intended for limited office use shall be permitted on a lot.

SECTION 14. Section 2.01(62) Lot Coverage shall be amended to read as follows:

2.01(62) Lot Coverage: The percentage of lot area occupied by the total floor area of structures, parking, and driveways.

SECTION 15. Current Section 2.01(62) Lot Coverage, the full text of which follows, is hereby repealed.

2.01(62) Lot Coverage: The percentage of lot area occupied by the total floor area of structures.

SECTION 16. Section 2.01(67) Main Use shall be amended by eliminating the last sentence in said paragraph (67), which currently reads as follows:

In any R-1 District, the Zoning Inspector may allow a similar but not listed agricultural use in accordance with the standards mentioned in the preceding sentence where Planning Commission review is not necessary.

SECTION 17. Section 2.01(95) Public Land shall be amended by inserting the word "and" for the word "an", which was a typographical error. Paragraph (95) thereafter shall read:

Land which is formally offered for and dedicated by the municipality or other public body for any public use.

SECTION 18. Section 2.01(96) Real Estate and Development Sign shall be amended to read as follows:

2.01(96) Real Estate and Development Sign: A temporary sign directing attention to the promotion, development, rental, sale or lease of property on which it is located, or a sign indicating the name, owner or manager of a development.

SECTION 19. Current Section 2.01(96) Real Estate and Development Sign, the full text of which follows, is hereby repealed:

2.01(96) Real Estate and Development Sign: A sign directing attention to the promotion, development, rental, sale or lease of property on which it is located, or a sign indicating the name, owner or manager of a development.

SECTION 20. Section 3.01(c) shall be amended by changing the word "complete" in the first sentence of said paragraph (c) to "completed".

SECTION 21. Section 3.03(a) shall be amended to read as follows:

3.03(a) Referral: Within five (5) working days after receipt of a completed application for a zoning permit the Zoning Inspector shall forward a copy thereof to the Director.

SECTION 22. Current Section 3.03(a), the full text of which follows, is hereby repealed:

> 3.03(a) Referral: Within five (5) days after receipt of a complete application for a zoning permit the Zoning Inspector shall forward a copy thereof to the Director.

SECTION 23. Section 3.04(e)(1) shall be amended by replacing the word "consonant" with the word "harmonious".

SECTION 24. Section 3.04(e)(4) shall be amended by replacing the words "to comport" in the second to last sentence of said paragraph (4) with the words "to be compatible."

SECTION 25. Section 3.05(b) shall be amended to read as follows:

> 3.03(b) Review & Hearing: Upon receipt of a completed application the Secretary shall place the application on the agenda of the next regular Commission meeting. The filing date of the application shall be the date of this meeting. At such meeting the Commission shall schedule a public hearing within sixty (60) days thereafter. Notice shall be given in a least one (1) publication of a newspaper of general circulation in the Municipality and mailed by the Secretary to the applicant and property owners contiguous to and across the street from the lot involved at least twenty (20) days before the hearing. Failure to deliver such notice, however, shall not invalidate any Commission action.

SECTION 26. Current Section 3.05(b), the full text of which follows, is hereby repealed:

> 3.03(b) Review & Hearing: Upon receipt of a complete application the Secretary shall place the application on the agenda of the next regular Commission meeting. The filing date of the application shall be the date of this meeting, at such meeting the Commission shall schedule a public hearing within sixty (60) days thereafter. Notice be given in a least one (1) publication of a newspaper of general circulation in the Municipality and mailed by the Secretary to the applicant and property owners contiguous to and across the street from the lot involved at least twenty (20) days before the hearing. Failure to deliver such notice, however, shall not invalidate any Commission action.

SECTION 27. Section 3.06(a)(2) shall be amended by changing the non-refundable fee from "$50" to "$100". In addition, the following sentence shall be added to paragraph (2):

> In the event the deposit drops to less than $250, the applicant must restore the balance to $1,000.

SECTION 28. Section 3.06(e) shall be amended by eliminating the typographical error appearing before the last word in said paragraph "members".

SECTION 29. Section 3.07(a)(2) shall be amended by changing the non-refundable fee of "$50" to "$100". In addition the following sentence shall be added at the end of paragraph (2):

In the event the deposit drops to less than $250, the applicant must restore the balance to $1,000.

SECTION 30. Section 3.07(c) shall be amended by eliminating current paragraphs 1, 2, 3, and 4. Current paragraph 5 shall be renumbered as paragraph 1. New paragraphs 2, 3 and 4 shall read as follows:

2. Where the appellant seeks a variance pertaining to an area requirement otherwise applicable to the property, no variance may be granted unless the appellant has demonstrated the literal enforcement of the provisions or requirements of the Zoning Ordinance pertaining to area requirements would cause the appellant practical difficulties. The factors to be considered and weighed in determining whether an appellant seeking an area variance has encountered practical difficulties in the proposed use of his property include, but are not limited to:

   (a) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

   (b) Whether the variance is substantial;

   (c) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

   (d) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

   (e) Whether the appellant purchased the property with knowledge of the zoning restrictions;

   (f) Whether the appellant's predicament feasibly can be obviated through some method other than a variance;

   (g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

3. Where the Board has determined that literal enforcement of the requirements of the Zoning Ordinance would involve practical difficulties or would cause undue hardship, unnecessary to carry out the spirit and purpose of the Zoning Ordinance, the Board shall have power to authorize a variance from such strict application so as to relieve such hardship or practical difficulties so that the spirit and purpose of the Zoning Ordinance shall be observed and substantial justice done. In authorizing a variance the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it deems necessary in the interest of the furtherance of the purpose of the Zoning Ordinance and in the public interest. In authorizing a variance with attached conditions the Board shall require such evidence and guaranty or bond as it may deem to

be necessary to ensure that the conditions attached are being and will be complied with.

4. No such variance in the provisions or requirements of the Zoning Ordinance shall be authorized by the Board unless the Board finds that the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of the Zoning Ordinance or the public interest.

The balance of Section 3.07(c) shall be numerically renumbered to conform to the amendments contained herein.

SECTION 31. Section 3.10 shall be amended by changing the final sentence in said Section to read as follows:

> No zoning permit shall be issued until all such costs and fees incurred are paid to the municipality.

SECTION 32. The final sentence in current Section 3.10, the full text of which follows, is hereby repealed.

> No zoning permit shall be issued until all such costs and fees incurred are to the municipality.

SECTION 33. Section 4.00(d) shall be amended to read:

(d) To promote the most desirable land use and traffic patterns.

SECTION 34. Current Section 4.00(d), the full text of which follows, is hereby repealed:

(d) To promote the most desirable land use and traffic patterns according to the Comprehensive Plan.

SECTION 35. Section 4.01(a) shall be amended to include "churches" as a conditional use in all R-1 zoning districts and the R-2 zoning districts.

SECTION 36. Section 4.01(2)(c) shall be amended by deletion of the following sentence:

> All home occupation uses shall require the approval of the Commission and the Commission shall not approve any use which is not similar in use and nature to those specifically permitted by this Section and which comply with all provisions of this Section 4.01(b)(2) and 4.1(b)(6).

SECTION 37. Section 4.01(b)2(c) shall be amended by adding the following sentence in place of the sentence deleted in the prior section of this Ordinance:

> No occupational use shall be approved unless similar in use and nature to those specifically permitted by this Section and which comply with all provisions of this Section 4.01(b)(2) and Section 4.10(b)(6).

SECTION 38.. Section 4.01(b)2(e) shall be amended by correction of the typographical error appearing in the last sentence of said Section, such that said sentence shall now read:

> No visitors shall be permitted between the hours of 10:00 p.m. and 8:00 a.m. except in the event of an emergency.

SECTION 39. Section 4.05(b) shall be amended to read as follows:

> (b) Public land: The Commission may require the dedication of open space as public land in lieu of or in addition to the devoting of land to open space as required in this section.

SECTION 40. Current Section 4.05(b), the full text of which follows, is hereby repealed:

> (b) Public land: Wherever the Comprehensive Plan shows the location of public open space, within a proposed subdivision, the Commission may require the dedication of such land in lieu of or in addition to the devoting of land to open space as required in this section.

SECTION 41. Section 5.00(c) shall be amended to read:

> (c) To promote the most desirable land use and traffic patterns.

SECTION 42. Current Section 5.00(c), the full text of which follows, is hereby repealed:

> (c) To promote the most desirable land use and traffic patterns according to the Comprehensive Plan.

SECTION 43. Section 5.01 shall be amended by amending the chart of "Conditional Uses" to read as follows:

> For the B-1 District: Residential, gas stations, restaurant, commercial amusements, automotive sales, mortuaries.
>
> For the B-2 District: Bed and breakfast.

SECTION 44. Current Section 5.01 lists the following conditional uses and is hereby repealed.

> For the B-1 District: Residential, gas stations, drive-ins, restaurants, commercial amusements, automotive sales, mortuaries.
>
> For the B-2 District: None.

SECTION 45. Section 5.02 shall be amended by correcting the typographical error in the heading so said heading shall now read as follows:

AREA, YARD & HEIGHT REGULATIONS.

SECTION 46. Section 5.02(a) shall be amending by changing the maximum lot coverage in the B-1 District for offices, retail, and personal services to 35 percent, from the current 25 percent; in the B-2 District for offices and personal services to 35 percent, from the current 25 percent; in the B-3 District for medical to 35 percent from 25 percent; and in the B-4 District for limited offices to 35 percent from 25 percent. In addition, in the B-4 District the minimum lot area, in acres, shall be: for residential 3 acres and for limited offices 1 acre.

SECTION 47. Section 5.05 shall be amended by eliminating footnote (2) which currently reads, "1 space for each 20,000 sq. ft." Current footnote (3), which reads "Of floor area as defined in Chapter 2" shall become new footnote (2). The footnotes in said chart and Section 5.05 shall be changed accordingly.

SECTION 48. Section 5.06(a)(2)(e) "Temporary Signs" shall be amended by changing the first sentence to read as follows:

(Pp.59)

Signs announcing sales, new products and special business events shall be permitted to a maximum of 60 days on the outside of buildings and in the yards where other signs are permitted, in addition to permanent business signs, provided such signs do not exceed 20 percent of the display window area.

SECTION 49. The first sentence of current Section 5.06(a)(2)(e) Temporary Signs, the full text of which follows, is hereby repealed.

(pp59)

Signs announcing sales, new products and special business events shall be permitted on the outside of building and in the yards where other signs are permitted, in addition to permanent business signs, provided such signs to not exceed 20 percent of the display window area.

SECTION 50. Section 5.06(a)(5) Illumination shall be amended by changing the last sentence to read:

pp60-61

In no case shall blinking, flashing, neon or neon-type, moving or other such signs be permitted.

SECTION 51. The last sentence of current Section 5.065(a)(5) Illumination, the full text of which follows, is hereby repealed:

In no case shall blinking, flashing, moving or other such signs be permitted.

SECTION 52. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees on or after December 2, 1975, that resulted in formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22, Ohio Revised Code.

SECTION 53. This Ordinance shall take effect and be in full force at the earliest time allowed by law.

_____
Mayor - President of Council

ATTEST:

_____
Clerk

I certify that Ordinance No. _____ was duly enacted on the _____ day of _____, 2000, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Clerk

F:\WP51\WP\DMO\SRUSSELL\Ordinance\2000\amend zoning code.doc

SECTION 53. This Ordinance shall take effect and be in full force at the earliest time allowed by law.

_____
Mayor - President of Council

ATTEST:

_____
Clerk

I certify that Ordinance No. _____ was duly enacted on the _____ day of _____, 2000, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Clerk

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SOUTH RUSSELL VILLAGE

DEPARTMENT OF POLICE

5205 Chillicothe Road
South Russell, Ohio
44022

Chief of Police
James A. Wetzel

Dispatch: (440) 247-7321
Office: (440) 338-7611
Fax: (440) 338-1529
Emergency: 911

February 22, 2001

South Russell Village
5205 Chillicothe Rd.
South Russell, Ohio 44022

Mayor Young,

As a result of our conversation, I revisited the Ashleigh subdivision and looked at the proposed site of Ashleigh Drive in relation to Bell Rd. What I was primarily looking at was the location of Ashleigh, elevation considerations and sight considerations. I believe that as the elevation increases, the visibility also increases, and increased visibility equates to increased safety.

As you travel east from the proposed location of the new road the elevation rises. As the road rises the ability to observe traffic on Bell rd. also increases, especially in regard to west bound traffic. I feel this is particularly true if you are observing traffic on Bell Rd. from the south side of the roadway. Therefore, as a result of my observations, I believe that from a safety standpoint the higher elevations offer advantages over the lower elevations.

Sincerely,

J Wetzel

James A. Wetzel
Chief of Police

DRAFT

RECORD OF PROCEEDINGS
REGULAR COUNCIL MEETING MONDAY FEBRUARY 12, 2001 – 7:30 P.M.
MAYOR WILLIAM S. YOUNG PRESIDING

MEMBERS PRESENT:	Brett, Butz-Voss, Dishong, Howell and A. Lechman
MEMBER ABSENT:	O'Donnell
OFFICIALS PRESENT:	Engineer Foley, Solicitor Ondrey, Police Chief Wetzel, Street Commissioner Johnson, Building Commissioner Hocevar, Treasurer Lechman and Clerk Gallagher
GUESTS:	Mr. and Mrs. Tom Cahill and Howard Selee, Ashleigh Subdivision; Nancy Remley, CVT and Steven Novak, WGS

Mayor Young called the Council Meeting to order and led the Pledge of Allegiance. Clerk Gallagher read the roll. Councilwoman O'Donnell was absent. Butz-Voss moved to waive reading and approve the minutes of the January 22, 2001 Regular Council Meeting, seconded by Brett. Roll call – ayes, all. Motion carried.

GUESTS: Mayor referred to the proposed Ashleigh Subdivision and stated that Solicitor Ondrey advised Council at their last meeting that the first step to approve a major subdivision Council must accept, accept with conditions or reject the preliminary plan. Mayor further reported that although certain conditions were discussed at the last Council Meeting, the conditions were certainly not agreed upon. Mayor stated that he looked at the minutes of that meeting and came up with a list of possible conditions plus some others that came up in a combination of discussions and on site inspections of the property with Police Chief Wetzel and Building Commissioner Hocevar. Mayor distributed the list of possible conditions to Council and stated that although the conditions are written down, it does not necessarily mean that they all need to be agreed upon unanimously or that they should be on the list.

Mayor asked Solicitor Ondrey to precisely tell Council what happens tonight or what sort of a mandate it is and what flexibility the Planning Board might have after Council takes its action. Ondrey advised that the Subdivision Regulations are not much more explicit except in saying that prior to the Planning Board approving a preliminary plat Council should make a recommendation. Solicitor stated that his interpretation is that whatever Council does is a recommendation only and is an advisory pinion. Planning Board does not have any particular requirement to accept them or to overrule them. Solicitor further stated that Council's action is nothing more than a recommendation and is not binding to the Planning Board.

Mayor stated that one of the issues Council is concerned about is the entrance and the island, the dimensions of the road and the island, and making sure the island is there. Mayor reported that other concerns include the proper flare of the road where it ties into the berm and to Bell Road and the banks on either side of the road in regards to the line

of sight. Mayor stated that subsequent to the last meeting it appears the right-of-way has been cut in, trees have been removed and a swath was cut into the property, presumably where the road is designed to go. Mayor stated that he personally has a concern where the road enters Bell based on visuals. Mayor further stated that he supposes the surveyor's implements are a lot better than his vision, but there is some concern. Mayor stated that it appears that the road had been moved a little bit to the left (east) in relationship with the drawings and the houses across the street and the curve on Bell Road. Mayor asked if that had happened. Mr. Cahill stated that the road is in the same location as before, it is very close.

Mayor stated that there is a knoll, a rise in the road, between the exit from this development looking east towards Newbury. Mayor stated if you are standing on top of the bank, the line of sight is fine; if you get down to the edge of the berm, a portion of the road disappears. Mayor explained that if you go further down, all the way down to the Village property and are sitting in a normal car, you definitely would not see all of a car coming towards you from Newbury. Mayor stated that you might see only the top of the car but certainly you would see an SUV or a large truck. Mayor asked Building Commissioner if he had any observation on that particular point. Building Commissioner stated he thought the road should be moved a little further to the east to eliminate these sight problems. Mayor asked Police Chief if he had any observations. Police Chief stated that he agrees with the Building Commissioner, the lay of the land, the topography, he believes from a vision standpoint, it would be more beneficial to all concerned that the road be moved somewhat to the east. Mayor asked what somewhat means; how much to make a noticeable difference. Building Commissioner stated 25 –30' or about 10 yards. Councilwoman Butz-Voss agreed it is very hard to see when you look to your right, you cannot see a car coming until it is there; it is going to be dangerous.

Mr. Cahill stated that this afternoon he was standing there with the Mayor and the Building Commissioner trying to decide what to do and Mr. Cahill said yes, it is a concern. Mr. Cahill continued that not really knowing what the elevations are going to be, we are guessing. Mr. Cahill further stated that later in the day they watched cars come along the corner while sitting in his wife's car, which is a smaller car; there was not at any time that they could not see oncoming cars' headlights. Mr. Cahill remarked that this was daytime, you could see the headlights, which were obviously not turned on. Mr. Cahill stated that it will be between his Engineer and the Village Engineer to decide what really has to happen there. Mr. Cahill said no, they do not want to move the road, but yes, they will if they need to. Mr. Cahill further stated that is why the engineers need to get together and make that decision with their instruments and they will know where it is going to be when its completed. Councilman Howell stated that Council would appreciate a serious look at it being moved a bit because down the road, once it's done, it's done. Howell continued that this is a safety concern and Council's recommendation should include moving this road a little further to a level down the road to make it safer. Mr. Cahill stated that they will not argue the point, but no, they do not want to move it if they do not have to.

Mayor stated that the next issue is no interconnection with Newbury. Mayor stated that the County will not allow and the Village will not allow any connection into Newbury.

Mayor continued that the next condition is lighting. Mayor stated that the Village would be responsible for putting an arm with a light hanging out. Mayor commented that if there is lighting such as illuminated signs, the Village would want to know as there are rules regarding lighting and signage.

Mayor asked Mr. Cahill if the open space might be dedicated to the Land Conservancy. Mr. Cahill stated that they have spoken with the Land Conservancy and they would like to do that. Mr. Cahill stated that test samples were taken today in the area across the low lands, the wetlands area so they are working on it. Mayor stated that he certainly wanted to see that happen, if it can. Mayor remarked that even if the land is not given to the Land Conservancy, the common land should not be disturbed so as to protect the pristine nature of Silver Creek.

Mayor stated that the screening for the house across Bell is his idea. Mayor explained that if you pull out of the driveway, your headlights would shine toward the home on the other side of the street. There will be a certain amount of flashing of light. Mayor stated that if the homeowner was amenable, Mr. Cahill indicated that they would probably be willing to put 2 or 3 evergreens in there to deflect the light.

Mayor suggested that the developer look into the possibility of installing a dry hydrant, a water line or a cistern for fire protection. Mayor stated that this is a new idea and there are some things that could be done for fire protection and should be considered.

Mayor stated that obviously the Planning Board must review the preliminary plat and place conditions that they consider necessary.

Mayor stated that the landscaping along Bell Road and the side embankments should be basically like that of Whitetail Run along Chillicothe Road. Mr. Cahill said that he agreed that the landscaping would be similar.

Mayor added that the EPA regulations concerning the wetlands must be followed as well as the lead removal from the ground. Mayor reported that the lead removal has begun. Mr. Cahill stated that the procedure includes the removal of 6' of dirt and then Solar Laboratories will come out and test the soil.

Mayor asked for Council's suggestions. After a brief discussion, Butz-Voss made a motion to recommend approval of the preliminary plat for the Ashleigh Subdivision with the attached conditions #1-9, seconded by Howell. Roll call – ayes, all. Motion carried. Mayor announced that the Planning Board will meet on Thursday February 22.

MAYOR'S REPORT: Mayor reported that NOPEC will meet tomorrow and a decision on an electrical supplier will be made. Mayor stated that once a decision is made, it will

ASHLEIGH SUBDIVISION

POSSIBLE CONDITIONS

1. Entrance/Exit
   - Island
   - Flare
   - Banks/Line of Sight

2. No interconnection with Newbury

3. Lighting

4. Open space
   - Not to be disturbed
   - Land conservancy

5. Screening for house across Bell (1633 Bell Road)

6. Fire protection
   - Dry Hydrants
   - Water Line
   - Cistern

7. Planning Board review and conditions as needed

8. Landscaping along Bell Road

9. EPA
   - Wetlands
   - Lead removal

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

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

PLANNING COMMISSION MEETING
MARCH 8, 2001
7:30P.M.

1. ROLL CALL: **Young, Sutliff, Tripp**

2. MINUTES: FEBRUARY 22, 2001 **Amended & approved**

3. GUESTS:

   REVIEW & FINE-TUNE CHAPTERS 8, 9, 10, 11 & 12 OF THE SOUTH RUSSELL ZONING CODE. LAST CHAPTERS TO REVIEW **DONE!!!**

4. OLD BUSINESS: **None**

5. NEW BUSINESS: **Next meeting: April 19, 01 at 7:30 P.M.**

6. ADJOURN: **8:35 P.M.**

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

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

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
MARCH 8, 2001
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Ike Tripp

OTHER OFFICIALS: Jim Holt, Building Dept., David Ondrey, Solicitor

ABSENT: Ned Foley, Engineer, Kathleen O'Donnell, PC member

GUESTS: None

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

The minutes from the meeting on February 22, 2001 were amended & approved.

Review & fine-tune Chapters 8, 9, 10, 11 & 12 of the South Russell Zoning Code. Last chapters to review.

Chapter 8, PARKING & LOADING REGULATIONS

(1.) Pp. 106, 8.01 REGULATIONS. Ondrey to add language, so parking conforms to American Disabilities Act (ADA) requirements.

Chapter 9, SIGN REGULATIONS

(2.) Pps. 108-109, Intent. Delete paragraphs (d), (e)(1), (2), (3)(a), (3)(b) Keep: (4), (5), (6). Ondrey will decide to change 4, 5, 6 to either 1,2,3 or d,e,f.

(3.) Pp. 110, 9.02. Last sentence will read, "No blinking, flashing, ADD: "neon or neon-type", moving or other such signs …

(4.) Pp. 110, 9.04 (a) Continuity. and, if seen in series, shall ADD: "exhibit" & delete "be" a continuity of design.

Chapter 10, DEVELOPMENT REGULATIONS – No changes.

Chapter 11, PERFORMANCE REGULATIONS

(5.) Pp. 115, 11.01 (b) 1. in structures having noncombustible exterior walls ADD: " and roof assembly". I.e. fire rated ceilings

(6.) Pp. 116, 11.01 (f) Noise. no sound shall be ADD: "permitted which is" objectionable…

Chapter 12, NON-CONFORMING USE REGULATIONS

(7.) Pp. 117, 12.00 INTENT. To permit such uses to continue until they are removed Add: "damaged, destroyed" or abandoned…

(8.) Pp. 117, (d) Nonconforming Signs. See Section 9.00 (e). Ondrey will Change (e) to something else.

(9.) Pp. 121, SCHEDULE 1 – REQUIRED FEES & DEPOSITS
Jim Holt of the Building Department thinks the fees were updated a couple of years ago. Ondrey also thinks they are current.

(10.) Refer to chart on Pp. 55. Maximum lot coverage, Residential. To be changed to 35%. A new column has to be added.

Ondrey referred to his handout, dated 3-8-01, Pp. 9, Section 59. PC created a B&B as a conditional use in a B-2 district. Categories like minimum lot area, minimum lot width etc. exist on the chart for conditional uses. PC didn't discuss the B&B's dimensions. So, Ondrey took the lowest numbers that are listed on the chart now & used those numbers. I.e. 100' for minimum front yard,

50' for side yard, rear yard & 30' for maximum height. PC agreed that those numbers are adequate. The minimum lot area is one acre.

Ondrey will make the identified changes to the zoning code & have them ready for the next PC meeting. At the next meeting, a motion may be made to recommend to Council to pass the ordinance.

OLD BUSINESS: None.

NEW BUSINESS: The next meeting is April 19,01 at 7:30 P.M.

There was no further business. The meeting adjourned at 8:35 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

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

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

PLANNING COMMISSION MEETING
APRIL 19, 2001
7:30 P.M.

1. ROLL CALL: **Young, Sutliff, O'Donnell**

2. MINUTES: **No minutes from March 8, 2001 to approve**

3. GUESTS:
   1. Development Review; Dan Baritoski of Gutoskey & Assoc. for Donald & Patricia Hrovat, 1565 Bell Rd. Minor subdivision. 11.07 acres divided into two parcels, 2.57 +/- acres with existing house & 8.5 +/- acres. This proposal came before the PC on 2-22-01. There was no action, but conceptual approval was given.

April 9, 01 the Engineer reviewed the plat & gave his approval. A milar will be signed if the PC approves the plan.
Sutliff made a motion to approve the plat subject to the Solicitor's final approval. O'Donnell second. Roll call. All ayes. Conditional approval.

2. Formal discussion with Robert Buddenhagen, PP 29-011600, an unnumbered Chillicothe parcel & Robert Cohen, PP29-090400 of 5177 Chillicothe Rd. Plat site plans to review for lot configuration. Equal exchange of acreage; .07of an acre
Buddenhagen: less front portion, 20' X 155.58' plus south portion 25' X 120'. Cohen: less South side, 25.92' X 120.12' plus rear portion, 20' X 155.58'
No Action. Conceptual approval. Mr. Buddenhagen & Mr. Cohen need to follow through with paperwork I.e. Geauga County Water Resources, a milar, deeds to combine parcels

3. Narragansett group for Ashleigh subdivision, Bell Rd. Revised plans #5 to be reviewed. Two sets of #5 were sent to the Engineer for his approval on 3-30-01.
No Action. PC previously approved this contingent upon the Engineer's approval. He approved these plans. Sutliff & Tomaro stamped & signed three copies of plans #5.

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

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

4. Solicitor Ondrey's proposed ordinance regarding changes in the Zoning Code
O'Donnell made a motion to recommend approval of the Zoning Code changes as compiled & dated 4-13-2001 to Council. Young second. Roll call. All ayes. Approved.

4. OLD BUSINESS: **None**

5. NEW BUSINESS: **Next meeting: May 10, 2001 at 7:30P.M.**

6. ADJOURN: **9:15 P.M.**

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

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

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
APRIL 19, 2001
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Kathleen O'Donnell

OTHER OFFICIALS: David Ondrey, Solicitor, Ned Foley, Engineer

ABSENT: Ike Tripp, David Hocevar, Building Inspector

GUESTS:
Bob Cohen, 5177 Chillicothe Rd.
Bob Buddenhagen, 5185 Chillicothe Rd.
Dan Baritoski, Gutoskey & Assoc.

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

There were no minutes from the previous meeting on March 8th. to approve.

Development Review; Dan Baritoski of Gutoskey & Assoc. for Donald & Patricia Hrovat, 1565 Bell Rd. Minor subdivision. 11.07 acres divided into two parcels, 2.57 +/- with existing house & 8.5 +/- acres.

This proposal came before the PC on 2-22-01. There was no action. Conceptual approval was given.

PC members reviewed the plans. Questions were asked. The well is not shown on the plans. The Mayor wants confirmation that the well is on the property that has the existing house. It doesn't have to be on the plans. Ondrey said it's not the Village's problem. It creates a problem for the property owner if he transfers it away & if the leech field is on the neighbor's property.

Ondrey objected to signing the milar this evening because he had not reviewed the plans. He requested that plans for PC be sent to him prior to the meetings.

Development Review for Hrovat Cont.
Sutliff made a motion to approve the plat subject to the Solicitor's final approval. O'Donnell second. Roll call. All ayes. Conditional approval.

Ned Foley, Engineer, David Ondrey, Solicitor & Mag Tomaro, Secretary signed the milar. It was given to the Mayor who will pass it onto the Building Department. There will be no action until the Solicitor gives his approval.

Formal discussion with Robert Buddenhagen, PP-29-011600. an unnumbered Chillicothe parcel & Robert Cohen, PP-29-090400 of 5177 Chillicothe Rd. Plat site plans to review for lot configuration. Equal exchange of acreage; .71 of an acre.
Buddenhagen: less front portion, 20' X 155.58' plus south portion, 25'X 120'.
Cohen: less south side, 25.92' X 120.12' plus rear portion, 20' X 155.58'

Mr. Buddenhagen explained that he & his neighbor, Bob Cohen, would like to exchange some property; square foot for square foot. Mr. Buddenhagen would like access to the back of 2.6 acres on parcel A. The size of the lot would remain the same. There's an exchange of .07. O'Donnell clarified saying, "The property you would obtain fronts Chillicothe & would be incorporated into your parcel. Mr. Buddenhagen said, "Correct. It is parcel A." Mr. Buddenhagen explained that as it is now, it's landlocked. The new configuration would allow him access to the property.

Parcel B is zoned B-2, limited commercial. Mr. Buddenhagen's house sits on parcel B. He owns 1.2 acres. The Mayor clarified that a portion of this, the back is zoned commercial. The Mayor explained that Mr. Buddenhagen wants to trade some of his parcel A, 20 feet, to Mr. Cohen to make Mr. Cohen's backyard 27'deep. Mr. Cohen would then give up 25.92' on the south side of his property & give it to Mr. Buddebhagen.

Ondrey said this is a minor subdivision. One part of parcel A & part of the Cohen property are being subdivided. He said, "We are being asked to approve a minor subdivision of parcel A & a minor subdivision of the Cohen property. That'll create two .07 plots that will be exchanged between them."

The Mayor asked, "If we approve, would that property still be grand fathered? Or because it's going to be reconfigured, do you get into the one- acre minimum for residential? Ondrey answered, "Are we allowing a creation of a lot that doesn't conform to our current zoning? Yes, we are. But, we're not changing size, just configuration."

The Mayor wondered about the flag portion of the lot, which is 25.92' wide. He thought there was a 30' minimum. Ondrey said, "There's no minimum. Do you consider approximately 26' adequate for installation of the driveway?"

Ondrey referred to the zoning code. He said, "In the R-District, minimum lot width is measured at the building setback line. We don't have a minimum frontage requirement." Ondrey explained that Mr. Buddenhagen owns both parcels. If the access to parcel A is currently across parcel B & he sold Parcel A all by itself, the new owner of parcel A would have a strong legal argument for continued access across parcel B.

Foley said, " Twenty six feet is certainly adequate for a driveway & to deal with the access. It's related to the dimension. Twenty feet would be adequate for a commercial driveway from a business stand point."

The Mayor said, "The lot that has 2.26 acres will remain 2.26 & be reconfigured." Buddenhagen responded, "Yes". He added, " If my lot were sold, you said I could get entrance & exit off the existing driveway that I have. What if it were sold commercially? Would I be land-locked? I'm sure a business wouldn't allow me to go back to that property." Ondrey said, "An Ohio court would say if one owner owns the property & a portion is sold off & that portion is land-locked, the law presumes there's an easement across the lot that does have access. Even if it's a business that took over parcel B, I don't think it could prevent a continued easement across your property to parcel A."

Ondrey said, "I don't think we have any basis to deny this proposal other then we are creating a new parcel that is land-locked, 20'X 150'."

The Mayor said, "There's a 50' setback from the rear lot line. So, Mr. Cohen can't add a patio or a deck without a variance. Mr. Cohen replied that Dave Hocevar told him a patio could be added, but not a deck. Ondrey & Foley both said patios aren't counted as structures.

Mr. Buddenhagen intends to draw up two legal descriptions. So, the switch of property will be documented. The Cohen property would be on one lot.

The Mayor commented that parcel A by itself is in a ground water sensitivity zone & the zoning is 3- acre minimum. Parcel A has a little barn on it. Ondrey said, "Right now it is a 2.26 acre lot. Because it's in a water sensitivity zone, he'd need to get a variance to build a house on that lot. He may have a real good grandfather argument. We created zoning that said you can't put a residence on a lot that is less then 3 acres. He already had a lot that was 2.26 acres. I don't know that we could preclude him from building a residence on that lot. If someone wanted to subdivide the property & create smaller then 3-acre lots, they'd have a problem."

The Mayor asked Mr. Buddenhagen if he had a sewer connection for lot A. "No," answered Mr. Buddenhagen. He does have a sewer tap-in for lot B. The Mayor asked if Mr. Buddenhagen can have a common driveway when the back part of the parcel is residential & the front part of the parcel is commercial. Ondrey said, "It would take approval, but it could be done."

Ondrey doesn't know if the county will accept this since it's not labeled minor subdivision. The PC could approve the proposal, but he's not sure if Mr. Buddenhagen will get County approval. Ondrey suggested that Mr. Buddenhagen label it minor subdivision. He said, "The PC doesn't seem to have a problem with what you want to do. It's a question of style; how it should be formatted so you can take it to the County & get approval." Mr. Buddenhagen reported that he talked to a Surveyor who said this was ok. Ondrey said, "To merge the properties, so there's one Cohen property & one Buddenhagen property, may just require a new legal description."

Neither Foley nor Ondrey saw these plans prior to the meeting. Sutliff said there's nothing for the PC to approve. The next document the PC sees will be a milar. Once Foley & Ondrey review & approve it, then PC can approve & sign it.

Mr. Buddenhagen told the PC that Dave Hocevar told him this is not a minor subdivision. It's a lot reconfiguration. Ondrey referred to Pp. 8 of the Subdivision Regs. He said he's not sure if it's a lot split or minor subdivision. He suggested that Mr. Buddenhagen treat it as a minor subdivision. Two legal descriptions are needed. Plans should be sent to the Engineer & the Solicitor prior to the next meeting. Mr. Buddenhagen needs to consult Gus Stickley.

No Action. Conceptual approval. Mr. Buddenhagen & Mr. Cohen need to follow through with paperwork I.e. Geauga County Water Resources, a milar, deeds to combine parcels.

Narragansett group for Ashleigh subdivision, Bell Rd. Revised plans, #5 to be reviewed. Two sets of #5 were sent to the Engineer for his approval on 3-30-01.

Noone from the Narragansett group was present at the meeting. Foley said that plans #5 showed a reconfiguration of the entryway. PC reviewed & compared plans #4 & #5. The Engineer approved plans #5.

No Action. These plans were previously approved contingent upon the Engineer's acceptance. Sutliff & Tomaro stamped & signed three copies of #5 plans.

Solicitor Ondrey's proposed ordinance, which is the zoning amendments written by the PC.

Ondrey will talk to Walter Drake about publishing the zoning code. His office will take care of the first batch; around 25. The charts will be done be Ondrey's office.

The procedure regarding the zoning code: PC recommends to Council to accept the changes in the zoning code. There will be three readings & a public

hearing. Thirty days prior to the public hearing, a public notice will appear in the newspaper. Tentative dates: April 23,01 recommend to Council & first reading, May 14,01 second reading, June 11,01 third reading & public hearing.

O'Donnell made a motion to recommend approval of the Zoning Code changes as compiled & dated 4-13-2001 to Council. Young second. Roll call. All ayes. Approved.

There was no old business. The next meeting is May 10, 2001 at 7:30 P.M.

There was no further business. The meeting adjourned at 9:15 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

May 9, 2001

To: PC members

From: Maggie Tomaro

Greetings!

The next PC meeting is set for Thursday, May 10, 2001 at 7:30 P.M. Enclosed is a copy of the minutes from the meeting on March 8, 2001.

The agenda includes:

1.) Bruce Thomas of the Narragansett Group for the Ashleigh subdivision, Bell Road. He will present revised improvement plans. These plans need the Engineer's approval. Two sets have been sent to the Engineer & one set has been sent to the Solicitor.

2.) Ann Mezak Development Review for Ann's Child Care at 5188 Chillicothe Rd. Addition: 46'X66' & entrance 13'X13'

3.) Dr. Mark Rood of South Russell Family Properties, Ltd. Development Review for 5192 Chillicothe Road, Addition: Right side of existing, 60'X72'

Please call if you do not intend to be at the meeting. 338-1807. Thanks.

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

PLANNING COMMISSION MEETING
MAY 10, 2001
7:30 P.M.

1. ROLL CALL: **Young, Sutliff, O'Donnell, Tripp**

2. MINUTES: MARCH 8, 2001 **approved**

3. GUESTS:
HOWARD SELEE FOR THE NARRANGANSETT GROUP TO DISCUSS THE ASHLEIGH SUBDIVISION, BELL ROAD. REVISED IMPROVEMENT PLANS, NEED ENGINEER'S APPROVAL
NEXT PC MEETING IS 6-7-01. BY THIS MEETING:
(1). FOLEY WILL REVIEW & PERHAPS APPROVE THE IMPROVEMENT PLANS.
(2). ONDREY WILL REVIEW THE PLAT.
(3). THE BOND INFORMATION WILL BE IN PLACE.
(4). NARRANGANSETT'S RESPONSIBILITY; DEPOSITS & RELATED PAPERWORK ARE TO BE CURRENT

THE PC WILL MEET AGAIN ON 6-19-01 AT 7:30 P.M. TO HEAR TWO VARIANCE REQUESTS REGARDING THE ASHLEIGH SUBDIVISION. TOM CAHILL & SCOTT FERRY REQUEST VARIANCES SO THAT EACH MAY BUILD A SPEC HOME. THE APPLICATIONS READ THAT THEY ARE REQUESTING THE VARIANCES TO BUILD PRIOR TO APPROVAL OF THE IMPROVEMENT PLANS, ROAD ACCEPTANCE & DEDICATION.

ANN MEZAK, COMMERCIAL DEVELOPMENT REVIEW FOR ANN'S CHILD CARE AT 5188 CHILLICOTHE ROAD. ADDITION: 46' X 66' & ENTRANCE 13' X 13' **NO ACTION**

DR. MARK ROOD OF SOUTH RUSSELL FAMILY PROPERTIES, LTD. COMMERCIAL DEVELOPMENT REVIEW FOR 5192 CHILLICOTHE ROAD. THIS WAS INITIALLY DISCUSSED WITH THE PC ON 2-22-01. ADDITIONS: PHASE 2 IS AN ADDITION ON

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

THE RIGHT SIDE OF EXISTING BUILDING, 60' X 72', AND PARKING. ANOTHER ADDITION, OUT THE BACK, LABELLED PHASE 3 TO BE COMPLETED AFTER PHASE 2 IS COMPLETED **CONDITIONAL APPROVAL. O'DONNELL MADE A MOTION TO APPROVE PHASE 2 & 3 CONTINGENT UPON: (1). THE VILLAGE ENGINEERS APPROVAL, (2). INSTALLATION OF SECURITY LIGHTS IN THE REAR PARKING LOT THAT ARE SATISFACTORY TO THE BUILDING INSPECTOR & (3). THE TRASH CONTAINERS ARE TO BE STORED IN AN ADEQUATE ENCLOSURE BEHIND THE BUILDING. THEY ARE BROUGHT OUT ON TRASH DAY. THE CONTAINERS ARE TO HAVE LIDS TO PREVENT RUBBISH FROM BLOWING AWAY & TO SECURE RUBBISH FROM ANIMALS.**
TRIPP SECOND. ROLL CALL. TRIP, YES; YOUNG, NO; SUTLIFF, YES; O'DONELL, YES.

3. OLD BUSINESS: **THE PROPOSED ORDINANCE REGARDING THE ZONING BOOK HAS A MISTAKE ON Pp. 8. TEMPORARY SIGNS ARE PERMITTED FOR 30 DAYS NOT 60 AS THE PROPOSED ORDINANCE INDICATES. ONDREY WILL INFORM COUNCIL AT ITS NEXT MEETING OF THE ERROR.**

4. NEW BUSINESS: **THE HOMEOWNER'S ASSOC. OF KENSINGTON GREEN IS CONSIDERING TO ALLOW THE COMMON AREA TO RETURN TO NATURE.**

NEXT MEETING: JUNE 7, 2001 AT 7:30 P.M.

ON JUNE 19, 2001 AT 7:30 P.M. A PUBLIC HEARING TO HEAR VARIENCE REQUESTS TO BUILD SPEC HOMES AT THE ASHLEIGH SUBDIVISION

5. ADJOURN: **8:50 P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

PLANNING COMMISSION MEETING
MARCH 8, 2001
7:30P.M.

1. ROLL CALL: **Young, Sutliff, Tripp**

2. MINUTES: FEBRUARY 22, 2001 **Amended & approved**

3. GUESTS:

   REVIEW & FINE-TUNE CHAPTERS 8, 9, 10, 11 & 12 OF THE SOUTH RUSSELL ZONING CODE. LAST CHAPTERS TO REVIEW **DONE!!!**

4. OLD BUSINESS: **None**

5. NEW BUSINESS: **Next meeting: April 19, 01 at 7:30 P.M.**

6. ADJOURN: **8:35 P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
MARCH 8, 2001
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Ike Tripp

OTHER OFFICIALS: Jim Holt, Building Dept., David Ondrey, Solicitor

ABSENT: Ned Foley, Engineer, Kathleen O'Donnell, PC member

GUESTS: None

Chairman Sutliff called the meeting to order at 7:30P.M.

The minutes from the meeting on February 22, 2001 were amended & approved.

Review & fine-tune Chapters 8, 9, 10, 11 & 12 of the South Russell Zoning Code. Last chapters to review.

Chapter 8, PARKING & LOADING REGULATIONS

(1.) Pp. 106, 8.01 REGULATIONS. Ondrey to add language, so parking conforms to American Disabilities Act (ADA) requirements.

Chapter 9, SIGN REGULATIONS

(2.) Pps. 108-109, Intent. Delete paragraphs (d), (e)(1), (2), (3)(a), (3)(b) Keep: (4), (5), (6). Ondrey will decide to change 4, 5, 6 to either 1,2,3 or d,e,f.

(3.) Pp. 110, 9.02. Last sentence will read, "No blinking, flashing, ADD: "neon or neon-type", moving or other such signs ...

(4.) Pp. 110, 9.04 (a) Continuity. and, if seen in series, shall ADD: "exhibit" & delete "be" a continuity of design.

Chapter 10, DEVELOPMENT REGULATIONS – No changes.

Chapter 11, PERFORMANCE REGULATIONS

(5.) Pp. 115, 11.01 (b) 1. in structures having noncombustible exterior walls ADD: " and roof assembly". I.e. fire rated ceilings

(6.) Pp. 116, 11.01 (f) Noise. no sound shall be ADD: "permitted which is" objectionable...

Chapter 12, NON-CONFORMING USE REGULATIONS

(7.) Pp. 117, 12.00 INTENT. To permit such uses to continue until they are removed Add: "damaged, destroyed" or abandoned...

(8.) Pp. 117, (d) Nonconforming Signs. See Section 9.00 (e). Ondrey will Change (e) to something else.

(9.) Pp. 121, SCHEDULE 1 – REQUIRED FEES & DEPOSITS
Jim Holt of the Building Department thinks the fees were updated a couple of years ago. Ondrey also thinks they are current.

(10.) Refer to chart on Pp. 55. Maximum lot coverage, Residential. To be changed to 35%. A new column has to be added.

Ondrey referred to his handout, dated 3-8-01, Pp. 9, Section 59. PC created a B&B as a conditional use in a B-2 district. Categories like minimum lot area, minimum lot width etc. exist on the chart for conditional uses. PC didn't discuss the B&B's dimensions. So, Ondrey took the lowest numbers that are listed on the chart now & used those numbers. I.e. 100' for minimum front yard,

50' for side yard, rear yard & 30' for maximum height. PC agreed that those numbers are adequate. The minimum lot area is one acre.

Ondrey will make the identified changes to the zoning code & have them ready for the next PC meeting. At the next meeting, a motion may be made to recommend to Council to pass the ordinance.

OLD BUSINESS: None.

NEW BUSINESS: The next meeting is April 19,01 at 7:30 P.M.

There was no further business. The meeting adjourned at 8:35 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

COMMERCIAL STATUS SHEET

(440) 247-1000

Builder: Mezak Architect: Steve Ciciretto

Homeowner: Dr. Mark Rood South Russell Family Properties, Ltd

Address: 5192 Chillicothe SL: oo Subdivision: Commercial

For: Addition: Right side of existing 60' X 72'

App	Rec. No.	App.Date	
			Zoning:
4021	10656		Plan. Comm. Dev. Review: 2/7/01 5 sets for preliminary review Depositor: So. Russell Family Practice, Ltd Homeowner
	10656		Plan. Comm. DEVELOP. REVIEW 5/8/01 - 4 sets for PC review 5/10/01
			Zoning Board of Appeals:
			Engineering Review: 5/7/01 3 SETS FOR REVIEW 5/10/01 (+ 2 DETENTION ANALYSIS) P.C.
			O.B.B.C. Compliance:
			O.B.B.C. Compliance:
			ABR Depositor:
			Arch. Board of Review:
			Arch. Board of Review:
			Site Plan Review:
			Water Permit:
			Sanitary or Septic Permit:
			Ohio Energy Code:
			Solicitor: 1 SET FOR REVIEW OF PC 5/10/01

Zoning Code Compliance and Fee Review : Out: 2/7/01 Returned: 2/7/01

Building Code Compliance and Fee Review: Out: _____ Returned: _____

CHILLICOTHE ROAD
H RUSSELL, OHIO 44022
(216)338-1312

PRELIMINARY

RECEIVED
FEB - 6 2001
SOUTH RUSSELL
BLDG/ZONING DEPT

FORM: Z-
PAGE 1

NG NUMBER AND STREET 5192 CHILLICOTHE RD.

T NO. _____ SUBDIVISION _____ PHASE _____

LOT WIDTH: FRONT: 90' REAR: 90 LOT DEPTH: LEFT: 300' RIGHT: 300'

TOTAL LOT SIZE: 57,000 ± TOTAL PROJECT SQUARE FEET: PH.2 4,111 AVERAGE HEIGHT: 19'

EXISTING USE: RESIDENTIAL: ____ COMMERCIAL: ✓ EXSITING ZONING: B-1

NEW: ____ ADDT'N/ALTRT'N: ✓ HABITABLE: ____ NON-HABITABLE: ____ ACCESSORY ST: ____

WILL PLACEMENT BE TO THE: FRONT ____ SIDE ✓ REAR ____ PROPOSED FRONT YARD: _____

APPLICATION FOR: ADDITION TO EXIST. MED. OFFICE BLDG. (DR. ROOD) 40 X 72

FENCING: NEW TOTAL LENGTH CONNECTED: _____ NEW & EXISTING TOTAL ON LOT: _____

SIGNS: BUILDING FRONTAGE: _____ USAGE TYPE: _____ LOCATION TYPE: _____

OWNER'S NAME: DR. MARK ROOD OWNER'S ADDRESS: 5192 CHILLICOTHE RD

APPLICANT'S SIGNATURE: Joyce Cotta (CICIRETTO) PHONE: 440 247 1000 DATE: 2.5.01

ZONING INSPECTOR having reviewed this application & blue prints finds the following action:

Referred to Planning Commission

Signature: Dan Horn Date: 02-07-01

FORWARDED TO: Planning Commission 2/7/01 for 2/22/01 Zoning Board of Appeals _____

Required action of _____ on _____, 19___, was as follows:

Approval: ____ Conditional approval: ____ Disapproval: ____ Conditions attached: ____

Signature: _____ Date: _____

ZONING INSPECTOR per the above Board action, hereby takes the following action:

Approval: ____ Conditional approval: ____ Disapproval: ____ Conditions attached: ____

Signature: _____ Date: _____

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

PLANNING COMMISSION MEETING
FEBRUARY 22, 2001
7:30P.M.

1. ROLL CALL:

2. MINUTES: JANUARY 18, 2001

3. GUESTS:

FORMAL DISCUSSION WITH THE NARRANGANSETT GROUP, DEVELOPERS OF THE ASHLEIGH SUBDIVISION. PARCEL # 29-030400; 61.934 ACRES
REVISED PRELIMINARY PLAT, #4, MIGHT BE SIGNED

NO ACTION

DEVELOPMENT REVIEW FOR DR. MARK ROOD OF SO. RUSSELL FAMILY PROPERTIES, LTD. 5192 CHILLICOTHE RD. ARCHITECT: STEVE CICIRETTO, BUILDER MEZAK, ADDITION: RIGHT SIDE OF EXISTING, 60' X 72'

FORMAL DISCUSSION FOR MINOR SUBDIVISION FOR DONALD & PATRICIA HROVAT. 1565 BELLRD. PARCEL # 29-088630, 11.07 ACRES DIVIDED INTO TWO PARCELS; 2.57+ WITH EXISTING HOME & 8.5+ ACRES

REVIEW & FINE-TUNE CHAPTERS 6, 7 & 12 OF THE SOUTH RUSSELL ZONING CODE

4. OLD BUSINESS:

5. NEW BUSINESS:

6. ADJOURN:

apps rolled inside

COMMERCIAL STATUS SHEET

Builder: MEZAK CONSTRUCTION Architect: STEVE CICIRETTO 247-1600

Homeowner: ROGER + ANN MEZAK

Address: 5188 CHILLICOTHE SL: 00 Subdivision: COMMERCIAL PARCEL B (FOX RUN SDIV.)

For: ADDITION TO SOUTH SIDE 46'X66' + ENTRANCE 13'X13'

Rec. No.	App.Date	
		Zoning:
10761		Plan. Comm. Dev. Review: 5/4/01 - ~~4~~ 3 SETS FOR 5/10/01 REVIEW
		Plan. Comm. Conditional Use:
		Zoning Board of Appeals:
		Engineering Review:
		O.B.B.C. Compliance:
		O.B.B.C. Compliance:
		ABR Depositor:
		Arch. Board of Review:
		Arch. Board of Review:
10761		Site Plan Review: 5/4/01 2 SETS TO CTC/NF.
		Water Permit:
		Sanitary or Septic Permit:
		Ohio Energy Code:
		SOLICITOR: 1 SET FOR PC REVIEW 5/10/01

Zoning Code Compliance and Fee Review : Out: 5/4/01 Returned: 5/4/01

Building Code Compliance and Fee Review: Out: _____ Returned: _____

APPLICATION FOR
ZONING PERMIT DEV. REVIEW

FORM Z-1

Page 1 of 5

RECEIVED
MAY - 3 2001
SOUTH RUSSELL BLDG/ZONING DEPT

VILLAGE OF SOUTH RUSSELL, OHIO

ZONING PERMIT APPLICATION

NO. PP29-10828

HOUSE/BUILDING NUMBER AND STREET 5188 (HILLICOTHE RD.

SUBLOT NO. PARCEL B SUBDIVISION COMMERCIAL PHASE

LOT WIDTH: FRONT: 190' REAR: 190' LOT DEPTH: LEFT: 300' RIGHT: 300'

TOTAL LOT SIZE: _____ TOTAL PROJECT SQUARE FEET: ~~4554~~ 3036 ± 13x13 entry AVERAGE HEIGHT: 22'

EXISTING USE: RESIDENTIAL: _____ COMMERCIAL: ✓ EXISTING ZONING: B2

NEW: _____ ADDT'N/ALTRT'N: ✓ HABITABLE: _____ NON-HABITABLE: _____ ACCESSORY ST: _____

WILL PLACEMENT BE TO THE: FRONT _____ SIDE ✓ REAR _____ PROPOSED FRONT YARD: _____

APPLICATION FOR: ADDITION 46' X 66' +ENTRANCE 13X13?

FENCING: NEW TOTAL LENGTH CONNECTED: _____ NEW & EXISTING TOTAL ON LOT: _____

SIGNS: BUILDING FRONTAGE: _____ USAGE TYPE: _____ LOCATION TYPE: _____

OWNER'S NAME: ROGER MEZAK ANN MEZAK OWNER'S ADDRESS: 11434 BELL RD. NEWBURY OH. 44065

APPLICANT'S SIGNATURE: Ann Mezak PHONE: 440 564-5795 DATE: 5/3/01

ZONING INSPECTOR having reviewed this application & blue prints finds the following actio
Refer to Planning Commission.

Signature: [signature] Date: 5-4-01

FORWARDED TO: Planning Commission 5/4/01 Zoning Board of Appeals _____

Required action of _____ on _____, 19___ was as follows:

Approval: _____ Conditional approval: _____ Disapproval: _____ Conditions attached: _____

Signature: _____ Date: _____

ZONING INSPECTOR per the above Board action, hereby takes the following action:

Approval: _____ Conditional approval: _____ Disapproval: _____ Conditions attached: _____

Signature: _____ Date: _____

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

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PLANNING COMMISSION MEETING
MAY 10, 2001
7:30 P.M.

1. ROLL CALL: **Young, Sutliff, O'Donnell, Tripp**

2. MINUTES: MARCH 8, 2001 **approved**

3. GUESTS:
HOWARD SELEE FOR THE NARRANGANSETT GROUP TO DISCUSS THE ASHLEIGH SUBDIVISION, BELL ROAD. REVISED IMPROVEMENT PLANS, NEED ENGINEER'S APPROVAL
NEXT PC MEETING IS 6-7-01. BY THIS MEETING:
(1). FOLEY WILL REVIEW & PERHAPS APPROVE THE IMPROVEMENT PLANS.
(2). ONDREY WILL REVIEW THE PLAT.
(3). THE BOND INFORMATION WILL BE IN PLACE.
(4). NARRANGANSETT'S RESPONSIBILITY; DEPOSITS & RELATED PAPERWORK ARE TO BE CURRENT

THE PC WILL MEET AGAIN ON 6-19-01 AT 7:30 P.M. TO HEAR TWO VARIANCE REQUESTS REGARDING THE ASHLEIGH SUBDIVISION. TOM CAHILL & SCOTT FERRY REQUEST VARIANCES SO THAT EACH MAY BUILD A SPEC HOME. THE APPLICATIONS READ THAT THEY ARE REQUESTING THE VARIANCES TO BUILD PRIOR TO APPROVAL OF THE IMPROVEMENT PLANS, ROAD ACCEPTANCE & DEDICATION.

ANN MEZAK, COMMERCIAL DEVELOPMENT REVIEW FOR ANN'S CHILD CARE AT 5188 CHILLICOTHE ROAD. ADDITION: 46' X 66' & ENTRANCE 13' X 13' **NO ACTION**

DR. MARK ROOD OF SOUTH RUSSELL FAMILY PROPERTIES, LTD. COMMERCIAL DEVELOPMENT REVIEW FOR 5192 CHILLICOTHE ROAD. THIS WAS INITIALLY DISCUSSED WITH THE PC ON 2-22-01. ADDITIONS: PHASE 2 IS AN ADDITION ON

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THE RIGHT SIDE OF EXISTING BUILDING, 60' X 72', AND PARKING. ANOTHER ADDITION, OUT THE BACK, LABELLED PHASE 3 TO BE STARTED AFTER PHASE 2 IS COMPLETED **CONDITIONAL APPROVAL. O'DONNELL MADE A MOTION TO APPROVE PHASE 2 & 3 CONTINGENT UPON: (1). THE VILLAGE ENGINEERS APPROVAL, (2). INSTALLATION OF SECURITY LIGHTS IN THE REAR PARKING LOT THAT ARE SATISFACTORY TO THE BUILDING INSPECTOR & (3). THE TRASH CONTAINERS ARE TO BE STORED IN AN ADEQUATE ENCLOSURE BEHIND THE BUILDING. THEY ARE BROUGHT OUT ON TRASH DAY. THE CONTAINERS ARE TO HAVE LIDS TO PREVENT RUBBISH FROM BLOWING AWAY & TO SECURE RUBBISH FROM ANIMALS.**
TRIPP SECOND. ROLL CALL. TRIP, YES; YOUNG, NO; SUTLIFF, YES; O'DONELL, YES.

3. OLD BUSINESS: **THE PROPOSED ORDINANCE REGARDING THE ZONING BOOK HAS A MISTAKE ON Pp. 8. TEMPORARY SIGNS ARE PERMITTED FOR 30 DAYS NOT 60 AS THE PROPOSED ORDINANCE INDICATES. ONDREY WILL INFORM COUNCIL AT ITS NEXT MEETING OF THE ERROR.**

4. NEW BUSINESS: **THE HOMEOWNER'S ASSOC. OF KENSINGTON GREEN IS CONSIDERING TO ALLOW THE COMMON AREA TO RETURN TO NATURE.**

NEXT MEETING: JUNE 7, 2001 AT 7:30 P.M.

ON JUNE 19, 2001 AT 7:30 P.M. A PUBLIC HEARING TO HEAR VARIANCE REQUESTS TO BUILD SPEC HOMES AT THE ASHLEIGH SUBDIVISION

5. ADJOURN: **8:50 P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

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RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
MAY 10, 2001
7:30P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Kathleen O'Donnell, Ike Tripp

OTHER OFFICIALS: David Ondrey, Solicitor, Ned Foley, Engineer, David Hocevar, Building Inspector

GUESTS:

Howard Selee, 9701 Brookpark, Cleveland, Oh 44129
Steve Ciciretto, 270 Park Place, C.F.
Mark V. Rood M.D. 5192 Chillicothe Rd.
Larry Lechman, 1361 Bell Rd.

Chairman Sutliff called the meeting to order at 7:30P.M.

The minutes from the meeting on March 8, 2001 were approved.

Howard Selee, for the Narrangansett group to discuss the Ashleigh subdivision. Bell Road. Revised improvement plans, needs Engineer's approval

Ned Foley said he received the improvement plans on 5-9-01 & has not reviewed them yet. Ondrey received then on 5-9-01. This will take a couple of weeks to review. Ondrey explained the procedure. The Engineer reviews the improvement plans, gives his approval & calculates the performance bond. After this point, Ondrey gets involved. Next, the final plat is approved.

Selee brought the final plat & hoped to have it signed at this meeting.

Young verbalized concern about the head walls that go under the two culverts. He said, "We've made mistakes in the past in terms of being too close to the street." He'd like the headwalls to go as far back from the road as possible. Foley explained that there is a large culvert & a smaller on, 24" used for cosmetic reasons. He said, "I made note that the smaller one should be extended back to the house line. Actually, it comes in conflict with the requirements of the Corps

in terms of how much of an existing creek you can actually enclose. This was researched with the Corps & in fact we can enforce the Subdivision regs."

The Mayor referred to The Reserve of White Tail, which required two wooden retaining guardrails. Foley said, "One of the saving graces here is that there will be wide lots. The issue of slope & grading will not be as severe." The Mayor said, "I think where we can, we ought to put the head walls as far from the road as possible & put the long term maintenance responsibility on the Homeowner's Association & not on the Village."

PC members reviewed the plans. There is a 60' rite –of-way & another 12' utility rite-of-way.

Hocevar said there are two variance requests, one from Tom Cahill & the other from Scott Ferry. Each wants to build a model spec home prior to completion of the improvement plans, road acceptance & dedication. Discussion as to when to have the meeting occurred. Thirty days are required for publication before the public hearing. June 19,01 at 7:30P.M., the PC will meet to hear the variance requests. (The public notice was published 5-18-01). Ondrey's concern is working out how they are going to do the bond. Is there going to be a letter of credit? Ondrey reminded Foley that he is to determine the amount of the performance bond.

Hocevar said the Building Dept. has only received $500. No application has been filled out & no deposit has been made for the improvement plans. Selee said he paid the $5,000. Hocevar only has a receipt for $500. If the $5000.00 has been paid, then they need to fill out an application.

Ondrey said, "The variances are requested prior to approval of the improvement plans, road acceptance & dedication. The improvement plans & final plat are to be approved before the public hearing to hear the variances." A **June 7, 01 PC meeting was set. Prior to this meeting, Foley will review & perhaps approve the improvement plans. Ondrey will review the plat. The bond information will be in place. All deposits & related paper work are to be current- Narrangansett's responsibility. The variance requests will continue to be heard June 19, 01 at 7:30P.M.**

Ann Mezak, Commercial Development Review for Ann's Child Care at 5188 Chillicothe Rd. Addition: 46' x 66' & entrance, 13' x 13'

May 10, 01 a memorandum from Ned Foley to the PC regarding the addition at the child care center. Foley writes," "The plans submitted for my review were incomplete relative to any site work." He had a list of five items that are needed. (Copy attached to the minutes).

Ciciretto showed preliminary plans to the PC. He explained that the existing building is 4,900 square feet. The addition will be almost 3,000 square feet. There are 5 parking spaces per 1000. Required spaces under current zoning is 40. The addition will be an indoor playground, used when it rains. No additional children will be added to the program.

Ciciretto prefers to land bank the parking. Land banking is putting the land aside for parking. He explained that under the proposed zoning, there are 3 spaces per 1000. At 8,000, needed are 24 spaces. He said, "Actually, there are 26 up front. In the proposed zoning, this plan would comply with lot coverage. This building & front parking would be 37%. It meets all the setback requirements. No variances are required." They could avoid parking in the rear because no new children will be introduced into the program.

Sutliff prefers to see it not paved in the rear. The Mayor agreed. Ondrey said, "Previous ones were handled with a condition that in the event it would become necessary, parking would be created. You could approve a plan which shows the parking, but allow deferral of such parking until such time that we require it or the owner chooses to do it." Hocevar said this is the first time we've had land banking. Sutliff said, "Our preference would be to show the land bank on the plans." Tripp added, "The plans should show all the engineering work."

The Mayor asked if there's any concern about drainage. Ciciretto said, "There's a catch basin on the property & it goes north to Manor Brook."

Hocevar asked Ciciretto what the lot coverage would be after the addition & land banking. Ciciretto answered, "50%. No parking, its 38%."
Sutliff asked what the lot coverage is with the proposed new zoning. Ondrey replied, "Under the new zoning, we're going to count parking." Ciciretto reported, "They filed an application before the new zoning went into effect."
No action.

Dr. Mark Rood of South Russell Family Properties, Ltd. Commercial Development Review for 5192 Chillicothe Rd. This was initially discussed with the PC on 2-22-01. Additions: Phase 2 is an addition on the right side of existing building, 60' x 72' and parking. Another addition, Phase 3, goes out the back & is to be started after Phase 2 is completed.

May 10, 2001, memorandum from Ned Foley. He writes, "The submitted site plan is not approvable." Eleven items need action. (Copy attached to the minutes.)

Ciciretto appeared before the PC on 2-22-01 to discuss this addition for Dr. Rood. He was given conceptual approval.

Ciciretto showed plans & explained there are two proposed additions & parking to be completed in two phases. These are labeled Phase 2 & Phase 3. He regards the current building as Phase 1. All parking & one addition will be completed as Phase 2. Latter the third phase, which is another building out the back, will be completed.

Sutliff asked what the lot coverage would be under this plan. Ciciretto answered, "Over 70%". At the present time, the lot is not counted, just the buildings. Under current zoning, the total lot area is 57,000 square feet. We're allowed 25% coverage for the building. Total building area would be 14,250 square feet. The existing building, Phase 1, is 5,000 square feet. Phase 2 is 4,111 square feet leaving the final 5,100 square feet for Phase 3. When totaled, it becomes 14,2111 square feet. Parking required for 14,000 square feet is 48 spaces. They are providing 53. No variances are necessary." Sutliff commented, "When it's done, there's nothing but building & asphalt, virtually no green space."

Hocevar said, "The parking has to be adjusted. The size of the parking isn't right." Ciciretto said his spaces are 9' X 20'. The revised plans are wrong. They will still get 53 parking spaces.

Tripp asked the time frame on the second phase. They intend to start immediately. The third phase has no specific starting time. Hocevar commented that the zoning permit allows one year to build. Then, they may ask for a six-month extension to finish the project.

Dr. Rood said, "We don't want to get caught between zoning & future zoning. We need to push for approval under current zoning. The Mayor explained that Council will meet June 11,01. If they pass the new zoning, it will go into effect 30 days latter.

The Mayor commented on Foley's memorandum of 5-10-01. Foley said, "There are comments we addressed in regard to the parking. The detention volume calculations are fine. The configuration of the pond needs to be worked because it's too flat & won't drain. I'm not sure what they are proposing." The pond is behind the third phase. Ciciretto explained, "Under the initial phase, there would be a retention basin & the parking would be done. The plans show a flat basin. It should be more of a run to it." The Mayor asked how deep the pond would be. Foley answered, "Roughly, three feet. It's a dry pond. It has flat slopes. For the area, it needs a storm sewer." Another issue is that they have to finalize the note for erosion control.

Lighting was addressed. Ciciretto explained that it was residential in nature; no pole lights. No lighting is planned in the back parking lot. There are carriage lights at the entrance & exit doors of the buildings. Sutliff suggested using Bollard lights that are four feet high in the back parking lot. They won't bother the neighbors. Ciciretto doesn't think these give off much light. Discussion about type of lights I.e. shadowbox – too intense.

Conditions for lighting in the back parking lot that PC members agreed upon are: use underground wiring with low voltage lights, they are to be on a timer, they can use a six-foot light post with globe that has the part facing the neighbors blocked.

Trash containers were discussed. Ciciretto told the PC that, "The waste containers will be moved to the back of the building & fenced in."

O'Donnell made a motion to approve Phase 2 & 3 contingent upon: (1). The Village Engineer's approval (2). Installation of security lights in the rear parking lot that are satisfactory to the Building Inspector (3). The trash containers are to be stored in an adequate enclosure behind the building. They are brought out on trash day. The containers are to have lids to prevent rubbish from blowing away & to secure rubbish from animals. Tripp second. Roll call. Tripp, Yes; Young, No; Sutliff, Yes; O'Donnell, Yes. CONDITIONAL APROVAL

PC did not sign any plans at this meeting.

OLD BUSINESS:

Question of how long temporary signs are permitted to be posted. In the Zoning Code, this section is located under Chapter 5, paragraph 5.06, Pp. 59e Temporary Signs. Ondrey referred to the PC minutes of 1-18-01 Pp.5, item #32. It reads where other signs are permitted, ADD "for 30 days" in addition to... Ondrey will tell Council of the error & change this on Pp. 8 of the proposed ordinance.

NEW BUSINESS:

The Homeowner's Association of Kensington Green might allow its common area, which is parallel to Bell Rd, to return to nature. This area would be from the fence to the street. Ondrey explained that a typical procedure when the Association's By-Laws & Regulations were approved, would to have a condition that the Association is to maintain the open space.

A car dealership in a B-2 area wants to sell cars. Hocevar said that it'll go before the ZBA as a variance request.

The next meeting is set for June 7,01 at 7:30 P.M.

There was no further business. The meeting adjourned at 8:50P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary
Maggie Tomaro

Memorandum

To: South Russell Planning Commission

From: Ned F. Foley, P.E.
Village Engineer

Subject: *Ann's Child Care Center Addition*
5188 Chillicothe Road

Date: May 10, 2001

The plans submitted for my review were incomplete relative to any site work. The following items are needed.

1. Retention calculations
2. Grading Plan
3. Erosion Control Plan
4. Lighting Plan
5. Property boundary information

As such, any comments or action is deferred pending additional information. The plans are returned herewith.

NFF:ecr

Enclosure

cc: William S. Young, Mayor
Dave Hocevar, Building Commissioner

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CT CONSULTANTS, INC.
Engineers • Architects • Planners

35000 Kaiser Court
Willoughby, Ohio 44094
phone: 440.951.9000
fax: 440.951.7487

Memorandum

To: South Russell Planning Commission

From: Ned F. Foley, P.E.
Village Engineer

Subject: *Road Medical Building Site Plan*
5192 Chillicothe Road

Date: May 10, 2001

The submitted site plan is not approvable. The following items need action:

1. No erosion/sediment facilities shown or noted.
2. No additional walk shown from new parking area to building.
3. Parking stalls absolute minimum dimensions. Suggest 60° parking/drive alignment.
4. Detention basin has flat bottom and will not drain. Redesign may reduce storage volume.
5. Need detail of outlet structure and modifications.
6. Sheet flow on site not acceptable. Use inlets and sewer to drain drives and lot. Current scheme will drain onto adjacent property before entering pond.
7. How are down spouts to be handled?
8. Is lighting proposed? If so, where and what type?
9. Detention calculations appear adequate. Is it designed for 3rd phase?
10. Where is waste container and loading area?
11. Sanitary clean out in pond area to be raised above high water elevation.

NFF:ecr

cc: William S. Young, Mayor
Dave Hocevar, Building Commissioner
Michael Hall, P.E., Hess & Associates

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35000 Kaiser Court
Willoughby, Ohio 44094
phone: 440.951.9000
fax: 440.951.7487

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

PLANNING COMMISSION MEETING
JUNE 7, 2001
7:30 P.M.

1. ROLL CALL: **Young, Sutliff, O'Donnell, Tripp**

2. MINUTES: APRIL 19, 2001 & MAY 10, 2001 **Amended & approved**

3. GUESTS:
1). NARRANGANSETT GROUP FOR ASHLEIGH SUBDIVISION. BELL RD. REVISED IMPROVEMENT PLANS, LANDSCAPING, FINAL PLAT, BOND INFORMATION, ALL DEPOSITS & RELATED PAPERWORK SHOUL BE CURRENT
PC WILL MEET AGAIN 6-19-01 AT 7:30P.M. TO HEAR THE VARIANCE REQUESTS OF TOM CAHILL & SCOTT FERRY. EACH WANTS TO BUILD A MODEL SPEC HOME

O'Donnell made a motion to approve the Ashleigh Subdivision plans & platt subject to the approval of the deed restrictions & covenants by O'Donnell. The Mayor seconded. Roll call. All ayes. CONDITIONAL APPROVAL

2). TODD PETERSEN OF PETERSON & IBOLD, ATTORNEYS, TO DISCUSS PROPOSED ZONING CHANGES THAT EFFECT TOTAL LOT COVERAGE OF COMMERCIAL PROPERTIES IN A B-2 DISTRICT. HIS CLIENTS ARE: LARRY LECHMAN OF 1188 BELL RD, MARSHALL KIDD OF 5189 CHILLICOTHE RD., & ROBERT BUDDENHAGEN OF 5185 CHILLICOTHE RD. **No action. Deferred until PC meeting on June 19, 2001**

3). ARTHUR ALTHANS OF ALTHANS INSURANCE AT 543 E. WASHINGTON ST. DEVELOPMENT REVIEW, REQUESTS FRONT YARD PARKING; 5 SPACES **The Mayor made a motion to approve the Althans Insurance plans for 5 additional parking spaces in front, each 9 x 20, covering no more than 900 square feet, with the following conditions. A sculpted landscaped mound with a minimum height of 2' & extending at least 40' in length must be placed to screen the parking spaces. The permanent drainage must continue its present course. Tripp seconded. Roll call. All ayes. Conditional approval.**

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5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

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FAX: (440) 338-8776

4). DENNIS BARRIBALL OF HEMLOCK LANDSCAPING, FOR DR. SCHMALL AT 1184 & 1186 BELL RD. DEVELOPMENT REVIEW, LANDSCAPING & LIGHTING
AT THE PC MEETING ON 1-20-2000, A CONDITION FOR APPROVAL WAS, "SITE LIGHTING, LANDSCAPING, SCREENING PLAN TO BE SUBMITTED & APPROVED BY THE PC"
Tripp made a motion to approve the landscape & lighting plans as submitted by Hemlock Landscapes, Inc. for Dr. Schmall's office buildings at 1184 & 1186 Bell Rd. O'Donnell seconded. Roll call. All ayes. APPROVED.

5). COMMERCIAL DEVELOPMENT REVIEW FOR LARRY LECHMAN, OF 1188 BELL RD. ADDITION. THERE ARE TWO SETS OF PLANS. ONE IS LABELLED, "EXISTING CONDITIONS" WHICH DEPICTS THE BUILDING UNDER CURRENT ZONING & THE OTHER IS LABELLED "PROPOSED CONDITIONS" WHICH SHOWS THE BUILDING IF THE ZONING ORDINANCE GOES INTO EFFECT **No action. Deferred until the PC meeting on June 19, 2001**

6). COMMERCIAL DEVELOPMENT REVIEW FOR MARSHALL KIDD OF 5189 CHILLICOTHE. NEW BUILDING. THERE ARE TWO SETS OF PLANS. ONE IS LABELLED, "EXISTING CONDITIONS" WHICH DEPICTS THE BUILDING UNDER CURRENT ZONING & THE OTHER IS LABELLED "PROPOSED CONDITIONS" WHICH SHOWS THE BUILDING IF THE ZONING ORDINANCE GOES INTO EFFECT **No action. Deferred until the PC meeting on June 19, 2001**

7). COMMERCIAL DEVELOPMENT REVIEW FOR ROBERT BUDDENHAGEN OF 5185 CHILLICOTHE RD. NEW BUILDING. THERE ARE TWO SETS OF PLANS. ONE IS LABELLED, "EXISTING CONDITIONS" WHICH DEPICTS THE BUILDING UNDER CURRENT ZONING & THE OTHER IS LABELLED "PROPOSED CONDITIONS" WHICH SHOWS THE BUILDING IF THE ZONING ORDINANCE GOES INTO EFFECT
No action. Deferred until the PC meeting on June 19, 2001

8). COMMERCIAL DEVELOPMENT REVIEW FOR KATHLEEN CROTTY, WHO OWNS THE OVERVIEW & LONG LOOK BUILDING AT 5216 CHILLICOTHE RD. ADDITION. ONE IS LABELLED, "EXISTING CONDITIONS" & THE OTHER IS

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5205 CHILLICOTHE ROAD
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LABELLED "PROPOSED CONDITIONS" WHICH SHOWS THE BUILDING IF THE ZONING ORDINANCE GOES INTO EFFECT
No action. Deferred until the PC meeting on June 19, 01

4. OLD BUSINESS: **None**

5. NEW BUSINESS: **The next meeting is June 19, 2001 at 7:30 P.M.**

6. ADJOURN: **8:45 P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
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FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
JUNE 7, 2001
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Kathleen O'Donnell and Ike Tripp

OTHER OFFICIALS: Building Inspector Dave Hocevar, Engineer Ned Foley

ABSENT: Solicitor David Ondrey

GUESTS: Howard Selee, Bruce Thomas, Stan Jaros and Tom Cahill, Ashleigh Subdivision; Larry Lechman, Adam Lechman, Robert Buddenhagen and Todd Petersen, Zoning Code Amendment; Steve Ciciretto, Althans Insurance; Sharon Schmahl, Ann Dunning & Dennis Barriball, Dr. Schmahl's Office; Nancy Remley, Chagrin Valley Times Reporter

Chairman Sutliff called the meeting to order at 7:30 P.m.

The minutes from the meetings on April 19, 2001 & May 10, 2001 were amended & approved.

Narrangansett Group for Ashleigh Subdivision on Bell Road. Revised improvement plans, landscaping, final plat & bond information.

Chairman Sutliff advised that all the legal documents for the Ashleigh Subdivision have been submitted.

Engineer Ned Foley said the plans and platt were resubmitted, all of the issues and comments were addressed and the plans conform to the regulations. Engineer recommended that the plans be approved.

Engineer said there was one issue that he included in the plans. That condition refers to the wearing course of the road and specifies that the wearing course of the road would not be placed for a year; it would be deferred for one year and would require a variance. In order for the Subdivision to be approved by Council all the improvements would need to be done. Sutliff advised that the last Subdivision developed in the Village; the final course on the road was put down prior to the completion of the Subdivision.

Sutliff questioned if Mr. Thomas has seen the Engineer's memo of June 1, 2001. Mr. Thomas stated that the eight items had been addressed; Engineer confirmed. Mayor

said that Solicitor Ondrey advised him that all the items had been addressed including the deed restrictions and covenants. Mr. Jaros, counsel for the Narrangasett Group said that they have met all the criteria. O'Donnell said she would like to review these restrictions and covenants. Mr. Jaros said that he would make sure copies were sent to O'Donnell tomorrow.

O'Donnell made a motion to approve the Ashleigh Subdivision plans and platt subject to the approval of the deed restrictions and covenants by O'Donnell. Mayor seconded. Roll call. All ayes. Conditional approval.

Discussion with Todd Petersen of Petersen & Ibold, Attorneys regarding the proposed zoning changes that effect total lot coverage of commercial properties in a B-2 District. Mr. Petersen represents Larry Lechman of 1188 Bell Road, Marshall Kidd of 5189 Chillicothe Road and Robert Buddenhagen of 5185 Chillicothe Road.

Mayor advised members that he received a phone call early this morning from Solicitor Ondrey saying he was sick at home and unable to attend tonight's meeting. Mayor said that he was contacted mid-afternoon confirming that Solicitor Dale Markowtiz would be attending North Perry Council Meeting and, therefore, unavailable for this meeting. Solicitor Todd Hicks was also unavailable to attend this meeting.

Mayor contacted all the Board members, except Mr. Tripp who he was unable to reach, and they conferred that since the Village would not have counsel at tonight's meeting, they could not act on items #5-8. Mayor called Mr. Peterson and informed him of that decision. Mayor asked Mr. Petersen if those items could be deferred until the next Planning Board Meeting scheduled for June 19. Mayor advised that Mr. Petersen agreed and that items #5-8 would be moved to the June 19 Planning Commission Agenda; the two spec home variances in Ashleigh Subdivision also remains on that meeting's agenda.

Mayor noted that the Village received all the necessary documents and fees have been paid for items #5-8. Solicitor Ondrey advised the Mayor that since items #5-8 are in house and in our possession, if the zoning changes are approved by Council at their June 11, 2001 meeting, these four sets of plans will be based on the zoning as it stands today.

Mr. Petersen thanked the Mayor for his call and he in turn called his clients, who have agreed to the rescheduling. Mr. Petersen said they were here tonight obviously for the apparent increase in lot coverage permitted and the addition of the parking lot and driveway included in the definition of "lot coverage".

When Mr. Lechman contacted Petersen & Ibold, Attorneys, Mr. Petersen asked Mr. Lechman to contact other landowners within the Village with similar situations. Mr. Lechman, Mr. Kidd and Mr. Buddenhagen all met with Mr. Petersen. Mr. Petersen said that all of them are in a tough situation and none of them had any desire to make changes to the current use of their property at this time. However, when you consider the fact that they maintained it, paid taxes on it, basically treated it as an investment and potential retirement fund, they had to protect their interest. They are in a situation where they had to put these plans in, they had to pay the fees, they had to get everything ready to go

under the current zoning, even though it is not the right time. Mr. Petersen said that South Russell is going to have buildings, which they probably would not have had for 10-15 years, building which will probably not be well thought out and not aesthetically pleasing.

Mr. Petersen said that tonight's agenda states that the "existing conditions depicts the building under current zoning" is incorrect. Mr. Petersen said that it should read the "existing conditions depicts what is there now." Mr. Petersen said that the agenda states that the "proposed conditions shows the building if the Zoning Ordinance goes into effect" is incorrect. The "proposed conditions" are what they are proposing under the existing zoning.

Using Mr. Lechman's property as an example, Mr. Petersen calculated that under existing zoning the lot coverage would be 15,000 square feet and it would be 8,900 square feet under the proposed zoning.

Mr. Petersen reported that he listened to all the Planning Commission tapes regarding lot coverage. Mr. Petersen stated that early on at the beginning of the discussion regarding zoning changes, Mr. Tripp asked for a revision record. Mr. Petersen said that he could not find a revision record and does not know if one exists. Mr. Petersen stated that such a record would be helpful to understand why changes were made.

Mr. Petersen stated that while listening to the tape referring to lot coverage, someone asked what is reasonable. Someone said, "I don't know" and another said, "Me neither." Mr. Petersen said there were references to sketches; the Planning Commission Secretary Maggie Tomaro asked Building Commissioner Hocevar for the sketches and Mr. Hocevar said there were none. Someone else said that Bainbridge Township had 40% lot coverage, but Mr. Petersen did not hear any detail of why it was 40% or any reason why South Russell should have 40%. Mr. Petersen said it was mentioned that 25% was for building and 15% for parking. Mr. Petersen said that the floor plan was also calculated into the lot coverage. Mr. Petersen stated that he listened to the last meeting where there was a compromise to 35% lot coverage, but there was not a whole lot of discussion.

Mr. Petersen asked that the Planning Commission consider that Council is going to have a third reading on this Zoning Amendment this Monday, June 11, 2001. If Council passes this, the Village will have 4, 5 or 6 buildings, which you may not have had for many years. Mr. Petersen asked the Board members to appeal to Council to give lot coverage a little more thought, perhaps take some more calculations, and make some more applications to those parcels that are left.

Althans Insurance at 543 E. Washington Street. Development Review, requests front yard parking, 5 spaces.

Steve Ciceretto presented plans showing the Althans Insurance Building and the existing parking. Photos revealing the character of the neighborhood were presented to demonstrate that all buildings on E. Washington Street have front yard parking.

Mr. Ciceretto stated that it is Mr. Althans' intention to develop new parking for an additional 5 parking spaces and a new landscaping plan. A small mound would buffer the front yard parking. Mr. Ciceretto said that Mr. Althans understands the Village concerns for front yard parking and has taken that into consideration, by the landscaped mound and shrubbery to be a screen for the parking.

Sutliff asked if the sign would remain there in front. O'Donnell stated that it could not be moved as it meets the set back.

Mr. Ciceretto and Board members discussed the mound and drainage and reviewed the plans.

Mayor made a motion to approve the Althans Insurance plans for 5 additional parking spaces in front each 9x20, covering no more than 900 square feet, with the following conditions. A sculpted landscaped mound with a minimum height of 2' and extending at least 40' in length must be placed to screen the parking spaces. The permanent drainage must continue its present course. Mr. Tripp seconded. Roll call. All ayes. Conditional approval.

Dennis Barriball of Hemlock Landscapes, Inc. for Dr. Schmahl's office buildings at 1184 and 1186 Bell Road. Development Review, landscaping and lighting plans.

Dennis Barriball and Ann Dunning presented landscaping and lighting plans for Dr. Schmahl's Office Building on Bell Road.

Mr. Barriball stated that the hooded light fixtures would be a residential lamppost with a 10-12' range and provide wash lighting. Mr. Barriball stated that the trees would be planted 3' off the property line.

Sutliff asked if the lights would be on timers. Dr. Schmahl stated that the lights would be on timers; they want it to make it look very residential. O'Donnell asked Mr. Lechman for his comments. Mr. Lechman said, "a little lights do not hurt anything."

Barriball, Dunning, Dr. Schmahl and Board members reviewed the plans.

Tripp made a motion to approve the landscape and lighting plans as submitted by Hemlock Landscapes, Inc. for Dr. Schmahl's office buildings at 1184 and 1186 Bell Road. O'Donnell seconded. Roll call. All ayes. Approved.

OLD BUSINESS: None.

NEW BUSINESS: Next meeting: June 19, 2001 at 7:30 P.M. to hear the variance requests of Scott Ferry & Tom Cahill. Each wants to build a spec house on the Ashleigh

property. The applications for the variances were submitted before the improvement plans were approved (which occurred at tonight's meeting). Therefore, the applications state that variances are requested prior to completion of the improvement plans & road acceptance & dedication.

Also on the agenda for June 19,01 are items # 5,6,7 & 8 that were deferred at tonight's meeting.

There was a motion to adjourn. The meeting ended at 8:45 P.

Walter Sutliff, Chairman

Nancy Gallagher, Acting Secretary

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

PLANNING COMMISSION MEETING
JUNE 19, 2001
7:30 P.M.

1. ROLL CALL: **Young, Sutliff, Tripp, O'Donnell,**

2. MINUTES: JUNE 7, 2001 **Amended & approved**

3. GUESTS:

1). TOM CAHILL OF CAHILL ENTERPRISES, INC. REQUESTS A VARIANCE TO BUILD A MODEL SPEC SINGLE FAMILY HOUSE WITH A DECK PRIOR TO COMPLETION OF THE IMPROVEMENT PLANS & ROAD ACCEPTANCE & DEDICATION. SUBLOT #18; 101 ASHLEIGH DR.
The variance is approved contingent upon certain conditions:
1). A temporary construction driveway will be used; access from Bell Rd. (This is the driveway to the old gun club.)
2). The temporary construction driveway will be closed-abandoned- & planted with Pine trees at the time the erosion control measures are in; grass planted & up, driveway in.
3). A mud bond is set at $500.

CONDITIONAL APPROVAL.

2). SCOTT FERRY OF THE SCOTT FERRY CONSTRUCTION CO. REQUESTS A VARIANCE TO BUILD A MODEL SPEC SINGLE FAMILY HOUSE WITH A DECK PRIOR TO THE COMPLETION OF THE IMPROVEMENT PLANS & ROAD ACCEPTANCE & DEDICATION. SUBLOT #1; 100 ASHLEIGH DR.
The variance is approved contingent upon certain conditions.
1). A temporary construction driveway will be established off the new Ashleigh Drive.
2). The temporary construction driveway will be abandoned & restored to at least its previous level.
3). A mud bond is set at $500.

CONDITIONAL APPROVAL

3). TODD PETERSEN OF PETERSEN & IBOLD, ATTORNEYS, REPRESENTING LARRY LECHMAN OF 1188 BELL ROAD, MARSHALL KIDD OF 5189 CHILLICOTHE ROAD & ROBERT BUDDENHAGEN OF 5185 CHILLICOTHE RD.
Petersen spoke on behalf of his clients.

4). COMMERCIAL DEVELOPMENT REVIEW FOR LARRY LECHMAN OF 1188 BELL RD. ADDITION. THERE ARE TWO SETS OF PLANS. ONE IS LABELLED, "EXISTING CONDITIONS" WHICH DEPICTS WHAT IS THERE NOW. THE OTHER IS LABELLED, "PROPOSED CONDITIONS" WHICH IS WHAT MR. LECHMAN IS PROPOSING UNDER ZONING THAT EXISTED PRIOR TO JUNE 11, 2001. **No action.**

5). COMMERCIAL DEVELOPMENT REVIEW FOR MARSHALL KIDD OF 5189 CHILLICOTHE RD. NEW BUILDING. THERE ARE TWO SETS OF PLANS. ONE IS LABELLED, "EXISTING CONDITIONS" WHICH DEPICTS WHAT IS THERE NOW. THE OTHER IS LABELLED, "PROPOSED CONDITIONS" WHICH IS WHAT MR. KIDD IS PROPOSING UNDER ZONING THAT EXISTED PRIOR TO JUNE 11, 2001 **No action.**

6). COMMERCIAL DEVELOPMENT REVIEW FOR ROBERT BUDDENHAGEN OF 5185 CHILLICOTHE RD. NEW BUILDING. THERE ARE TWO SETS OF PLANS. ONE IS LABELLED, "EXISTING CONDITIONS" WHICH DEPICTS WHAT IS THERE NOW. THE OTHER IS LABELLED, " PROPOSED CONDITIONS" WHICH IS WHAT MR. BUDDENHAGEN IS PROPOSING UNDER ZONING THAT EXISTED PRIOR TO JUNE 11, 2001. **No action.**

7). COMMERCIAL DEVELOPMENT REVIEW FOR KATHLEEN CROTTY, WHO OWNS THE OVERVIEW & LONG LOOK BUILDING AT 5216 CHILLICOTHE ROAD. ADDITION. ONE IS LABELLED, " EXISTING CONDITIONS" WHICH DEPICTS WHAT IS THERE NOW. THE OTHER IS LABELLED, "PROPOSED CONDITIONS" WHICH IS WHAT MS. CROTTY IS PROPOSING UNDER ZONING THAT EXISTED PRIOR TO JUNE 11, 2001.
No action.

4. OLD BUSINESS: **None**
5. NEW BUSINESS: **Next meeting: July 19, 2001 at 7:30 P.M.**
6. ADJOURN: **10.00 P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
PUBLIC HEARING
JUNE 19, 2001
7:30 P.M.

MEMBERS PRESENT: Mayor William Young. Chairman Walter Sutliff, Ike Tripp, Kathleen O'Donnell

OTHER OFFICIALS: David Hocevar, Building Inspector, David Ondrey, Solicitor, Ned Foley, Engineer

GUESTS:
Todd Petersen of Petersen & Ibold, Attorneys, and his clients: Larry Lechman, Robert Buddenhagen & Marshall Kidd
John Crotty, Ann Dunning, Jim Burns, Mary ?, Scott Ferry, Jackie & Bob Belshaw, Tom Cahill, Penny Ga?, Adam Lechman, JoAnn Lechman,

Chairman Sutliff called the meeting to order at 7:30P.M.

The minutes from the meeting on June 7,01 were amended & approved.

Tom Cahill of Cahill Enterprises, Inc. requests a variance to build a model spec single family house with a deck prior to completion of the improvement plans & road acceptance & dedication. Sublot #18, 101 Ashleigh Dr.

PC reviewed the plans. The driveway used by the old gun club will be used as the construction driveway for this house. Foley verbalized that he has a problem with curb support. He said, "Accessing it until that's cured could be a problem." Cahill said they'd use the old driveway until October 2001 when the actual driveway will be paved. He said the old gun club drive will be graded & Pine trees will go there. Tripp said, "You anticipate the gun club entrance to be closed by October or is it dependent on weather? Cahill answered, "Yes."

Sutliff asked if the plans have been submitted to the county. Cahill said, "Yes." Tripp wondered if the subdivision regs. dictate the placement & direction of the garage. Cahill said, "The garage will be a side entry. It's in the deed restrictions." The issue of lead was discussed. Cahill said there is no lead on sublot #18. There is lead on sublots #16 & #17. The Mayor asked about the status of the lead abatement. Cahill thinks someone has been hired & it may be started. Hocevar hasn't seen any reports to date on lead abatement.

Sutliff reminded the audience that this is a Public Hearing. He asked if anyone in the audience had a comment.

O'Donnell clarified that the variance request is to build the house not to commence sales. Cahill answered, "If the house sells before it's done, it's going to be sold." O'Donnell asked. "Before the road is completed?" Cahill answered, "I don't know." Ondrey said, "We have a provision in the Subdivision Regs. 3.07 that, "No zoning permit or building permit in a major subdivision shall be issued by the Zoning Inspector or Building Inspector prior to acceptance by Council of all public land shown on the final plat for dedication." Ondrey continued, "That's the problem. They can't build without a zoning permit. So, they need a variance to proceed with construction. It's a different issue about selling; transferring any property. That has to wait until further down in the development." Cahill said, "We won't transfer until the road is complete." Hocevar added that school buses won't pick up the children unless the road is dedicated.

Jackie & Bob Belshaw live across the street from the Ashleigh development at 1645 Bell Rd. She wondered how many houses would be built & how many would access the development from Bell Rd. Sutliff said, " Eighteen. There would be no permanent drives off Bell Rd. There will be temporary drives during construction." The Mayor added, "The road that comes in faces the Jergens' house. It goes back 2,000 feet to a cul-de-sac. The lots are 2 ½ to 6 acres."

The Mayor asked Foley if during construction of sublot #1 or #18, will the disturbed land drain towards Silver Creek. Foley answered, "Everything would follow the natural terrain & drain away from there. #1 will drain west to the rear & # 18 goes the other way." The Mayor asked if there were a concern about erosion going into Silver Creek. Foley answered, "No. These lots are far from the creek. It's unlikely #1 or #18 would cause any problem to the creek." The Mayor said, "We still want to add the necessary erosion controls. But it's more important as we move south."

Sutliff wondered if a mud bond is necessary. Hovevar said he agreed & set it at $500. The Mayor explained to Mr. Cahill & to Mr. Ferry that a mud deposit will be put in place. He told them it is their responsibility to clean the mud off of Bell Road everyday. If the Village has to clean it & uses the $500.00 then, they have to replenish it to bring it up to $500. The money is returned after the erosion controls are in place. I.e. grass is in & up, driveway is in. Hocevar told Cahill that the erosion control deposit is different from a mud deposit.

Tripp made a motion to approve the variance request contingent upon certain conditions:

1. **A temporary construction driveway will be used, access from Bell Road.** (This is the driveway to the old gun club.)
2. **The temporary construction driveway will be closed -abandoned- & planted with Pine trees at the time the erosion control measures are in. I.e. grass planted & up, driveway in.**
3. **A mud bond is set for $500.**

O'Donnell second. Roll call. Al ayes. CONDITIONAL APPROVAL

Scott Ferry of the Scott Ferry Construction Co. requests a variance to build a model spec single-family house with a deck prior to completion of the improvement plans & road acceptance & dedication. Sublot # 1. 100 Ashleigh Dr.

The same issues discussed with Mr. Cahill pertain to Scott Ferry. I.e. mud bond, erosion controls, temporary driveway. Mr. Ferry intends to build a construction driveway off the Ashleigh driveway. Tripp asked which direction this house would face. The front of the house faces Bell Rd. The square footage is 4,500. There is no lead on sublot #1.

Sutliff asked Foley if there's any problem for the temporary road to go in; as far as placement. Foley doesn't see any problem. Tripp referred to the topo map & noticed on the south side that landscaping is on another's property. Ferry explained that the swale is on the property line. Hocevar commented that it is not uncommon that 2 properties share a swale along the property line.

The Mayor made a motion to approve the variance contingent upon certain conditions:

1. **A temporary construction driveway will be established off the new Ashleigh Drive.**
2. **The temporary construction driveway will be abandoned & restored to at least its previous level.**
3. **A mud bond is set at $500.**

Tripp second. Roll call. All ayes. CONDITIONAL APPROVAL

Todd Petersen of Petersen & Ibold. Attorney representing Larry Lechman of 1188 Bell Rd. Marshall Kidd of 5189 Chillicothe Rd. & Robert Buddenhagen of 5185 Chillicothe Rd.

Mr. Petersen asked for clarification as to how to proceed. The proposals made by his clients were submitted prior to June 11,01 when the zoning changes were voted on. It is his understanding that his client's plans will be accepted under the previous zoning. Ondrey said, "The zoning that was enacted June 11,01 takes 30 days to be effective. Proposals submitted prior to that effective date (July 11,01) are going to be considered under the old zoning."

The Mayor asked, "If any are denied tonight, what is the status of those? What would happen if they came back with revised plans?" Ondrey answered, "If they were timely submitted – prior to the effective date of the new zoning- I would lean toward saying we must consider them under the old zoning." The Mayor summarized. "Plans received prior to July 11,01 will be considered under the old zoning & July 11th & latter would be new zoning."

Ann Dunning, architect for Lechman, Kidd & Buddenhagen, voiced her concerns. Plans take a long time to prepare. Her clients aren't used to working with drawings. Many changes are made over a long period of time. She worried that it won't all get together (by the deadline of July 11,01).

Petersen commented that there are preliminary & then eventually there are final plans. He doesn't think final plans, that have been thought out, will be ready by July 11,01.

Hocevar described a time line using Lechman's plans by way of example. He would issue a zoning permit for the concept. 180 days goes into effect. During that time, construction drawings are turned into the Building Department, he reviews them, they go to the ABR, preliminary grades have to be approved, fees to be paid & construction has to begin on site. The Mayor added, "Your clients have 180 days to follow through with their plans that are approved."

Petersen asked, "Is the 180 days, the same 180 days, 6 months, commencement of construction, one year for completion?" Ondrey said, "Yes."

Ondrey said, "We're suppose to approve or disapprove these development review applications within 40 days after the filing date unless you agree to a further extension of time. At some point, we have to vote on it unless you (Petersen) say don't vote on it yet. We want more time to continue to massage this."

Petersen asked, "So from approval of concept to commencement of construction is 180 days? Ondrey answered, "From issuance of the zoning permit, which is going to happen once you get development approval, that's 180 days." Petersen asked, "Development approval is approval of the concept or final plans?" Ondrey, "Approval of the concept." The Mayor added, "If you get approval tonight, a zoning permit could be issued tomorrow. So, the 180 days would start tomorrow." Ondrey said, "We're stuck with the 40 days. But if you say to us don't vote yet, we want more time to be able to present something different to you or revise this, that's more then likely what we're going to respect."

Dunning commented that few in this room know what the drawing process is. 180 days isn't long enough to do decent drawings. She thinks South Russell is hurting itself. She said, "You won't have a good project if you jam all this through. Sharon's (Schmall) building was 3 ½ years in the preparation-drawing stage." Sutliff said, "180 days is very realistic."

Commercial development review for Larry Lechman of 1188 Bell Rd. There are two sets of plans. One is labeled, "Existing Conditions" which depicts what is there now. The other is labeled, "Proposed Conditions" which is what Mr. Lechman is proposing under zoning that existed prior to June 11, 2001.

PC reviewed the plans. Dunning explained that she went to the site & looked at existing conditions. She calculated the square footage divided by the acres or divide it by 300 or divide it by 25%. You get a certain area. If you take all those numbers's & add parking & paving, you're close to 50% coverage. One question is, Do they keep the existing building & make it worthwhile? The current building is in front of the setback. It's valuable to be located where it is. If that building is torn down, the setback moves back.

She asked questions, "Is there going to be a basement? Is this going to be one-story? Two-story?" A one- story for offices would work well. If you do a 2-story building, there are other considerations as far as code is concerned. I.e. handicap bathrooms on the second floor, handicap access. Other questions, Who is going to use the building? How many offices do you need?

The Mayor noticed that the Lechman plans show 67% coverage. If the existing building is torn down, then the front property line becomes 24'.

Dunning calculated parking spaces. 60- foot swath; 20' X 9'. Sutliff commented that the proposal shows 36 cars & additional. Hocevar said, "For personal services, 7 parking spaces are required per 1,000 square feet. Personal services require a different ratio for parking then does office. A dentist comes under personal service. A lawyer comes under office." Ondrey said if it's uncertain if it's going to be occupied by office or personal service, "the only way we can approve it is with the assumption of the more parking requirement. Then you have the flexibility." Lechman said, "It could be a mixture. The front building will stay an office."

The Mayor asked about the front parking lot. It looked reconfigured. Dunning answered that it had been reconfigured. She calculated that there was a 300 square foot limitation. She said you can go 60' between the bays. Those bays are 9' wide. Take the square footage of 9' X 60' =270. That's what makes the definition of the parking space. The driveway is over & above that. The driveway is 20' wide by 300'. Hocevar said 270 to 300 is reasonable. 36 parking spaces are required. The plan shows 45 parking spaces in one area & 5 in the front. Foley would like to see 22' or 24' X 9' rather then 20' X 9'.

The basement was discussed. Question; Will it be used for storage, heating/cooling or office use? At this time, the basement is not to be used for anything. Sutliff commented, "If the basement isn't going to be used, there's 9,600 square feet to rent; only 32 parking spaces are needed." Lechman wants 45. The current building is 1,600 square feet.

Tripp asked Hocevar if the basement is used for storage, is it covered on ground coverage. Hocevar said that PC can decide to count it as ground coverage or not.

The Mayor asked how much green space is on the lot outside setbacks. Dunning answered, "Square footage in the area within the setback is 20,000. So there's 23,000 uncovered because of the setback. The Mayor noted that some buildings have side yard setbacks. This building has a driveway on one side yard. So, there's no green space there. He said, "It pretty much fills up the lot except for the setback. Is that a fair statement?" Dunning agreed. Dunning said, "Total building, paving, everything is 67% of the total square footage. So, 33% is open space."

The Mayor calculated the side yard setback as 30 X 400 = 12,000 square feet." Sutliff said, "That's not 30 feet." Dunning said, "We have an existing building there. It's already non-conforming. Can you build along that side?" The Mayor answered, "No. If you have something within the setback & you extend a new building, you need a variance. We have to respect the setback for a new building or an addition on an existing building." Dunning responded, "Usually you're within your rights to use that setback continually. It's already set up by the existing building because that is an existing condition. It was built that way & probably wasn't in the setback at that point in time." Ondrey said, "It's an argument to get a variance to say it's already got an existing setback of X amount of feet."

Tripp asked about the 21' side yard setback. Dunning said, "That's the existing building." Sutliff referred to the drawings & asked for clarification as to where the property line is. He said, "You wouldn't meet the side yard setback." Looking at the drawing, Sutliff said, "We're wrong. There's no green space on the east side. This property line is drawn wrong." He showed Dunning where the property line should be. Sutliff said to Dunning, "You don't have any setback on the east property line." Someone said, "The parking is on the property line." Tripp said, "These need to be redone."

Dunning asked if the basement is part of the area. Hocevar answered, "Unless they (PC) say no." Sutliff commented, "If it's a mechanical room, it shouldn't be considered. If it's going to be used & occupied, then it should count."

Petersen asked the PC, "Not to vote tonight & allow us to amend the drawings & have the amended drawings considered prior to a vote". Ondrey said, "We're suppose to vote within 40 days after the initial filing. However, with permission of the applicant, we don't have to vote within 40 days as long as they ok it."

The next PC is set for July 19,01. Petersen said the amended plans will be ready by the 19th. of July.

The Mayor referred to Lechman's plan. 36 parking spaces are required. 45 are on the drawing. The Mayor wondered if they'd consider land-banking parking. Under the current design, the back row, 8 spaces, would be banked. That property would be left in green space. Sutliff added, "The width of your

parking is not the problem. It's the distance between the aisles between the parking places. It's 20' which is very small."

Tripp referred to federal regulations that deal with the detention of water. He asked, "Where is your retention basin to be located? I don't see it." Dunning responded, "Not at this point. It's based on Ned's engineering".

Adam Lechman referred to Schmall's drawings & the length of time to prepare them. Tripp summarized. "It took the doctor about three years debating & going back & forth over the plans before she came forth & brought the whole set of drawings. We were able to look at every square foot, at the elevations what the sign would be, literally everything." Hocevar said, "The 180 days hasn't run out yet.'

Sutliff said, **"We'll table. No action with your permission."**

Commercial Development Review for Marshall Kidd of 5189 Chillicothe Rd. New building. There are two sets of plans. One is labeled, "existing conditions" which depicts what is there now. The other is labeled, "proposed conditions" which is what Mr. Kidd is proposing under zoning that existed prior to June 11, 01.
Commercial Development Review for Robert Buddenhagen of 5185 Chillicothe Rd. New building. There are two sets of plans. (Refer to previous paragraph, same intent.)

Marshall Kidd & Robert Buddenhagen came with individual plans and they jointly have a plan that would go into effect if they combine their property. To date, that has not been done. Petersen asked, "Is it possible to make an accommodation of ownership of the property in addition to approval on a joint application, rather then requiring them to take that step prior to submission for approval?" Ondrey said, "It's PC's call. There is that alternative that you can condition approval upon combination of a lot split. I don't think it's at all unreasonable to say you (PC) aren't going to consider a plan for a lot combination that hasn't happened & may never happen. It's a proposal, but it's not a reality." Petersen said, "I would ask the board to consider them simultaneously. Two individual applications & the joint application."

PC reviewed both plans. Tripp did calculations. He said, "On the north side, (of Kidd's) there's a 4-foot side yard setback & that's not acceptable." Same problem as Lechman's.

Kidd wants two entrances; one from Bell Rd & one from Chillicothe Rd. Kidd's property is 402' deep. The depth of Buddenhagen's is 644'. The rear part of Buddenhagen's is zoned residential. Buddenhagen has 2.25 acres now & it's about 100' wide. The rear part of Buddenhagen's is in a water sensitivity zone. Zoning requires a 3- acre minimum to build. Even if Buddenhagen adds property from Kidd, he won't get 3-acres. The Mayor said, "Theoretically, you couldn't

build a house on it because you don't have 3 acres, unless you had an engineer come in & prove to this board's satisfaction that there's enough water in the aqua fir to serve the need of the house." Same concern with big office buildings; need a hydro- geologist's report on the availability of water. Buddenhagen's parking plan shows 64 cars & the Kidd property shows 66 cars.

Ondrey explained the options to PC: to consider plans individually &/or consider combination with conditions. O'Donnell questioned receiving the plans showing the combined properties. They were not submitted prior to the last meeting. Ondrey reminded her that the zoning ordinance doesn't go into effect until 7-11-01, so these plans may be considered. Ondrey said, "It doesn't preclude new admission prior to 7-11-01."

Petersen asked to take back the plans (Kidd's & Buddenhagen's) & make amendments to them.

No action.

Commercial Development Review for Kathleen Crotty, who owns the Overview & Long Look Building at 5216 Chillicothe Rd. Addition. One is labeled, "existing conditions" which depicts what is there now. The other is labeled, "proposed conditions" which is what Ms. Crotty is proposing under zoning that existed prior to June 11, 2001.

John Crotty, brother of Kathleen, appeared before the PC. He said he had no intention of building now, if at all. Currently, they occupy 6.1% of the acre that he & his sister have. About 75% is woods & lawn. He said, "Now that the new zoning is passed, they are confronted with one option; to build in one year. It's a short window of opportunity."

Mr. Crotty consulted Wes Baker, a real estate appraiser. He read a statement containing Mr. Baker's comments. "This reduction in coverage has a negative impact on the market value of the property & we will sustain considerable loss in value. The zoning is inverse condemnation which is a claim brought by the property owner against the municipality or other government agencies to recover damages for loss of value to property as a result of the government activities where no compensation has been given to the property owner through eminent domain proceedings." Mr. Baker would be happy to send a letter on behalf of the Crotty's.

The Mayor pointed out that the plans show 41% lot coverage. The new zoning allows 35%. There's a 6% difference. The Mayor said, "Under the new lot plan, you are entitled to have 35% lot coverage. This plan has 41%. You have options. You could build this in the next year in a half & you could build at 41%. You could wait 2-3 years & build it at 35 or you could always go & request a variance."

Tripp said, "You have to be aware that the area to the south has already been delineated as wetlands. It is fully documented. You'll have a lot of issues with remediation of that wetlands."

Dunning said, "Of all the properties, this is 35%. Sutliff said, "You're showing parking in the front yard setback." The Mayor said, "It's very close to being doable under the new zoning." Ondrey added, "Which means you don't have to rush if you're not ready." The Mayor said, "If you can get by the EPA, I don't see how the new zoning hurts you."

Mr. Crotty asked if he would have more then 6 days notice if there's another zoning change. Ondrey said, "The entire zoning amendments were discussed here at public meetings for about 6 months before they ever got to the Council stage. This body considered them, came up with new restrictions & then made that recommendation to Council. We didn't do it in secret. We have no obligation to notify every property owner except under limited circumstances, which didn't apply here. This has all been a matter of public discussion & debate. No you wouldn't get direct notice of it. You'd only get direct notice if we rezoned your particular property or certain properties around you."
No action.

OLD BUSINESS: None.

NEW BUSINESS: The next meeting is set for July 19, 01 at 7:30P.M.

There was no further business. The meeting adjourned at 9:55 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

PLANNING COMMISSION MEETIING
JULY 19, 2001
7:30 P.M.

1. ROLL CALL: **Young, O'Donnell, Tripp**

2. MINUTES: JUNE 19,2001 **approved**

3. GUESTS:

(1.) TODD PETERSEN OF PETERSEN & IBOLD, ATTORNEY FOR LARRY LECHMAN OF 1188 BELL RD., MARSHALL KIDD OF 5189 CHILLICOTHE RD. & ROBERT BUDDENHAGEN OF 5185 CHILLICOTHE RD.

(2.) COMMERCIAL DEVELOPMENT REVIEW FOR LARRY LECHMAN OF 1188 BELLRD.
Conditional approval. Conditions are: (1). The zoning permit is to be issued within the next week. (2). If the state doesn't give South Russell money to enclose ditches prior to July 1, 2002, then the property owners are to enclose the ditch where the new culvert goes under the driveway in accordance with the specifications that have been drawn by the Village Engineer. (3). The existing building is to be abandoned & torn down within 60 days of the issuance of the occupancy permit.

(3.) COMMERCIAL DEVELOPMENT REVIEW FOR KATHLEEN CROTTY OF 5216 CHILLICOTHE RD.
Tripp made a motion to defer consideration of the plans for 90 days so Mr. Crotty can produce a wetland delineation survey by a certified engineering firm that a hydro-geologist & engineer have signed off on. This is so the PC can access the potential impact of this property into this development relative to land use & aqua fir recharge. The survey is to be reviewed by the Village Engineer. O'Donnell second. Roll call. All ayes. No action.

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

(4.) COMMERCIAL DEVELOPMENT REVIEW; COMBINATION PLAN FOR MARSHALL KIDD & ROBERT BUDDENHAGEN
The Mayor made a motion to table this until the next meeting, which is August 16, 2001. Issues for applicants to address: (1.) A joint application is made & the two lots are combined. (2.) The applicants are to determine which one of the houses is to be torn down. The accessory structure, a pole barn, is to be torn down. (3.) Determine the correct setbacks, which requires the entire plan to be revised by the next meeting. (4.) PC is giving them until August 16, 01 to comply with zoning regulations. Tripp second. Roll call. All ayes. No action.

4. OLD BUSINESS: **None**

5. NEW BUSINESS: **Next meeting: August 16, 2001 at 7:30 P.M.**

6. ADJOURN: **9:31 P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
JULY 19, 2001
7:30 P.M.

MEMBERS PRESENT: Acting Chairman Kathleen O'Donnell, Mayor William Young, Ike Tripp

OTHER OFFICIALS: David Hocevar, Building Inspector, David Ondrey, Solicitor, Ned Foley, Engineer

ABSENT: Walter Sutliff

GUESTS: Todd Petersen of Petersen & Ibold, Attorneys & his clients: Larry Lechman, Robert Buddenhagen & Marshall Kidd
John Crotty, Wes Baker, Ann Dunning, Dave Withrow, David Holzheimer, Anthony Gaskell, Nancy ?, Penny Gauu, Jo Ann Lechman, L. Adam Lechman, Patricia Eden

Chairman O'Donnell called the meeting to order at 7:30P.M.

The minutes from the meeting on June 19, 2001 were approved.

Todd Petersen of Petersen & Ibold, attorney for Larry Lechman of 1188 Bell Rd., Marshall Kidd of 5189 Chillicothe Rd. & Robert Buddenhagen of 5185 Chillicothe Rd.

Mr. Petersen explained that his clients, Mr. Kidd & Mr. Buddenhagen are officially withdrawing their individual applications for Commercial Development Review. Instead, they are making a combined application. Mr. Petersen & the Village Solicitor, Mr. Ondrey, discussed this prior to tonight's meeting. A copy of a document titled, "AGREEMENT REGARDING REAL PROPERTY" was introduced. This subject is discussed latter in the meeting under agenda item #4.

Commercial Development Review for Larry Lechman of 1188 Bell Rd.

David Holzheimer, architect for Mr. Lechman presented a preliminary plan for a new building to be constructed behind Mr. Lechman's current building.

Holzheimer referred to the plans. He explained that from Bell Rd. there is a 60-foot rite-of-way. The parcel starts at the centerline of Bell Rd. & goes back to the rear property line which is 400 ft. The width is 108'11". The total is 43, 568. The new structure is parallel to the property line. The width of the structure is 110' X 48'. There will be parking in the front. The parking will be setback to where the bank (next door) parking is now. This should take them back 52' from the centerline of Bell Rd.

The new structure is 141' from the centerline of Bell Rd. The original building will remain during construction of the new structure so that the Lechman's can continue to do business. The original building will be demolished upon completion of the new structure. There will be two principal side entrances to the new building. It will be two-stories; each floor is 5,280 square feet. There will be a partial basement for mechanical & storage. The footprint is 5,280 square feet.

Under the old zoning, at 25% lot coverage, the building could be 10,892. Parking 1 per 300 square feet, which equals 36 spaces. Proposed building 5,280 square feet per floor, total 10,560 square feet. The minimum parking is 36 spaces. They are looking at 43 spaces, which includes handicap & van accessible places. Paved area is 23,838. Total lot coverage is approximately 66%. That includes Bell Rd. as part of the paved area; the edge of the pavement to the centerline according to the legal description.

The adjacent bank building is setback about 125'. Lechman's new structure is setback 141'. The bank has about 6'or 8' of green space between its building & parking. Lechman's landscaping is on two levels; in front of the parking & in front of the building. The position of the building meets the setback requirements. He anticipates replacing the well. The waste containers will be in a fenced enclosure, five feet off the property line. He is not seeking any variances. He is within the height limit. Detailed engineering with elevations will come.

Tripp asked why the extra parking. Holzheimer said his clients believe that with the inflow & outflow of personnel & clients, they need that much parking. A. Lechman said, "The property is zoned personal service & office. Parking for office is 1 per 300 square feet. Parking for personal service is 5 per 1,000 square feet. We need to leave ourselves a little flexibility."

Tripp asked, "So the work in terms of engineering & deciding what you're going to do with the storm water that's going to be retained in accordance with the EPA, is that work done?" Holzheimer answered, "It's not done. That's the next level."

The Mayor said that the Village has applied for Issue 2 funds to enclose the ditch on Bell Rd. Whether the Village receives the money will not be

known until July 2002. The Village would match funds. He commented, "If the Village doesn't get the money, we need to deal with the closure of the ditch. It's a safety issue." He asked, "If we don't get state money, are the owners willing to enclose the ditch?" Petersen asked the cost. $180,000 for the whole program. Foley said, "The whole project is 2,000 feet." The Mayor asked Foley, "How much would it cost to enclose 20 –30 feet?" Foley answered, "Approximately $2,000." The Mayor said, "There has to be a culvert there. It makes sense to enclose the ditch there."

Other comments. Foley said, "The site plans looks fine. Obviously, it needs engineering."

Discussion about cost to enclose the ditch. Petersen said if the total cost is $180,000. It's 2,000 linear feet. He asked if it would be $900 a lineal foot. The Mayor said the construction cost to the engineer is $150,000. The Village pays that. Foley said, "The price of the pipe is $40.or $50. a foot. The length of the driveway is 30-40 feet. The Mayor said, "We can only reasonably ask them to replace the culvert under the new driveway & whatever is enough safety on each side of the width of the driveway." Foley said, "Forty feet by scale would be reasonable & that culvert would be $2,000." The Mayor said, "A couple of thousand dollars according to our Engineer."

Petersen asked if they (PC) would forgo that condition until they are able to look at engineering specifications. Ondrey said, "The reality is our ordinances require any new or replacement driveways to not only have the hard surface, but to construct culverts according to the specifications dictated by the Engineer. There's going to be a new culvert & it will be built according to the Engineer's specifications. There may be a way that the state funds are going to pay for it."

The Mayor made a motion to conditionally approve the submitted plan with conditions. They are: 1). The zoning permit is to be issued within the next week. 2). If the state doesn't give South Russell money to enclose ditches prior to July 1, 2002, then the property owners are to enclose the ditch where the new culvert goes under the driveway in accordance with the specifications that have been drawn by the Village Engineer. 3). The existing building is to be abandoned & torn down within 60 days of the issuance of the occupancy permit. Tripp second. Roll call. All ayes. CONDITIONAL APPROVAL.

Commercial Development Review for Kathleen Crotty of 5216 Chillicothe Rd.

Ann Dunning, architect, presented two sets of plans. One is labeled PS2 & the other is labeled S2.

On S2, there's a straight driveway, 34 parking spaces, 279 square feet equals paving area for two cars back to back, 8,390 square feet or 19% of the total site plan, two-story building, total building footprint is 6,662 square feet, total ground coverage is 40%. This plan keeps the driveway where it is.

PS2 shows a side driveway in the side yard if the water is not a concern. In the PS2, an existing stream is located where the driveway would go.

Tripp said, "Looking at the culvert & the stream, if you walk outside the area of the setback on S2, it runs right down through the 19 car spaces." Dunning said, "We don't have a survey. So, we don't know exactly where that wetland is. The next step is engineering." The Mayor commented, "PS2 makes the assumption that there's no wetlands in the stream." Tripp said, "S2 makes the assumption that there are wetlands, but the wetland doesn't impact the 19 cars."

The Mayor said, "If the wetlands took out the last 5 spaces of the 19 & the trash, are you saying that would require a reduction in the size of the building?" Dunning answered yes. The Mayor asked Foley for comments. Foley said, "From our prior experience, there's considerable wetlands to deal with."

O'Donnell asked, "If we approve this, can they change the building to be smaller?" Ondrey answered, "No. For commercial development, it has to meet technical zoning requirements. And is it laid out properly? Harmonious, conducive to the neighborhood etc. If a plan is approved & they want to alter it in any way, they need to come back & get PC approval." Tripp asked, "How can we approve something when we know it's going to be smaller"? Ondrey answered, "You don't have to. Can you? I think you can. If you know of site conditions that render the proposed plan to be unbuildable, I think you can turn it down on that basis." O'Donnell asked what happens to the time frame. Ondrey said, "If there's a vote of disapproval, then anything after that starts under the new zoning. You're options are to say this won't work give us another plan. We'll keep this open for the time being. Or you could vote this up or down."

The Mayor asked how much wetlands can be disturbed. Tripp responded. The current Corps says a National Permit is necessary for anything more than .3 acres. If more then .3 acres, you have to have a public hearing. A complete delineation survey has to be done. In South Russell, we have issues of ground water recharge.

S2 allows for 36 parking spaces, but 34 are shown. Hocevar said the parking spaces are maxed out. There's no handicap parking designated.

Discussion about size of the two different buildings: PS2, square footage of the building is 10,323. (Unintelligible). S2, the square footage of the building is 10,971. It should be 10, 200 square feet. The S2 building is smaller then the PS2 building.

O'Donnell asked, "If the Engineering decrees that this plan has to be changed & we approve it tonight, what happens?" Ondrey said, "They can't go forward with the project because they can't get the permits necessary. And they can't meet the plan that we have approved, so they'd have to come back for approval of revisions to it under old zoning." The Mayor asked, "If we approve this tonight, can we approve with the conditions that the building can't exceed 10,200 square feet & parking can't exceed 34 spaces?" Ondrey, "That's risky. You haven't designated where it is to be laid out, the shape etc."

Ondrey asked Foley if had an idea how long a wetland study would take. Foley answered nothing less then a couple of months. The Mayor said to Mr. Crotty, "If we ask you to provide a wetland survey & took no action tonight, but put a time limit to produce that, would you be willing to do that?" Mr. Crotty answered yes.

Tripp made a motion to defer consideration of the plans for 90 days so Mr. Crotty can produce a wetland delineation survey by a certified engineering firm that a hydro-geologist & engineer have signed off on. This is so PC can access the potential impact of this property into this development relative to land use & aqua fir recharge. The survey is to be reviewed by the Village Engineer. O'Donnell second. Roll call. All ayes. NO ACTION.

Commercial Development Review, combination plan for Marshall Kidd & Robert Buddenhagen

Mr. Petersen presented a copy of a document titled, "AGREEMENT REGARDING REAL PROPERTY." He explained that Mr. Buddenhagen & Mr. Kidd officially withdraw their individual applications & intend to have a combined application.

The building will be two-stories. The basement will serve as mechanical space. The basement is 1,530 square feet. (Mag couldn't hear, but the # 9,500 square feet was identified & 11,000 square feet for personal service was mentioned.) 123 cars total with 55 for personal service & 68 cars for offices. Handicap parking is not shown. Total acreage is 3.04.

The back part of the property is zoned residential. Mr. Petersen is counting that as open space. Ondrey clarified & said, "Todd, you're talking about utilizing residentially zoned property in order to reach the density

requirements for commercial use. I understand your argument is that because its part of a lot albeit defined as you can't exceed a certain percentage of a lot coverage. It's an issue that we have to consider. I suggest for purposes of review, we don't reach a decision at this moment."

The Mayor said if that part of the property is not considered, then the size of the building has to be reduced from 26,000 square feet as well as the parking changed. Ondrey said, "I gather the owners would make a commitment in a deed restriction that the residentially zoned property would not be utilized in any fashion." Petersen said, "Absolutely."

Petersen was asked how long it would take to legally combine the two parcels. Petersen said, "It's not an issue. No time at all."

The Mayor said, "If the two lots were combined in a short period of time to make one lot that would be 3 acres. Since So. Russell only allows one house per lot, you're going to have to tear down one of those houses right away. Choose which one of you to have your house torn down first or they both could be torn down simultaneously." Petersen said, "Initiation of the project & they both have to be torn down." The Mayor said, "No; combining the lots." Petersen said, "What we discussed, was as the project moves forward, certainly those houses would be down & lots be combined prior to commencement of construction. But, I can't advise my client to tear down a house before we have ABR approval & the final building plans. Ondrey said, "What the Mayor is highlighting is that you've come to PC to get approval of lot combination. If there's two single-family homes on one lot, that creates its own – (unintelligible.) You could get a variance for that or commit to a time frame as to how you're going to deal with that."

Petersen said, "When the lots are combined, its because the project is going forward." Ondrey said, "Once you get development review approval, the zoning permit will be issued for this particular development. Here, there's a step that has to occur first. That is combination of the two lots. All we're saying is the PC will have to put some time frame to ensure that happens quickly. And that can't get approved if there are two single-family homes there. For approval, there will probably be a requirement to remove at least one of those houses. The application gets made when the two lots get combined."

PC reviewed the plans. The Mayor looked at the property line. The 100 foot setback starts from the edge of the rite-of-way as opposed to the center of the road which is what the plans show. Hocevar confirmed that the front setback is 100' from the rite-of-way. The Mayor said, "The rite-of-way is approximately 60' wide, so one side is 30'. So, they need to come back 30'. Everything else would have to be reconfigured." Tripp added, "If the building is that size, then more parking spaces are required then what she shows." New dimensions; 30' from the center- line, go back 100' will loose one row of cars.

All parties signed the document, AGREEMENT REGARDING REAL PROPERTY & dated it 7-19-01.

Tripp asked about the pole barn on the property. It's a non-conforming structure. He asked if PC approved this plan is the pole barn removed. Yes.

Tripp commented that this property is in a water sensitivity zone. It's an EPA issue of public water supply. There may not be sufficient ground water & recharge to service a building this size.

Ondrey reviewed the issues for the motion. Between now & the next meeting, he will advise the PC as to the propriety of utilizing the back residentially zoned area in order to meet the density requirements. If it's a no, he'll get the word to Petersen.

The Mayor made a motion to table this until the next meeting, which is August 16, 2001. Issues for applicants to address: (1.) A joint application is made & the two lots are combined. (2). The applicants are to determine which one of the houses is to be torn down. (3.) Determine the correct setbacks, which requires the entire plan to be revised by the next meeting. (4.) PC is giving them until August 16,01 to comply with zoning regulations. Tripp second. Roll call. All ayes. NO ACTION.

OLD BUSINESS: None

NEW BUSINESS: Dave Withrow, President of the Homeowner's Association at Fox Run. He explained that those homes in his development that abut the commercial properties on Chillicothe Rd. & Bell Rd. are more difficult to sell then those positioned away from Bell & Chillicothe Roads. He asked if those commercial properties would consider planting trees & plants to act as a buffer & screen between the houses & the commercial properties. It would be helpful & greatly appreciated.

Next meeting: August 16, 2001 at 7:30P.M.

There was no further business. The meeting adjourned at 9:31P.M.

Kathleen O'Donnell
Kathy O'Donnell, Chairman

Maggie Tomaro
Maggie Tomaro, Secretary

AGREEMENT REGARDING REAL PROPERTY

This Agreement to Combine Real Property (the "Agreement") is made this 19 day of July, 2001, by and between ROBERT BUDDENHAGEN and DONNA BUDDENHAGEN, hereinafter referred to as "Buddenhagen", and MARSHALL J. KIDD, hereinafter referred to as "Kidd".

WHEREAS, Buddenhagen owns an approximately 1.52 acre parcel of real estate known as 5185 Chillicothe Road, South Russell Village, County of Geauga, State of Ohio, and carrying the permanent parcel #29-011700 (the "Buddenhagen Parcel"); and,

WHEREAS, Kidd owns an approximately 1.55 acre parcel of real estate adjoining the Buddenhagen Parcel known as 5189 Chillicothe Road, South Russell Village, County of Geauga, State of Ohio, and carrying the permanent parcel #29-049100 (the "Kidd Parcel"); and,

WHEREAS, Buddenhagen and Kidd are seeking review of a project which would require the combination of the Buddenhagen Parcel and the Kidd Parcel prior to construction and development; and,

WHEREAS, the Village of South Russell is requiring a statement from Buddenhagen and Kidd memorializing their full intent to use good faith efforts to obtain review and approval of said project and their full intent to actually combine the Buddenhagen Parcel and the Kidd Parcel should they receive approval from the Village of South Russell;

The parties to this Agreement, in consideration of the mutual promises and covenants herein contained, agree as follows:

(1) Buddenhagen and Kidd agree to combine the Buddenhagen Parcel and the Kidd Parcel prior to the commencement of construction should they receive review and approval of the project referred to in this Agreement; and,

(2) Buddenhagen and Kidd agree to withdraw the applications for zoning and development review and approval previously submitted by each party individually, which applications sought review and approval of two distinct projects, one on the Buddenhagen Parcel and a second on the Kidd Parcel.

PETERSEN & IBOLD
ATTORNEYS AT LAW
VILLAGE STATION
401 SOUTH STREET
IARDON, OHIO 44024-1495
440/285-3511

This Agreement shall inure to the benefit of and shall be binding upon the parties hereto, their heirs, executors, administrators and assigns, and shall be deemed to contain all the terms and conditions agreed upon and there are no other conditions, provisos, representations, warranties or agreements relied upon that are not stated herein. No changes alterations, modifications or assignments, may be made to this Agreement unless made in writing and signed by all the parties hereto.

The parties hereto have signed this Agreement the day and year first above written.

WITNESSES:

ROBERT BUDDENHAGEN:

DONNA BUDDENHAGEN:

MARSHALL J. KIDD:

Prepared by:

TODD PETERSEN #0066945
PETERSEN & IBOLD
401 South Street
Chardon, Ohio 44024
(440) 285-3511

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

PLANNING COMMISSION MEETING
SEPTEMBER 19, 2001
7:30 P.M.

1. ROLL CALL: **Young, Sutliff, O'Donnell**

2. MINUTES: JULY 19, 2001 **Amended & approved**

3. GUESTS:

(1). MARY LOU GERACI OF 1466 BELL ROAD REQUESTS A BUSINESS OCCUPANCY PERMIT TO CUT HAIR AT HER HOME **APPROVED.**

(2). TODD PETERSEN OF PETERSEN & IBOLD, ATTORNEY FOR MARSHALL KIDD OF 5189 CHILLICOTHE RD. & ROBERT BUDDENHAGEN OF 5185 CHILLICOTHE RD.
DEVELOPMENT REVIEW FOR MARSHALL KIDD & ROBERT BUDDENHAGEN;
JOINT APPLICATION. THERE ARE TWO APPLICATIONS. EACH SHOWS A TWO-STORY BUILDING, TOTAL SQUARE FOOTAGE IS 26,778. APPLICATION S2A SHOWS AN ACCESS DRIVE. APPLICATION S2 HAS NO ACCESS DRIVE.
CONDITIONAL APPROVAL OF S2. THE CONDITIONS ARE:

1. **ZONING PERMIT HAS TO BE ISSUED WITHIN SIX MONTHS FROM APPROVAL (9-19-2001)**
2. **THE TWO LOTS MUST BE COMBINED WITHIN SIX MONTHS FROM APPROVAL**
3. **THE TWO HOUSES THAT SIT ON THOSE LOTS WOULD HAVE TO BE TORN DOWN OR REMOVED WITHIN SIX MONTHS FROM APPROVAL**
4. **ALL OF THE ITEMS THAT ARE CUSTOMARILY NECESSARY IN THE SUBMISSION TO THE BUILDING DEPARTMENT MUST BE IN PLACE, NECESSARY APPROVALS GAINED & CONSTRUCTION MUST COMMENCE WITHIN SIX MONTHS FROM APPROVAL**
5. **REQUIRED IS A REPORT FROM THE VILLAGE HYDROGEOLOGIST INDICATING THAT THERE IS ADEQUATE GROUND WATER**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

4. OLD BUSINESS: **NONE**

5. NEW BUSINESS: **NEXT MEETING: 10-18-01 AT 7:30P.M.**

6. ADJOURN: **8:55 P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
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RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
SEPTEMBER 19, 2001
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Kathleen O'Donnell

OTHER OFFICIALS: Jim Holt of the Building Dept., David Ondrey, Solicitor

ABSENT: Ike Tripp,

GUESTS:
Mary Lou Geraci, 1466 Bell Rd.
Todd Petersen, of Petersen & Ibold, Attorney
Robert Buddenhagem & Marshall Kidd
Ann Dunning

Chairman Sutliff called the meeting to order at 7:30 P.M.

The minutes from July 19,2001 were amended & approved.

Mary Lou Geraci of 1466 Bell Road requests a business occupancy permit to cut hair at her home.
Letters of support from Mrs. Geraci's neighbors: Kenneth & Sally Felker, 1472 Bell Rd.& Mitch & Elizabeth Blair, 1484 Bell Rd. & a letter submitted by the Geauga Health Dept. in support of a cosmetology business.

Mrs. Geraci explained that this would be a one chair operation; just her, no employees. She showed the PC the letters of support from the immediate neighbors. Sutliff asked if any remodeling would be done. She said this space is on the first floor. The State Board of Cosmetology in Columbus, Ohio requires a separate entrance. Therefore, a wall will be built to separate the working space from the family's living space. According to Mrs. Geraci, the state has the power

to come & do an inspection to ensure that she is meeting it's requirements. The state requires that she obtain a zoning permit. She showed PC a paper noting the state's regulations & requirements. The work area has to be permanently sealed off from other sections of the house.

Sutliff asked if she has a business now. No she does not. She works in Pepper Pike. She wants to work out of her house because she has four children & she wishes to be home with them.

The Mayor asked how she disposes of the materials that she uses in her work. Geraci showed him a letter from the Health Dept. An engineer inspected the property. Mrs. Geraci said, "He didn't see a problem & it's good for the septic system. The letter explains this."

Sutliff asked Ondrey to refresh his memory on what the zoning regulations permit. Ondrey said, "It says we can allow home occupations, no more than one assistant. The use does not change the exterior or the residential character of the dwelling unit. It seems to be oriented to service-oriented occupations such as: architects, engineers, attorneys, sales reps., insurance agents as encompassed in the definition of limited offices. It's not clear whether or not beauty parlors are permitted." On Pp. 26 of the new book section 4.01 Ondrey read, "No sale of food or beverage. Nor shall laundries be permitted. Nor shall the repair of motorized vehicles be permitted. Nor the assembly of products or goods be permitted. It does not attract any greater number of automobiles then three at any one time, no more than 10 in any one-day. The intent is to limit home occupation to those uses that are generally service-oriented."

Total floor area is not supposed to exceed 300 square feet of the dwelling unit. Mrs. Geraci's plan is 276 square feet.

Sutliff asked if she would be selling anything. "No," answered Mrs. Geraci. O'Donnell asked when she planned to open. Geraci, "As soon as I get zoning. The State Board of Cosmetology will come to inspect within 30 days." O'Donnell asked if she had to do any work in the meantime. Geraci, "I have to put up a permanent wall, a 2 ½ foot door way, put in a sink with hot & cold water & I have to get a permit." She intends to remove the carpeting & put a different floor down. There is a lav.

Sutliff, "Do they do an annual inspection?" Geraci, "They are allowed to come in whenever."

Ondrey, "Home occupation has to be service-oriented. Look at our definition of personal services normally in the B-2 district. It specifically lists services such as beauty, barber shops & interior decorating which to me is at least an implication that Mrs. Geraci could make the argument that when we talk about allowing a service-oriented business & then we define a personal service; one is a beauty parlor. Then, it would seem to fit with the home occupation criteria.

We say that a home occupation, you can have services, service-oriented occupations in an R district. Then we give certain examples."

The Mayor stated that he is against this. Mayor, "It opens the door to barber shops & maybe other things. We spent a long time revising the zoning code & went to great lengths to try to protect the business & residential areas. I respect your neighbor's opinions. But, I don't think it's appropriate for residential areas. I think we open the door to additional businesses."

O'Donnell said she was confused by Ondrey's comments. Ondrey, "There's an argument both ways. We say it's a service-oriented home occupation. We list some examples: architects, engineers, attorneys. Then we go on to say, no occupation use shall be approved unless similar in use & nature to those specifically permitted by this section. I think you could construe this meaning that unless it's that type of professional service -basically paperwork home occupation- that is one interpretation of what we allow as home occupation. The other one is that we do define a personal service in a B-2 district, one of them being a beauty parlor. You might take the position that that indicates that's where we wanted those types of functions to occur. There are arguments that go both ways."

Geraci, "I need to be at home. I've got a lot of children & can't afford daycare. There are a lot of people who cut hair in their homes in South Russell. I want to do the right thing & I want to be legal. I want the Village that I've lived in for 17 years to know what I'm doing. If you want to inspect me, feel free."

Mayor, "We have policies & procedures in place. If people are violating them & we find out about them, then it's my responsibility as Mayor to see that the ordinances of the Village are enforced. In our zoning, personal services, such as what you want to do is an appropriate service in a B-2 district. My interpretation of permitted uses on Pp. 26 of our zoning in a residential area does not indicate that occupation is one that I would approve."

Sutliff asked whether the concern was the traffic it would attract. He said it would generate less traffic then an architect. Mayor, "We addressed specifically architects, attorneys, sales reps by name. The question isn't traffic. The question is what does this open the door to? Is this our intent? Is this the direction we want to go?"

O'Donnell said she respects the efforts that Mrs. Geraci has gone to I.e. the state, the health dept. She added, "Because our ordinances are not specifically clear in defining this service, I'd be inclined to approve it."

O'Donnell made a motion to approve the request for an occupation permit for the zoning. Sutliff second. Roll call. Young, No. O'Donnell, Yes. Sutliff, Yes. APPROVED.

Todd Petersen of Petersen & Ibold, Attorney for Marshall Kidd of 5189 Chillicothe Rd. & Robert Buddenhagen of 5185 Chillicothe Rd. Development Review for Kidd & Buddenhagen. Joint application. There are two applications. Each shows a two-story building, total square footage is 26,778. Application S2A shows an access drive. Application S2 has no access drive.

Petersen referred to the plans. The rear parcel of Buddenhagen's property is 2.26 acres. Petersen said the feedback he had received from Ondrey is that the 20- foot access to that parcel is denied. That part of the property then is eliminated from the drawing, not part of the proposal. The size of the building changes. In the previous proposal, the building was 26,000 square feet. Now there is a 25% reduction, which equals 6,600 square feet.

Petersen said they meet the required number of parking spaces. The building's footprint remains roughly the same. The setback has been modified to 60' from the right-of-way. Side yard is 30'. Rear yard is 30' from the unused parcel, which is open space.

Sutliff asked Petersen to review access to Buddenhagen's property. Petersen explained that Buddenhagen's current property has the house in the front & a barn on the rear parcel. There has always been access to the barn. The barn will come down because it's an accessory structure without a principal structure. Originally they hoped to maintain access to the rear parcel so it wouldn't be landlocked. A 20-foot access drive from 306 was drawn.

O'Donnell referred to the property north of the access drive on the S2A plans & asked if it is Buddenhagen' or Kidd's property. It's Cohen's property. Sutliff asked if Cohen were still pursuing access to the Buddenhagen property. Yes he is.

Mayor, "Mr. Buddenhagen might not object to driving through a parking lot to get to his property. The next owner might have a problem if the road & parking is not plowed. If you had your own driveway, you have control over getting in & out."

Sutliff asked if there were a 20-foot access drive, would a legal easement have to be drawn up. Petersen, "I'm sure the next property owner would want it in writing." The Mayor said it could be done, but it would be more efficient to bring a separate drive in.

Plan S2 with no access drive discussed. Sutliff asked if Hocevar reviewed this in so far as its compliance with zoning, parking spaces, setbacks. The Building Department is satisfied with S2.

Sutliff clarified that Cohen & Buddenhagen will work out access to Buddenhagen's property. Petersen is working on that now. Sutliff, "If it doesn't work out, then there is a piece of property that's landlocked." Petersen, "My

understanding from the Village is that the preferred means of access is across this property." Sutliff asked if access would be done via an easement or transfer of property. Buddenhagen answered, "Transfer of property."

O'Donnell asked if the two properties (Kidd, Buddenhagen) have been combined yet. Petersen, "According to the agreement, they will not be combined until prior to the commencement of construction & the homes will then be demolished."

Ondrey read the agreement. Item 1. "They agree to combine the parcels prior to commencement of construction." Ondrey said, "As a condition of approval, we will insert that". He added, "If PC approves this, you'll want to think about those timing issues in so far as the combination of the two lots. Here's our problem. Normally, Development Review results in an issuance of a zoning permit shortly thereafter. I don't think we're going to be able to issue a zoning permit because the lots are not yet combined. If you get approval, the first thing you're going to have to do within a stipulated time period, is come back, get lot combination approval. Then you get a zoning permit & the construction period begins. Once we combine the lots, provisions have to be made to remove at least one of the houses."

Petersen, "If we get approval tonight, perhaps one of the conditions would be the approval is good for a period of time at which point the zoning permit is issued." Ondrey, "What would be the problem saying as a condition of approval, that you must immediately submit application for approval of the combination of the two lots? We would process that at our next meeting. We could address the timing of the removal of one of the houses at that stage or tonight." Petersen wants to avoid one of the houses being removed until he knows that the new building is a certainty.

Ondrey asked Petersen what kind of time frame is he looking for. Petersen answered, "According to code, it's 6 months from issuance of a building permit, six months from construction." Ondrey, "That's 6 months after the zoning permit is issued. We can't issue a zoning permit until the lots are combined. What we don't want to do is delay that indefinitely. I'm hearing you want to go slow on combining the lots because the project might not go forward. Our concern is that we don't want this hanging out there for a considerable length of time."

The Mayor said, "If we approve this tonight without nailing down times & some specific points, God knows how many more meetings we'll have." Petersen asked, "If the lots are combined & one owner moves, then should nothing happen on this parcel, the other lot can not be reestablished?" No response.

O'Donnell, "If we approve this tonight, how quickly are the two owners prepared to go forward with their part?" Petersen, "Property combination isn't going to take a lot of time." O'Donnell, "Is this ready to roll? Is everyone prepared to move on this, if we move?" Petersen, "I've told my clients six month

deadline on issuance of building permit. We don't have construction drawings, financing."

Mayor, "I don't believe for a minute that this project will move with the speed that we would like to see. There will be a number of hardships; couldn't get financing, want to change architects, contractors, couldn't get building materials."

Sutliff asked what would be a reasonable time limit to put on this combination of lots? Ondrey, "They'd be willing to have imposed on them a 6 month time limit to commence construction from the date of approval." Petersen, "What I'm saying is rather then having a physical issuance of a zoning permit, have approval tonight & 6 months to the commencement of construction." Ondrey, "That means they'd have to get the lots combined within that 6 months because they can't get a zoning permit if the lots aren't combined. Without the zoning permit, they can't come in for construction."

The Mayor asked Jim Holt, "If you issued the zoning Monday for a piece of commercial property, what would you be looking for?" Holt answered, "First, they'd have to submit building plans for the preliminary grade. That would go to the Village Engineer. The building plans would go to our plan reviewer, then to ABR."

O'Donnell, "Tonight is the 19th. of September. This discussion began in May or June. I have to assume some planning arrangements have been going on like what are we going to do if this falls into place? Where are we going to live? What are we going to do with this house? What kind of building are we going to put up? What kind of financing? Five months have transpired. I won't feel bad if problems occur. What we're looking at is approvable & according to the Building Department & the Solicitor, we can say yes tonight. I would expect to see something happen. I don't expect to be dealing with this month after month." Sutliff, "I share that."

The Mayor asked Ondrey, "Can the PC direct the Building Dept. to issue a zoning permit on a lot that doesn't exist?" Ondrey, "That's their point. They aren't going to immediately apply for the zoning permit. They are going to continue to plan, line up their financing, finish the construction drawings. When their confident that they have a complete package, very quickly they'll combine the lots, get the zoning permit & attempt to commence construction within 6 months." Petersen, "Essentially, approval would be effective for 6 months." Ondrey, "The question, Do we have the authority to put that time limit on it? With their consent, clearly we're OK."

The Mayor, "If we were to approve it tonight following that concept & in 6 months they come back & say we changed our mind. Under which zoning code would future development of that property be allowed?" Ondrey, "It's under the new one. If we get an approval & it's within a certain time frame, unless they get

extensions of that time from you, this is the last one that's reviewed under the old zoning."

O'Donnell, "Is it your intention to use the basement for anything other then heating?" Dunning, "It's a very small basement, 778 square feet." Petersen, "It's heating, cooling, mechanical."

Ondrey said, "You could approve, but require that the normal steps be taken. And that is a zoning permit be sought immediately which is going to require the combination of the lots."

Petersen asked Dunning how much construction drawings cost. Dunning said, $50,000. Petersen explained that in good conscience he couldn't advise his clients to go forward with those kinds of expenses not knowing if they were going to get approval. Calculations were done. This project will cost approximately 3.5 million dollars.

Lot coverage was discussed. The project covers 40.6% of the combined properties. The back parcel is not part of the calculations. The building is 26,000 square feet. Mayor, "We now have, including the 26,000 square feet, a building that would comply with room to spare under the new zoning." Petersen added, "There's 66% open space." Mayor, "We started with a building that was 70 or 80% lot coverage & now there has been several positive steps. In my opinion, the conditions have improved. If we approve this tonight, they actually wouldn't be complying under the new zoning." Ondrey, "The new on is 35%." Petersen, "13,000 is the building footprint. 29,853 is the parking lot & the roadway in is 2,800."

The Mayor outlined six conditions to consider. One of them was, "For some reason if the timing isn't met or these plans are withdrawn; whatever happens on these properties it is understood would occur under the new zoning code." The other five are listed below & part of the motion.

O'Donnell made a motion to approve S2 with conditions.

1. **Zoning permit has to be issued within six months from approval (9-19-01)**
2. **The two lots must be combined within six months from approval**
3. **The two houses that sit on those lots would have to be torn down or removed within six months from approval**
4. **All of the items that are customarily necessary in the submission to the Building Department must be in place, necessary approvals gained & construction must commence within six months from approval**
5. **Required is a report from the Village Hydrogeologist indicating that there is adequate ground water**

Sutliff second. Roll call. All ayes. CONDITIONAL APPROVAL.

OLD BUSINESS: None

NEW BUSINESS:

Discussion about whether the BP on the corner of Bell Rd. & 306 will reopen. If it does, will it become a BP Express? Question: Can the Village keep a liquor license out of there? Sutliff asked if the zoning permits a BP Express; specifically selling of beer. Ondrey, "It's a B-2. That's limited office & personal services. He's in there because he's grandfathered." O'Donnell asked where Village vehicles are getting gasoline. BP in Tanglewood or Russell.

The next meeting is 10-18-01 at 7:30 P.M.

There was no further business. The meeting adjourned at 8:55 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

PLANNING COMMISSION MEETING
NOVEMBER 15, 2001
7:30 P.M.

1. ROLL CALL: **Young, Sutliff, Tripp, O'Donnell**

2. MINUTES: SEPTEMBER 19, 2001 **amended & approved**

3. GUESTS:

   ADAM LECHMAN IS REQUESTING A SIX-MONTH EXTENSION OF ZONING PERMIT #2160 FOR THE BUILDING HE INTENDS TO CONSTRUCT AT 1188 BELL RD. THE PERMIT EXPIRES JANUARY 26, 2002 IF WORK DOESN'T START ON THE NEW BUILDING.
   YOUNG MADE A MOTION TO ACCEPT THE REQUEST MADE BY MR. LECHMAN WITH AN ADJUSTMENT OF THE EXTENDED PERIOD BEING FOUR MONTHS, WHICH WILL TAKE IT (GROUND BREAKING) TO MAY 26, 2002. THE REASON FOR DOING THAT HAS TO DO WITH STARTING A PROJECT LIKE THIS IN THE MIDDLE OF JANUARY DOES NOT MAKE GOOD SENSE FROM A BUILDING/ CONSTRUCTION STAND POINT. THIS IS RELATIVE TO THE CURRENT ZONING PERMIT #2160. Second by Tripp. Roll call. All ayes. CONDITIONAL APPROVAL.

4. OLD BUSINESS: **KATHLEEN CROTTY HAS WITHDRAWN HER COMMERCIAL DEVELOPMENT REVIEW APPLICATION TO BUILD A NEW BUILDING AT 5216 CHILLICOTHE RD. THIS PROPERTY WAS DISCUSSED BY THE PC ON 6-7-01, 6-19-01 & 7-19-01.**

5. NEW BUSINESS: SWEAR IN NEW PC MEMBER JANICE DIMICHELE, **DONE**

   NEXT MEETING: DECEMBER 20, 2001 AT 7:30 P.M. NOTE: THE DECEMBER MEETING WAS CANCELLED. NEXT MEETING WILL BE 1-17-02 AT 7:30 P.M.

6. ADJOURN: **8:15 P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
NOVEMBER 15, 2001
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Kathleen O'Donnell, Ike Tripp, new member Janice DiMichele

OTHER OFFICIALS: David Hocevar, Building Inspector, Todd Hicks, Solicitor, Ned Foley, Engineer

GUESTS:
Adam Lechman, 1188 Bell Rd.

Chairman Sutliff called the meeting to order at 7:30 P.M. The Mayor swore in new PC member, Janice DiMichele.

The minutes from September 19, 2001 were amended & approved.

Adam Lechman is requesting a six-month extension of zoning permit #2160 for the building he intends to construct at 1188 Bell Rd. The permit expires January 26, 2002 if work doesn't start on the new building.

Letter dated 10-26-2001 from Mr. Lechman to David Hocevar, Building Inspector; request for extension of zoning permit. Back page, project timeline

Adam Lechman explained the reason he is requesting a six-month extension. The current permit, #2160, expires January 26, 2002. Lechman, "The probability of inclement weather in January & the potential disruption of my business (tax practice) during the busiest season are reasons I'd like to postpone groundbreaking until the spring 2002." He provided a timeline showing what has been done to date on the project. Things are moving along according to schedule.

PC reviewed the plans. The Mayor asked how this footprint compares with the approved plans. Lechman, " The square footage is the same. The actual dimensions are the same that were approved. A couple of bump outs have been added."

Lechman told PC about the siding & stone that will be used. The building will compliment the Schmall building & the bank building. Tripp asked if the north elevation faces Bell. Lechman, "Exactly." Sutliff asked where the new building sits in relation to the existing building. Lechman, "Ten feet behind it." Sutliff asked if the existing building will remain. Lechman explained that they have 60 days to tear down the existing building after completion of the new building. Parking will be where the existing building is now.

The Mayor summarized, "The reason you're asking for an extension is primarily because of the weather. To take out the first shovel full on January 26th. might be pretty tough to do. It would be difficult to build a building in the winter."

Tripp, "You haven't got construction bids because your prints aren't done." Lechman, "We can't do that until ABR sees it. That's set for 12-04-01". O'Donnell, "Suppose we have a beautiful January. Would you want to go ahead?" Lechman, "I wouldn't. I'm overseeing the project. That time of the year is rough." (tax season) Lechman added, "I understand the Issue 2 money has come through. Instead of closing that ditch in the summer, it would be nice to put the driveway in after the ditch has been enclosed."

The Mayor asked Hocevar if the Village has given an extension before. Hocevar, "No commercial building has ever made a request. It's not been done on a commercial building. But, it was done on a house in Manor Brook."

Sutliff, "What is the situation with water here? Does there have to be any water studies done?" Lechman, "We'll probably bring in Dr. Eckstein. We will need to drill a new well." O'Donnell asked about the quality of the water. Lechman, "It's not good. We drink bottled water." Sutliff, "It's to your advantage to get Eckstein involved pretty quickly." The Mayor, "You will abandon the existing well & fill it." Lechman, "That's my understanding." Tripp, "When you abandon a well, the county dictates how he fills that well." Hocevar, "Absolutely." The Mayor, "Will you need a new sewer connection?" Lechman, "I believe so." Hocevar, "He definitely needs a new sewer connection."

DiMichele asked if the new building is setback to be in line with the neighboring buildings. Lechman, "Right now our two buildings are even. (Schmalls & his) Take the depth of the new building & go back 10 more feet. It'll be 40 feet farther back. It's not any closer to the road then the bank." O'Donnell, "I like what you did." Tripp, "By the third of December, you're going to have all the prints; elevations, materials." Lechman, "It would be a crunch, but yea it could be done."

Sutliff said, "You're asking for a six-month extension." Lechman, "My understanding of the code is that I could ask for six months. Do I need six months? No. We're looking at early May; three months." Hicks commented, "You as a Board can shorten that period. I question whether you can lengthen it."

The Mayor asked Foley for his opinion. Foley, "I think his rationale is very logical given his business. And you never know what the winter will be like." Hocevar, "I agree. To build in January, February, March is crazy." Sutliff, "I'm a builder. I agree."

Young made a motion to accept the request made by Mr. Lechman with an adjustment of the extended period being four months, which will take it (groundbreaking) to May 26, 2002. The reason for doing that has to do with starting a project like this in the middle of January does not make good sense from a building/construction stand point. This is relative to the current zoning permit #2160. Second by Tripp. Roll call. All ayes.
CONDITIONAL APPROVAL

OLD BUSINESS:

Ashleigh update: Seeding & mulching on the east side is completed. Utilities are all in. Trees are planted & more are coming. Foley, "The only thing that's not done is the final wearing course." Both houses are started. Sutliff asked when can they start selling lots. Hocevar, "They can do that now without dedication." Foley, "A final punch list was sent (to Mr. Thomas) last week. Still need a videotaping of a revision. That's not a significant problem. They'll set the pavement up so they can get a wearing course on."

Young received a call from Mrs. Jurgenson, who lives on the north side of Bell Road across from the Ashleigh Drive. He told Mrs. Jurgenson one of the conditions of approval for Ashleigh was there is to be screening to protect them from car lights pulling out of Ashleigh. She contacted the Mayor to see what could be done. DiMichele asked how many lots. There are 18 lots, being sold at $165,000. - $175,000.

BP update: The BP station at Bell & Rte. 306 closed October 31,2001. The Mayor reported that a resident called BP to inquire about buying it. He was told the asking price was $450,000. The next day when the resident called back to get the paper work started, he was told there was a lot of interest in it. The price had been changed to $775,000. Hocevar, "It's not zoned for a BP Express." O'Donnell asked whether it is grandfathered as a gas station. Hocevar, "It is grandfathered. If they don't sell it within three months, they loose the grandfather. We send them a certified letter. They have 60 days to answer the letter & we can take them to court." The first of February 2002, the sale needs to be completed to avoid loosing grandfather status.

Kathleen Crotty has withdrawn her Commercial Development Review application to build a new building at 5216 Chillicothe Rd. This property was discussed by the PC on 6-7-01, 6-19-01 & 7-19-01.

Commercial Development Review approval was given to Buddenhaggen/Kidd on 9-19-01. Groundbreaking needs to be started by 3-19-02 or the permit expires. For sale signs are in front of the properties.

NEW BUSINESS:

Earlier in the meeting, Janice DiMichele was sworn in as a PC member.

The next meeting is scheduled for December 20, 2001 at 7:30 P.M.

There was no further business. The meeting adjourned at 8:15P.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
JANUARY 17, 2002
7:30 P.M.

1. ROLL CALL: **Young, Sutliff, Tripp, DiMichele**

2. MINUTES: NOVEMBER 15, 2001 **amended & approved**

3. GUESTS:

   FORMAL DISCUSSION WITH LYNN QUINTRELL, THE PRESIDENT OF THE HOMEOWNER'S ASSOCIATION AT KENSINGTON GREEN. SHE IS SEEKING PERMISSION TO REDUCE MOWING IN THE COMMON AREAS BY 358,500 SQUARE FEET. **NO ACTION.**

4. OLD BUSNESS: **BP update**

5. NEW BUSINESS: **- Hulett vs. Hrovat, fence controversy; NO ACTION**
   - Letter. 1-11-2002 from Dan McDermott
   - Next meeting, 2-21-02 at 7:30 P.M.

6. ADJOURN: **9:00 P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
JANUARY 17, 2001
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Ike Tripp, Janice DiMichele

OTHER OFFICIALS: David Hocevar, Building Inspector, Todd Hicks, Solicitor

ABSENT: Ned Foley, Engineer, Kathleen O'Donnell

GUESTS:
Lyn Quintrell, 114 Dorset Dr. President of Kensington Green HOA
Dr. Stanley Stine, Field Botanist, Cleveland Museum of Natural History, 1 Wade Oval Dr. Cleveland, Oh. 44106, (216) 231-4600
Pat Hrovat & son Scott, 1565 Bell Rd.
Christina Comboy & W. Michael Hulett, 1561 Bell Rd.

Chairman Sutliff called the meeting to order at 7: 30 P.M. Janice DiMichele was sworn in as a PC member.

The minutes from November 15, 2001 were amended & approved.

Formal discussion with Lynn Quintrell, the President of the Homeowner's Association at Kensington Green. She is seeking permission to reduce mowing in the common areas by 358,500 square feet.

4-1-2001 & 8-28-2001, Letters from Dr. Stanley Stine, Field Botanist to Lynn Quintrell, explain rationale for less mowing
1-16-2002, letter from Miles & Pat Hendersen, 110 Dorset Dr. supports the idea to "stop mowing certain areas of Kensington Green's common areas."
1-17-2002, letter from Bob & Jill Harrigan, 112 Dorset Dr. "Do not feel mowing is necessary on a regular basis; every 5 years is sufficient."
1-17-2002, Nancy Zenker, 111 Dorset Dr. "I hope we can keep the meadow along Bell St. in its natural state."

Lynn Quintrell provided background. Two years ago the HOA introduced a land management approach to maintain Kensington Green. Issues of importance: to address the big areas required to be mowed & look at the entrance to the development. The Natural History Museum was contacted. Dr. Stanley Stine, a field botanist, evaluated the property. His letters identify recommendations for the land. Quintrell summarized the recommendations: "Let a significant portion along Bell St. revert to natural green space as opposed to being mowed. It would provide a benefit to the greater community. It would help wildlife, the water quality & give something special to look at that isn't already there."

The property along Bell Road is made up of three distinct areas: a meadow in front, small woodlands & wetlands near a run off basin. Nature trails were recommended. The residents of Kensington Green rejected the recommendation. 70% of the residents supported the concept of natural green space along Bell Rd. The Board dropped the trails & "proceeded with the natural green space concept to improve the quality of life for wildlife & for our watershed."

Quintrell also spoke with representatives from the Chagrin River Conservancy who support the concept of not mowing as an improvement to the community. She said, "This natural green space will help contribute to preserving the rural character of South Russell." She read from three letters written by residents of Kensington Green who support the natural green space.

DiMichele asked if the natural part along Bell would be behind the fence. Yes it would. DiMichele noticed that there is already a section that is natural. She wondered how that came about. Quintrell explained that normally the property is cut 2-3 times a summer. In 2000, it was mowed once. Last summer, (2001), there was no cutting at Dr. Stine's recommendation. She referred to the map. Sections "B" & "C" are currently not mowed at all. PC reviewed the map. Discussion occurred. DiMichele asked if the Building Department had received complaints about the way Kensington looked when it was not mowed. Hocevar, "No."

Hicks read from the covenant. "Minimum standard of maintenance shall be the keeping of non wooded areas mowed." DiMichele asked the cost to mow all of the property. Quintrell didn't know.

Tripp asked Hicks when the original landscape plan was approved. Hicks asked Hocevar when the plat was accepted. Hocevar thought it was 1989. Tripp, "For 10 years it was maintained & now they are going against the original plat." Quintrell responded that the Board wasn't aware of a mowing ordinance.

Hicks explained that there is a Declaration of Restrictions. He suspects this is something the Village required of the development. Tripp referred to the Ashleigh Development & said, "There was extensive work done on how it's

going to be landscaped; exactly what's going to transpire. Our Building Department is ensuring that that is carried forth."

Sutliff asked Stine, "If you stop cutting, how do you control noxious weeds?" Stine, "Noxious weeds mean a lot of different things to people. Out there is old meadow; some fill from construction." His recommendation is "to monitor it. When they start getting what would be called noxious weeds; some of the Hawthorne, some of the tree species that pop up like Black Cherry out on the meadow, it is likely they may need to bush hog it. At a three- year interval if those things are popping up all over. Or it could be five. It might be 10 if the soil is not very good & the shrubs are not germinating. You don't know going into it. My recommendation is to keep this as meadow. If you have meadow & you manage it as a meadow, it's pretty much the same as the farmer going out & taking hay off it at regular intervals. Having someone bush hogging it, knocking down the noxious weeds & brush at intervals to keep it down & keep it an open meadow, that's what enhances the area for wildlife. We're loosing our meadows because the farmers are disappearing. What I saw out there was a good opportunity to have a nature preserve."

Sutliff, "Any need for additional plantings?" Stine, "Yes in my letter, I recommended – because some of the hills are sparsely vegetated right now – it would be a good time to see wild flower mixes in there. If you're bush hogging on intervals, that would allow those perennials to come up every year. When that cycle comes around where shrubs & small trees are starting to choke out wild flowers, then you zap it all off once the flowers have bloomed, probably late August or September. Lynn's plan of mowing the perimeter, I would be surprised if anyone would even notice it. I think the mowing as she's doing it, is more then I would have suggested. She told me the homeowner's would want a large amount mowed, more then I as a naturalist would want to have mowed. They're using a good common sense approach."

Tripp referred to the west side, closest to the police department. "Is that going to become a non mowed area?" Quintrell, "That's problematic. When Stanley (Stine) originally looked at it, he said don't touch it. When he came back, there was severe erosion on that bank. He's concerned about the erosion on that side of our pond. I'm hesitant to say to cut there or leave it. It's very visible. It might be problematic to brush hog that in three years. We'd like to try not mowing it for a year & see what happens." Stine, "It has barren soil there." Sutliff, "If you don't mow areas like that, do you get cattails?' Stine, "Not what we're speaking of here. This is wetlands. It's a very sharp slope. It goes right into the pond." Quintrell, "We've had a landscaper. The mowers have gone into the pond & had to be pulled out a couple of times. So we thought we'd not mow on that one bank with the greatest erosion & see how it works."

DiMichele asked if they intend to plant something there. Stine said that was his suggestion. Quintrell, "At the present, they mow the whole bank to the spillway." Stine, "There's tacky vegetation, probably golden rod in the fall & some of the grasses. I would suggest that they didn't mow around their pond because when you have mowing around a pond, it attracts Canada Geese. Letting the growth come up around ponds, keeps them away. They don't like to have their views blocked so their predators can attack them."

Referring to the map, "A" "B" & "C" is common area. The Mayor asked if they noticed erosion on any other area of the pond. Stine, "That west side is so visible from the opposite shore, that it was apparent. We didn't walk around & look at it closely." Quintrell, "If all around the pond, it goes natural, there will be a huge uproar in my community. I think just one bank has generated discussion."

Stine, "I suggested that all perimeters should be mowed. Keep the brim mowed 25-50 feet. Letting the edges grow up becomes a trash pit." Sutliff asked what is considered the perimeter. Quintrell, "From Bell to the fence." Hocevar, "The Village was adamant about Fox Run & made them mow; same issue in Emerald Lakes. I don't have anything against nature. But, I think you'll have a chain reaction because I know Fox Run doesn't want to mow its land."

The Mayor referred to the dry drainage basin on the east side. "When it was originally conceived, it was suppose to be similar to the pond. Darrell (Johnson) had some concern about the drainage. The water that exits that basin during storms exits too fast. The Homeowner's Association wouldn't let us touch it." Hocevar, "It exits too fast & goes into a ditch line & across Bell Rd." Quintrell recalled seeing two letters from residents pertaining to this. Hocevar, "I think they were going to decrease the size of the outflow, which would cause a bigger build up of water a little longer time before it left the lake." Tripp, "Like a standard retention pond now, that would require a pond & a 4inch outlet." The Mayor added, "The water drains out too quickly. It goes to a ditch line & sometimes it crosses Bell Rd." He asked Quintrell, "Are you willing to revisit that issue; about the Village perhaps incurring the expense of adjusting the outflow from that basin? We get serious rains 2 or 3 times a year. We get water in the ditch. We get water on Bell Road. It is dangerous. It's a safety issue. The exit pipe would be reduced so water would temporarily stay in the basin a little longer, rather then it spill out onto Bell & cause a flood." Quintrell couldn't comment for the development. She's willing to take a look & see what the homeowners concerns were.

The Mayor asked, "Is it appropriate that this issue (mowing) come before this Board? Do we have the power to do this?" Hicks, "It's appropriate. It's set forth in their Declarations of Restrictions, which we had to approve. So, if they want to amend or vary that declaration, they need to come back to us & seek our approval. You can call it a variance or you can call it us consenting to them amending their declaration. The other issues you have then are the Council & the

ordinance. Council would have to implicitly or explicitly reach an agreement that they're not going to enforce that ordinance as to this property. That is not something PC can do on its own."

Tripp, "Then there's another issue of what do we do when Emerald Lakes comes & says we want to stop mowing?" Hicks, "What you have to conclude is that there is some rational basis to treat Kensington Green differently. There's a different set of facts & circumstances to permit this & not to permit it in any other development. What facts support us treating them differently then any other development?" Mayor, "It appears that the thrust of the presentation is that returning to nature is good in some places & maybe many places. Other places could do it if they choose to. If that's the reason why we do it, it can still apply elsewhere." Hicks, "Absolutely. The ordinance requires that grass be mowed when it reaches 8". This applies to all land in the Village."

Sutliff asked if there were such a thing as a trial period. Leave it three years & see how it looks in three years. Hicks, "Yes. We can put conditions on our consent like time & monitoring."

The Mayor asked how to proceed if we wanted to do something. Hicks, "It's two-fold. (1.) Agree to permit them to amend the declaration on whatever conditions you deem appropriate. You limit that. (2.) Make a recommendation or ask Council if they would agree to not enforce the mowing ordinance as to this property." Mayor, "The Council couldn't agree to not enforce it. They'd have to change the ordinance." Hicks agreed.

DiMichele asked if PC could give permission to Kensington to change the declaration when it is contrary to the Village ordinance. Hicks, "The power lies with the Council. They have to agree to this one way or another. If Council will agree to this, we're going to permit Kensington to revise their declaration. Council takes action first, then PC." The Mayor asked for copies of the Declaration of Restrictions for the PC. Hicks, "We would want to draft the terms & conditions under which we are agreeing to this amendment. Council will want to see this. You go to Council with the terms & conditions we propose. Council makes a decision & then it goes back to PC for action. Have a member of the PC present this to Council when the time comes."

Quintrell asked if this were the first development to come before PC with such a request. Fox Run asked to stop mowing the mounds because the slope is steep. Kensington is the first development to approach PC from a nature perspective.

DiMichele, "We have two issues: not mowing & meadow maintenance. How do we enforce this?" Hicks, "They come with a proposal. We review that proposal. We give feedback. Ultimately, when the declaration is amended, it contains these conditions of what the minimum maintenance standards are." Quintrell, "We would be willing as a community to work with Stanley or whatever entities are involved to prepare a plan." Stine, "If you have a local

conservation organization, you could check with them. Have them walk it & ask for an opinion. With the exception of the 8" grass height, this is a no mow situation. I would never recommend that. We have to many invasive plants in this world & they are taking over everything."

DiMichele said, "Another way to differentiate this for other people who come to the board because they want to stop mowing, is that we show them a meadow development plan. Then we say, let's see your meadow development plan." Quintrell, "We would be more then willing to put together an outlined plan as to how we would handle this situation." Stine, "It won't fly if you don't have a plan. The park system within municipalities has to do certain things."

Tripp, "I'd like to see the safety concerns be addressed of that water exiting that north east dry basin." Mayor, "I'll ask Darrell to revisit that issue & make it clear to you (Quintrell) what we would like to happen there." Sutliff, "Is that something Ned should do or Darrell?" Mayor, "Ned or Darrell. But, Darrell's the one who approached it before."

Sutliff asked Quintrell, "Might it not be an appropriate step for you to draft this management plan that you are proposing? So we have something concrete to show Council or make a recommendation from this Board to Council." Quintrell, "I'm willing to do that to get the variance." Hicks, "It's not a variance. We would consent to you amending the declaration." Sutliff to Quintrell, "Is it realistic to have this management plan together for our next meeting on February 21st?" Discussion. Quintrell will deliver it Friday, February 15, 02. Sutliff, "Before that time, could we have, in writing, Darrell address whatever the Village wants?" Mayor, "I'll have Darrell get together with our Engineer & come up with something in writing."

DiMichele made a motion to table the application until the February meeting. Tripp second. Roll Call. All yes. **NO ACTION.**

NOTE: Lynn Quintrell telephoned on 2-13-02. She is working on a land management plan with Tom Denvo of the Chagrin Watershed Partners. It will not be ready by the February meeting. She hopes to have the plan finished & come before the PC in May 02'.

OLD BUSINESS:

Update: BP station. The grandfather clause allowing a gas station on that piece of property expires at the end of January 02'. January 30, 02, the Building Department will send BP a certified letter giving them 60 days to either put another business similar to what was there or to raise the building & clean up the grounds. It is zoned limited business, B-2.

NEW BUSINESS:

Letter, 1-13-02 to Mr. & Mrs. Don Hrovat at 1565 Bell Rd. from W. Michael Hulett, tenant at 1561 Bell Rd. (property owner, Monique Plociak)

Pat Hrovat provided history. She & her husband have been residents of South Russell for 25 years. Presently, they are trying to sell their property. Monique Plociak purchased the property next door to the Hrovats. Ms. Plociak's nephew, Mr. Hulett is currently living in the house.

Mrs. Hrovat said Ms. Plociak told her the house was inhabitable & that she was going to tear it down. Hrovat's description: grass is not cut, wishing well collapsed, gutters away from the house, old building in the back is collapsing, siding is off the front.

Main reason Mrs. Hrovat is appearing before the PC: In December 2001 Mr. Hulett put posts in for a fence. She is upset because the posts are 7' tall. They are only in the ground one foot. She thinks for the fence to stay up, the posts have to be sunk further. Hrovat, "It's a danger as it sits now." A second concern is the wire that is being used & the way it is attached to the fence. The wire is on the outside of the posts. Hrovat, "If you enclose an animal within that fence, they could clip their shoulder. Any other fence person would not put the posts on the inside. It's a hazard to a running animal."

Sutliff asked if there were a permit taken out for the fence. Hocevar, "At first, no. Mr. Hulett came in & asked what do I need to get a permit? I told him. He gave me a site plan, which conforms to our fence regulations. I told him I'd come out & take a look at the fence. If it's unstable, he's going to have to fix it. The fence permit was not issued. It can be issued. The only reason it hasn't been is because I'm waiting for some paperwork on it."

Sutliff to Hrovat, "It's clear the Village has a fence ordinance & he's (Hulett) entitled to put a fence up. It has to meet certain criteria, which it may or may not. Ultimately, it's going to have to." Mayor, "This board has no control or influence over fences or building violations or the shape that a particular house might be in. This board's job is not to enforce ordinances." Hrovat, "I'm talking about a safety issue. This is definitely a safety issue." Mayor, "It may be a safety issue, but it isn't this Board's job. If you have specific concerns about the quality of the fence, how it is installed, the height, that goes to Mr. Hocevar & that's his responsibility." The Mayor asked Hocevar if we have control or an ordinance that determines which side the wire goes on. No there is not. Hocevar, "Our ordinance states, all fences shall be uniformly designed & well maintained."

In conclusion: Sutliff, "Mr. Hulett will get a permit. The Building Department will inspect the fence. If it isn't done properly, then it will be removed or done properly." **NO ACTION.**

Letter from Dan McDermott, Chairman of the Board of Health, 1-11-2002

Re.: proposed development in Bainbridge. One, 25- acre parcel with five condominiums with either one septic system or five septic systems. The Mayor explained that the Health Dept. & the Planning Commission are concerned about this. It may be a zoning issue in each township. "Each township & perhaps Village might have to address that if they're not protected under current zoning." Tripp, "With new EPA regs. for septic systems, I don't think they'd have a prayer."

The next meeting is scheduled for February 21, 2002 at 7:30 P.M.

There was no further business. The meeting adjourned at 9:00 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

February 19, 2002

To: PC members
From: Maggie Tomaro

Greetings!

The next PC meeting is set for Thursday, February 21, 2002 at 7:30 P.M. At this time there is one item on the agenda; discussion about the BP station.

Lynn Quintrell, the HOA President at Kensington Green, telephoned February 13th. She is working on a land management plan with Tom Denvo of the Chagrin Watershed Partners. It will not be ready for the meeting on the 21st. of February. She hopes to have the plan finished & come before the PC in May 02'.

Enclosed is a copy of the minutes from 1-17-02.

Kathy O'Donnell will not be at the meeting on Thursday. If anyone else is not available, please call me at 338-1807. Thanks.

Dan McDermott
14957 Sperry Road
Novelty, Ohio 44072
440-338-5759

RECEIVED
JAN 14 2002
South Russell Village

Dear Mayor and Council

January 11, 2002

The enclosed is a copy of a letter that went out to all township trustees. The proposed development if permitted to happen could have a serious impact on "unincorporated" townships. Any support is solicited. If you have a representative who can attend this meeting they will certainly be welcomed.

Sincerely,

Dan McDermott

Encl. (1)

Bill

I hope the townships understand how this can or might affect their zoning. The five houses could be 35 houses. This process is not reviewed by the Planning Commission or the Engineer.

We'll see what happens

Dan

cc: Mayor
Council
Treasurer
Planning Board
Solicitor

Dan McDermott
14957 Sperry Road
Novelty, Ohio 44072
440-338-5759

Dear Board of Trustees;

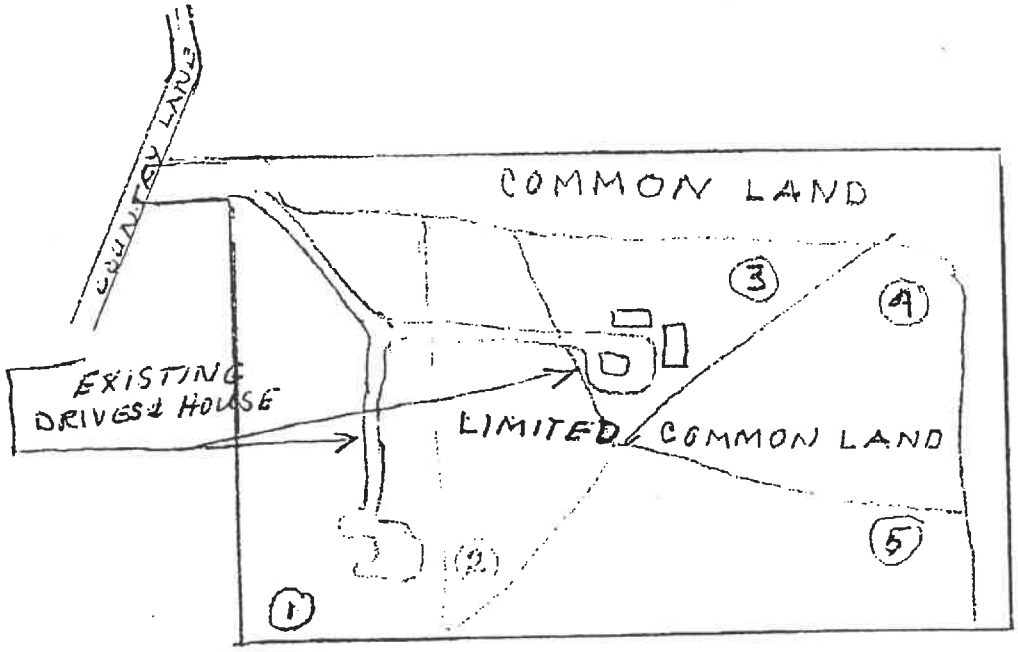
January 11, 2002

At the next Board of Health meeting, January 22nd (Tuesday) at 7:00 p.m. at 470 Center Street building #8 in Chardon, a proposed development plan will be presented. The proposed development is located in Bainbridge Township. The plans as submitted to date are: One 25 acre parcel devoted to 5 condominium units with a private driveway serving them. The land surrounding the condominium units is "common land" or limited common land". Consequently, the lot lines on the plan are only *imaginary* lot lines. These will not be recorded sublots.. The 25 acres will remain as one parcel consisting of 25 acres. The Geauga County Health Department rules read, in part, "one home septic system on one lot for one home." What happens if the BOH decision is not favorable to the developer? This is a very serious situation that will impact your zoning.
I would urge a representative for your township attend this meeting and be ready to ask questions of the developer and BOH.
The enclosed map is representative only of the proposed development. This map is not presented as for accuracy, lines etc.
Looking forward to seeing you at this meeting.

Sincerely,

Dan McDermott

Encl.: County Commissioners
County Planning Commission
County Engineer



25 ACRES - 5 LOTS - NOT RECORDED
LINES IMAGINARY ONLY. THE 25
ACRES REMAINS "ONE LOT"

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

PLANNING COMMISSION MEETING
FEBRUARY 21, 2002
7:30 P.M.

1. ROLL CALL: **Young, Sutliff, Tripp, DiMichele**

2. MINUTES: JANUARY 17, 2002 **amended & approved**

3. GUESTS:

   FORMAL DISCUSSION WITH TODD TORNSTROM ABOUT THE BP STATION AT BELL & 306. HE MIGHT PURCASE THE BP STATION. PRELIMINARY PLAN SHOWS THE GAS STATION WITH A CAR WASH. **Mr. Tornstrom withdrew his application for 30 days. No action**

4. OLD BUSINESS: **None**

5. NEW BUSINESS: **-New development on Rte. 306: 4 houses, 1 ½ acres per lot. Might come before PC to discuss a dedicated road**
   -Play structures
   -Emerald Lakes II; Eleven homes on Manor Brook Dr. have filed a lawsuit against the other 93 homes. The 11 homes don't reap the benefits of snowplowing & grass mowing. They want to withdraw from the homeowner's association.
   -Next meeting, 3-21-02 at 7:30 P.M.

6. ADJOURN: **9:00 P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
FEBRUARY 21, 2002
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Ike Tripp, Janice DiMichele

OTHER OFFICIALS: Dave Hocevar, Building Inspector, Ned Foley, Engineer

ABSENT: Kathleen O'Donnell, David Ondrey, Solicitor

GUESTS:
Todd Tornstrom, Chesterland, Ohio
Debra Tweedy, 308 Fox Way, Fox Run Development
Jeff Peck, 310 Fox Way, " " "
Peter Dawson, 113 Fox Trail, " " "
Amy E. Withrow, 206 Fox Lane " " "

The meeting was called to order at 7:30 P.M. The minutes from January 17, 2002 were amended & approved.

Formal discussion with Todd Tornstrom about the BP station at Bell & 306. He might purchase the BP station. Preliminary plan show the gas station with a car wash.

Todd explained that he telephoned Hocevar about the property. Hocevar asked him to put together a rough sketch. The preliminary drawing shows lack of green space or a predominance of pavement; 85-90% of the lot is covered. Zoning allows 35% lot coverage. The gas station would reopen, only to serve gas. No minimal services would be offered. I.e. replace windshield wiper blades, change tires. Todd is really interested in the car wash. Todd, "There is no money in just pumping gas. The car wash would support the venture."

Tripp, "There would be 117' used for two vacuum stations, four bays for self-serve car wash & then a tunnel wash." Todd, "Correct. It's an express wash that you would drive through. We use less then two gallons of water to wash a car."

The tunnel wash is a necessity. He could eliminate the four self-serve bays & 15 feet off the back of the tunnel, which represents an equipment room. 27,000 square feet of green grass area would be gained. Existing building remains & is remodeled. It would be a Marathon or Sunoco Station. No contract, just verbal commitment.

Tornstrom has 10 auto washes in Akron. Two of these washes have gas stations. Sutliff asked about hours of operation for the So. Russell station. Todd, "Monday – Thursday: 8:00 A.M. to 6:00 P.M. Friday & Saturday, a later day. Sunday, 9:00 A.M. to 4:00 P.M. Young, "Do you have temperatures when a car wash can't operate?" Todd, "There are problems when the weather is freezing." Since they use such a small amount of water, it's not as big an issue with their washes as it is with others. DiMichele asked how many cars would be washed a day. Todd, "200-300 cars a day, which equals 600 gallons of water." Young, "Is the water recycled?" Todd, "We haven't used recycled water. It's not feasible because we use such a small amount of water." Young asked if this type of water is acceptable to the County to go into the sanitary sewer. Because if not, it would go into an open ditch. Hocevar, "It has to go into the sanitary sewer." Foley, "Probably there's a grease trap which acts as a filter to trap..." Todd, "There's a pit that follows the length of the car wash that acts as a filter to trap any contaminant like oil, dirt, mud. You're not getting sludge. You're getting water into the sewer."

Referring to the drawing, Sutliff, "If you knock off the self-serve bays, you've got 1,500 square feet & then you knock off another 1,500 square feet if you took the equipment bay off the tunnel & connect it to the existing building. Todd, "That would add 15,000 square feet of green space which represents 25% of the green space. You don't need to have all the pavement on each side of those operations."

Young, "The exit would be onto Bell & enter on Bell or 306?" Todd, "Come in on either." Concern about traffic buildup on Bell & 306. Tripp commented that at the Shell station at 306 & 422, cars that are waiting to be washed are on the station's property. Question to Todd, "How many cars can you stack up if they only came to get their cars washed?" Todd, "On a busy day, stack eight cars; 2 side by side. So, the total is 16. On a busy day, close outer island pumps. We can wash a car in 30 seconds."

Employees: Four; a manager & assistant manager & two workers. Managers make $35,000 - $80,000 annually. Employees make $6.75 -$12.00 an hour & tips. Noise: Todd, "The noisiest part of the operation is the blowers which are on for 6-8 seconds. It's 95% dry. There's little water. There won't be a puddle running down Bell Rd. Concern for residents of Fox Run Development, which is adjacent to the property. Nearest house is a few hundred feet away from the proposed washing tunnel with blower.

Sutliff asked if a gas station is a permitted use on that property. Hocevar, "It's a permitted use until March 31, 2002." PC has to decide if a car wash is permitted. A car wash is an incidental use.

Young, "Do your current stations sell beer & wine?" Todd, "One does. One does not." Young, "Is it something you want to do here?" Todd, "Quite honestly, I don't care. I don't like gas stations. Gas stations don't make any money. It's hard to find somebody to manage a gas station. They don't make any tips. With a store, you'd have to get a liquor license. That costs a significant amount of money, even if they are available. We're interested more in a car wash, then a gas station. We'd do the gas station as a convenience to the people in the community. I'd be happy to have a gas station & car wash, no convenient store."

Young explains that he liked the previous services offered: windshield wipers, changing flat tires. Todd, "Gas would go with the car wash. We don't have an interest or knowledge of maintenance of vehicles." Cost: $5.00 to $15.00 to wash a car. They have gift books for discounts. Referring to the drawing; at the entrance on 306 there is a note, 'closed on busy days.' Todd, "It's closed off with cones."

Discussion: 110' from the back of the building to back of the property line. Then the mounds of Fox Run; 50' of common property & houses beyond that.

DiMichele wondered about the water usage of two gallons per car & how it would impact the wells at Fox Run. Foley, "That's a low volume. That's basically less then if one person lived there. The worst-case scenario is a single-family home, which uses 100 gallons. DiMichele asked about the noise. Foley said the blowers are inside the building.

Residents review the plans. Discussion. Peter Dawson is worried about the aqua fir. He wondered if there were a watering ban in South Russell like last summer, does the car wash close? He is concerned that his well would dry up. He figured a car wash would use 1000 galloons of water a week. Todd said he can't close down. But he can bring in a tank of water. The Village hydrologist should be consulted to determine if the aquifer would be damaged with a car wash. Mayor, "There is a problem in Emerald Lakes because the aquifer that serves Fox Run disappears by the time it gets to Emerald Lakes. There is no guarantee that there will always be water in that aquifer. But, the most productive well I'm aware of in So. Russell was 200 –300' from there at 50 gallons a minute. There's probably sufficient water in the aquifer, but no guarantee." Foley, "100 gallons a day for one person. So, you figure 400 gallons per day for a single-family home. This would be equivalent to having 2-3 houses on that lot."

Todd told the residents the site is contaminated. There has been a release of petroleum fluids, I.e. motor oil, brake fluids. Todd, "When you generate a hazardous waste, you've got 90 days to take it off site." Best time of year for car wash: Todd, "You loose money in the summer & make money in the winter. The best conditions: sunny, salty, Saturday. The roads are salty. It's sunny out & it's Saturday." In the summer, they may wash only 100 cars a week.

Sutliff, "Can you see this thing fly with 35% lot coverage?" Todd, "The biggest hang up is pavement." Sutliff, "We took great pains to look at lot coverage in view of what could happen in the business area on Bell St. After we just went through this process, now we have a development that wants 50-60 % lot coverage. That puts us in an awkward position."

Amy Withrow referred to the discussion she had with Todd a few minutes earlier. She learned that the BP land is contaminated. Hocevar added, "Surface oils. Their tanks were tested." Tripp thought BP did a complete redo of those tanks in the last two years. Hocevar's been with the Village 11 years & he's never seen them dug up. Tripp, "When they redid the pumps, they redid all the lines in the ground." Hocevar, "I know they did all the lines, electric & the fuel lines. I don't remember them pulling a tank out of the ground." Mr. Klenke is the BP rep who could answer questions about concerns just noted.

Withrow asked Todd if there were housing developments in the other communities where his auto washes exist. Todd, "No." Withrow expressed concern about their property values if an auto wash were adjacent to them.

BP is currently asking $600,000. for the property. Todd, "We don't like gas stations because it's an environmental issue. A car wash only uses hydraulic oil & because gas stations don't make any money." Debra Tweedy, resident, voiced concern that if there is a gas station, there will be oil, other contaminants & the car wash would wash the oil into the water system. Todd, "Water can't remove oil. There is a pit the entire length of the car wash."

Tweedy, "If this proposed operation doesn't go through, what happens? Will the gas station be demolished?" Hocevar, "They have to March 31st. to reopen as a gas station. After March 31st. they can no longer put a station there. They'll have to go for a variance to rezone the property if they want a gas station there after March 31st.

Mayor, "I don't think that we're going to get a lot of tax revenue from whatever goes there unless it's torn down & becomes an office building which is a permitted use under the current zoning. That would help. The operation of a gas station is a convenience for people."

Jeff Peck, resident in Fox Run, "If you put a gas station with a car wash in & a year from now you close the gas station, then there'd just be a car wash." Todd, "The two go together. We will operate the gas station with the car wash for convenience."

Jeff Peck, "I've lived here in South Russell 1 1/2years. I lived in Chagrin Falls for 17 years. Everybody I've met here is nice & friendly as I hoped it would be. I knew I butted up to a view looking at a medical building. (Rood's) The previous owners were nice enough to put mounds behind the house, 15' high, at a cost of $2,000. I put 12' trees there to block as much of the medical building as possible. Recently, they doubled the size of the medical building. So, I had to add a lot more trees. Then they paved the whole back, which is basically in my backyard. Now, they've put up floodlights out there. Literally, I can't walk into my kitchen or family room. I don't need lights on the first floor of my house. It's lit up from that medical building. I feel like I live by a K-Mart. Now they are talking about building next to it, which would do basically the same kind of thing. I am really concerned about my property value. I realize people have businesses. But, it's been a major change."

Debra Tweedy, "Right now there's a birm of trees that are on the BP lot & block the gas station. If the car wash goes there, those trees are going to go away. Those trees block the subdivision from 306. Those are nice established trees. You can't even afford to buy trees like that. They are 50 feet."

Sutliff, "Jeff made a point about land value. We recognize that & that's why we went through the whole zoning issue on lot coverage. I feel very strongly about that. My feeling is, if you (Todd) could make this work with 35% lot coverage, I would consider this. If you can't, I'm against this." Todd, "If nothing happens & we can't get the 35% lot coverage except to eliminate the gas station..." Sutliff, "My personal feeling about a self serve gas station is that it is not important to me. If I could take my car up there & get my oil changed & tires fixed, it would be one thing."

Young, "We do care about the residents. We don't want your property value to go down. We don't want you to suffer. My feeling is the same as Wally's. If you were talking about a modest percent in excess of the 35%, we could talk about it. But, to have 50% or more lot coverage –over 40%- that's excessive. To tear the building down & put a car wash, I don't know if that's a permitted use there."

DiMichele, "I agree. If you get down to 35%, I'd consider it, but not at 50-60% lot coverage." Tripp, "Todd, maybe you can go back & knowing the sentiment of the Board & knowing it's 35% & a little over 35% might be acceptable; take a look at it." Young, "35% is the target. This may go nowhere. You may determine it's not feasible. But, I'd like to thank you. I think you've been professional. You've been honest & straightforward with us." Sutliff, "Part of the procedures is that if you come back with 40%, I'm not so sure this board can approve it anyway. Doesn't that go to the Board of Zoning Appeals? You'd have to get a variance. Our ordinance is clear. It's 35% lot coverage."

Todd, "Would it be permissible to put a car wash in addition to reopening the station? The problem with 35%, the only way to achieve 35% would be to grass these areas on either side of the building. Thus, almost creating a complete separation between the exit of the car wash & the entrance. Is there something you guys would want?" Sutliff, "I don't want more then 35% lot coverage."

Young, "To protect your interest, instead of us taking a vote tonight & taking a chance that you'd be turned down, do you (Todd) agree to withdraw your application? It gives you the option of coming back to the next meeting with revised drawings?" Todd, "OK."

Tweedy asked about a petition. (against the plan) Sutliff, "If he (Todd) brings in a plan & it's a permitted use of the property and meets our zoning regulations, you could make as many petitions as you want. But, I think it won't do anything. As far as the water usage, this would definitely have to get some approvals from the Village Hydrologist."

Young, "We'd have to address a lot of conditions I.e. signage, light pollution, which I thought we dealt with when we discussed that with Dr. Rood." Hocevar, "I notified Dr. Rood today about Mr. Peck's problems." Dave Withrow had informed Hocevar of the floodlights from Rood's building shining into Mr. Peck's house. Sutliff, "There were specific conditions about those lights." Hocevar, "He's going to comply." Peck, "He (Rood) put them (2) in the peaks of the roof. All the lights are on all weekend; all day, all night." Young, "He talked about security. But, I don't remember lights on the peak of the roof." Hocevar, "No. The lights were to be upon my approval. I did not approve those." Hocevar will follow through on this.

DETERMINATION: **Mr. Tornstrom withdrew his application for 30 days. No action.**

OLD BUSINESS: None

NEW BUSINESS:

A new development on the east side of Rte. 306 intends to build four houses, 1 ½ acre lots, 600 feet deep. The developers might come before the PC to discuss a dedicated road.

Play structures: Hocevar reported that there has been complaints about jungle gyms/ play structures in the community. He telephoned six communities: Mayfield Village, Mayfield Hts., Lyndhurst, Twinsburg, Beachwood etc. to find out if they had a position or ordinances regarding these structures. None of them have taken a position nor do they have ordinances about these structures.

Some of these jungle gyms have footers & are permanent. Mayor, "They could be defined as a structure. Residents should obtain a zoning permit. Technically, anything with a roof on it is a structure." Hocevar read the definition of a structure. It includes, "any man made product set on or under the ground."

A complaint was made about a three-story play structure in the Village.

Lawsuit: A newspaper in Chardon, The Maple Leaf, carried a story about Emerald Lakes II. Eleven homes on Manor Brook Dr. have filed a lawsuit against the other 93 homes. The 11 homes don't have snowplowing & grass cutting service like the other homes. They maintain that the 11 homes are subsidizing the 93 homes. They want to withdraw from the homeowner's association.

The next meeting is scheduled for March 21, 2002 at 7:30 P.M.

There was no further business. The meeting adjourned at 9:00 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

PLANNING COMMISSION MEETING
MARCH 21, 2002
7:30 P.M.

1. ROLL CALL: **Young, O'Donnell, Tripp, DiMichele**

2. MINUTES: FEBRUARY 21, 2002 **amended & approved**

3. GUESTS:

   A SECOND FORMAL DISCUSSION WITH TODD TORNSTROM OF CHESTERLAND ABOUT THE BP STATION AT BELL & 306.
   HE MIGHT PURCHASE THE STATION. PLANS SHOW THE GAS STATION WITH A CAR WASH.
   MR. TORNSTROM APPEARED BEFORE THE PC ON 2-21-02 TO DISCUSS THIS MATTER. AT THAT TIME, HE WITHDREW HIS APPLICATION FOR 30 DAYS.
   Conditional approval. Todd Tornstrom was given approval of the concept plan for the gas station/car wash condition upon demonstrating within 30 days that he has an agreement with BP. Final approval of actual plans may occur after that.

4. OLD BUSINESS:
   Council wondered if it should review, work out & decide what to do with Kensington Green's issue regarding mowing. Discussion occurred among PC members. O'Donnell will approach Council & inform them that PC is happy to entertain, debate the issue & provide a recommendation to Council -who will then make the final decision.

5. NEW BUSINESS: **Next meeting: April 18, 2002 at 7:30 P.M.**

6. ADJOURN: **9:15 P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
MARCH 21, 2002
7:30 P.M.

MEMBERS PRESENT: Mayor William Young, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

OTHER OFFICIALS: David Hocevar, Building Inspector, David Ondrey, Solicitor

ABSENT: Chairman Walter Sutliff, Ned Foley, Engineer

GUESTS:
Todd Tornstrom, Chesterland, Ohio
Dave Withrow, 206 Fox Lane, Pres. of the HOA at Fox Run Development
Sue & Jeff Peck, 310 Fox Way
Deb Tweedy, 308 Fox Way
Steve Novak, Sun Newspaper

The meeting was called to order by acting Chairman, Ike Tripp at 7:35 P.M. The minutes from 2-21-02 were amended & approved.

A second formal discussion with Todd Tornstrom of Chesterland about the BP station at Bell & 306. He might purchase the station. Plans show the gas station with a car wash.

Todd appeared before the PC on 2-21-02 to discuss this matter. At that time, he withdrew his application for 30 days. Tonight he is making application to reopen the gas station with a car wash. He provided a new plan with lot coverage slightly less then 35% & still retains the trees as a buffer between the residents of Fox Run & his proposed property. He has not officially purchased the property. The BP rep, Mr. Klenke, has not returned Todd's phone calls. Hocevar confirmed that it's difficult to get in touch with Mr. Klenke.

Tripp noticed that Todd altered the existing building so that the car wash is incorporated into the back of it. Tripp, "It appears you've answered the concerns about where to put the cars by altering the side yard slightly & having the double stacked area for the cars to go down prior to entry into the car wash."

O'Donnell, "How will people know which line to get in if it's a busy day?" Todd, "It's an attending car wash. We have people there to assist the customers." DiMichele, "Does this plan meet all the ordinances & codes?" Hocevar, "It does." Young, "Where does the cash transaction occur?" Todd, "On the drawing in the upper right hand corner, where it says 15 feet is a car wash attendant, a small hut. The attendant greets each person with a menu of the different washes. Payment is made & money taken to the booth."

Young, "Any area that you do detailing or simonizing?" Todd, "This facility doesn't have the space. So, at this time I would say no." DiMichele asked the location of the vacuums to clean the inside of a car. Todd, "We're not sure where they are to be located at this time. We have to see if we're allowed to have these based on the area of the lot. They might have to be up toward 306."

DiMichele, "What kind of things will be offered in the store?" Todd isn't sure. Todd, "That's supplied by the jobber which will probably be Marathon. There will be cold, non-alcoholic beverages." DiMichele, "Do you intend to apply for a beer or wine license?" Todd, "No."

Time schedule: Todd hopes the gas station will open as soon as possible. In the last month, he has made 15 calls to the BP rep, Mr. Klenke. One call was returned. At the present time, there is no contract pending between he & BP. He spoke to Mr. Klenke today & they are negotiating on price.

Tripp, "Will BP retain the environmental liability?" Todd, "Yes. When they sell a site, they retain the liability. They said they would come in & clean it up anytime. Dave (Hocevar) might have more information about that." Hocevar, "That's correct." Young, "Last meeting you said there is some contamination there. Have you got any further clarification what that contamination might be?" Todd, "I don't. That was hearsay. As far as documentation, I don't have that." Young, "Would you make that a condition of purchase?" Todd, "Take core samples? Yes that would be a condition of purchase. An environmental study would be done prior to purchase."

Young, "Pumps; use the same ones & put new faces on them?" Todd, "They would probably be updated to current technology. It depends on the condition of the current pumps. Our information about the site is limited from BP. They haven't allowed us access to the building or provided us with any additional information. I have one plot plan of the lot that's almost unreadable."

Young commented that the bottoms of the bathroom doors are rusted out. Todd responded that the whole face has to be redone. Young to Hocevar, "Handicap access. Are the bathrooms & office handicap accessible? Is that required?" Hocevar, "It's required if they are accessible to the public. Now, they are not."

DiMichele asked, "What happens if he's (Todd) in the midst of negotiating with BP & time runs out? Can he be given extra time to negotiate?" Ondrey, "There is no good formal way to solve the problem. We could recommend to Dave Hocevar, the enforcement officer, not to take the next step in the proceedings- which would be to have the building torn down -because we think there is a viable other use for the property."

DiMichele, "I'm concerned about the use of the property. Isn't the gas station a conditional thing now that's expiring?" Ondrey, "It's expiring. Correct." DiMichele, "Even though the building remains, is the actual use for a gas station going to be retained?" Ondrey, "If the PC gives approval prior to the expiration of that time." O'Donnell, "Do we need to give conditional approval before acquiring answers to questions?" Ondrey, "You have some conditions you are thinking about imposing & I think we have to make a condition based on the acquisition of the property so that this is the only applicant who could use this use. If this deal falls through, we haven't given permission to the world in general; just to this individual."

Hocevar, "Two other people have made inquiries to open a gas station on that property. They didn't follow through because BP is hard on its price." Todd said he's got the price changed by 33% to his advantage.

DiMichele asked how much income is generated for the Village by a gas station. Mayor, "We get 12.6% of the property tax. We get income tax if there are employees who are under age 18. We get 1% of the salary of anybody who works there. For people over 18, if they earned $100,000 we'd make $1,000." DiMichele, "If it were an office building, the Village would probably have more income?" Mayor, "Yes. If it were a successful office building, the Village would derive more income. The school district would get more income because the property tax would probably be higher."

Guest's questions & comments:

Dave Withrow referred to the plan. "The canopy on the picture is probably not correct. It's closer to Chillicothe then it shows. The reason I say that (down where it says car wash entrance) is that there's only room between the pumps & the landscaping for one row of cars to go through there. It may be that the plans are to pull those two pumps out, leave more space & have the two pumps that are under the canopy. If he's going to have vacuum cleaners, have them over against the front of what the present building is. What noise is generated from the vacuums would not be coming back toward the homes." Todd, "With two lanes there on a busy day, we would close the outer gas pumps& leave only the inner pumps for gas purchases. With the way this is designed & being able to double stack cars, this would accommodate 11 cars in line without being in the existing parking lot." Todd took surveys at Spiffy car wash on Washington & at Shell (306 & 422). Todd, "Between the hours of 9:00 A.M. on a

sunny Saturday & 4:00 P.M., the average number of cars in line at any time was nine cars at a maximum. Their car wash takes two minutes & 10 seconds. It takes us approximately 35 seconds. Their production rate is much slower then ours. Their stacking lane is smaller then ours. They can only single stack cars. Most of their traffic is coming off a major thruway which blocks traffic & creates traffic problems. On busy days, we would close off the entrance on 306 or exit that way."

Withrow, "Where you have the car wash will wipe out those bathrooms in the building. You'll have to replace these & put in handicap accessible." Todd, "If that's what's required, that's what we'll have to do." Mayor to Hocevar, "Do you know if bathrooms will be required?'' Hocevar, "I'm not sure. I'd have to check on that. On that particular use, there might be an exception. Mayor, "They might need one for employees only."

Hours of operation: O'Donnell referred to the previous minutes & hours of operation. I.e. Monday – Thursday, 8:00A.M. to 6:00 P.M. "So at 6:00P.M. you close completely; no gas, no car wash." Todd, "That's open for negotiation. It depends on what the demand would be or what the township wants. If you want us to open latter for gas, we can accommodate that. If the gas station were to stay open latter then 6:00 P.M. Monday – Thursday, the car wash would not. The latest we have any of our locations open is 8:00P.M. & that's Friday. That's in a very busy area."

Withrow, "There is a traffic issue with landscaping & the sign on the corner. If this is approved, I'd like to see- where this turn comes into the car wash, landscaping. It would be desirable to have some bushes & shrubs so we aren't exposed to the back lot." Todd, "How about a mound tall enough & landscaped so you would never see headlights going into your property? That be acceptable?"

DiMichele, "Can we make sure any kind of security lighting you (Todd) have, would not be intrusive into the Pecks home?" Todd, "Yes. The lights are inside the tunnel. There may be lighting along the driveway."

Sue Peck, "I have a comment about the noise level. You have pooh poohed it. But, you're not living behind it. We are. On a summer night if we're entertaining, I could just hear all that stuff going on. That does bother me. I don't want to hear, 'It's not a big deal.' Then when it's in there & we're having trouble with noise, we have no recourse. On Friday nights, he said he could be open to 8:00P.M." Todd, "Right. Demand is going to drive hours or regulations from the bosses (the Village)."

DiMichele asked, "How noisy is yours compared to Shell?" Todd, "Probably less noisy because our equipment operates based upon the car being washed. What I refer to as a generic wash, the blowers run continuously.

Whereas with ours, the blowers don't come on until the car comes up to the blowers. Then the blowers turn off. That's done for a couple of reasons. One is noise & two is to conserve electricity." He added, "Sound travels south & the houses are west of the property." Todd invited everyone to tour his operations in Akron.

Debra Tweedy verbalized concerns. "I have concerns about the traffic, the water tapping into the wells, the noise level. There are a lot of issues that need to be considered. I think a car wash/gas station is great for the community. But, I think a lot of issues have to be addressed before it's approved. I am really concerned about the water because I do live behind the proposed car wash. I don't want to see any damage to our water system."

O'Donnell referred to the previous minutes where Todd said he does not use recycled water. O'Donnell, "Is that still your position on that?" Todd, "Usually it's not feasible. When you reuse the same water, you're washing the next persons car with the previous persons dirty water. It affects the final product. We don't use a lot of water to wash a car. There's a presoak, soak & final rinse. That's all the water that is used. Water is expensive. There's a sewer cost. If you have to dig another well, if you have to put in a holding tank, it's beneficial for everyone to use as little water as possible. As far as recycle, I'd have to refer that to my partner who has more knowledge of the technical side then I do." DiMichele, "We did talk about this last month when Ned Foley was here. He said it would use less water then a single family home." Hocevar, Re. the well, "One of the best."

Tweedy, "Where does the water go that they use?" Young, "I spoke to Gus Saikaly who runs water resources for the county, which is actually the sanitary system. There is no problem with them connecting. They would connect right into the sanitary sewer." Tweedy, "That wouldn't cause any problems for the homeowners?" Young, "No. It wouldn't be much different then somebody flushing their toilet up here. It gets into the line & goes down pass Gurney & it connects into the line that goes south along that creek at the bottom of the hill by the power lines. It goes down to the treatment facility in Bainbridge. It would just be another connection. The volume wouldn't have any impact on the flow. He did say, (looking at Todd) it is possible you might have to pay like twice the normal fee if they thought your volume was a little higher. We pay $92.00 every other month."

Tweedy, "What about during the summer time? There is a water ban." She wondered if Todd had documentation that two gallons of water is used per car. Todd, "I can get you something or try to. That's what we're averaging at all of our washes. Going back to sewers, we have a pit, which captures the dirt when it falls off the vehicles. We pump less debris into the sewer system then the average house would."

Withrow, "The station is now operating under conditional use. I think that means that it can continue under conditional use. But, it also gives the PC the right to put additional stipulations on the operation of the car wash. For example, if you wanted to limit it to 8:00P.M. or 7:00 P.M., I think you're entitled to do that because of the conditional use of the present station." Ondrey, "I agree with David's assessment of imposing conditions. But, (to Hocevar), is it grand fathered or conditional use?" Hocevar, "The service station now falls under conditional use." Ondrey, "You mean if someone new came along." Hocevar, "It was grand fathered into the gas station." Ondrey, "I think the issue is, is a car wash facility a legitimate extension of a gas station facility? And when considering whether or not to approve it as part of that grandfather use, that gives you the right to impose conditions like hours of operation, hydro geologist approval, etc.

Young, "How does your gas price compare with gas stations that don't have car washes?" Todd, "If you buy BP gas, they want you to charge more than anybody in town by 2 to 5 cents. The reason is they call it premium gas. It's going to be a Marathon. So, it'll be competively priced with everyone in the market." Discussion about how gasoline is delivered to stations. No one wants their gas delivered from Thursday to Sunday. You pay more.

Hocevar to Ondrey, "Can they approve the concept of this tonight & then put contingencies i.e. the engineering?" Ondrey, "That's an appropriate way to go. One thing that concerns me is that there is no deal with BP. I think we could justify giving Todd -if you're so inclined- preliminary approval with certain conditions contingent upon closing within so many days a deal with BP. So, this isn't an approval that goes on indefinitely."

Tripp, "How many days would you say you need for a clearing? I will tell you to get a Phase I, a Phase II to do the engineering & what the building might look like; 90 days might be a press. We would have to grant at least that long." Todd, "It might take me 90 days to get a hold of the guy at BP." Ondrey, "I'm thinking 30 days to have a deal with BP. Todd can make his deal with BP contingent upon getting final approval from the Village. He doesn't need to spend the money on the engineering & everything until he has that BP deal." Tripp, "What you're saying is he doesn't have to close. He just has to have a purchase agreement in place." Ondrey, "Exactly. Before we give the final, we have to know this is for real. We put a deadline on that. And then the engineering can follow & the hydro geologist approval." Tripp, "Approval condition upon having a signed purchase agreement between Todd & his partners & BP within X number of days." Ondrey, "If he gets that in 30 days, he would have conditional approval from us for his proposed plan as presented & maybe have 90 days after that for engineering & everything else to be into the Village for approval."

Young, "I presume that the signed contract (between Todd & BP) would have certain conditions built in. i.e. clean site, EPA testing. This could be six months before it's a signed contract." Ondrey, "I was anticipating that he could have that deal signed with BP within 30 days. It may have some contingencies in it such as Village approvals, site, and environmental approvals." Tripp, "It might not close for at least six months." Ondrey, "Yes. We need to know that they are agreed on a price & that this is going to be real assuming they get through their other contingencies."

Todd explains concerns about how difficult it is to get a hold of Mr. Klenke, the BP rep. Hocevar confirms this. Ondrey to Todd, "If you go to BP & say the Village has given me 30 days to sign a deal with you even if there are contingencies, that may be the best pressure you can bring to them." Todd agreed with Ondrey, but said, "He (Mr. Klenke) doesn't care." He's tried to find out who Mr. Klenke's supervisor is so he could deal with him- no luck.

O'Donnell to Ondrey, "Would it be in the Village's best interest to call BP & ask, 'Are you actually interested in doing anything here?'" Ondrey, "I'm a little hesitant for us to get in the middle of advocating that we want something to happen on that site one way or the other. On the other hand, there has been a lot of sentiment expressed – at Council meetings- that individuals would like to see the continuation of a gas station facility. Is it appropriate to contact him (Mr. Klenke) to say the Village would like to work that out? But, you need to respond to a particular individual? Beyond that I don't know what else we can do."

Mr. Peck, "Why are we working together to do the deal? Wasn't there a time factor that was suppose to be met? And now we're trying to help him." Tripp, "There was a time frame met. The second formal discussion he withdrew his last application. He put forth his application at this time. The lot coverage is 34.98%. It meets all the criteria." Mr. Peck, "There was a time frame before which it had to be done; before that period of time or it would expire for the gas station." Ondrey to Peck, "I think what you're asking is, "There is a deadline on the gas station of March 31st. They either have to have some legal interest to continue as a gas station or they loose that right. Then it would have to become a variance. If the PC were to grant an individual permission to continue as a gas station, that probably suffices to meet that deadline."

Ondrey, "You could take the position since Todd doesn't yet have an agreement with BP, there is no decision for you to make. We don't have someone in front of us who has a legal right to develop that property. This is a concept. He's presented it. You've reviewed it. You've found some ways to say it fits within the zoning. But, you'd be granting to somebody who doesn't have the ability to develop that property yet. You could say we're not going to make any

decision at all because we don't have a legally recognizable interest in front of us. The dilemma is we will then pass that March 31st. date. You could extend out that date by giving him (Todd) some kind of conditional permission with some kind of dead line imposed."

Discussion: If it goes beyond March 31st. an applicant can go before the ZBA to seek a variance to operate the site as a gas station.

O'Donnell, "Without the gas station there, what is the zoning on that property?" Hocevar, "B-2 office." DiMichele asked, "If you had a choice between an office building & a gas station, which would you prefer?" Tweedy prefers an office building. She added, "It's a no win situation." Withrow commented, "If it were an office building, then the whole back part up to the mound would be parking lot. Now it's going to be grass & shrubs & trees."

Peck asked, "If he (Todd) purchased it & decided to cut the trees down (between the development & the gas station/wash) do you have any recourse to stop him from doing it"? Ondrey, "If we approve a plan that shows that landscaped, then it has to be landscaped." Todd, "We'd leave the trees up."

Tweedy verbalized concerns about the type of people Todd would have employed. Todd said he's investing over a million dollars. Todd, "Those kids who work at Spiffy's would never work for us."

Janice DiMichele made a motion to give Todd Tornstrom an approval of the concept plan for the gas station/ car wash condition upon demonstrating within 30 days that he has an agreement with BP. Final approval of actual plans may occur after that.
O'Donnell second. Roll call. All ayes. **CONDITIONAL APPROVAL**

Some of the conditions to consider latter: (1). Mounds & landscaping to shield the site from residential properties, (2). Hours of operation, Monday – Thursday, 8:00 A.M. to 6:00 P.M., Fri. & Sat. 8:00A.M. to 8:00 P.M., Sun. 9:00 A.M. to 4:00P.M. (3). Hydrogeologist report; check water levels, determine if it takes 2 gallons to wash a car, (4). Engineering plans, (5). Lighting, (6). Handicap bathroom required? (7). Noise-level; measure it if possible, (8). Etc.

O'Donnell asked if Todd would fax a list of his current car washes/ gas stations. He agreed to do that.

OLD BUSINESS:

Kensington Green grass cutting: Council wondered if PC had the authority to make that decision. Ondrey didn't think it was appropriate for PC to make the final decision. Ondrey, "It's an ordinance. PC doesn't have the power to vary it. This is the best place (PC) to review the issue, make a recommendation

to Council i.e. that the ordinance be revised so that PC can make the final decision or have some input." He would like to see the Kensington Green grass mowing issue head to Council. Tripp directed the Secretary to inform Kensington Green to go directly to Council. O'Donnell disagreed. O'Donnell, "Planning Board is a committee of the Village Council. We most often try to operate through the committees. So, if the Solicitor is telling us PC has the ability to make recommendations to Council & since we have already heard the background, I think we should see it through & make a recommendation to Council." Tripp, "Did I understand the Solicitor to say we have to have an ordinance be passed to do this?" Ondrey, "Council is the only one who has the power to change the ordinance. Because PC has the initial responsibility to review subdivisions & occasionally has to touch on issues even after subdivisions are in place, I don't think it's a bad idea that PC may have an opinion about this. Ultimately, you can't make a decision."

O'Donnell, "We can hear the issue. We can debate it. The PC historically has been able to act as a body making recommendations. Whenever we decide to change the zoning code or subdivision regulation, we have to make a recommendation to Council & they make the final decision. But, they don't sit down & go through the zoning regulations with us & rehash the process of every recommendation. We make the recommendation. They listen & make a decision. I think this issue could be treated the same way. This is our job here." Ondrey, "Maybe at Monday's Council meeting, you ought to say we think you guys ought to ask us –PC- for a recommendation & we'll be happy to entertain this, debate this & bring it back to you." O'Donnell, "I think that's a good idea."

NEW BUSINESS: The next meeting is scheduled for April 18, 2002 at 7:30 P.M.

There was no further business. The meeting adjourned at 9:15 P.M.

Ike Tripp
Ike Tripp, Acting Chairman

Maggie Tomaro
Maggie Tomaro, Secretary

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

PLANNING COMMISSION MEETING
APRIL 30, 2002
7:30 P.M.

1. ROLL CALL: **Young, Sutliff, O'Donnell, Tripp, DiMichele**

2. MINUTES: MARCH 21, 2002 **amended & approved**

3. GUESTS:
RSA INC. ARCHITECTS REQUEST A VARIANCE FROM THE SUBDIVISION REGULATIONS, SECTION 3.07, TO BUILD A SINGLE FAMILY HOME PRIOR TO ROAD ACCEPTANCE & DEDICATION AT 116 ASHLEIGH DRIVE, SUBLOT #7 **Approved**

ADAM LECHMAN WISHES TO DISCUSS HIS NEW BUILDING AT 1188 BELL RD. HE APPEARED BEFORE THE PC ON 7-19-01 & 11-15-01. **DiMichele made a motion to extend the starting date of groundbreaking as long as Adam Lechman applies & appears at the next scheduled ZBA & presents his application for a variance. This is an extension of the original permit.**

The reasons governing this conditional approval include: (1). To save the Buckeye tree (2). The overall aesthetics of the building. It would be more appealing if the building were moved over 9 feet to the east. (3). This is a unique situation with the tree & the proximity of the driveway immediately to the west. (4). When the Village Engineer looked at the site plan, he determined moving it to the east would be an advantage in terms of catch basins & water movement off the property. O'Donnell second. Roll call. All ayes. Conditional approval.

Note: The ZBA is scheduled to meet 5-21-02 at 7:30 P.M. to hear Adam Lechman's variance request.

FORMAL DISCUSSION WITH TODD TORNSTROM ABOUT THE BP STATION AT BELL & 306. PRELIMINARY PLANS SHOW THE GAS STATION WITH A CAR WASH. HE APPEARED BEFORE THE PC ON 2-21-02 & 3-21-02 **Tripp makes a motion. "I make a motion that we give Todd Tornstrom to June 20th to reach conclusion with a**

VILLAGE OF SOUTH RUSSELL
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SOUTH RUSSELL, OHIO 44022

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purchase agreement with BP with final approval of the actual plans at the next PC meeting should that purchase agreement be consummated & executed." Young second. Roll call. All ayes. Conditional approval.

4. OLD BUSINESS: **None**

5. NEW BUSINESS: **Next meeting, May 16, 2002 at 7:30 P.M.**

6. ADJOURN: **9:35 P.M.**

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5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
APRIL 30, 2002
7:30P.M.

MEMBERS PRESENT: Mayor William Young, Chairman Walter Sutliff, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

OTHER OFFICIALS: David Hocevar, Building Inspector, Todd Hicks, Solicitor, Ned Foley, Engineer

GUESTS:
Yoram Eckstein of Eckstein & Associates, Ground Water & Geothermal Exploration, Assessment & Development, P.O. Box 3026 Kent, Ohio 44240
JoAnn Lechman, 1361 Bell Rd. & Adam Lechman, 64 Maple Hill
Deb Ziel of RSA Architects, 18 North Main St.
Jeff Peck, 310 Fox Way, Kevin Tweedy, 308 Fox Way
Todd Tornstrom & Claudia Moldovan of Quality Scrub, 86 Merz Blvd. Akron, Ohio 44333

Chairman Sutliff called the meeting to order at 7:34 P.M. The minutes from March 21,2002 were amended & approved.

RSA Inc. Architects request a variance from the subdivision regulation, Section 3.07 to build a single family home prior to road acceptance & dedication at 116 Ashleigh Drive, Sublot #7

Deb Ziel, project manager for RSA Architects appeared before the PC. The PC reviewed the plans. These plans were approved by the ABR. Hocevar said there are no problems. The Village Engineer has approved the preliminary grade plan.

Foley had some comments regarding the septic system. He said, "It's not going to be a problem. They may have to shift the house a little bit. The only

concern I had is the lines for the septic system have to be parallel to the ground & in a uniform depth. They have them running cross contours. If you do that you have to lay out the ground. There's enough room to accommodate that. It means the house might be shifted a little bit. You put the septic system where it can go & then you site the house."

Sutliff referred to notation on plans saying, "verify well location". He asked if that had been done. Hocevar, "They know the restrictions on it; how close it can be. They usually wait till the county Health Department says where it can be. That's not unusual."

DiMichele, "When is the road supposed to be paved?" Foley, "This spring or summer. The final one-inch is not on. That's all." Foley prefers to delay the final coat as long as he can because if there are problems, it's easier to take care of. Foley, "Realistically, it's good to hold off for awhile. We ought to consider taking a bond for its value & remaining improvements & dedicating the road against that paving being done." Sutliff, "What's the reason that the road has to be in, final coated, dedicated?" Foley, "I can't speak to this code. Normally, it allows for the dedication to occur as long as improvements yet to be completed are sufficiently bonded. This is a guarantee that it will be done. Once that bond is established, it allows for a plat to be recorded."

Tripp, "Where it is sited is right next to wetlands. The northwest corner is the furthest away from the wetlands you can have. Is there not an issue with the way the contours are draining? This whole field will be draining in the front yard towards that swale near the street and toward the wetland." Foley, "I don't think that would be a problem." Hocevar, "We're not going to issue a building permit until we get the county's approval for the septic tank."

Mayor refers to a curtain drain in the front yard and asks if it comes from the septic system. Tripp, "Its around the perimeter to stop the perimeter water from destroying the way the field would drain. You get sheet flow. It goes into the curtain drain and is drained away from the septic field."

DiMichele made a motion to approve the variance. Tripp second. Roll call. All ayes. APPROVED.

Adam Lechman wishes to discuss his new building at 1188 Bell Road. He appeared before the PC on 7-19-01 and 11-15-01.

Lechman explained that there are two reasons he wishes to move the building to be constructed nine feet to the east. First, the neighbor to his west – Dr. Schmahl at 1186 Bell Road - paved to the property line when she put in her new driveway. The Lechman's proposed building with a new driveway will also go to the property line. The driveways will be side by side and in fact will touch.

His concern is that it won't be appealing and it may become an issue with snow removal. The second reason is that there is a mature Buckeye tree growing where the new driveway would be. He would like to spare the tree. Lechman is asking for nine feet because he thinks that would allow the driveway to be cut in without damaging the tree.

Lechman will have to apply for a variance with ZBA. According to the Village zoning, side yard setback is 15 feet. He wants the building to sit six feet from the side yard boundary. Therefore, he will have to ask for a nine-foot variance. He came to PC before going to ZBA because he is unsure if this is possible and he is required to break ground by May 26. Another question he had, if ZBA doesn't meet before 5-26-02, he wondered if he needs Planning Commission's approval to postpone groundbreaking until ZBA hears his variance request.

PC reviews pictures and plans. Lechman explained that the bank has 15 feet of grass between its parking lot & its property line. His approved building plans show 15 feet of grass between the east side of his proposed building & the property line.

The Mayor asked the direction the water flows & runoff. Foley, "If it were shifted, I don't think it makes any difference in terms of the drain. One of the problems with Schmahl's building & this building is that they are showing different grades. Actually, it would be better to move this (Lechman) building. Some of the catch basins & spillways would be better off. But from a drainage standpoint it is negligible."

Discussion about how long to extend the time of the groundbreaking. Hopefully, ZBA will be able to meet prior to 5-26-02.

DiMichele made a motion to extend the starting date of groundbreaking as long as Adam Lechman applies & appears at the next scheduled ZBA & presents his application for a variance. This is an extension of the original permit.

The reasons governing this conditional approval include: (1.) to save the Buckeye tree (2) the overall aesthetics of the building. It would be more appealing if the building were moved over 9 feet to the east. (3) This is a unique situation with the tree & the proximity of driveway immediately to the west. (4) When the Village Engineer looked at the site plan, he determined moving it to the east would be an advantage in terms of catch basins & water movement off the property. O'Donnell second. Roll call. All ayes. CONDITIONAL APPROVAL.

Formal discussion with Todd Tornstrom about the BP station at Bell & 306. Preliminary plans show the gas station with a car wash. He appeared before the PC on 2-21-02 & 3-21-02.

4-27-02, Report prepared by Eckstein & Associates, Inc. Re: BP-Gas Station in South Russell Village, Geauga County, Ohio
4-30-02, Report prepared by Joseph Moldovan, President/CEO of Quality Scrub Car Wash Re: explanation of water usage necessary for a car wash
4-30-02, pictures of three Quality Scrub Car Washes in Akron taken by South Russell resident, Jeff Peck 310 Fox Way

Todd handed out preliminary plans of the car wash/gas station. Each PC member received copies of Dr. Eckstein's report & Mr. Moldovan's report. Todd referred to the reports & said, "I have two errors. When I spoke about two gallons per minute, I was referring to the rinse cycle. I didn't count the water that is mixed in with the soap. The actual is 1.5 gallons per minute, which is the rinse cycle. The total per car is 6.6 gallons." DiMichele referred to Dr. Eckstein's report & noted he has 10 gallons per car. Dr. Eckstein, "I went to worst- case scenario."

Sutliff, "What type of progress are you making with BP?" Todd, "We came to terms on a price. We received contract documents. Our attorney reviewed them & sent them back with minor revisions, which they need to clarify, change or amend; such as you can't sell gas at this station for 25 years. This clause is standard in all their contracts." Once that is amended, Todd will sign the contract. Mr. Klenke told him it would be done in 5-7 days. He has a commitment from Marathon. According to Todd, BP is not interested in the small independently owned stations. They want corporate stores.

Sutliff asked who assumes the responsibility if there are environmental problems on the site. Todd, "They (BP) should retain it. They (BP) are saying we are liable for it." Claudia Moldovan, Todd's business associate & girlfriend said, "That is one of our amendments in the contract. Basically, BP is trying to pass the buck. There are laws that hold them responsible for the remediation of that site. That is another point that we are trying to clarify with them; to make sure that it is in the contract that they will continue remediation at that site."

Dr. Eckstein, "It is my understanding that they are in passive remediation. That means the actual costs that are involved are in periodic testing. They are waiting for all the hydrocarbons to dispose; to biodegrade naturally. In terms of liability here, it's wait & see. When I looked at reports of analysis that were done since 1993, there were very significant declines in concentrations of hydrocarbons. In December 2001, there is still one spot, only one component

exceeding the standards. That is Benzene in monitoring well #1 (MW-1). That's down to 22 micrograms per liter, close to an allowable limit."

Sutliff, "Where do Benzenes come from?" Eckstein, "Leakage from underground storage tank. Until 1993, older tanks didn't have any monitoring sensors. Since 93', it's by law, they have to have established a signal for leaking."

DiMichele, "With the contamination there, would they be able to use the water for drinking?" Eckstein, "Some of the components are carcinogens. But, fortunately what happens is those are hydrocarbons that undergo spontaneous decomposition with time. And ground water flows so slow, that usually before it gets to the nearest water well of the neighbor, the concentrations disappear. That's the philosophy behind passive remediation. You don't do anything except for establishing monitoring network, doing periodic testing & watching how the natural bacteria cultures in the subsurface that exist naturally & gradually decompose all the contaminants. And those wells, they had in excess of the limits, other components like Trichloroethylene, Ecobenzene & Zylene & Toluene. In 1992, they were very high. By now they are all gone, decomposed. And the only one that is still persisting is Benzene. And it also will go away with the next couple of years."

Mayor, "When were those tanks replaced?" Hocevar, "I think it was 1978." Tripp thought secondary containments & the monitoring signals were newer then that." Eckstein, "My guess is that it was between 1991 & 93." Hocevar, "I have two permits in the Building Department. They replaced the lines in 1990-91 & replaced the tanks in 1978." Tripp, "That's what we remember in the 91-93 time period when they put in those lines. That's when they did the secondary containment & the monitoring devices on the tanks. Apparently, that's when they drilled their eight ground water monitoring wells." Eckstein, "Initially, they drilled only 3 or 4 monitoring wells. Latter, they added up to eight. In 91' they actually discovered they had leaks. That's when the whole thing started rolling." Sutliff asked if the leaks were coming from the piping or the tanks. Eckstein didn't know. Eckstein, "The contamination was suspected in 1991 & documented in 1993 when an order came from the EPA to design their remediation plan."

Mayor, "This tank was placed in the ground in 1978. How long is it functional?" Eckstein, "It's very variable. It depends on water content in the soil." DiMichele, "Are you planning on replacing the tanks"? Claudia, "No. We were not given any indication that the tanks need to be replaced. Marathon checked the pumps, the vapor recovery system, which is what you probably remember going in about 10 years ago. It is required by law if you pump over a certain number of gallons per month. There was no indication given to us that these things were faulty or need to be replaced."

O'Donnell, "Have materials that tanks are made of been improved over the years, to give a longer life?" Todd, "Sure. They've gone from steel to fiberglass. They've gone to double wall tanks." Hocevar doesn't know if they are double walled tanks. He does know they are fiberglass. Recently, he spoke to the man who installed the tanks. The man told Hocevar, "They could last forever. They've got great tanks." Eckstein, "From the material I read, they are not double wall. Double wall started in the 1990s. There's a sensor between the two walls."

DiMichele, "Are there sensors in there now that detect a leak?" Eckstein, "The area has a different type of monitoring. They have a monitoring network that is monitoring the decay of leaks." DiMichele, "So the only way we would know if the tanks are leaking is there would be contamination in the soil?" Eckstein, "Yes." Tripp, "They probably do have to have a monitor at the top of the fill site where it goes into the tank. And they will know if there is a leak in that tank in that monitor." Eckstein, "Yes." Tripp, "It's not down underneath the tank that's monitoring the ground water wells. You're actually monitoring levels continuously within the tank. It's either ultrasonic or it's a monitor that they actually put down into the tank. And that'll monitor for a leak. That's federal law."

Referring to a sheet from BP, Todd said, "The tanks were actually installed in 1982. There are three 10,000 gallon underground storage tanks, one 1,000 gallon used oil tank & three dispenser oils."

Claudia, "There's a monitoring system called a Beater Root. You can get your tank readings off this electronic monitoring system. It is programmed to do a leak test once a week. It tests each one of the tanks. We have ours programmed to test throughout the night when the station is not in use. It will alert you if there is .05% deviation whether there is a leak or not in the system on the tape that is projected from that. Everyday, you have to do a gas reconciliation to make sure that there's not a large deviation between the amounts of gas that you are selling compared to what is left in the tanks. You are allowed a 1% higher or lower deviation per month. If you are within the range, that's fine. If you are out of the range for more then two consecutive months, you must contact the EPA & have your tanks tested as well as other things." Tripp "Leaking gas tanks not only represent environmental hazard for a neighborhood, but it also is a financial loss for the owner. So it behooves them to do a very careful reconciliation."

Sutliff refers to Dr. Eckstein's report. "I'm reading that you have absolutely no concern about the water consumption." Eckstein, "Absolutely not. I took the worst- case scenario here. The consumption will be comparable to a single family home."

Sutliff refers to Pp.3, Impact on Ground Water Resources – Quality. Two types of Effluents are identified. A. effluents "may be disposed on-site via Class

V Underground Injection Control Wells." Sutliff, "That's not what were anticipating here is it?" Eckstein, "No. Since this is an automated car wash, this means some of the cars will ask for undercarriage wash. I talked to Todd & he told me they are planning to collect the effluents & to periodically export it for treatment & disposal elsewhere." Sutliff, "That deals with your type B effluents." Eckstein, "Yes."

Sutliff referring to B asks, "How do you do that?" Todd, "We have a pit in the car wash that runs underneath. It collects mud, grease, grim; all the things that normally go into a sewer system from a residential household or a street, don't go in from a car wash." Sutliff, "You actually truck that stuff out of here?" Todd, "Yes. We have guys who actually get in there & shovel the stuff by hand. It's a nasty undertaking. Then you have a truck that pumps it & disposes of it." Sutliff, "What about your regular wash water that comes off the outside of the car? Doesn't it go into the drain?" Todd, "It does, but any solid materials are trapped by that filter system. The chemicals that we use are biodegradable. There are no harsh solvents." Sutliff, "What you're taking away is the sludge." Todd, "Exactly." Tripp, "And the remainder goes to sewer." Todd, "Right." Tripp, "Which we verified at the last meeting was acceptable to the Geauga County Sanitary Engineer. But, there's not going to be any on-site Class V Underground Injection Control Wells." Eckstein, "No. I don't think so. If he's doing what he's describing with the collection pit, then there is no need for Class V."

O'Donnell & Hocevar visited a wash in Akron owned by Todd & his associates. They met with Joseph Moldovan, Claudia's father who is a chemical engineer. He explained the operation. O'Donnell, "This is a highly scientific operation." Todd, "The one we are designing (at 306 & Bell) is modeled after that exact one." O'Donnell, "They have an external canopy on the end so that the drying operation is contained inside the building. The extension goes the extra mile to keep the sound inside. When we came back to South Russell, we looked at the placement of the exit of the car wash. It will be aimed at the open field to the south. I felt the explanation was through. It's my sense that we will potentially have a business here that is well operated." Hocevar, "I agree."

Mayor, "Approximately, how many gallons a day does an average house use?" Eckstein, "Ohio EPA standards is up to 150 gallons per head; average household, three person. We're talking 450-500 gallons per day. Their case, I took the worst-case scenario, which means 20,000 cars would be washed only in the winter. During the summer, they would be idle. Under these circumstances, their daily consumption in the winter will be 1,280 gallons. That spread over eight hours of a workday makes three gallons per minute. Wells that were drilled into the Sharon sandstone in this particular area, their typical potential is from 15 gallons per minute up depending if the well hit a fracture zone or not. Under

worst-case scenario, the water well they have on the premises should be able to yield 15 gallons per minute. They will need only 3 maybe 4 in extreme conditions. This is typical of the pumping rate of a single family home."

Todd, "To add to that, if allowed we'll have a storage tank underground at the site for the purpose of collecting water. So, when the well is producing water to the reservoir, we take the water out of the reservoir rather then putting undo strain on the well to produce water in higher demand times. Therefore, not taking from everyone else around us during peak operating time." Sutliff, "Where do you put these reservoirs?" Todd, "Right underground. All they hold is water." The Mayor commented that Gurney School has one. It's not underground. Eckstein, "The effect of pumping at that rate in the Sharon sandstone well will spread 200 feet around the well & that's it. That means it won't cross even the boundaries of the property. The effect is negligible."

Sutliff to O'Donnell. "Can you comment about the noise?" O'Donnell, "I said they extended the canopy beyond the actual blowing process. So the sound is contained within the building. If you're going to hear anything, it's dead ahead which faces an empty lot." (South of the site) DiMichele, "So you wouldn't expect any of the noise to carry over to Fox Run?" O'Donnell, "I can't unequivocally say they won't hear something. It isn't going to be a roar. It shuts off after every car goes through. It's not a continual noise. I went outside of the building while the blowers were on. The noise is within the building."

O'Donnell asked how far away those houses are from the building. Sutliff, "200 feet." Todd, "Our property goes back 300 feet." Sutliff, "It's 200 feet to the rear property line plus whatever the distance is to the house. It's probably about 200 feet." Todd, "Sound travels north/south. Sound travel is back into the car wash. Blowers go on only when a car approaches. We use frequency drives which don't ramp up huge amounts of electricity which translates into more noise."

DiMichele asked if the building is insulated to reduce the noise. Todd, "Absolutely. They have to be insulated especially because of the demands of the winter. If not, conveyors freeze. Pipe freeze." O'Donnell, "I observed the actual tunnel for the car wash is one thing & then there's a wall & a room that runs the length of the car wash to store computers & soap. So, you have an additional layer of space."

Sutliff, "Where will the toilets be?" Claudia, "In the back of the store. They will be handicap accessible." Discussion that it will be a small space for a store.

Drawings show lot coverage is 34%. Foley, "I don't think either of those approaches to the intersection should remain." Foley & Todd review the plans & discuss entering & exiting the property. Foley, "I have concern with continued use of the aprons that are inside the intersection. How they are configured

deserve all the points of egress & ingress off Bell. There are some options. But, where they are shown here, I think the configuration of those entrances on Bell should be modified so we are not exiting or entering the site within the intersection. Todd has indicated already that he intends to get rid of the one going out onto 306 which is great." Todd, "With all the car washes, the exit from the car wash is not a shared entrance or exit with cars entering the gas station."

Jeff Peck, "Is the gravel area part of the lot coverage or is it excluded from the lot coverage? Is it included in that 35%?" Solicitor Hicks asked Hocevar if the code defines lot coverage as just paved surfaces. Hocevar, "I think it is paved surfaces, building structures." Hicks, "Is that gravel included within the existing building area computation?" Hocevar, "We talked about that. Is it dirt? Is it gravel? What would be the difference?"

Peck, "Are there records from Todd's other facilities that show water usage?" He was given a copy of Dr. Eckstein's report. Peck, "We do have a concern about the water in the summer. The watering ban; what impact does that have on the community & use of the water?" Todd, "The water affects us. Without water, we have a serious problem as well as everyone else."

DiMichele, "In comparison, if an office building went in here instead, how much water would an office building use?' Dr. Eckstein, "That depends on usage. Medical offices use similar quantities like a single family home. Those are small quantities. My estimate of riders of influence on the well that they have on the premises, being no more then 200 feet is simply based on extensive records that we have from wells in this area. We are working on & monitoring the ground water situation here since 1979. We are very familiar with wells in the Sharon sandstone here. The situations with water limitations are most severe in the wells that penetrate deeper into the Berea sandstone. With Sharon sandstone, if there are wells that are going dry, it is simply drilled on a shoestring, not so that the entire thickness of the aquifer was penetrated. That means they can be deepened & the problem will abate."

Peck, "Based on what you said, why do they have water bans in the summer?" Eckstein, "During the years the complaints about the wells penetrating to Sharon, each time the well only penetrated 20% to 30% of the thickness of the aquifer. There is a simple reason for this. The developer & driller contracted by the foot. So, the developer asks the driller to drill only into the first water table & dig another 20 feet maximum & that's it. Never mind, there is 70 or 80 feet of the aquifer unused. Most of those wells that are Sharon sandstone wells that go dry were simply drilled too shallow."

DiMichele, "As the Village Hydrologist for South Russell, you're assuring us & the residents in the area that this is not going to have an impact on our personal water levels." Eckstein, "Absolutely."

Sutliff, "Ultimately, I may vote for this. But, until we have a purchase agreement & we know you have a deal, I'm not going to vote for it tonight." Tripp, "If you refer to Pp.8 of the minutes of the last meeting, a motion was made & second. We gave Todd 'an approval of the concept plan for the gas station/car wash condition upon demonstrating within 30 days that he has an agreement with BP. Final approval of actual plans may occur after that.' I think the question this evening is, given that Todd demonstrated to bring these architectural concept drawings, evidence presented in letter form from Mr. Moldovan dated April 30 & we heard the comments & reviewed the letter of April 27th from Dr. Eckstein & his Associates regarding the impact, I **make a motion that we give Todd another 30 days to reach conclusion with a purchase agreement with BP with final approval of the actual plans at the next PC meeting should that purchase agreement be consummated & executed."** Young second.

The Mayor said, "Todd you should know that you don't really have 30 days because the next PC meeting is scheduled for May 16th." Todd, "As soon as we have an agreement, it'll be on Dave's desk." Sutliff to Hocevar, "Why don't you call BP & tell them to tear it down? That'll get them to move." Hocevar, "They'll tear it down. Their guys have already been there ready to tear it down. They called to say they are receptive to Todd's agreement. I did get a letter from BP saying they are in good faith negotiations that are coming to a close." PC talks about the dates of the next meetings: May 16th & June 20th.

DiMichele, "Can we amend Ike's motion to make it to June 20th?" Todd, "With that time frame, that should be able to be met. Once that happens & we take possession & obtain permits, we want to open the gas station, reface the store & do construction. A tentative date to have the carwash open is October 1st.

Tripp amends his motion. **"I make a motion that we give Todd Tornstrom to June 20th to reach conclusion with a purchase agreement with BP with final approval of the actual plans at the next PC meeting should that purchase agreement be consummated & executed."** Young second. Roll call. All ayes. **Conditional approval.**

Tripp, "I accept the amendment to my motion that conditional approval extends to June 20th to reach conclusion with a purchase agreement in place. He will not want to close the deal until he has our approval to build at the site. I would anticipate that Todd & Claudia would probably try to conclude the negotiations in mid-May. At that point the architect would render a complete set of drawings. So, when he comes to the meeting on June 20th he's got everything i.e. bathrooms are where they are going to be. Everything is there. We look at it & say yes or no."

Peck, "If they wanted to put a car wash on any other lot on 306, could they?" Sutliff, "This is the only spot." Hocevar, "You might be able to do it on

East Washington Street, but not on 306. You're zoned for it on East Washington Street under industrial uses. There is no space down there." Peck, "Would they have been able to do that prior to you changing zoning to 35% lot coverage?" Hocevar, "That would have been up to PC. It's a use that they could permit with a gas station." Tripp, "We didn't change the usage of the land. We changed the lot coverage." Peck, "I assume you changed the lot coverage for a reason to protect some of what the community really is."

Peck, "What is that going to look like 10 or 15 years from now? Are we all going to be happy that is what's there? And, is it kept up? To that, I will submit these pictures." Today, Mr. Peck went to three auto washes owned by Todd & his associates. The pictures showed unkempt grounds & a sign in disrepair. Peck, "Everything looks nice when you build it today. But, when you come back in 5, 10, 15 years, if it's not maintained, you have an eyesore." Referring to the pictures, "I know I'm not too excited about it as a property owner. In terms of signs, up keep, other things like that – there are issues." Tripp, "We have an extensive sign ordinance in this Village. We don't permit high signs or neon."

Kevin Tweedy, resident, "There's no future control that this group has of what this building is going to look like down the road." Mayor, "That's not true. Maybe this group doesn't. But, the Village does. We have ordinances in place. One is maintenance of property. The Village enforces the ordinances." Sutliff, "There is an Architectural Board of Review. Hopefully, we wouldn't see those signs." (Referring to pictures with signs in need of repair)

Claudia said to O'Donnell & Hocevar, "You saw our Ghent Road site. I think you'd agree the sign there was unobtrusive. It was not an eye sore. It is a comparable community to what we have here. We are on the outskirts of Bath, which is an affluent community."

Peck, "The upkeep is my concern." Mayor, Holding a picture, "For instance, that would be unacceptable in South Russell & long before it got to that state, we would have enforced our ordinances."

Claudia explained that once a week Ecco Lab comes & picks up empty drums. That is why they were outside, behind the building.

Peck asked for copies of the minutes since the car wash has been on the agenda. (2-21-02, 3-21-02 & tonight)

Sutliff, "Could the economics of this deal work if you don't sell gasoline?" Todd, "Gas is not a money making operation." Sutliff, "What happens if in two years, Marathon doesn't want you to sell gas anymore?" Todd, "We have to sign a contract that we will sell their brand of gas for seven years." Sutliff, "After seven years & Marathon says we don't want you to sell gas. Then we just have a car wash on the corner?" Claudia, "No. What would we do with all the expense of removing the pumps? Then, we'd have to remove the tanks.

The expense is so sheeted with removing all those features. To just have a car wash would basically put us out of business." Sutliff, "There are some things that he (Todd) can't control. (To Todd) So be prepared for conditions."

Mayor referred to the sprinkling ban. "The summer of 1988 was very hot. There were 20 plus days that were over 90 degrees. With Dr. Eckstein's advice & a concern with the aquifer, we put in certain limits. I remember Dr. Eckstein saying that some people who water their lawn at midday get 90% evaporation. There was a considerable waste of water because of sprinkling. There are parts of the Village, particularly those being served by the Sharon aquifer, that have enough water to use more then currently is used. There are parts of the Village where that isn't true. We thought it appropriate to have a ban in place to cover the entire Village instead of selecting specific lots or streets. We unfortunately have one area in Emerald Lakes II that has some challenges. We think conservation makes sense."

OLD BUSINESS: None.

NEW BUSINESS: The next meeting is scheduled for May 16,02 at 7:30P.M.

There was no further business. The meeting adjourned at 9:35P.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
MAY 16, 2002
7:30 P.M.

1. ROLL CALL: **Sutliff, Young, O'Donnell, Tripp, DiMichele**

2. MINUTES: APRIL 30, 2002 **amended & approved**

3. GUESTS:

   FORMAL DISCUSSION WITH TODD TORNSTROM ABOUT THE BP STATION AT BELL & 306. PRELIMINARY PLANS SHOW THE GAS STATION WITH A CAR WASH. HE APPEARED BEFORE THE PC ON 2-21-02, 3-21-02 & 4-30-02. **NO ACTION**

   ROBERT BUDDENHAGEN OF 5185 CHILLICOTHE ROAD & BOB COHEN OF 5177 CHILLICOTHE RD. LOT RECONFIGURATION. THIS WAS INITIALLY DISCUSSED WITH THE PC ON 4-19-01. **TONIGHT EACH MAN SIGNED THE MILAR FOR THE LAND RECONFIGURATION. THE CHAIRMAN & SECRETARY ALSO SIGNED THE MILAR.**

4. OLD BUSINESS: LYNN QUINTRELL OF KENSINGTON GREEN WANTS TO BE ON THE AGENDA FOR THE JUNE MEETING. SHE WILL RESUME DISCUSSING MOWING THE KENSINGTON PROPERTY. **THE SECRETARY WILL INVITE MS. QUINTRELL TO THE JUNE MEETING.**

5. NEW BUSINESS: **NEXT MEETING, JUNE 27, 2002 AT 7:30 P.M.**

6. ADJOURN: **8:10 P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
MAY 16, 2002
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Mayor Bill Young, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

OTHER OFFICIALS: David Hocevar, Building Inspector, Todd Hicks, Solicitor, Ned Foley, Engineer

GUESTS:
Laura Cowles, 5109 Chillicothe Rd. Greg Heilmen, 5105 Chillicothe Rd.
Robert Cohen, 5177 Chillicothe Rd. Robert Buddenhagen, 5185 Chillicothe Rd.
Peter Dawson, 113 Fox Trail, Dyanne Thomas, 5219 Maple Springs
Jeff & Sue Peck, 310 Fox Way, Kevin & Debra Tweedy, 308 Fox Way
David Withrow, 206 Fox Lane, Peter Lenkeit, 302 Fox Way,
Greg Stricker, 208 Fox Lane, Nancy Remley, Chagrin Valley Times
Todd Tornstrom & Claudia Moldovan of Quality Scrub, 86 Merz Blvd. Akron, Ohio 44333
Ernie DeFoy, 304 Fox Way

Chairman Sutliff called the meeting to order at 7:32 P.M. The minutes from April 30, 2002 were amended & approved.

Formal Discussion with Todd Tornstrom about the BP station at Bell & 306. Preliminary plans show the gas station with a car wash. He appeared before the PC on 2-21-02, 3-21-02 & 4-30-02.

Todd, "We submitted contracts to BP. They did not sign off on them. So, it'll probably have to go to the June 20th meeting. As of this afternoon, I told Dave Hocevar, I did not know if it was going to happen or not. I do have a revised drawing." Todd met with the Engineer, Ned Foley on May 11, 2002 to discuss ingress & egress. They are still waiting for formal blue prints.

In regard to documents, Todd explained that there are two versions: Todd's & BP's. According to Todd, he & his attorney revise BP's documents, including the changes BP has agreed to. Then, BP retypes the document & reinserts that which was agreed upon to be deleted somewhere else in the document.

Sutliff asked, "What are the sticky points?" Todd, "You can't sell gas, have a convenient store or have a car wash for 25 years. They agreed to take it out of the contract. They took it out of the contract. Then, they put it with the deed to the property. We asked them not to be responsible for, but to make us aware of any other possible contaminants on the property in addition to hydrocarbons. Currently, all they monitor is hydrocarbons. Obviously, there are contaminants in the world besides hydrocarbons. We asked them for knowledge of what they have. The only thing they tell us is what you saw in the report. (Dr. Eckstein's) Those are the points we're stuck on. We've couriered back & forth this document 17 times within the last 14 days."

This week Todd sent BP an "Agreement of Principle." BP refused to sign it, saying it was too broad. Yesterday, Mr. Klenke, the BP rep, told Todd he's not authorized to sign off on the contract. Todd's associate, Claudia explained that they were told by Tuesday, May 21st someone would be available to sign off on this contract.

Todd, "The last point to work out now is, we want to know what they know with regard to what they have been monitoring besides hydrocarbons. Based on Dr. Eckstein's testimony at the last meeting, he said there's nothing there that requires remediation besides time. We want to know for piece of mind & the bank is curious also."

Todd referred to the new drawing that was prepared after he & Ned Foley met. He closed off an entrance on 306 near the light & closed off an entrance where the old BP sign was. Foley, "That's consistent with our discussion." Todd asked if he needed anything from ODOT. Foley, "I don't think so."

Todd asked, "If in the interest of time & further delaying this, could I beg for a hearing for approval with a contingency of only if said purchase agreement is brought by a certain time?" Sutliff, "I don't think we could do that. We have a motion that was approved at the last meeting that we'd extend this until the 20th of June, which is enough time to give you to reach conclusion of a purchase agreement. You say this is a done deal. I'm not at all convinced that you've got a deal with BP."

Hicks, "I don't think it's a matter of being convinced or not being convinced. A uniform rule is that before we approve an application for any applicant, they've got to be able to show that they have some interest in the property, whether that be an option to purchase or a purchase agreement. Until we've been shown that, I don't think we can give any approval."

Discussion about next meeting date. The regularly scheduled meeting is set for June 20th. Some PC members will be absent. The meeting will be June 27, 02 at 7:30 P.M.

Dave Withrow, President of the Fox Run Homeowner's Association said, "We as an association are strongly opposed to the installation of a car wash so close to our development. We would kindly request of the PC that they not extend the deadline past June 20th so that this cannot be consummated. And we appreciate your agreement to meet on June 27th which is after the deadline. We hope that the PC would not continue to extend the deadlines on getting this project underway." Sutliff, "We're only talking about extending it seven days. I think it's an important enough issue that as many people as possible should be here to vote on it."

Ernie DeFoy asked, "Is there a right to appeal the decision of the PC tonight not to extend the deadline? Is there a forum in which I may address that?" Hicks, "No." DeFoy continued, "The Planning Commission's decision in South Russell is final as far as extending the deadline? It appears to me a decision has already been made to continue the process. The process should have been terminated last fall when the initial requirements under the charter of a certain amount of days... It appears to me that under due process, things have been extended for a long period of time. I'm seconding the comment of Mr. Withrow's not to extend the deadline."

Hicks, "As far as us changing the meeting date & as a result agreeing to extend his deadline by seven days, I don't think any rite of appeal lies to that. But, they did bring up a good point. Let's not get bogged down on semantics here. If we are changing the meeting to June 27th there also needs to be a motion that we are extending the deadline until the 27th." The Mayor, "We can still leave the deadline as the 20th." Hicks, "Then his (Todd) obligation is to appear at the next regularly scheduled meeting with his plans."

Tripp referred to the minutes from the meeting of April 30,2002. "The motion on Pp.10 reads, "we give Todd Tornstrom to June 20th to reach conclusion with a purchase agreement with BP with final approval of the actual plans at the next PC meeting." Sutliff, "The way the motion is made is quite clear."

NO ACTION.

Robert Buddenhagen of 5185 Chillicothe Road & Bob Cohen of 5177 Chillicothe Rd. Lot reconfiguration. This was initially discussed with the PC on 4-19-01.

Hocevar explains that this is a sale of a partial lot on 306. PC doesn't have to take any action, but signatures of the Chairman & secretary are required on the milar. Mr. Buddenhagen is selling Mr. Cohen a piece of property that abuts the rear of Mr. Cohen's property. It gives Mr. Cohen a little more depth to his lot. It's approximately 20' X 150."

OLD BUSINESS:

Lynn Quintrell re. Mowing at Kensington Green. The Mayor talked to Ondrey about this on May 11, 2002. PC can hear Mrs. Quintrell's presentation & make a recommendation to Council. Council is the only body that can change an ordinance. Hicks, "It's a two step process. Council will have to amend the ordinance, but they are going to need a variance from the subdivision regulations by PC. She ought to come here. We ought to give an indication whether we are willing to approve it subject to Council amending the ordinance & then making a recommendation to Council if we are so inclined."

O'Donnell, "In the meantime, they are in violation of an ordinance." Hocevar sent a letter 5-13-02 to the President of the Homeowner's Association with a copy of the ordinance. They have five days to cut the grass upon receipt of the letter. The secretary is to invite Mrs. Quintrell to the next meeting.

There was no further business. The meeting adjourned at 8:10 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

PLANNING COMMISSION MEETING
JUNE 27, 2002
7:30 P.M.

1. ROLL CALL: **Sutliff, O'Donnell, Tripp, DiMichele**

2. MINUTES: MAY 16, 2002 **amended & approved**

3. GUESTS:

   FORMAL DISCUSSION WITH TODD TORNSTROM ABOUT THE BP STATION AT BELL & 306. PRELIMINARY PLANS SHOW THE GAS STATION WITH A CAR WASH. HE APPEARED BEFORE THE PC ON: 2-21-02, 3-21-02, 4-30-02 & 5-16-02. **Todd Tornstrom formally withdrew his application to open a combination gas station/car wash.**

   FORMAL DISCUSSION WITH LYNN QUINTRELL, THE PRESIDENT OF THE HOMEOWNER'S ASSOCIATION AT KENSINGTON GREEN. SHE WILL RESUME HER DISCUSSION ABOUT REDUCING MOWING IN THE COMMON AREAS BY 358,500 SQUARE FEET. SHE APPEARED BEFORE THE PC ON JANUARY 17, 2002. **No action. Continued. The PC will walk the property July 9, 02. Quintrell will come back to the PC meeting scheduled for July 18, 02 at 7:30 P.M.**

   INFORMAL DISCUSSION WITH DAVE WITHROW, THE PRESIDENT OF THE HOMEOWNER'S ASSOCIATION AT FOX RUN. HE WISHES TO ADDRESS CONSTRUCTION OF A FOOTBRIDGE TO RUN OVER THE CREEK, ALONG BELL ROAD, NEAR GURNEY SCHOOL **Conditional approval. The conditions include approval of construction & materials by the Village Engineer. And if it becomes a nuisance, it would be torn down by those who put it up.**

4. OLD BUSINESS: **None**

5. NEW BUSINESS: **Next meeting: July 18, 2002 at 7:30 P.M.**

6. ADJOURN: **9:30 P.M.**

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5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

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FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
JUNE 27, 2002
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

OTHER OFFICIALS: David Hocevar, Building Inspector, Todd Hicks, Solicitor, Ned Foley, Engineer

GUESTS: Tom Denbow, 4145 Erie St., Willoughby, OH 44094, Lynn Quintrell, 114 Dorset, Bob Buddenhagen, 5185 Chillicothe Rd., Dave Withrow, 206 Fox Lane, Marshall Kidd, 5189 Chillicothe Rd., Nancy Mills, 87 Bishop, Stanley Stern, 833 Frost Rd., Streetsboro, OH 44241, Todd Tornstrom, 8735 Palomino Dr., Kirtland, OH 44094, Kevin Tweedy, 308 Fox Way, Jo Ann Lechman 1361 Bell Rd.

Chairman Sutliff called the meeting to order at 7:32 P.M. The minutes from May 16, 2002 were amended and approved.

Formal discussion with Todd Tornstrom about the BP station at Bell and 306. He appeared before the PC on 2/21/02, 3//21/02, 4/30/02, and 5/16/02.

Todd said this was probably going to be his last trip here. He wanted to thank the board for helping to make this a 'go' and said that they have been very helpful. Todd commented that the board was very concerned with the people of Fox Run and their property values whenever this discussion has come up. So, he wanted to let them know that their government was certainly working well for them.

Todd has withdrawn his offer to BP. It came down to liability. Todd explained that BP wanted him to accept all of the liability of environmental issues. BP would not allow it to transfer to a corporate name, so they wanted Todd to take the liability personally. He could not take that risk. The environmental issues such as the contamination on site would have apparently been taken care of by time. BP only tests for hydrocarbons. He asked for other environmental information and they would not say whether they have it or not. According to Todd, BP said they would rather close it and demolish it. They do not want independent dealers.

He sent BP two contracts, one with reduced price considering the liability and the time constraints. They rejected both offers. "Meanwhile, since I started coming here, I have signed two other deals for two other locations. We started construction this morning. So, when we don't have certain people, such as BP, things can move along very fast and efficiently. I do want to say thank you very much. I do have drawings that Mr. Hocevar requested for the site and everything else." Tripp, "Keep them." Hocevar, "It's a dead issue anyway."

Todd, "What I would like to ask of you then, is if they do demolish the site, can we then come back and ask to rebuild a brand new site for our gas station and car wash? We would start from scratch. They'll [BP] have to remediate the site. It eliminates the contamination level. They will be responsible by law for cleaning the entire site." Sutliff, "Well I suppose you are entitled to do that. Once that is torn down it is no longer a non-conforming use. Its got to conform to the B2 Zoning, and a gas station and car wash is not a permitted use. So, it's either re-zone the property or get a variance."

Todd, "I've already spent $40,000. So, before I spend any more, is that possibly something you would entertain?" Sutliff, "I personally would not want to rezone the property. I would suggest talking to the ZBA about it. Getting a variance would be a separate five-member board. This board has been very reluctant to rezone property in South Russell." O'Donnell, "I would agree with you. We've got a plan that we would kind of like to stick to. The gas station was part of the Village before the plan. Rezoning is not something we like to look at."

More zoning discussion, then Sutliff again suggested going to ZBA.

DiMichele, "You have been very professional here." Todd said he wished the Fox Run people " would have contacted me directly instead of making stuff up about how we couldn't use the water at the property."

Sutliff, "We'll ask you to either formally withdraw [your application] here or we will take a vote." Todd, "I will withdraw." **NO ACTION**

Lynn Quintrell, President of Kensington Green Homeowner's Association was recognized by Chairman Sutliff. She requested to be third on the agenda in order to give a Power Point Presentation that would take some time. This would allow the Fox Run residents to leave earlier if they wished. The chairman and others agreed.

Informal discussion with David Withrow, the President of the Homeowner's Association at Fox Run. He wishes to address construction of a footbridge to run over the creek, along Bell Road, near Gurney School.

Withrow, "I do not have a formal presentation. You all have the sketch or preliminary engineering drawing is perhaps what I should call it, of the proposed bridge.

It is probably the least expensive project to come before the PC. Our budget for the bridge is $400. The reason for the bridge is that right now we have a lot, not only residents of Fox Run, but also other folks coming down Fox Lane and cutting through our properties to get over to Gurney. Gurney could probably be construed by some of the residents of Fox Run as a public nuisance because of the number of adults and children that cut through our yard, Coyne's yard and Stricker's yard."

"It's been discussed by the Homeowner's Association that we find some other alternative for these people to get back over to the school. So, we propose to build a small bridge over the creek that runs through our development down near Bell. We're required to stay 30' from the center of Bell. There is a 10' utility easement beyond that that we could build on. But, that would be vulnerable if any of the utilities come through. They could tear up our bridge. They have found a location approximately 44' down from Bell which would be on Fox Run Common Property where we propose to put in the bridge."

"We would get a team together to put this up, probably in July." Withrow then discussed water flow under the bridge as being substantially greater than the culvert opening under Bell. He said their bridge would not cause any blockage of water. He is not concerned about water issues. It would be a four feet wide bridge. It could accommodate handicapped persons. "We, the residents of Fox Run, would like to request approval to construct a bridge."

Sutliff asked if most of the foot traffic going through there was kids and wanted to know if we would be encouraging trespassing by creating an easy way to get through. Withrow, "We are trying to take the trespassing that is happening and direct it to a more public area. The alternative would be to come closer to Coyne's yard, but that it was not feasible because of the terrain and because the school might have issues with it."

More discussion regarding location, clarification of sketch, water flow, and where the particular people live who might be trespassing.

O'Donnell said several years ago, Strickers came here about trespassers. "If they are still coming from Manor Brook, this won't solve the problem. The 100 year storms, they happen far more frequently that that. Janice has had serious problems with storms. My concern and the Mayor's concern is that we want a substantial bridge. A $400 bridge is not sufficient. We want one that will NEVER float away or fall apart. We'd want a very significant bridge, very substantial."

Discussion about posts and streambed, as well as ADA.

Withrow, "We will work with Ned (Village Engineer) and Dave (Building Inspector) to be sure that is met." Hocevar described many items relating to ADA. Withrow, "We're not trying to make this ADA compliant."

Foley, " My concern is only that it would be rigid enough to withstand storms and the safety of it. The nature of the structure is vague, but I don't see any major problems. Discussion with Withrow regarding liability insurance. He says they are covered.

DiMichele made a motion to conditionally accept upon approval of the Village Engineer the construction & materials. Tripp second & added, "If it becomes a nuisance, it would be taken down by those who put it up." All ayes. **CONDITIONAL APPROVAL**

Formal discussion with Lynn Quintrell, the President of the Homeowner's Association at Kensington Green. She will resume her discussion about reducing mowing in the common areas by 358,000 square feet. She appeared before the PC on 1-17-02.

Sutliff made it clear that this body has no authority to allow this, but was asked by Council to make a recommendation. Quintrell, "Yes, I understand." Sutliff, "Council has the authority."

Quintrell: Outlined mowing plans, mowing practices, and introduced Stan Stein as a Watershed expert and Tom Denbow.

Tom made a power point presentation and explained that a watershed drains to a common point. The grass could get as high as five feet. Stein said it is a perception of how you see these grasses. There are about 12 native grasses. Quintrell said the homeowners want a neat appearance near the fence. They would have a "two pass" setback (from the fence).

Tripp ask Quintrell to explain if they have decided to adopt non-mowing. Quintrell said they just mowed the area. Tripp said it was the worst mowing job he'd ever seen. O'Donnell brought up the mowing ordinance. Hocevar said it was to be no higher than 8 inches. Quintrell said she has a call in to the landscaper about it. Hocevar said they are not in compliance right now. Tripp referred to the sub-division regulations showing that they have to mow all of it. "Right?" He also had questions about the homeowner's association and how many want this. Quintrell said that in an informal survey, 70% want it. Sutliff asked how much they spend on mowing now. Quintrell said $15,000/year. Sutliff suggested they might save half with this program. Quintrell said not quite half. This is not a financially based proposal.

Nancy Mills, a resident of Kensington Green, made comments about losing mowers in the pond because of the steep bank near the pond. O'Donnell wanted to know if we had a copy of the deed restrictions. Hocevar said, "Yes, they must mow it." DiMichele said, "They have conformed until now. I have concerns regarding other sub-divisions."

Denbow said he has suggestions regarding the ordinances and would provide this service in the future if requested. O'Donnell asked about wildlife and how much would be found dead on Bell Road. Stein said snakes are not an issue. The deer kill increases on the road after this development. O'Donnell asked about rabbits. Stein said they could. It boils down to perception.

Quintrell made comments about conservation, even though this is a back-end request. Tripp noted the amount of time and money spent on the Ashleigh development and said there was no natural landscaping in there. O'Donnell, "Ten percent of the common property in Ashleigh is wetland area."

Sutliff asked Foley for his input. Foley said, "Regarding ground cover and flowing water, well it's been interesting. But, my focus is mundane and regards the drainage." Sutliff asked if they have plans to put in the flowers etc. as the Power Point presentation suggested. Quintrell, "Yes."

O'Donnell, "I am definitely in favor of the area to the west of the pond -to fix that problem. But 350,000 square feet in a meadow, NO." O'Donnell asked if they would be interested in phasing any of this. Quintrell, "Phasing it, yes, as a compromise." Stein suggested it be a two-year trial. DiMichele had questions about mounds. Sutliff said he liked the idea of a trial period. O'Donnell wondered about an on site tour of the area in question. Sutliff suggested sending it to Knight & Stolar. Hocevar, "We can send this to them. It would be up to the board and Kensington would pay for it."

O'Donnell said she wanted to walk the area. PC members agreed to meet at the Kensington entrance on Tuesday, July 9th at 7:00 P.M. to review the property. Hicks asked for a copy of the deed restrictions. Quintrell stated that six people came to the homeowner's association meeting.

NO ACTION.

OLD BUSINESS: None

NEW BUSINESS: The next meeting is scheduled for July 18, 2002 at 7:30 P.M.

There was no further business. The meeting adjourned at 9:30 P.M.

Walter Sutliff, Chairman

Laura Cowles, Acting Secretary

FOX RUN SUBDIVISION HOMEOWNERS' ASSOCIATION, INC.
SOUTH RUSSELL VILLAGE, OHIO 44022

13 June, 2002

Village of South Russell
5205 Chillicothe Rd.
South Russell, OH 44022

Attn: Mr Dave Hocevar, Building Inspector

Dear Dave,

Here in Fox Run there is quite a bit of youth and adult foot and bicycle traffic cutting through several of the private properties to go to and from the Gurney School playgrounds and fields. At the Annual Meeting of the Fox Run Homeowners' Association held on 14 May, 2002, the homeowners decided to encourage that traffic to cross in our common area instead of through the private lots.

Because an open creek runs along the common area it was determined that a short bridge would be needed over the creek, and a small sum was appropriated to construct one.

After a site inspection, it appears that the best location for the bridge would be near Bell St. We understand there is a 30' right-of-way from the center of Bell St, plus an additional 10' utility easement. I have flagged a possible location just over 40' to the north of the center of Bell St.

We would plan to build a 12' long bridge essentially per the attached sketch. It would be sited as shown on the attached plot plan.

Attached is our $ 50.00 non-refundable deposit to apply for a permit to build the bridge. We plan to construct it this summer.

Thank you for your help and advice.

Sincerely.
FOX RUN HOMEWNERS' ASSOCIATION

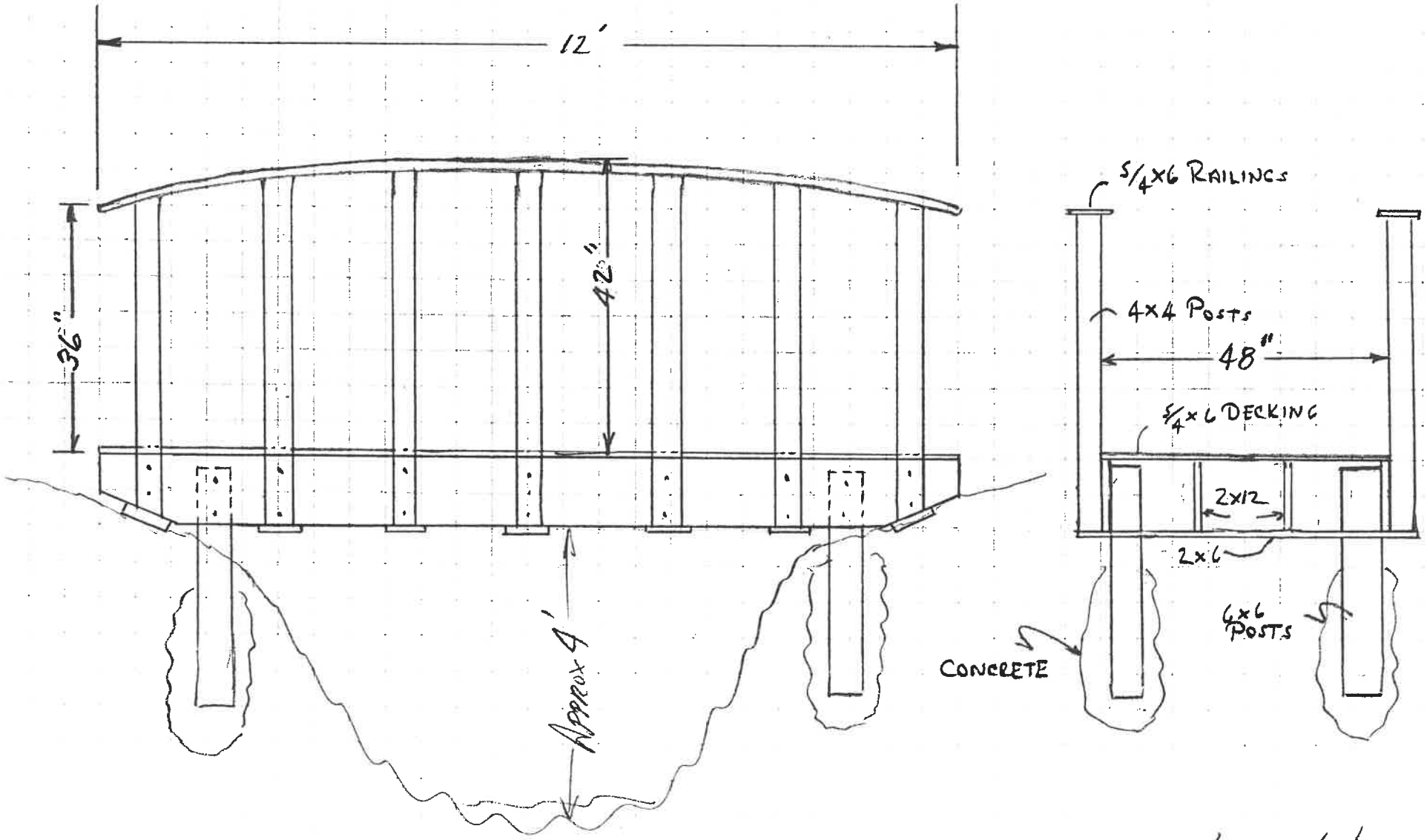
Dave Withrow, President
206 Fox Lane, C.F., OH 44022
440-338-3333

BRIDGELT2.HOA

Delay construction until culvert work is done

Fox Run Subdivision

Proposed Bridge over Creek near Bell St



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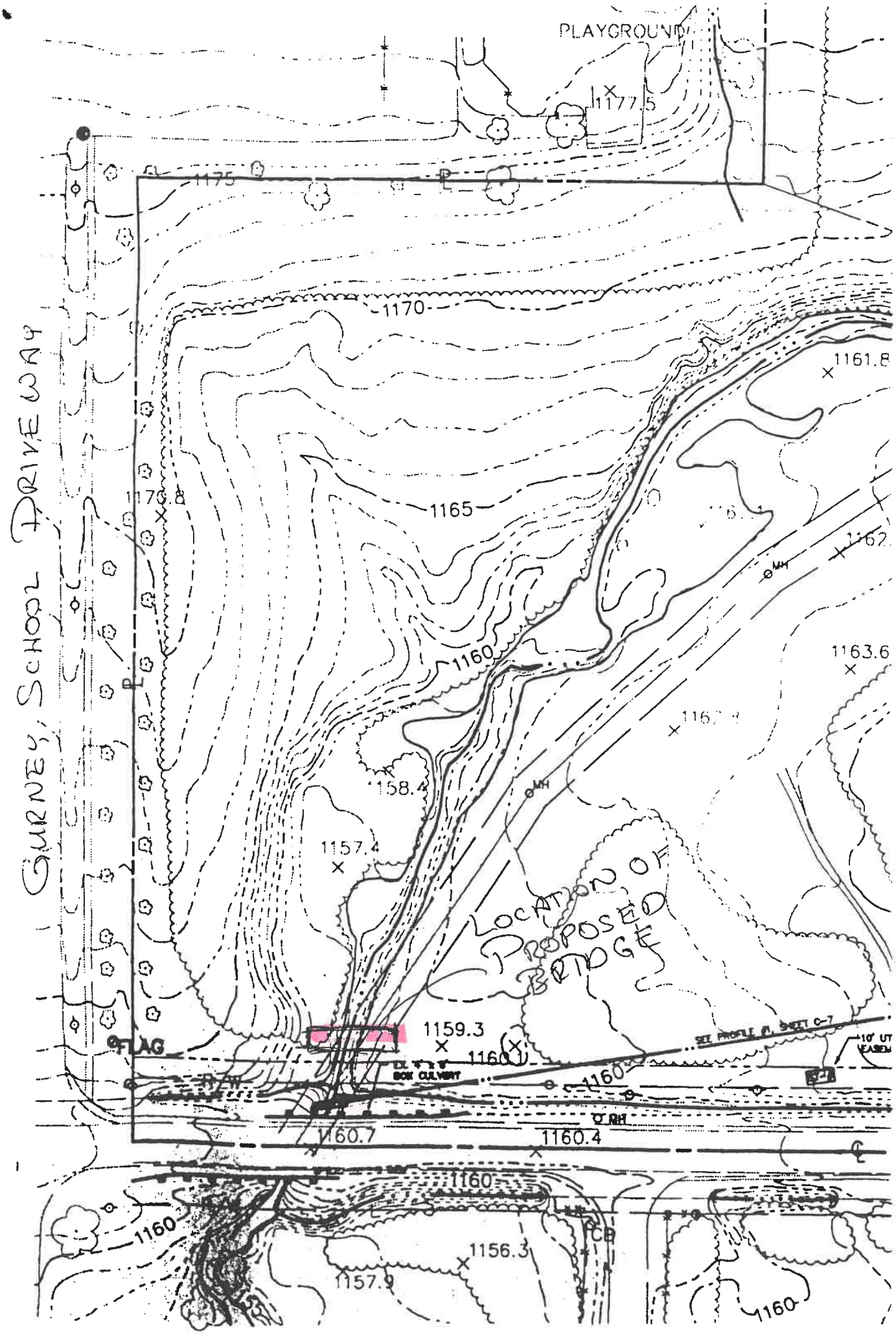
PLAYGROUND
1177.5
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LOCATION OF PROPOSED BRIDGE
1159.3
FLAG
BOX CULVERT
1160
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1157.9
1160
GURNEY SCHOOL DRIVEWAY

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

PLANNING COMMISSION MEETING
JULY 18, 2002
7:30 P.M.

1. ROLL CALL: **Young, O'Donnell, Tripp, DiMichele**

2. MINUTES: JUNE 27, 2002 **amended & approved**

3. GUESTS:
FORMAL DISCUSSION WITH LYNN QUINTRELL, THE PRESIDENT OF THE HOMEOWNER'S ASSOCIATION AT KENSINGTON GREEN. SHE WILL RESUME DISCUSSION ABOUT REDUCING MOWING IN THE COMMON AREAS BY 358,500 SQUARE FEET. SHE APPEARED BEFORE THE PC ON 1-17-02 & 6-27-02. PC MEMBERS WALKED THE PROPERTY ON 7-9-02.

DiMichele made a motion that PC recommends to Council that the plan be accepted with conditions:
(1). Area 1A, Detention basin to be reviewed by the Engineer & his report to be made to Council at the time of the discussion.
(2). Trial period of three years.
(3). Area # 5 is defined as a smaller area then what is on the legend map with colors.
(4). The basin area #5, the bowl area, would be defined so that the taller grass would not be seen from Bell Rd. (The whole mound is mowed, but down in the bowl, it is not)

Mayor seconds. Roll call. All ayes. Recommendation accepted. Refer land management plan to Council

FORMAL DISCUSSION WITH JIM PASCOE & HOWARD BATES ABOUT THE BP STATION AT BELL & 306. THEY ARE THINKING ABOUT REOPENING THE GAS STATION. **Continued until 8-22-02**

4. OLD BUSINESS: **None**

5. NEW BUSINESS: NEXT MEETING: **August 22, 02 at 7:30 P.M.**
New development in Russell. Water runoff, a concern
Need to be aware of conditions put on motions. A burden for the Building Dept. to follow up

6. ADJOURN: **9:25 P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
JULY 18, 2002
7:30 p.m.

MEMBERS PRESENT: Acting Chairman Ike Tripp, Mayor Bill Young, Kathleen O'Donnell, Janice DiMichele

OTHER OFFICIALS: David Hocevar, Building Inspector, Ned Foley, Engineer, David Ondrey, Solicitor

ABSENT: Walter Sutliff

GUESTS:
Howard W. Bates, 14581 Burton Windsor, Burton,
Jim Pascoe, 11540 Music St. Newbury
Paul Hanson, 43 Wolfpen Dr. Lynn Quintrell, 114 Dorset,
Stanley Stine, Cleveland Museum of Natural History; home: 833 Frost Rd. Streetsboro,
Dave Withrow, 206 Fox Lane

Acting Chairman Tripp called the meeting to order at 7:30 P.M.
The minutes from June 27,02 were amended & approved.

Formal discussion with Lynn Quintrell, the President of the Homeowner's Association at Kensington Green. She will resume discussion about reducing mowing in the common areas by 358,500 square feet. She appeared before the PC on 1-17-02 & 6-27-02. PC members walked the property on 7-9-02.

PC referred to map & Land Management Plan. LynnQuintrell asked, "Have you come to a decision with respect to what we proposed?" Tripp, "We had a walk through. According to the Sunshine Law, we are not allowed to have a private meeting with more than a couple of members without a secretary taking the minutes. Tonight is the time we can have a formal discussion, Q &A & reach our decision."

The Land management map is divided by colors. For the discussion, the PC divided the map into areas 1-6.

1A. North East, shaded area, Detention basin (wetland?)
1B. Shaded area, balance of 1A area; the area above the ditch line at the fence line
2. Red area, wooded area now, adjacent to 1A & 1B
3. Yellow area, west of wooded area
4. Yellow pyramid shape, flat to hilly area (presently has a foot high of grass)
5. Yellow/green bowl (presently is fully mowed.)
6. Green, west of the lake

Tripp refers to the yellow area that was mowed in March. Currently, it is 1 ½' tall. He asked, "How much of the area jutting into the green is going to be left to grow? At the end of the walk through, we believed it was the very burned out bowl area. The tops of the mounds are still going to be mowed. Around it is going to be mowed. But, the bowl area from the trees back out beyond the trees won't be mowed anymore. Is that correct?" Quintrell, "Essentially, yes." Tripp, "From the way the map is drawn, it appears to be a more substantial area unmowed."

DiMichele, "Basically, from Bell you won't be able to see the height of the grass in the bowl." Paul Hanson, resident of Kensington, "Right."

O'Donnell, "This map is a proposal. This is not what's going on." Quintrell, "Right." Tripp, "The proposal includes: there would be two passes of the mower in the back of the fence & under the fence would be mowed. And two passes would be maintained all the way down to the red area, the wooded area. The area on the west side of the lake would be let grow. That is the proposal." Quintrell, "For clarification, it isn't a neglect policy. It isn't that we're going to stop mowing forever. There are areas that will be monitored & we will mow as recommended."

Tripp, "Who will be monitoring this?" Quintrell, "The Cleveland Museum of Natural History would be monitoring for noxious weeds & undesirable plants." DiMichele, "Meadow patrol. Who in the Village is responsible in two years to say this has to be mowed? Who is in charge of this?"

Discussion about Area 5. Tripp, "When the evening of the walk through started, there was discussion that the tops of the mounds weren't going to be mowed. By the end of the evening, it was down to the people from the street will not be able to see the tall grass that is in the bowl." O'Donnell, "I thought we were in complete agreement there, that whole thing was going to be cut." Tripp, "It's currently being cut. What we talked about was a smaller area then what they had indicated on this map." Tripp referred to what Sutliff had said at the time.

According to Tripp, Sutliff commented that the way they have this colored map is a lot bigger area then what they are talking about. Tripp, "We talked about our recommendation essentially being & I thought what we agreed to with the folks there - would just be this tongue here. So people from the street would not be able to see that grass growing within that area. It's a smaller area."

Tripp, "One of the things we read is that 70% of the residents from Kensington Green have been polled & are in favor of this plan. Was there any discussion if the people of Kensington Green don't like it? What transpires then?" Quintrell, "Yes that issue was addressed at the conservation meeting we had with the homeowners in May. Yes. If people objected, then we'd go back to cutting it."

Tripp, "Did anyone have contact with the people who live directly across the street on Bell from East Belmeadow to West Belmeadow? Any comments?" Hocevar, "No." DiMichele wondered if the neighbors on Bell were notified of Kensington's plan. The Mayor explained that in cases of variances or zoning changes, they'd be notified. O'Donnell asked how many house are sold in Kensington Green a year. Quintrell answered, "It depends, maybe seven or eight."

Mayor, "Ned would you address the detention basin in #1A on the northeast section & whether or not the growth of unmanaged vegetation or that which is periodically cut has an impact?" Foley, "If the intention is to leave that go, I don't know if I'd favor that. Leaving it long changes the characteristic of how water flows across it; a greater potential of water to stand or be slowed, a greater potential for sediment to fall out & build up. Generally, that just allows it not to drain as well as it should. A characteristic of a dry detention area is that the bottom part remains mowed. The slope is another issue. I don't think that is as big as a problem. This doesn't have a considerable cross slope. I think the bottom should remain a mowed area as it relates to storm water detention."

DiMichele, "Is it actually used as a retention area?" Hanson, "It was originally intended, but it isn't." Foley, "I don't know about that." Hanson, "That area hasn't been mowed for probably six years. They tried many years ago, but couldn't get down there without getting stuck."

Mayor, "The pond to the right is really a retention basin. The one to the left is a detention basin, 1A. It slows the water down, holds it temporarily. It comes out at a measured rate so it doesn't flood Bell Rd. We've had flooding of Bell Road with serious rainstorms. That detention basin overflowed. It wasn't built to withstand a 100- year flood." Hocevar, "It's overflowed a half dozen times since I've been here."

Mayor, "One of my concerns is if that basin retains water longer or its additional sediment should fill that, then it's moving against what it was originally designed for. It was not designed to be wetlands. It was designed to

be an area that water passed through at a lower rate so it doesn't flood Bell Rd." DiMichele, "But it is a wetland." Mayor, "Maybe it's become a wetland because it wasn't mowed. If it had been mowed from day one, it wouldn't be a wetland." Foley, "The fact that it is wet, it doesn't drain well. It is intended to be an area that holds water for a period of time & then discharges it. If they aren't maintained, they do become wetlands because they normally don't have a lot of grade. They do get wet & water just sits."

Tripp turned to Pp. 5 of the management plan. "The four areas that they talk about to be mowed on a weekly basis is the successional meadow areas including a mowed buffer with a two-pass buffer along the fence line. The woodland area would remain as it is. The dry detention basin would be mowed at three to five year intervals. The plan as it is written calls for that to be mowed. Whether or not they can do it, remains a question. People with past experience have said they tried to mow it & got stuck. The cattails & vegetation that is established there, shows it has established itself as a wetland. It could be a meddlesome issue to mow."

Foley, "I think the Village has an easement. The purpose of that easement is to maintain it as a drainage facility, not as a wetland. If it has developed characteristics of a wetland, whoever owns that property has a problem because there's an inherent responsibility to maintaining the drainage characteristics of that pond. The only reason the Village would have an easement is to make sure that the owner of that property follows through with that. It may have crossed over to a wetland characteristic, but it really is a man made facility that's not suppose to be wet."

Mayor, "We have another situation in the Village that I call a man made ditch that goes from West Belmeadow west to 306. It's essentially impossible to be mowed. If it rains, we're going to have a big problem. It drains right into Fox Run. The point is the maintenance of the ditch or detention basin could be a challenge. Kensington Green has made a proposal here that many pieces of it make a lot of sense. There could be conditions placed on it in the recommendation that the Board makes to Council. And Council has the ability to look at it independently. I think we should ask the Engineer to revisit that to determine the necessity of it as it was originally designed to determine what is in the best interest of not exclusively Kensington Green, but in the best interest of the Village. Hear what he has to say & make a presentation to Council. It may be that Kensington Green has a consultant who would look at it in a different fashion."

Quintrell, "If my memory serves me correctly, back when I appeared here in January, I thought it was noted that the Village Engineer was suppose to

contact me in writing concerning that dry detention basin. I have never heard from anybody. So, I wasn't aware that this was an issue."

Mayor, "The issue that was talked about was if we changed the outflow of the size of the drainage pipe. That's specifically what I discussed with you. There was some feeling that the discharge pipe should be reduced in size. The discussion was not the maintenance of that area. It was specifically on the size of the pipe. Several years ago, Darrell Johnson suggested that it be reduced in size. A couple of the homeowner's in the immediate proximity objected to that. Darrell let it slide. The issue came up again. The Village could perform the work without informing anybody. Before we do anything – it was my commitment to you- that we would so inform you of that. Nothing has happened there. That has nothing to do with the size of the detention basin or whether or not it's wetlands or whether it's mowed or what sort of vegetation is out there."

Hanson, "Reducing the size of the pipe is another issue." Mayor, "It's an independent issue because there was some feeling that the water is going through the detention basin too quickly. If we reduce the size of the outflow pipe, the water is retained a little longer. We certainly didn't want it to be retained long enough for a negative impact. If it drains in 10 hours by reducing the pipe maybe it'll drain in 20 hours."

Hanson, "If it's a wetland, do you still want to reduce the pipe?" Mayor, "What we want to do is to avoid the flooding of Bell Road. That's the first priority & safety of people down stream." Hanson, "Does it retain more though when…" Mayor, "It retains the same amount." Tripp, "Basically, the pipe drains the pond. It will drain & it's set to drain it. It does it slowly enough that you don't get the water washing over Bell St. In looking at the January 02' minutes, the water that exits the basin was the concern that evening & the homeowner's association at that time wouldn't let us touch it. So, it is an issue that the Village Engineer needs to visit with the homeowner's association particularly, in light that we have an easement on it." Mayor, "We haven't decided to do anything yet. Until there's a determination by the Engineer that it needs to be reduced in size, to take a proposal for a plan from the homeowner's association is premature. They were put on notice that we would advise them before we take any action."

O'Donnell, "One of the things we talked about with Wally was allowing some part of this land to grow on a trial basis. If we let it happen for two years or so & got the feeling of the people as to whether they like it or don't like it, whether it was effective or not effective. We could build that into any recommendation we make. I thought that was a good idea. No one would be locked into a permanent situation." DiMichele, "If we agree to do this as a trial basis to see how this is going to work, to address managed meadow areas in developments, would that be an OK way to avoid opening a Pandora's box so every development doesn't come rushing in to do meadow control?" Ondrey, "I think it buys you some time. We can say we're seeing how it's working over at

Kensington. We're not prepared to make any exceptions until we know where that is headed. Just because you're doing it in one, does not make you obligated to do it in another. Every situation can be looked at for its unique set of facts. Certainly if your recommendation to Council is that this would only be granted on a temporary basis, that gives you the ability to say to another applicant, we're not ready to spread this around. You have an ordinance that says you have to cut to a certain height. What Council would be facing is the question of whether they are willing to create some kind of an exception. If they want to make it on a temporary basis, I think that's legitimate."

DiMichele asked, "At this point are we ready to put together a motion to put before Council? We agree to areas of this as indicated in the plan with the provision that the Engineer reviews the detention area for what ramifications that might have. And it's for a three-year period." O'Donnell wants to wait until we hear what the Engineer has to say before a recommendation is made.

Tripp, "Following up with what the Mayor indicated, my thought is we make a recommendation to Council. By the time it comes in front of Council, our Engineer will have looked at Area 1A & be prepared to make his recommendation to Council, so that Council can decide how it wants to handle this request from Kensington Green."

Mayor, "We agree to this plan in concept, but with specific concerns; one concern being in 1A. We need to get a report from the Engineer. We agree to redefine Area 5 so it will be smaller then the map indicates. It would be down in the bowl, so the grass growing in there won't be noticeable to people passing by. As long as they keep it trimmed along Bell, I don't have a problem with it." Tripp, "It should be done on a trial basis."

O'Donnell, "If we say 1A is under scrutiny by the Engineer, 1B is currently relatively uncut. Are we saying, 1B is going to be left that way & 1A might have to be cut depending on what the Engineer says? So the center portion would be cut & the surrounding areas uncut?" Mayor, "It could be."

Tripp, "The plan that they put forward defines areas to be mowed, defines successional meadow areas, the woodland area, the dry detention area. It's supposed to be maintained every 3-5 years, as is the meadow area. I think the recommendation as far as the motion should include that the small trees, the scrub trees that are growing up on that fence in the areas between 1A & 1B should be removed immediately. They are not part of what should be there."

O'Donnell, "We would say Area 2 should be left as it is." Tripp, "Right." O'Donnell, "Areas 3 & 4 could be part of the test meadow. I am of the opinion that Area 5 should be cut. It's too close to the entrance. It's very visible." DiMichele, "The part they are actually talking about growing isn't going to be visible from the road at all." O'Donnell, "I think Area 5 should be cut. Area 6, on the other side of the lake, I don't have a problem at all with that. I could go

along with the recommendation depending on what the Engineer says about Areas 1A & 1B. I think Area 5 should be mowed."

DiMichele made a motion that PC recommends to Council that the plan be accepted with conditions: (1). Area 1A, detention basin to be reviewed by the Engineer & his report to be made to Council at the time of the discussion, (2). Trial period of three years. (3). Area #5 is defined as a smaller area then what is on the legend map with colors. (4). The basin area #5, the bowl area, would be defined so that the taller grass would not be seen from Bell Rd. (The whole mound is mowed, but down in the bowl is not.)

The Mayor seconds. Roll call. All ayes. **Recommendation accepted. Refer land management plan to Council.**

Mayor, "The responsibility of managing this is to be handled by the Board of Trustees of Kensington Green." Tripp, "That's part of the management plan put forward by Kensington Green Homeowner's Association." Mayor, "I assume Council would want to have some sort of guarantee that that would happen. And there's recourse. If, for some reason, that doesn't happen South Russell Village can have some power to bill the homeowner's if it wasn't mowed in a five- year period. The Village would mow it & pass the expense back to the HOA or individual residents."

Tripp, "Our recommendation has to include, if the people living in Kensington Green don't like the management plan, Kensington Green will resume mowing." DiMichele, "It's a matter that the HOA has to handle on their own." Tripp, "Yes. The HOA handles it according to the by-laws & majority vote etc. etc." O'Donnell, "If it's part of the by-laws or deed restrictions, what do your by-laws say about making a change? How do you change your by-laws? What's the required vote? Is it 90%? 75%?" Hanson, "Depends on what it is. But, 2/3 have to be at the meeting & then it's a majority vote." Quintrell, "This section of the mowing is in the Declaration of Restrictions. We're not changing the maintenance. It's just the frequency that we're opting to change." O'Donnell, "You're changing your by-laws." Quintrell, "I'm looking at the by-laws right now. It says the minimum standard of maintenance shall be the keeping of non wooded areas mowed. We're advocating that we'll mow it. We're just asking for less frequency." Hanson, "What we're doing is going along with what the majority has already said to us. They'd like to do this. We're not changing by-laws." Ondrey, "It isn't our headache."

O'Donnell will give a report to Council on 8-12-02. She asked reps. from Kensington Green if they could come. Engineer, "The first thing I will evaluate is whether it's a wetland or not. My findings will go directly to the Mayor."

Formal discussion with Jim Pascoe & Howard W. Bates about the BP station at Bell & 306. They are thinking about reopening the gas station.

Ondrey, "Mr. Pascoe's partner, Mr. Bates is a client of mine & my firm. We don't have a technical conflict in this because I'm not representing him on this matter. We're prepared to go ahead if you want us to advise the Village. But, I'm prepared, if you are uncomfortable with the situation, let me know & we can step back from the situation." Tripp, "Does anyone have any concern about the issues he has raised?" No concerns verbalized.

Pascoe, "We'd like to reopen the gas station across the street. We have contacted BP. We agreed on a price. The papers have to go back & forth to Chicago. There was no way we could bring a signed agreement here tonight." They have reviewed a contract packet from BP. Pascoe, "We've agreed in principle with BP to buy it. The price has been agreed upon. My background is being in the oil business. I was 32 years with Sunoco. Underground problems are the main concern." Tripp, "They have agreed to indemnify you to the underground problems?" Pascoe, "The remediation is their responsibility."

DiMichele, "Will this be a BP station?' Pascoe, "Unbranded." DiMichele, "Are you sure about your contract? The gentleman who tried to buy this before you had so many stumbling blocks put in front of him by BP such as a 25- year agreement that he couldn't sell gasoline there & not releasing him from the liability; making him personally responsible for the liability." Pascoe, "The remediation is the major concern that I have. We'll resolve that to our satisfaction. We could not expand, Phase II of our proposal, because we can't cover any of those recovery wells until remediation is complete & the EPA gives us a No Further Action Release when they sign off."

O'Donnell, "Aren't we past the time of the conditional use?" Hocevar, "I talked to Todd (Hicks, solicitor) & he said it's PC call if you want to extend or stop it right here." Ondrey, "We took the position with the prior applicant that he had gotten the application in before the time limit expired. It could have been a tough issue for the Village to preclude him from going forward with the proposal."

Ondrey, "We're in a somewhat different situation now. The time has expired for the building to still exist. We could have insisted that it be torn down by now. I think it's your call whether or not you want to push for that enforcement or whether you're willing to entertain yet another proposal on it. I don't think it's clear cut where you have to say, no, it's beyond the time & you can't entertain it anymore."

Tripp, "Before we make that decision, perhaps you could expand on what you said. You have a Phase II?" Pascoe, "It's a 1,200 square foot building. We'd like to convert it to a mini mart, sell gasoline & sell items that you'd find at a mini mart. At some point we were thinking of a gourmet coffee shop. It might require an addition to the building. But, we realize we can't expand until the remediation process is complete. We were thinking of this in two phases. Phase I, open now & sell gasoline; put in a convenient store. When the time was right, Phase II." Tripp, "Would this convenient store include the sale of alcohol?" Pascoe, "Well it certainly would be a big part of the gross income, beer & wine."

DiMichele, "Would there be services like oil changes, tire repair?" Pascoe, "No." Mayor to Ondrey, "Do you believe a gourmet coffee shop would meet the current zoning as a permitted use?" Ondrey, "I don't think the gourmet coffee shop would. That would require a variance or rezoning of some kind. It's up to you whether you think under today's modern concept of a gas station, if a mini mart falls within that definition. As we discussed before, you can find many gas stations with that concept now. A more narrow definition would say a gas station just sells gas & oil & things of that nature. In the future, if they want to expand on the concept, they'll have to come back in front of the Village whether it's a variance or approval from here."

Mayor to Hocevar, "The paved area & the building, the lot coverage, is that close to 35%?" Hocevar, "I think it is. It's close." Mayor, "To expand the paved area to allow for a coffee shop, there may not be adequate parking." Hocevar referred to Todd Tornstrom's proposal. It was 32.4% coverage. Hocevar, "He was going to put a 38 foot long addition on the building. The width of the addition was 10-15 feet." Mayor, "He was going to recover some of the lot coverage by closing entrances along Bell & 306. Essentially, he wasn't going to be adding anything to the lot coverage. Right now they are close to 35%."

Tripp explained that the maximum lot coverage is 35%, which includes building & parking. Pascoe wants to make renovations to the current 1,200 square foot building & live with that situation until Phase II. He'd like to try to be open by Labor Day weekend. Bates explained their involvement with BP to date. The 25-year stipulation to sell gasoline has been deleted from the contract BP sent to them. DiMichele, "Last time it was taken out of the contract, but added as a deed restriction." Pascoe, "We can't buy BP branded products." Mayor, "Do you have any interest in any other gas stations elsewhere?" Pascoe, "No." Tripp, "Do you operate any other stations?" Pascoe, "No."

Tripp to Ondrey, "It sounds like we're in a nebulous area. The date, 120 days, has passed. If we were to accept the reopen petition, does that leave us open to other people, where there has been conditional or grand fathered uses in the Village that's closed? Could somebody go back & say, I want to reopen?"

Ondrey, "We're talking about two different issues. The grandfather provision doesn't go away for 1 or 2 years. We have a unique requirement that the building has to be torn down within the 120 days. State law is 2 years. Municipalities can lower it if they want to lower it. I don't recall if we lowered it or not. I believe someone could come in six months, a year after that building's been torn down & say, I'd still like to have a gas station on those premises."

O'Donnell, "What is our position when we put all those time deadlines on Mr. Tornstrom?" Ondrey, "The reason we did this, I felt without having a specific agreement with BP, we could be wasting our time. In fact, that is what occurred. If you remember, I didn't want you to take a vote because we would have voted on something that he didn't even have an agreement to do." Tripp, "It's a similar situation tonight." Ondrey, "Right. They can make this agreement contingent upon getting South Russell's zoning approval. I think you need to decide how much time are you willing to put on this process without having that agreement in place. Do you want it done in two weeks, two months? If not, are you going to put an end to it? That's what we would have done with Todd Tornstrom."

Withrow, "I didn't fully understand the explanation. The variance that's existed for the gas station, grandfathered. The station closed in September. Am I understanding you to say that variance survives for a year?" Ondrey, "Its not a variance. It's a grandfather use." Withrow, "It survives with the station for two years. For the Village, if it's modified, it survives a year?" Ondrey, "Yes." I think under state law, we couldn't bring it less then one year. We could make it less then two years." Withrow to Hocevar, "Have you notified BP to demolish the station?" Hocevar, "I did the day after Todd withdrew his application. BP called me & asked for more time. They think they are going to close with Mr. Pascoe. They are waiting to hear from PC."

Mayor to Hocevar, "Let's suppose we don't approve this and BP takes this down, what are they required to do? Demolish the building, remove the tanks, get rid of the concrete over there, put top soil & seed?" Hocevar, "I don't think it goes into grass. That's something we can pick up under another ordinance, erosion control. As far as taking the tanks out, the building, the sign, that's part of it." Mayor, "What about the concrete?" Hocevar, "That's something we can cover under another basis. It's not spelled out." Mayor, "You are of the opinion that unless BP fought us, we can return that to nature." Hocevar, "I am."

Mayor, "If you should move forward with the mini mart concept, would you plan on selling alcoholic beverages there?" Pascoe, "Beer & wine, statistically is a big part of the convenient store business. There are a lot of places where you can't have them because of schools or churches. Here, that's not a problem. You are 500 feet away from the school. I've seen them succeed

without beer & wine. The economic profile we've put together, we had 10% of our gross profit in non-gas related profits, the beer & wine. Without beer & wine, it would be taking away one of the critical ingredients to make a profit there."

O'Donnell, "Do we have a beer & wine license available?" Ondrey, "I think the state sends the local political subdivision notice that someone has applied for a license. You get to comment on it if you want." O'Donnell, "It was my understanding that we allowed X number of..." Ondrey, I don't know how it works anymore. That's how it used to be." O'Donnell, "Trifles recently got beer & wine because someone in the Village gave up their license & that one became available."

Mayor, "Would you be interested in pursuing this if you got approval on Phase I without alcohol and have to come back to this board at a latter date on Phase II?" Pascoe, "With Phase II, we spent time talking about Dunkin Donuts & talking with Arabica about something out back, a little café. We realized right now that is not in the making because of the remediation underground. That's something down the road. As far as beer & wine now, I've seen these things succeed without beer & wine. I personally am indifferent. Statistically, it becomes a major contributor to your overall gross profit." Mayor, "I just have a personal negative reaction towards gas stations pedaling alcoholic beverages. I know it's legal & every mini mart wants to sell it."

Hours of operation: 6:00A.M. to 10:00P.M. Mon.- Sat. Sunday: 8:00A.M. to 8:00P.M. There would be a couple of employees.

Dave Withrow introduced himself to Mr. Pascoe & Mr. Bates. "I'm the President of the Fox Run HOA. We, as an association, would prefer that you not sell alcoholic beverages. We've got a bunch of kids in the neighborhood & they'd be sneaking over & do things that all kids do. If you make the deal that would be a preference that we would have." Pascoe, "Our plan is that we'd buy the unbranded rack. You'd have a very good price. The alcohol is not a deal breaker. It's something that's a big part of your overall profit."

The question is asked if anyone wants to make a motion. Ondrey, "To be consistent as to how we treated the other applicant, we're not taking a vote until we know you have a deal."

PC members restated their disdain for the sale of beer & wine. Some members want donuts to be sold. Others hope adult magazines are located behind the counter or not available at all.

DiMichele **made a motion to give Mr. Pascoe & Mr. Bates until the next meeting the opportunity to finalize their agreement to purchase the BP at the corner of Bell & 306 so that it might reopen. They will appear at the next PC meeting on 8-22-02. The PC will take a vote at that time.**

Roll call. All ayes. **Continued until 8-22-02.**

Pascoe, "In the event that we put things together in a more timely fashion, in two weeks..." Mayor, "If everything is in order & Mr. Ondrey believes it's in order, then we might be able to schedule a special meeting. I won't guarantee it. It depends on who is available." Pascoe, "Our thinking is renovation. We have contractors who are waiting." Mayor, "We'll do everything we can."

OLD BUSINESS: None

NEW BUSINESS:

The Mayor is on the County Planning Commission. If someone wants to put in a development, that person presents a sketch plan. It gives a footprint of the development & GIS aerial photos. There are certain conditions & the plan has to get approval from the County Engineer for entrances & exits etc.

A person presented a sketch plan for a development in Russell immediately north of Emerald Lakes II. Fifty acres, 9 lots; one is 14 acres. The entrance is off Music St. It's part of the Madroo farm or Pryer farm. It may be part of a virgin forest. The houses would be set some distance from South Russell.

When a parcel is being developed & it's contiguous or touches another Village or municipality, the developers are supposed to inform the neighboring Village. One of the issues that the Mayor raised was the availability of water in the aquifer. They ended up putting that as a condition for the developer to look into. The Mayor has asked Ned Foley & Dr. Eickstein to evaluate to see if drilling wells would have a negative impact on South Russell. Also, there is a general flow of water off part of that property going south into Emerald Lakes II. Ned's going to take a look.

Mayor: In 1994, Kensington Green asked for streetlights. Council agreed to allow 10 on the inside of the oval. One condition. They'd have to indemnify the Village with a certificate of insurance for $1000,000. According to our records, we haven't followed through & they haven't given us any money since 1994. There's a real concern about the conditions that we put on things. We have to have a better system in place for us to follow up. And Home Owner's Associations will have to live up to the agreements. We want to be careful of conditions that usually fall on the Building Department. It can be a burden on the Building Dept. O'Donnell, "Dixie had a system of notifying the contractors who come into the Village to work. Maybe something can be added to that." Hocevar, "It's more involved then that. It's grass cutting, watering trees. The ZBA gives variances where they have to maintain the shrubs. We've got to get insurance policies on shrubs, $250. bond. It's almost impossible to keep track." Tripp, "There's a data base management program in Microsoft office that could be used

as a tripper file. On given dates, it shows you what has to be done." Mayor, "This is one of the things we need to work on."

There was no further business. The meeting adjourned at 9:25P.M.

Ike Tripp

Ike Tripp, Acting Chairman

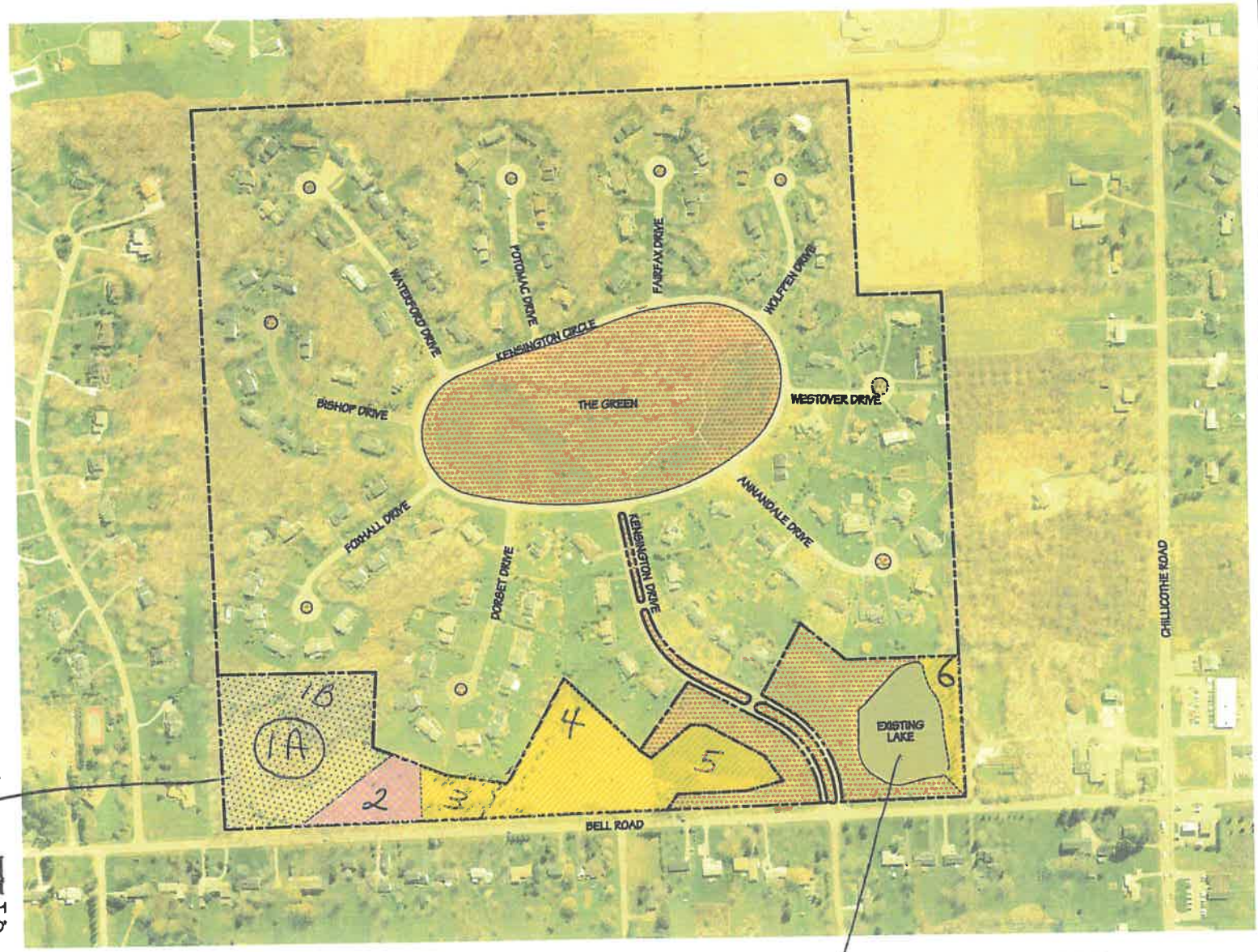
Maggie Tomaro

Maggie Tomaro, Secretary

LEGEND

- WEEKLY MAINTENANCE
- MEADOW AREA
  MAINTAIN EVERY 3-5 YEARS
- WOODLAND AREA
  NO MAINTENANCE
- WETLAND AREA
  MAINTAIN EVERY 3-5 YEARS
- TOP OF MOUND

10 copies for Council



Detention Basin

NORTH
1"=150'

Retention BASIN

PREPARED FOR:
LYNN QUINTRELL, PRESIDENT
HOMEOWNER'S ASSOCIATION
114 DORSET LANE
CHAGRIN FALLS, OHIO 44022
(440) 338-5998

PREPARED BY:
CAWRSE & ASSOCIATES, INC.
Landscape Architecture • Land Planning
547 E. Washington Street • Chagrin Falls, OH 44022
440-247-7003/Fax 440-247-7143

CHAGRIN RIVER WATERSHED PARTNERS
TOM DENBOW
P.O. BOX 229
WILLOUGHBY, OHIO 44096-0229
(440) 975-3870

CLEVELAND MUSEUM OF NATURAL HISTORY
STANLEY STINE

LAND MANAGEMENT PLAN

KENSINGTON GREEN

SOUTH RUSSELL, OHIO

PREPARED: MAY 7, 2002

P:\JOBS\KENSINGTON HOA\ENS HOA.DWG

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

PLANNING COMMISSION MEETING
OCTOBER 17, 2002
7:30 P.M.

1. ROLL CALL: **Sutliff, DiMichele, Tripp, O'Donnell**

2. MINUTES: AUGUST 22, 2002 **amended & approved**

3. GUESTS:

   INFORMAL DISCUSSION WITH CHARLIE DANIELS OF 1168 BELL RD. HE WISHES TO DISCUSS A CHANGE OF ZONING FROM RESIDENTIAL TO COMMERCIAL. **No action**

   FORMAL DISCUSSION WITH CRAIG CAWRSE ABOUT A NEW COMMERCIAL BUILDING AT 547 EAST WASHINGTON ST. **Tripp moved to conditionally approve the site proposal at 547 East Washington St. There will be a deed restriction on the back area, currently zoned R-1-A. Such area will not ever be built upon. The approval is condition on a lot coverage variance on the B-2 portion & that the 10' setback be allowed on the side yard. O'Donnell second. All ayes. CONDITIONAL APPROVAL**

4. OLD BUSINESS:

   COUNCIL REQUESTS THAT PC REVIEW A DRAFT OF AN ORDINANCE # 2002- REGARDING KENSINGTON GREEN'S MEADOW MANAGEMENT **amended**

5. NEW BUSINESS: NEXT MEETING: **11-21-02 at 7:30 P.M.**

6. ADJOURN: **9:30 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 THE PLANNING COMMITTEE
OCTOBER 17, 2002
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Janice DiMichele, Ike Tripp, Kathleen O'Donnell

OTHER OFFICIALS: David Hocevar, Building Inspector, Ned Foley, Engineer, David Ondrey, Solicitor

ABSENT: Mayor Bill Young was absent until old business

Guests:
Larry Lechman, 1361 Bell Rd.
Craig Cawrse, 547 East Washington St.
Paul Yoe, architect, 547 East Washington St.
Jim & Nancy Johnson, 1168 Bell Rd.
Charles M. Daniels Jr. 1168 Bell Rd.

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes of 8-22-02 were amended & approved.

Informal discussion with Charlie Daniels of 1168 Bell Rd. He wishes to discuss a change of zoning from residential to commercial.

Charlie Daniels owns 1.84 acres on Bell Road that are zoned residential. On his drawings, this is labeled parcel 1. He'd like to divide the property into two lots. He would retain the one with the house & barn as residential & sell the eastern part, which he labeled parcel B. He'd also like this one (parcel B) to be rezoned to B-4: office, no sales like his next-door neighbor, Bob Craig at 1180 Bell Rd. Sutliff, "That building is the transition from business to residential."

Charlie explained that he had a buyer for the newly designed lot (B), but that person backed out because he didn't want to build a house near two commercial buildings. He was referring to Dr. Schmahl's commercial building at 1186 Bell Road & the Lechman's new commercial building at 1188 Bell Road. Charlie maintains the lot is a hardship to sell as long as it is zoned residential.

The PC reviewed the plans. The frontage on the existing property is 200 feet (parcel 1). Charlie is short the acreage necessary for a lot split. The property shows an existing barn that houses a horse. Once he divides the property - according to the drawing- the barn would be 10 ½' from the property line. Hocevar said the side yard setback required is 25 feet for a barn with horses & minimum acreage for horses is 2½.

Charlie provided history for Bob Craig's building at 1180 Bell Rd. Originally, the property was zoned residential & owned by Daniels. Daniels sold the property. Under Mayor Harvey the property was rezoned B-4. The new building was to resemble a house, be no bigger than 4,000 square feet & no signs allowed.

Charlie reported that Bob Craig would sell him 52 feet of his land, so he would have 2½ acres, 125-foot frontage. Craig would retain 140 feet. The newly developed lot which Charlie calls parcel B would be located between Craig's property & Charlie's property, which has the house & barn (parcel 1). He wants the new lot to be rezoned B-4. Hocevar said frontage for both B-4 & R-1-A must be 130 feet.

Charlie said he has had the property on the market for over a year. There has been no sign advertising the sale nor has he used a realtor. O'Donnell, "I have no objection to him swapping the land, but rezoning it is another situation." Sutliff, "I do not see Council rezoning the property. It's an uphill battle with Council." Daniels, "It's still a transitional area. It's the same setup as Bob Craig." Tripp, "The issue is how long are we going to be transitioning?" O'Donnell was on the PC when Craig's property was changed to B-4. It was 17 years ago. O'Donnell, "It was a permanent arrangement, never to be changed." Daniels, "The only objection I've had is not to the lot itself. It's to what is around it." (commercial buildings)

Sutliff, "There's going to be a similar argument by the people across the street who are in a residential area. They are looking across the street & seeing more commercial then what they saw before." Charlie maintains that it wouldn't look commercial. O'Donnell, "If another Bob Craig were to buy that property, I could consider that. If I were to agree with that, it would be a permanent arrangement, never to be changed. With another Bob Craig, it would be terrific."

Sutliff to Daniels "You have 1.84 acres. You need 2½ with the horses. One plan gives you the 2½ acres & leaves a piece of property that is 128 feet. You're still two feet short. You can buy two feet from Bob." Ondrey, "If they change the boundaries, they have to conform to current zoning."

Sutliff to Hocevar, "Is there any minimum acreage required for B-4 zoning?" Hocevar, "One acre." Sutliff to Charlie, "You don't think anyone would be interested in parcel B as a residential lot?" Charlie, "No. I do not." Tripp, "I have land in Middlefield zoned exactly for what it needed to be zoned

for. It took me from 1995 till this year to sell that piece of property. It's zoned industrial. Everything was perfect. It's a hard market, particularly now for real estate. Commercial & industrial building is off 40% this year. We're not talking about a commercial/industrial building. We're talking about – if we were to consider it – B-4, a very unique structure that looks like a house. The issue is, is the marketability of the land the way it stands, is R-1 the appropriate use?"

Nancy Johnson was asked if she were moving. She answered, "If a monstrosity gets built on the two acres next to me, I'm moving." Tripp, "That would be impossible." O'Donnell, "You won't have anything like what's recently built because the zoning has changed." Johnson, "My big issue with the property is, ten feet from my house is the property line. You stand in my backyard & there's nothing. That's why this all got started, getting a chunk of that property & doing a land split."

Charlie, "One of the things that bothers my daughter is when we asked for the lean-to next to the barn so the horse can get out of the rain, we had public hearings. We had drawings to get that approved. Then we look around & here's my friend's (Larry Lechman) building going up & we weren't asked a thing." Tripp, "There were public hearings on that too." Charlie, "Would there have to be a public hearing on this?" Ondrey, "On a zoning change, ultimately. Council has to have one no matter what. PC is optional." Sutliff, "I personally don't have a problem with the lot split. I do have a problem with the rezoning of this, any more business. We specifically put that B-4 zoning into transition from business to residential to protect your property."

Sutliff, "If you don't proceed with the rezoning, would you go ahead with the lot split?" Charlie, "I can't afford to. I don't have the money for all the surveying & everything else." Sutliff, "You don't think you could sell that lot then?" Charlie, "No. I don't." Sutliff, "You don't think you could sell this unless the zoning were changed to business?" Charlie, "That's right. I don't think I could." DiMichele, "Is there a for sale sign on the property?" Charlie, "No. They don't like for sale signs on properties around here." DiMichele, "Who is they?" Charlie, "The people that live here." Sutliff, "Have you marketed this property? Have you got a realtor?" Charlie, "I talked to some realtors & they painted a very gloomy picture." O'Donnell, "If I were a young couple & I could find a piece of land like that in South Russell, I'd buy it." Charlie, "What would you pay for it?" O'Donnell, "The market price."

DiMichele, "I'm not convinced it's not saleable because there hasn't been an active listing with a realtor & a sign. I'm very hesitant to extend any more business. This was set up methodically; commercial transition to protect residential area. If we keep changing one & then the next & the next, where do you say the transition stops?" Tripp, "I concur with my colleagues comments. We spent a tremendous amount of time & energy redoing all our zoning

regulations so that we can insure the beauty of South Russell. I don't think the beauty is going to be enhanced by changing zoning." O'Donnell, "I don't have any problem with the splitting off. I'm not in favor of rezoning."

Sutliff, "What's Charlie's next remedy? Does he make application for a zoning change?" Ondrey, "If Charlie made a formal application for rezoning, there's a $500. deposit. That would require you (PC) to vote one way or another on his proposal. Other than that, you (Charlie) could seek a variance. You could go to the ZBA." Charlie, "I have a sneaky opinion of people who go to the ZBA. If you think back, the ZBA granted the guy that built the shopping center permission to do it after I had told him at a meeting don't spend a lot of money on plans because it's not zoned for that. You can't do that."

O'Donnell, "I don't have any problem with either one of your plans although I do like the first one better. I'm not in favor of extending the commercial area." Sutliff, "Charlie, I think you ought to go to a realtor & put it on the market as a residential lot. I think you may be surprised." Sutliff asked Hocevar what a building lot goes for in South Russell. Hocevar, "One acre, residential; new ones down the street on 306 are somewhere between $72,000 & $80,000."

Nancy Johnson, "The land split, in order for him to get with a realtor & sell the remainder of the property, do we have to have the land split & survey before all this can happen?" Sutliff, "I would think you'd have to do that. They'd have to know what they are buying." Johnson, "Do you know what it costs to do a land split?" Charlie, "$500. for a minor subdivision." Sutliff, "It would be a lot split." Hocevar, "It wouldn't be that high." Ondrey, "At least the way you have it drawn up, you're going to need variances because you're not in compliance." Charlie, "You mean the 130 feet?" Ondrey, "What will end up happening, you'll come here, ask for approval of the lot split & they (PC) might say it's approved contingent upon getting a variance from the ZBA." Sutliff, "The other option if you don't want to go before ZBA is buying two feet from Craig. If there is 128.1 feet & you need 130 feet. If Bob would sell you two feet of property, you'd have a parcel that is 130 feet frontage. Parcel 1 plus parcel A would give you 2½ acres. If Bob is willing to sell you 50 feet, I'd think he'd sell you two feet."
No action

Formal discussion with Craig Cawrse about a new commercial building at 547 East Washington St. Mr. Cawrse participated in an informal discussion with the PC on 8-22-02.

Cawrse explained that at the meeting on 8-22-02, he discussed a lot split. He has changed his mind about a lot split. He owns one parcel; part of it is zoned

B-2 & part is zoned R-1-A. There are 2½ acres once you subtract the right-of way area. Cawrse, "I would like to put a second office building on the B-2 parcel. I've shown you on the drawing Althans Insurance building to the west, the Clinic building to the east, their pond & the residences off of Forest Drive. That residential piece is land locked. As far as I'm concerned, it's not useable. At the last meeting we discussed if I could take this property in the back (the R-1-A part) & put some sort of conservation easement on it or deed restriction & treat this as one parcel with respect to coverage, there might be the opportunity to put an additional building up. That's what I've come back with. The building I've shown on the B-2 parcel is a little over 8,000 square feet. We've shown the proposed parking, the existing building, which is up front, the existing parking. The coverage on the B-2, if I don't include the residential is around 60%. If I could include the residential piece with a conservation easement, my coverage drops to 22%. The easement would preclude any future building & clearing, except if there's a dead tree. I'm creating a visible buffer for the residences."

Cawrse, "With Althans building & their parking, my parking doesn't go back as far. My new proposed building is not as far. The clinic property is cleared all the way to the property line with the parking. I'm trying to get permission to do this or I have to go to ZBA."

Sutliff, "How did you come up with the 60% lot coverage on the B-2 only?" Cawrse, "That's approximately an acre. Based on your coverage of 35% which includes the building & parking, if I take that, on just the square footage of the B-2, I'm at 60%." Sutliff, "24,264 divided by 43,000 is that how you're coming up with that?" Cawrse, "Yes." Sutliff, "It was more like 50%." Foley, "56."

Tripp, "Referring to the minutes, at the last meeting we agreed in another area that was close to this facility that we have a similar situation. It's not going to be allowed to include R-1-A with a B-2 to get enough space to build. Based on what was said at the last meeting, he'd be going to the ZBA. We as PC have put a deed restriction/conservation easement on it, then it's ZBA's call." Ondrey, "If you think the plan is acceptable, you could approve it condition upon ZBA giving the necessary variances including the lot coverage issue. You may look at it & say, I just think it's too much & I'm not even going to approve the concept. Then, he makes a decision. Do I go to the ZBA first, try to get a variance & come back here? The point is you have options. You could approve it condition upon the variances. Or you could deny it altogether because you don't think it fits. Or you could refuse to take any action."

O'Donnell, "When you acquired this property, was it already put together that way?" Cawrse, "Yes. I bought it from David Braun." O'Donnell, "Was that piece configured the way it is now? Landlocked?" Cawrse, "Yes."

O'Donnell, "It was precluded from the beginning that you couldn't do anything with that land." Cawrse, "I wouldn't go that far." O'Donnell, "How would you get there?" Cawrse, "If I tore the front building down, I could build a house in the back." O'Donnell, "That would be a hardship." Cawrse, "I think the whole thing is a hardship. I'm a good businessman for the community. I keep my building up. I pay my taxes. I'm not asking for anything that is out of the ordinary for coverage that is along here. I was never informed when the coverage changed."

Sutliff, "What are the other variances? We've got a lot coverage variance." Hocevar, "Parking is too close to the side yard; 10 feet. They need 15'. Cawrse, "That's the same that Althans has. They got a variance for that." O'Donnell, "Yes. They got a variance for that." Ondrey, "So they need a five foot variance on the west boundary & they need a lot coverage variance. Are there enough parking spaces, given the building?" Hocevar, "Yes. Their parking spaces are bigger then what we require. They have 200 square feet. We require 180."

Sutliff, "In fairness to Craig, I'd like to push that this board –if we are going to approve it conditionally, if it goes to the ZBA- he doesn't have to come back here & have us turn it down."

Tripp asked for more information about the building. Cawrse, "We're trying to get a little bit of residential character to it with a little bit of stone on it." Cawrse talked to Mark Horton who is with the management company that represents the clinic. Cawrse reported that Mr. Horton said he didn't see any problem with it. He hasn't talked to any residents because he didn't know what to say at this point. The height of the building is 32'. There is a basement that has been figured into the calculations. He told John Althans that he was thinking of putting a building up. He hasn't shown him any plans yet. O'Donnell, "Your building looks like it would be slightly smaller then what they've got." Cawrse, "That's correct."

Sutliff, "I would think the people on Forest Drive & Laurelbrook would be tickled pink to know that property has a conservation easement on it." O'Donnell, "They've got a horse barn just down the street with the Taussig property; on the corner of Ridgewood. But, it's right behind them on the cul-de-sac." Ondrey, "I'm kind of skeptical that the land conservancy would be interested. Maybe it would run to the Village. But, the other way to do it is to do deed restrictions. All we are interested in, is that it doesn't get developed & keeps it in its natural state."

Tripp moved to conditionally approve the site proposal at 547 East Washington Street. There will be a deed restriction on the back area, currently zoned R-1-A. Such area will not ever be built upon. The approval is condition on a lot coverage variance on the B-2 portion & that the 10' setback be allowed on the side yard. O'Donnell second.

More discussion:

Hocevar, "I'm looking at the existing & proposed building. The new building is going to be 32' X 85'. For any existing building, you can have only 4,000 square feet on the whole building." Cawrse, "That's not what it says." Hocevar, "It says building existing is 4,000 square feet." Cawrse, "That's the footprint. Site coverage just deals with the footprint." Tripp, "Right." Cawrse, "Basically 30 X 80 is 2,400." Tripp, "It's not based on the size of your building. We understand that." O'Donnell, "The proposed building gross square feet is 8,268." Cawrse, "Correct & that's what I based my parking calculations on. The footprint is considerably smaller." Sutliff to Hocevar, "You comfortable with that Dave?" Hcoevar, "It says here, lot coverage; the percentage of lot area occupied by total floor area of the structure." Tripp, "The total floor area is 44,188 square feet." Cawrse, "I don't think you mean total building square footage area. You mean the first floor area that takes up the footprint." O'Donnell, "Right." Hocevar, "If you're talking about the floor area of the structure, you're talking first floor, second floor, basement." Ondrey, "The way we define floor area is the total area of all the floors." Sutliff, "You're not talking footprints. You're talking floor areas." O'Donnell, "That's proposed building. He says 8,268 square feet." Hocevar, "Put that into the percentage of lot coverage." Tripp, "Existing site coverage is 10,000 square feet. You've got a new building that is 8,268. What's the new parking?" Ondrey, "He has existing & proposed added together which is 1907. 1907 is what we'd use for the lot coverage issue."

Calculations: 8,268 + 19,776 = 28,000 approximately. 28,000 divided by 43,000 = 64% lot coverage. DiMichele, "Just look at it. It's way more than half way covered." Tripp, "The proposed site coverage, sure. If we give him the deed restriction & we look at the total site coverage of R-1-A & B-2; just consider the whole thing. You're just going up from 24,264 to 4,000 square feet. 28,000 divided by 108,900 = 26-27% coverage. Because of the deed restriction that we're putting forward in the zoned R-1-A & the lot coverage variance that we're asking the ZBA to consider – even though we're taking in more than the footprint, we're taking in all the floor area- he's still under 35%." Sutliff, "On both parcels." Tripp, "In consideration of the owner agreeing to a deed restriction of the entire back, which takes away his ability to ever come to us & ask for it to be rezoned to build more, that's the issue." Sutliff, "I'm comfortable with that."

DiMichele, "At the last meeting, we talked about whether there is going to be a need for a second sewer connection." Cawrse, "No. I talked to the service director at Chagrin. Since I have an existing connection, he said there's no problem. Just tie in. The problem they're having is people who don't have a connection in Geauga County on Chagrin Road who want to get into the sewer system." O'Donnell, "There are people down there who have the connection on the property that they are not allowing to tie in."

PC refers to motion made earlier. **Tripp moved to conditionally approve the site proposal at 547 East Washington Street. There will be a deed restriction on the back area currently zoned R-1-A. Such area will not ever be built upon. The approval is condition on a lot coverage variance on the B-2 portion & that the 10- foot setback be allowed on the side yard. O'Donnell second. Roll call. All ayes. CONDITIONAL APPROVAL.**

Cawrse was informed that the next step is to make application to the Building Department. Hocevar will deny it & then he may apply for the variances.

OLD BUSINESS: Mayor Bill Young joined the meeting at this time **Council requests that PC review a draft of an ordinance # 2002- regarding Kensington Green's Meadow Management**

PC reviewed the ordinance.

Section 1. Council wondered how PC arrived at eight acres. Ondrey, "It's a combination. I was trying to make it large enough so that this wasn't an option available to small, individual lot owners. I also learned about the size that Kensington was proposing is around eight acres." Other developments have eight acres, but they might not be contiguous. Emerald Lakes has eight acres that are wetlands. Ondrey, "The real critical question is, is it eight acres that we otherwise require to be mowed & manicured? If it's woods, we have no interest in changing it." Mayor, "At Kensington, the common property is the 50' buffer with the mound. The other portion is going in on the left hand side."

O'Donnell refers to the battle at Fox Run to mow the mound. She asked, "Could they come back & say we were discriminating against them with that number?" Ondrey, "It would be an interesting argument. That's why I threw in the language (the third whereas), 'we believe that the positive environmental, aesthetic & cost savings impacts' are the most effectively demonstrated in large parcels. They are talking about ground water recharge, the aesthetic look of the prairie & how not mowing helps the soil recovery. Certainly anyone else in the Village could say, you're allowing it there why can't I have it on my property? We need a rationale that says, here's why we're limiting it to larger parcels. The best one I came up with was the bigger the parcel, the more positive impact you get. Any time we create legislation that isn't equal to everyone, you do run the risk of a challenge. You do have to find a rational basis to distinguish the two different situations." Fox Run's mound discussed. The estimate is that less then 20% of the mound is mowed.

Section 1. To the sentence, "Effective January 1, 2003, contiguous properties" **ADD:** of common area- "totaling eight (8) acres…"

Section 2. Pp.2, "and proof of the concurrence in the Plan of any applicable Homeowner's Association or like body." Discussion whether a resident of a subdivision should be assigned by the Homeowner's Association Board to specifically chair this. Ondrey suggested, "The Homeowner's Association must designate a representative who will be responsible to be the liaison with the Village." PC agreed. It will be inserted in this section.

O'Donnell asked if someone is suppose to be responsible for getting the weeds out of there. Tripp said this is made clear on Pp.2, Section 2. "The applicant shall further demonstrate in such Plan the commitment of a qualified individual or organization (e.g.: naturalist, botanist, landscape architect, etc.) to monitor & advise the applicant on the installation, improvement & maintenance of said Natural Area," **Delete:** for a minimum of three (3) years.

Section 4. Pp.2 (b) "establishing a trial period (not to exceed **Change:** five years to three (3) years."

Questions? Should a provision be added at the end of three years or trial period that something has to happen? Does it get extended after the trial period? Ondrey doesn't think that should be part of the ordinance. That's part of the management plan. Ondrey, "It would be better handled by the PC on a case by case basis to designate what happens after the trial period expires. Presumably, after the trial period, it's now in place on a permanent basis. That all could be part of the management plan."

O'Donnell, "Do we need to say at the end of the trial period there would be a complete review?" Ondrey, "You don't need to say that in the ordinance. You could say as part of the management plan, after three years, you come back for a final approval." O'Donnell, "The problem I have is that the ordinance is the law. The management plan is not. It's a plan of operation." Ondrey, "Once it's approved, it's as good as a law." O'Donnell, "Is the management plan going to be an addendum to this?" (the ordinance) Ondrey, "Nope. What we're setting up here is a scheme whereby if someone wants to have natural landscaping, they've got to have a natural landscaping plan reviewed & approved by you. Once it's done, they have to adhere to it. It's got all the force of any regulation."

O'Donnell, "Who becomes the monitor of the landscape plan in the end?" Tripp, "The Building Department." Ondrey, "The assumption is that it's a Building Department issue. But, we could make anybody you want." Mayor, "Council oversees ordinances. The executive section, the Mayor, enforces them." O'Donnell, "I think it needs to be stated somewhere. Three years from now, I don't want anyone to be guessing about who is suppose to be doing it." Mayor, "The law says it's the responsibility of the Mayor. So, it would be the Mayor's responsibility to assign somebody to do it. When there are violations of building codes or maintenance of property or the failure to pump septic systems, notice is

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

ZONING BOARD OF APPEALS
NOVEMBER 26, 2002
7:30 p.m.

1. ROLL CALL: **Johns, Withrow, Luby, Gamm**

2. OLD BUSINESS: NO MINUTES TO REVIEW

3. PUBLIC HEARING:

1. Craig Cawrse of 547 East Washington Street requests two variances. He requests 78% lot coverage for a new commercial building to be located at 547 East Washington St. Present lot coverage permitted in that district is 35%. He owns a parcel of land, in front, that is zoned B-2 & a back parcel that is zoned R-1-A. He intends to put a deed restriction on the R-1-A portion so that there will never be anything built on it & build the new commercial building on the B-2 portion. He hopes the ZBA will consider both parcels as one in terms of lot coverage in order to build the new building.
He also requests a five-foot variance from the side yard setback requirements of 15 feet to 10 feet for parking along the western property line. **Johns moved that the variance request for 547 East Washington Street be denied. I believe it should be denied because the coverage is way too high. 78% is way beyond the existing code. It's not appropriate for us to approve such a thing. I believe the drainage concerns are very real & we have to be good neighbors. We have to take care of our neighbors. I also am worried about the site lines of the people who are adjacent to that property. I'm sure when they moved there, they thought they were in the country. There's been more & more encroachment, more & more lights. That has to be preserved also. Another reason I think it should be denied, we don't want to set a precedent of ever including residential property in lot coverage of commercial property. For those four reasons, I vote no. This should be denied. Withrow second the motion. Roll call. All ayes. DENIED.**

PC

FYI

created by & sent out by the Building Department. That's their responsibility. I don't think you need to assign someone. It falls under the executive authority of the Village." O'Donnell, "My concern after going through this for almost a year, I don't want it to fall through the cracks."

Ondrey will give the revised ordinance to O'Donnell. She will make a report to Council.

Update of gas station at Bell & 306: The Mayor said that Mr. Bates told him things are moving along. DiMichele thought it had to be reopened by October 31,02. Ondrey, "October 31st is the one year anniversary of tearing it down. I think, since they now have approval, have spent some monies to secure a purchase agreement, they're OK to continue the nonconforming use."

NEW BUSINESS:

The next meeting is November 21, 2002 at 7:30 P.M. Tripp might be absent.

There was no further business. The meeting adjourned at 9:30 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

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PLANNING COMMISSION MEETING
AUGUST 22, 2002
7:30 P.M.

1. ROLL CALL: **Sutliff, Young, Tripp, O'Donnell, DiMichele,**

2. MINUTES: JULY 18, 2002 **amended & approved**

3. GUESTS:

ROB MYERS REQUESTS A VARIANCE TO BUILD A SINGLE FAMILY HOME PRIOR TO COMPLETION OF THE IMPROVEMENT PLANS, ROAD ACCEPTANCE & DEDICATION IN THE ASHLEIGH SUBDIVISION. THE HOUSE WILL BE LOCATED ON SUBLOT #9. **APPROVED**

JIM PASCOE & HOWARD BATES WILL CONTINUE THEIR FORMAL DISCUSSION ABOUT OPENING A GAS STATION AT BELL & 306. THEY APPEARED BEFORE THE PC ON JULY 18, 2002 **DiMichele made a motion to approve the Development Review proposal of a gas station with retail sale of food, convenient store items including beer & wine. The occupancy & operation would be contingent upon:**

1.) Continued gasoline sales at the site
2.) Hours of operation: not open before 5:00 A.M. & close no later than 12:00 A.M.
3.) The approval is only for the current footprint of the building & other existing improvements on the property
4.) They must maintain or replace the existing Cedar trees
5.) A landscaping plan is to be submitted & approved by the PC within 120 days.

O'Donnell second. Roll call. All ayes. CONDITIONAL APPROVAL

Note: Board members comments:

DiMichele, "I'd like to officially go on record as begrudging giving in to the beer & wine sale. I prefer that we didn't do it. But, I can see that it would be a big struggle for us & ultimately a low chance of succeeding & keeping it out."

Tripp, "I register the same concern. I am concerned about people driving into a place, picking up something to drink & drinking on their way home. You can read in the paper every Tuesday the people who have been picked up for a DUI. More often then not, you'll see the accidents & death & tragedy that come from it. I will reluctantly vote for it because it appears a lot of gas stations do that now. It is a concern."

The Mayor, "I share the same concern. I'm hopeful & take you (Pascoe) & I assume you're speaking for Mr. Bates at your word to be as careful as possible to make certain that illegal sales do not occur there. I think the trade off in the community of having a gasoline station – the ability of our police to refuel their gas tanks without leaving the community - is a definite advantage. I support it for that reason."

O'Donnell, "I share all of the concerns mentioned."

Sutliff, "I wish you luck."

INFORMAL DISCUSSION WITH CRAIG CAWRSE ABOUT A NEW COMMERCIAL BUILDING AT 547 EAST WASHINGTON ST.
No action

4. OLD BUSINESS: O'Donnell reported PC recommendations re. Kensington Green's meadow management plan to Council
-DiMichele asked Foley about guardrail on Bell. It will remain. She verbalized a concern. As a result of the ditch filling project on Bell Road, the course of the water coming from Maple Springs is going into her woods. Foley will take care of it.

5. NEW BUSINESS: **Next meeting: September 19, 2002 at 7:30 P.M.**

6. ADJOURN: **9:15 P.M.**

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RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
AUGUST 22, 2002
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Mayor Bill Young, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

OTHER OFFICIALS: David Hocevar, Building Inspector, Ned Foley, Engineer, David Ondrey, Solicitor

GUESTS:
Jim Pascoe, 11540 Music St. Newbury
Craig Cawrse, 547 East Washington St.
Dave Withrow, 206 Fox Lane
Rob Myers, 9 Deerfield
Jeff Peck, 310 Fox Way

Chairman Sutliff called the meeting to order at 7:31P.M. The minutes from July 18, 2002 were amended & approved.

Rob Myers requests a variance to build a single family home prior to completion of the improvement plans, road acceptance & dedication in the Ashleigh subdivision. The house will be located on sublot #9.

Foley said there is a punch list left, no paperwork. Myers, "My understanding is that the developer (Bruce Thomas) has the improvements done. He's got the top on. He's submitted his paperwork apparently to have acceptance. We're not planning on starting construction of the house right away. We have other things to submit for your review before we actually start." Foley, "Hank has been provided a punch list. I haven't seen any paperwork. I'm not prepared to accept it. Paving is done. It's pretty much done."

Myers will try to have a submittal for the ABR sometime in September & start to build in early October. Foley, "It's the first I've seen the plan. Generally it would appear it probably would pass."

Ondrey, "I don't think there's been an application for the acceptance & dedication." Hocevar, "The next council meeting he said he'd (Bruce Thomas) be there with everything." Mayor, "Under normal circumstances the surface of the road looks fine. The Engineer signing off on it & minor things are left. It doesn't appear to have any issues there." O'Donnell inquired if the developer will be asking for dedication of the road so that when the homes are completed, the school buses can travel down there. Sutliff, "Correct."

Ike Tripp made a motion to approve the variance. O'Donnell second. DiMichele, Yes. Tripp, Yes. Young abstain. O'Donnell, Yes. Sutliff, Yes. APPROVED

Jim Pascoe & Howard Bates will continue their formal discussion about opening a gas station at Bell & 306. They appeared before the PC on July 18, 2002.

Mr. Pascoe provided a handout labeled, MARKETING PLAN. The station will be named, The Bell Station. Refer to record for copy of Marketing Plan.

Mr. Pascoe has a signed agreement with BP. He & Mr. Bates have formed a limited liability partnership. They have sent in all the necessary funds. They've put their deal together with BP with conditions of financing & getting the necessary permits, which include beer & wine.

Pascoe, "Beer & wine is a critical part of the overall operation. Howard & I are residents of the community. We have no intention of jeopardizing our names to be involved in any wrong doing regarding sales of beer & wine. We plan on being good neighbors & will comply with all state laws regarding the sale of beer & wine. After doing our economics, we found out beer & wine account for 15 – 22% of the gross profit, less gasoline sales. We have been unable to find a product that could offset that gross income that we would be loosing. We frankly need to have that to make this a profitable venture for us. We're not going to feature the beer & wine, but it will be available. We'll police it very carefully. We'll assure you that youth would not be getting beer & wine from the Bell Store."

Sutliff, "What happens if Phase II never happens?" Pascoe, "After we receive, "no action required" approval from the EPA (Bustr), we would like to expand the existing building & add a specialty shop type of business. It very well may not. They've put four more test wells over there. There are a total of 12 on the site right now. You can not expand on top of these test wells until you get a "no action required" from the EPA." Sutliff, "Let's say you get "no action required", Phase II can not necessarily happen." Pascoe, "We have to go in front of the ZBA & we realize that. The 1,200 is not the ideal size we'd like to have."

Sutliff, "Disapproval tonight is…" Pascoe, "It has nothing to do with it. If we stay in Phase I, so be it. We have to live within those conditions. We're aware of that."

Sutliff, "Fill me in on how you get a beer & wine license, through the state?" Pascoe, "Yes. I've already checked & there are licenses for beer & wine available for South Russell." Sutliff, "Where in South Russell, other then Sal's can you buy beer & wine?" Mayor, "I'm not sure if you have a license in a restaurant if you can sell take out." Ondrey, "Probably not. I think it takes a different type of license."

O'Donnell asked about the procedure to obtain a license. Ondrey, "Once the application is made, it is not automatically approved. The political subdivision is supposed to be notified including the police chief. If it's within 500 feet of a school, the school is to be notified. You're provided a copy of the application. You can comment on it. You can request a hearing. Typically, the hearings would be held in Cleveland. You can ask for it to be held in the county seat, Chardon, as an alternative. The statute sets out a list of standards that can form the basis of valid objections. They are pretty tough. You have to show a criminal background of the owners or it would operate as a nuisance or that given the neighborhood & number of other facilities, it would be detrimental to the neighborhood. It's not as easy as it sounds. Matt Dolan said in his opinion, given the neighborhood & the scarcity of other liquor businesses in the vicinity, he's extremely doubtful that you could successfully protest on that basis. Even so, if the Board objects there's a process to appeal in which they would have a formal hearing. There are five allotted C1 & C2 licenses available for South Russell. Only two are utilized. It appears there are available licenses or they could get a transfer from another facility."

O'Donnell asked what the difference is between C1 & C2. Ondrey, "Maybe one is just beer & the other is wine." O'Donnell, "Does one have to do with serving & the other is take out?" Pascoe, "There's probably 25 different licenses: sit down, consumption on the property. We're not interested in that. It's going to be a carry out beer & carry out wine, which is C1 & C2. There's one for wine & one for beer."

DiMichele asked who had the other C1 & C2 licenses. No one knew. Mayor, "Trifles has a Chagrin Falls address. They may have been issued one through Cuyahoga County. I don't remember the Village ever being notified that Trifles applied for a license & was granted one."

Sutliff, "You made a statement that you're going to police this for underage drinking. What's your plan?" Pascoe, "I'm going to be there during the business day. We certainly want to have a more mature work force then you normally find."

Tripp, "At the last meeting you had put together a Performa that had 10% of profit in beer & wine. Now you're saying, it's significantly greater." Pascoe, "I used sales of a friend's gas station which is located at Bass Lake & 322 for my first figures. Then, I used some of the national publications & put them together. That's how I came up with that figure." Tripp, "Now it's 15 –22%." Pascoe, "Now I was working on gross profit." DiMichele, "Last month you said the alcohol sales is not a deal breaker. Has that changed now?" Pascoe, "That was prior to us doing more of an economic study. We found that it's an important part of the business."

Mayor, "What do you expect your sales to be if you're able to sell beer & wine compared to the store 600 feet away?" Pascoe, "I'd expect we'd do a lot better because we'll have a lot more traffic business. We're going to be marketing gasoline. We plan to market our gasoline very aggressively. We're going to buy from the unbranded rack." Mayor, "Under Ohio law, a person has to be 21 years of age to sell beer?" Pascoe, "Right." Sutliff, "There will always be an employee over there who is 21 years old?" Pascoe, "Or there will not be any beer or wine sales."

Sutliff, "What do you propose to do with the structure?" Pascoe, "We have tentative plans. We're going to try to put walk in coolers along the north wall. There is only 1,200 square feet. Most of these things are 22-2,400 plus. The bay doors may come out. Coolers may go on the west wall or north wall. We're not even sure we'll go with walk in coolers. Generally, you have to have 12' depth to put those in." Sutliff, "How about the outside? Do you have colors?" Pascoe, "No. But, it'll look good. It'll be crisp, clean & well landscaped."

Mayor, "Do you have to do anything with the bathrooms?" Pascoe, "Yes. We're undecided if we're going to tear them out & make a unisex. You'll enter them from inside. We want a whole glass front." DiMichele, "Will there be surveillance cameras recording sales?" Pascoe hasn't thought about that. He wants to make it secure & safe. It will be well illuminated with Halogen lights that shine down. Pascoe added, "not enough so that it is annoying to the neighbor." Mayor, "How many exit doors will there be?" Pascoe can't answer that. Now there are three doors; one to the back & two to the bays. Mayor, "The dumpster will be behind the building?" Pascoe, They will be, "in the back, between the Cedars."

Sutliff, "A gas station is a nonconforming use of that piece of property that's been grandfathered." Ondrey, "Yes." Sutliff, "If it becomes a gas station/convenient store, does it still fall under the same category as a nonconforming use?" Ondrey, "The problem is what is our concept of a gas station. I wouldn't say it's going to be grandfathered as a convenient store. In today's age, what we conceive of as a gas station has changed & you'll find these kinds of facilities as part of many new gas stations. You're grandfathering

the gas station & now you've got discretion as to how far do you extend other services connected to a gas station."

Mayor, "Let's suppose at a future date, he's not making many gas sales. He wants to stop selling gas. Could it continue to be operated as a convenient store?" Ondrey, "Theoretically, yes, technically, no." Mayor, "We can put a condition on it as long as there's gas sales, then whatever else is approved for sale would be acceptable? But, if there's no gas sales, I don't mean they've run out of gas temporarily & the tankers are a day away or so." Ondrey, "It might be wise to specify that as a condition if you are going to grant it. If approval came & the gas operation shut down a year from now completely, I'd be advising you that it no longer fits within the grandfather provision." Mayor, "We should be upfront with that. So a year from now, somebody won't say I didn't know that."

O'Donnell, "You have a grandfathered use of the property. Would there be the ability to create another nonconforming use for that piece of property?" Ondrey, "No. It's got to have some sale of gas to qualify as a grandfathered use. What attaches to a gas station? We already thought a car wash. We are aware of other gas stations with convenience stores."

Mayor, "Let's say it's set up as a corporation. The corporation files for bankruptcy, no assets. Would it become the Village's responsibility to tear down the building & remove the tanks?" Ondrey, "Somebody's going to own it. So, somebody's going to be responsible for it. If that operation goes bankrupt, it's going to be sold. There's going to be a new owner. So, you can wait for the owner. You can move ahead. We have the option to take it down ourselves if in fact it is no longer a permitted use." "Mayor, "That could be tied up in court for some time."

DiMichele asked if the deal is final. She added, "You've negotiated the liability issue & they've removed all restrictions about no sale of gasoline from the agreement & the title?" Pascoe, "We can't sell their branded product. We have the ability to keep it as a viable gas station. The only restriction we have is that we can't stay with BP product at this time."

Ondrey asked to see the agreement to confirm that an agreement exists. Pascoe showed Ondrey the agreement. Pascoe has sent $5,000. earnest money to BP.

O'Donnell, "Is BP responsible for guaranteeing that there is no contamination on that property?" Pascoe, "We're satisfied that they are going to be responsible for all the effluent. The contamination that's there is contained. The main problem is water runoff. When you have water runoff it takes some of the contaminants off site. We're satisfied with the agreement. We're satisfied that there's no problem underground. There's no need to remove the tanks. They were put in in 91'. They are glass. They've had them pressure tested. There are no leaks."

Sutliff, "Right now BP assumes responsibility for that lot today. How about a year from now?" Pascoe, "They are on the hook." Let's say one of those tanks spring a leak a year from now. Whose problem is it?" Pascoe, "It becomes ours. There's insurance you can get through the state, which protects us. That's the first thing that we're going to do is get the insurance – LUST, Leaking underground storage tank insurance."

Mayor, "How long would you hope those underground tanks would last?" Pascoe, "Fiberglass tanks started to be used in the early 90's. I don't know how long they are warranted for." Tripp, "Are you going to put the auto gauge on it?" Pascoe, "They had the Beater Root system. They leased it. We talked to Quality Petroleum & they're going to sell us the units. They've pulled all the probes out of those tanks. But, they're willing to put them back in." Tripp explains, "Basically, that's a unit that's placed inside the tank that will constantly monitor the levels of the gas in the tank. So when the pump is turned on & gas is discharged to the car, it will monitor exactly how much is going in. If there happens to be gas going out & there's no cause i.e. a pump turned on, the monitor will sound an alarm. That's how they monitor the leaks. Shrinkage in the gasoline market is a big business. It means there's a leak." Pascoe, "They have an above ground turn off in case someone drives away with the hose in the car."

Mayor, "The last time you were here, I said I was against the sale of alcohol with gasoline. I still feel that way. I just wonder if anybody has an opinion of what they think the majority of the residents might feel about that. If the trade off of being able to get gasoline in the community – which I think is a plus – is worth the potential of more alcohol sales. We all know that these kids have older friends, brothers & sisters to buy liquor for them."

Mayor, "This will have a negative impact on Sal's Place whether or not that should be a part of our decision. Whether we should be attempting to protect people who are already in business in the Village vs. somebody who is new, is that an obligation that we have?" Tripp, "We can't do that under current anti-trust regulations." Ondrey, "Yes. I don't think that's a valid consideration to be concerned about existing businesses. I think the question needs to focus on how strongly we feel that we could defend a decision that says this particular function can't be part of a modern day gasoline station because there are examples going both ways."

Mayor, "Can we work out an arrangement for the purchase of gasoline for our cruisers? I don't mean at a reduced price." Pascoe, "Sure. There are three tanks underground. All the big marketers have a blending pump. They blend a low & a high. We don't have that. We have regular, mid & high. Our long range plan is to hook two of those together or convert one to diesel." The Village has diesel for its trucks.

Jeff Peck, resident, "I don't have a strong dislike to this concept. If I were given a choice, I probably would not sell alcohol given the young people in the neighborhood & the closeness of the school. I'd like to see an actual plan of the station, lot coverage & lighting. A gas station for the community would be a good thing." Sutliff, "Right now we're not talking any additions." Pascoe, "No. We're staying within the exterior walls of that existing building."

Dave Withrow, "As the President of the Fox Run HOA, we're somewhat opposed in terms of the sale of beer & wine. Some homeowners are strongly opposed. Some are neutral. Some are apathetic. They were more negative then positive about that. Just like Jeff said, we all really miss the station. In terms of gasoline sales, we'd like to see it open. One of our questions, what kind of hours? We think a 24- hour station is more susceptible to hefty beer & wine sales. The other station was open to 11:00 P.M. at the latest & opened at 6:00 A.M." Pascoe, "We want to get the morning traffic. Coffee is one of our key ingredients. We want to be there early. Late at night, we haven't put a ceiling on it. I cannot imagine going beyond 11:00 P.M. We have no intention of going 24 hours." Sutliff refers to minutes of PC from July 18,02. Hours of operation: 6:00 A.M. to 10:00 P.M. Monday through Saturday; Sunday, 8:00 A.M. to 8:00 P.M. Has that changed?" Pascoe, "We certainly aren't going to go 24 hours. We want to feel the market out. I'm not sure if there's a lot activity here at 5:00 A.M. If there is, we certainly want to be open when the traffic is out there." Sutliff, "Would you be opposed to us putting a condition on it, no latter then midnight?" Pascoe, "No. Midnight would be fine on the topside. But, on the bottom side, we'd like to have that left open." DiMichele, "Do you have pumps available 24 hours a day with credit cards?" Pascoe, "No."

Mayor to Withrow, "Do you think your residents would rather have a gasoline station that sells beer & wine or not have a gasoline station?" Withrow, "The attraction of the gas station overrides the negative aspects - not by a huge margin. And it totally depends on who you talk to. But, having talked to 7 or 8 folks in the development, I sense a real interest in seeing the station reopened."

DiMichele to Ondrey, "Are you saying no matter how much we dislike the beer & wine, there's not a whole lot we can do to keep them from selling it?" Ondrey, "That's in the context of an objection to the liquor board. I think you have discretion to decide whether beer & wine is a legitimate part of a gasoline station." DiMichele, "If we put restrictions on it to not sell the beer & wine & he decides to challenge that, we'd be hard pressed…" Ondrey, "I've been involved in cases where courts will force you to articulate a rationale. What's the difference between allowing this & not this part of it? We'd have to demonstrate that beer & wine sales are not a typical gasoline station function."

Mayor, "BP closed on Halloween." Ondrey, "Any nonconforming use in South Russell, the property owner has a year to reinstate the same nonconforming

use. We have layered on this our own unique provision regarding gas stations. If they are shut down, we have the ability, after two months, to force the issue, to force it to be torn down. There is no way that would extinguish the grandfather existence of the property. We have followed a total proper course in this thing. As long as BP has some live entities to get this thing reopen, I think it would be totally inappropriate for us to order it to be torn down."

Mayor, "If we turn this down exclusively over the liquor issue & Mr. Pascoe & Mr. Bates disappear, BP or somebody else could come on the scene, be more aggressive & take this through a legal process. We could end up with beer & wine there at a latter date." Ondrey, "Sure. It's possible." Mayor, "We would incur a significant amount of expense attempting to defend that in court."

Sutliff, "What is your schedule?" Pascoe, "If everything goes in the affirmative, we've got an architect. We've got a contractor. We've contacted a lot of vendors." Sutliff to Hocevar, "They have to get some plans, go before ABR, a month away?" Hocevar, "Six weeks." Pascoe, "We want to get the Beater Root system to detect leaks. That is our first priority. Then drop gas in & get in the gasoline business now, then take the building development. We don't have to have it happen at one time. We'd like to get it open in a couple, three weeks with gasoline sales."

O'Donnell asked about advertising, signage. Pascoe, "We want to sell gasoline. We're looking at those high tech price signs that are electronic that we change from inside. That's our primary sign. We're not going to clutter our windows with signs." Mayor, "The size of the sign on the corner, we had a little bit of a problem with that." DiMichele, "Would you sell lottery tickets?" Pascoe, "If we can get a license, yes."

Withrow asked about the one-year time frame & when it expires. Ondrey, "I think that one year started when BP closed their operation, Halloween. If it's underway by October 30th., money has been spent, that's good enough for the courts."

Peck, "I assume if he opens up in three weeks, he'd use the existing lighting that's on the building today. Will he have the ability to go & change things, put major lights up in the air? Would he have to go through ABR?" Hocevar, "Yes. We have a strict ordinance against obnoxious lighting. It's controlled pretty well."

Pascoe plans not to touch the Cedar trees that act as a buffer between the station & the Fox Run development. He will knock down the brush. The Mayor said Pascoe would need to submit a landscape plan.

DiMichele made a motion to approve the Development Review proposal of a gas station with retail sale of food, convenient store items including beer & wine. The occupancy & operation would be contingent upon:

1.) **Continued gasoline sales at the site**
2.) **Hours of operation: not open before 5:00 A.M. & close no later than 12:00 A.M.**
3.) **The approval is only for the current footprint of the building & other existing improvements on the property**
4.) **They must maintain or replace the existing Cedar trees**
5.) **A landscaping plan is to be submitted & approved by the PC within 120 days.**

O'Donnell second. Roll call. All ayes. CONDITIONAL APPROVAL

Note: Board members comments:

DiMichele, "I'd like to officially go on record as begrudging giving into the beer & wine sale. I prefer that we didn't do it. But, I can see that it would be a big struggle for us & ultimately a low chance of succeeding & keeping it out."

Tripp, "I register the same concern. I am concerned about people driving into a place, picking up something to drink & drinking on their way home. You can read in the paper every Tuesday the people who have been picked up for a DUI. More often then not, you'll see the accidents & death & tragedy that come from it. I will reluctantly vote for it because it appears a lot of gas stations do that now. It is a concern."

The Mayor, "I share the same concern. I'm hopeful & take you (Pascoe) & I assume you're speaking for Mr. Bates at your word to be as careful as possible to make certain that illegal sales do not occur there. I think the trade off in the community of having a gasoline station – the ability of our police to refuel their gas tanks without leaving the community - is a definite advantage. I support it for that reason."

O'Donnell, "I share all of the concerns mentioned. And do we require a submittal for landscaping for a commercial property?" Hocevar, "Only if they're going to change it or renovate it or make additions to it." O'Donnell, "I think the landscaping is critical. I think that fortunately for all of us, businesses that sell gasoline these days have taken the point of view of having a little pride in the general appearance of their property. They've planted flowers. The previous occupant over there had flowers. It made me feel good that we have a business that cares. I would like to see a landscaping plan." A fifth condition is added to the motion.

Sutliff, "I wish you luck."

Informal discussion with Craig Cawrse about a new commercial building at 547 East Washington Street

Cawrse provided a topographical map. He owns 2 ½ acres. The front is B-2 & the back is R-1A. He wonders if he can put up a building 400'-450' back & leave 750' of undisturbed woods. His intent would be to maintain the buffer of 30', which has 40- year old Red Maples.

Americon wants to go in with Cawrse to build the building. Americon would like to do a lot split. Cawrse, "Is that feasible?" Cawrse has 122' across the front. Within the B-2 line is 40,000 square feet. Cawrse, "It doesn't meet your requirement of 43,000 as an acre. I'm asking if there is any way to do this knowing I have residential land in the back. Basically, it will be open space. I have no way of using it." Sutliff asked about frontage. Cawrse, "I have no frontage at all." It goes back 1,114 feet. I'd like to know if this is something I can pursue. If you say no, I am assuming I can still build the building as part of this total lot & make use of this residential land as part of my open space with regards to coverage calculations."

Sutliff asks the reason for splitting the lot. Cawrse, "Americon wants to be part owner. They'd have half the building & half the property then. I've tried to tell them I'd rather do it as a lease." Sutliff, Pointing to the map, "This becomes a variance right here." O'Donnell, "There would be several."

O'Donnell, "Would this dimension accommodate the requirement for a driveway?" Cawrse, "We have a drive now. We'd make that a common easement across this front piece. We might consider moving the driveway. I'm just looking for direction on this."

Tripp, "On this long lot, you have a total of 108,900 square feet?" Cawrse, "Yes. That's correct, 2 ½ acres." Mayor, "Currently, you have some parking in front?" Cawrse, "Yes." Pointing to the map, Cawrse, "There's parking behind the building also, roughly, 20 parking spots."

Sutliff to Hocevar, "What do you see as the zoning issues? Obviously, we'd have a setback problem on the existing building. What about frontage? We'd have 100' frontage on one lot & 22' on the other. We'd have a flag lot." Hocevar, "As long as the building line of the new building goes back to the 100 feet, he could do that. But, he still doesn't have enough commercial property here to build two legal buildings on B-2 zoning. He'd have to take some of that residential zoning & use it for acreage."

Cawrse, "That was done when Damon Braun put the addition on the building. He showed open space, B-2, 37,888. The building only actually covers 2,200 square feet, the footprint. It's 32' X 65'." Mayor, "Our old lot coverage was 25 % for just the building. Now it's 35% for everything. Currently, are you at 35%?" Cawrse, "No where near it." Mayor, "If you had the lot split, you would be..."

Cawrse, "We're probably right around 30-35%. I'm going to have to make a common easement for this."

O'Donnell, "If he gets a lot split, the calculations could include R-1 area." Tripp, "That's the issue we had down the way here. We decided not. Right?" Ondrey, "We came to the conclusion that it should not be included." Cawrse, "It can't be included as open space then?" Mayor, "It couldn't be used to add to the square footage for the 35% lot coverage." Cawrse, "So, I can't do anything? I can't even do an addition to my building?" Ondrey, "There's still a variance option." Cawrse, "I feel I have a hardship here with this residential land that I can not use. It's landlocked & there's no access to it." Sutliff, "I'd think there is some reason for a hardship." Cawrse, "The Clinic's zoning line goes back farther than mine. I'd be willing to put a deed restriction on it if that would help to clear it. It'll always remain a residential zone. I can't really do anything on it."

Mayor, "It seems to be pretty clear. My personal opinion is there would be significant reluctance to rezone that property." Cawrse, "I don't think I'd want to attempt that." Mayor, "Your only approach is a variance or we look at this differently than we did up the street. Do you have Chagrin water now?" Cawrse, "We have Chagrin water & sewer." Mayor, "Do you have permission from them to have another sewer connection?" Cawrse, "It would be the same connection. It was sized for future building by Damon. We have a triangular pump on site." Mayor, "I was of the opinion that a separate building might require a separate sewer connection. I think that Chagrin is very reluctant to allow sewer connections. Unless you've got some preexisting arrangement with them or that's the way that they operate, that's an issue that you need to check out. They've got plenty of water. They've got limited sewer."

Sutliff, "If you went through the appeal process, built this & this remained R-1, have you offered the land to the residents?" Cawrse, "We offered it. They wouldn't buy it. If we're going to end up counting it in, I can't sell it. I think it would have to have a deed restriction." Mayor, "I don't know if it's legal or not, you could put it in the conservation easement." Cawrse, "I thought about that."

Sutliff, "That's what I was getting at. There's some sort of restriction on it that this piece could not be sold off." Mayor, "The ZBA could take a hard look at it. It's somewhat different than the situation up the street. It's essentially land locked without the lot split. If it were put in a conservation easement or deed restriction..." Ondrey, "Unless we decide that there's some rationale to imply a different interpretation, you go to the ZBA to say I need two different variances because I can't meet 35% on either lot without using the residential. I'm willing to put deed restrictions or conservation easement on it so it remains a park. Then it's a ZBA call." Sutliff, "In addition to that, there may be zoning issues." Mayor, "It would be a lot cleaner without the lot split."

Cawrse, "I agree. I hear strong direction from your law director that he really rather see us not split it & just work it with one parcel with another building. That's the kind of direction I need to give back to Americon." Tripp, "I would not like to see this lot split. I think it's bogus. I don't think it serves anybody's purpose. I don't think it's appropriate." Sutliff, "I think the ZBA will be more apt to consider a major variance instead of getting into all of these issues. I'm not speaking for the ZBA."

Cawrse, "This is exactly what I needed to hear. I can report back that this is not the most viable way to go. We should explore keeping it one parcel & come back with a conservation easement or something. Along those lines, keep this dedicated open space, so that we can get our coverage. We need that." The Mayor suggested that Cawrse talk to the neighbors around there to, "garner their support to have that land protected." Cawrse, "I'll also check on the sewers." **No action.**

OLD BUSINESS:

O'Donnell provided Council with the PC recommendation regarding the Kensington Green mowing issue. The Engineer wrote the Mayor in so far as his findings. Foley said, "I didn't do a wetlands assessment. I made a determination that it's not a wetland. It's basically a detention facility that's poorly maintained. It needs to be cleaned." Mayor, "It should be mowed." Foley, "No permit required."

O'Donnell, "At the last Council meeting I advised Council that the Planning Board was recommending the outlined course of action in the minutes for the Kensington Green property. However, that was going to be amended because the Mayor asked the Engineer to do an assessment of the retention basin as to the character of that property whether it was wetlands or not. The Engineer reported in his opinion it was not & it should be mowed. That's the report that I gave to Council. The people from Kensington are planning to be present at the September 9th. Council meeting to make a presentation."

Sutliff asked if Council voted. O'Donnell, "Not at that point. There was nothing to vote on. I merely presented to them the recommendation that we had put together & then amended it according to the letter that had been received from the Engineer in regard to the retention basin." Kensington Green residents did not receive a copy of the letter. Sutliff asked Foley to send Kensington a copy before the Council meeting. Mayor, "The letter came to me. It's my responsibility to get it to them. I haven't done it yet."

DiMichele asked about the ditch filling along Bell Rd. She thought the guardrail on both sides of Bell would be removed. The foreman told her the guardrail is staying. She asked Foley, "Is it staying or going?" Foley, "It's staying. It was a goal to get rid of it. When we looked at it – even if we would

have enclosed that segment- we still wouldn't have had what was deemed an appropriate distance from the edge of the road to eliminate the guardrail. We would have to go out another 30' from the edge of the road and that wasn't in the scope. While that was an objective, we couldn't meet it. Therefore, we didn't even put a top on that extension." DiMichele verbalized concern that the course of the water from Maple Springs up to the ditch goes directly into her woods. Foley, "I'll take care of it. We will make sure that doesn't occur. It should not run into your property."

NEW BUSINESS:

The next meeting is scheduled for September 19, 02 at 7:30 P.M. Tripp will be absent.

There was no further business. The meeting adjourned at 9:15 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

PLANNING COMMISSION MEETING
FEBRUARY 20, 2003
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, O'Donnell, Tripp, DiMichele**

2. MINUTES: OCTOBER 17, 2002 **amended & approved**

3. GUESTS:

FORMAL DISCUSSION WITH MOE AL-ROUSAN OF 5210-A CHILLICOTHE RD. (SAL'S PLACE) HE HOPES TO PROVIDE U-HAUL SERVICES FROM THE REAR OF SAL' PLACE. FIVE PARKING SPACES WOULD BE USED.
Tripp made a motion. I move that the South Russell Planning Commission deny the application to install a U-Haul service in the rear of Sal's Place, South Russell, Ohio. Brett second. Roll call: DiMichele, "No". Tripp, "Yes". Brett, "Yes". O'Donnell, "No". Sutliff, "Yes". DENIED

4. OLD BUSINESS:
-On 10-17-02, the PC conditionally approved Craig Cawrse's request to build a new commercial building at 547 East Washington Street, zoned B-2. There will be a deed restriction on the back area currently zoned R-1-A. Such area will not ever be built upon. The approval is condition on a lot coverage variance on the B-2 portion & that a 10' setback be allowed on the side yard.
11- 26-2002, the ZBA denied Mr. Cawrse's request for two variances. He requested 78% lot coverage for a new commercial building to be built on the B-2 portion of his property. He hoped the ZBA would consider both parcels as one in terms of lot coverage. He also requested a five-foot variance from the side yard setback requirements of 15 feet to 10 for parking along the western property line.
Tonight PC members expressed surprise with the ZBA's decision. Ondrey, "The real articulation was they (ZBA) did not want to consider in computing lot coverage, the residentially zoned portion of that property because they are still sensitive to the property down the

VILLAGE OF SOUTH RUSSELL
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SOUTH RUSSELL, OHIO 44022

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FAX: (440) 338-8776

street here. They felt that would be inconsistent treatment of the two different owners."
-Bell Station: to be opened any time; the owner has a minor problem with wiring
-Kensington Green: still floating; will resurface in the next few months

5. NEW BUSINESS: NEXT MEETING: **3-20-03 at 7:30 P.M.**

6. ADJOURN: **8:40P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
FEBRUARY 20, 2003
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Mayor Matt Brett, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

OTHER OFFICIALS: David Hocevar, Building Inspector, David Ondrey, Solicitor

GUESTS:
Moe Al-Rousan, 5210-A, Chillicothe RD. (Sal's Place)
Drew Case, U-Haul Rep. For Lake, Geauga & Ashtabula Counties

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes from the meeting on 10-17-02 were amended & approved.

Formal discussion with Moe Al-Rousan of 5210-A Chillicothe Rd. (Sal's Place). He hopes to provide U-Haul services from the rear of Sal's Place. Five parking spaces would be used.

Hocevar explained that renting U-Hauls is not a permitted use. The plaza has 101 parking spaces. Zoning requires 99. Since Mr. Al-Rousan hopes to use five spaces for the U-Hauls – if his request is approved- he will need to get a variance for three spaces. This plaza is zoned B-2. Hocevar identified the permitted uses in a B-2: personal services, office space, and residential offices. Tripp, "The accessory use is for structures, parking & loading, & signs that are under the current zoning rules put forth by Council. Conditional use, none."

Ondrey, "You have to remember the shopping center is there. The developer got a variance to install it. There was a dispute about what the zoning should have been. Ultimately, the shopping center was permitted. Would a use of U-Haul trailers be considered as a legitimate part of a retail shopping center space? I looked at our definition of how we define retail. It doesn't seem to fit there. We looked at other research to try to find out if it could be justified or there was even a precedent for it. Ultimately, I've come to the same conclusion as David (Hocevar) did. It's not a permitted use, but for a slightly different reason. Not because it doesn't fit into the B-2, but because it doesn't fit with what the permitted use is there, which is the retail shopping center."

Sutliff, "Retail is not permitted in B-2." Ondrey, "Correct. But, I don't think it's fair to judge this on a B-2 basis because that shopping center is there by permission of this Village, not as a B-2. Apparently, they got a variance back in the 70's." O'Donnell, "It was in the late 70's, 78'-79'. Cipriani was the builder." Sutliff, "After going through that, why was the property not rezoned to B-1 to permit retail use?" Ondrey, "Because they got the Zoning Board to approve the shopping center use. I gather there was much unhappiness. The Village even appealed the Zoning Board's decision of many years ago. What did they permit? They permitted a retail shopping center. Does a U-Haul rental facility fit within a retail shopping center? The way they define retail, it doesn't seem so."

Sutliff, "Personal service is permitted under that zoning. Does the definition of personal service include renting U-Haul trailers?" Ondrey, "I think that would be a stretch. I don't think it would." Tripp, "If you look at intent under 5.00, Business Districts, Chapter 5, the regulations are established to achieve among others the following purpose: 'The exchange of goods & services & other business activities to serve neighborhood needs for retail goods & services which do not attract large volumes of traffic.' A couple of things come to play then relative to the intent. We have to consider '(b) To protect adjacent residential uses by controlling the use.'"

Ondrey, "Yes. I think those are additional rationales. Under personal services, we define them as: ' Services such as beauty & barber shops & interior decorating. Laundries, laundromats, tailoring, pressing & drycleaning in which only non-explosive & non-flammable solvents are used, provided no work is done on the premises.' It doesn't seem to suggest a rental of trailers."

Sutliff, "The parking issue – that's not this boards decision." Ondrey, "Neither one would be. We have a list of options. Since it doesn't seem to be a permitted use & since we have a variance problem, at best you could only give conditional approval. They'd still have to go in front of the ZBA to get a variance as to these problems that we are talking about. You could also look at the proposal & not like it for development reasons- the legitimate problems of traffic control or parking. There's no way you'll give final approval here. The best you could do is give conditional approval that the ZBA will still have to pass on."

O'Donnell, "Would it be a safety issue to have those vehicles parked on the backside of the building? If there were a fire…" Ondrey, "I don't know. You'd have to ask David (Hocevar) & these gentlemen." DiMichele, "Where do you plan to park them?" Al-Rousan, "In the back." Drew Case of U-Haul, "They are motor vehicles just like parking a pickup truck out front." Sutliff, "Would these be pickup trucks or vans?" Case, "They have enclosed backs. They are moving trucks."

Sizes: Case, "There would be a variation. If somebody were moving into South Russell, they'd look to Moe's place to drop off the equipment. It's providing additional services to the community & a convenience to your local

residents. They may move in with a 10' truck. They may move in with a 26' truck. I know one of your concerns is parking. If his inventory exceeded your limits, we can easily relocate the equipment to another location, if you're worried about overflow of equipment. There may be times when we have only one or two trucks at his location."

DiMichele, "What is the average turnover?" Case, "It all depends on the marketing trends. If more people are moving out of town, his inventory would be lower. Part of opening this location is that Kredo True Value is going out of business. Eventually, U-Haul will phase out of that location."

Sutliff, "Are you with U-Haul?" Case, "Yes. I'm the area manager with U-Haul. In Chagrin Falls there is a location at Fuller's auto sales. I'm trying to split it up. Each location can spend more time with the equipment & better time with the customers. We can control inventory a lot better."

DiMichele, "Are you going to be getting into auxiliary stuff like selling boxes?" Al-Rousan, "Yes, full services. I've been at that location for 2 ½ years. Everybody knows how the store used to be before I got into it. I have worked so hard. I am at the point where I've got the store to be even. That's how much improvement I did in the store in the last 2 ½ years. And to be honest with you, suddenly after I've got the grove in the store & I start to be even with it, I've got the new competition next door to me which is issued through the Village of South Russell. The Bell Station, he's going to be selling exactly the same stuff I do: lottery tickets, beer & wine & the deli. So, this competition is going to drop off my sales even more down there. I'm hoping the Village of South Russell is going to help me out, just to keep me in business. I think the U-Haul truck is going to give me something (?). We're going to be using five or six parking spaces."

Case presents a chart that shows what it may look like with the trucks parked behind Sal's Place. Case's territory covers Lake, Ashtabula & Geauga Counties. Tripp, "What other convenient stores have U-Hauls?" Case, "Any business location can be a U-Haul dealer. We have convenient locations such as South Place. We have auto repair storage locations. I used to cover Lorraine & Medina. A guy did fireworks displays. He needed to rent trucks once in awhile. He wanted to be a U-Haul dealer. He looked at it as an additional income. Anybody can be a U-Haul location as long as they have a legitimate business. We look at it as, will this help our market penetration in that area? We take our business decisions into each location & see how we want to tap into that area." O'Donnell, "Where is your next closest location"? Case, "In Chesterland."

Sutliff, "There would never be more that five vehicles?" Case, "We can't control the inventory. Any time a vehicle does come into the area, he'd put that in his computer. We'd get the inventory at our office. If it's an issue, yes we can

relocate the equipment to another location via transfer drivers." Sutliff, "How did you come up with five spaces? To me that would indicate that you would never plan to have more than five vehicles." Case, "It's more of an estimate at this time. We aren't sure what your feelings are on the whole thing. I think that five would meet what we need to get into the market in this area. We have assigned trucks that we can permanently assign to the location. If he had two permanently assigned trucks for just in town moves & the other truck would be for one way or local depending on the customer. He may have two assigned trucks all the time. If he gets two trucks in & he has a one- way rental schedule, he'll be down to three trucks. To say five, he may always just have those two. If we don't assign him permanent trucks, he may be down to 0. If five is agreed upon, we can work to stay within those guidelines."

Sutliff, "Might there ever be eight 28' trucks over there?" Case, "Could there be? If eight people moved into this area & dropped off their overnight, yes. He'd have to do the returns & then we'd have to move them out of there. An example would be the Cleveland Heights/Mayfield Road location. They aren't allowed to park trucks out front. So, when they come in, they move them to the back. They stay within the guidelines that are required. If five is the agreed upon number, we could relocate the equipment. If he has by this time of day, you need to clear the lot..." Sutliff, "Are those designated parking places in the rear?" Case, "We counted 32 spots in the back."

Sutliff, "A truck takes up more than one spot. Technically, three 28' trucks would take up five spots." Brett, "On this diagram, you've got seven different vehicles." Case, "I put that in as a depiction. That's an example of a scenario of where we could park the trucks. That's not an exact thing." Brett, "The green one says D.C. What is that?" Case, "That's a 14' truck." Brett, "Would there be a reason that it would be in front?" Case, "I put it up there. I didn't know if we could have a truck displayed. That would be wonderful for customers driving by to identify the location as a U-Haul location. However, a lot of our business comes from the yellow pages. A 14' truck can't fit into one parking spot. We preferably would want a front display. But, if we can't have it, it's something we can work around."

DiMichele, "What does the landlord of the building say?" Al-Rousan, "He told me if the city's ok with it, I'm ok. I talked to all of my neighbors. Everybody says it is ok." Al-Rousan said he also contacted Larry Lechman, who owns a building at 1188 Bell Road near the plaza. Al-Rousan, "He told me if you (PC) don't have a problem with it, I don't have a problem with it. I'm not going to have a U-Haul contract for two or three years. It's going to be month by month." Case, "We require a 30 day notice if he decides to get out of U-Haul."

O'Donnell, "How long would it take to get the business started?" Case, "We can open a dealer approximately within two weeks." O'Donnell, "You

wouldn't get into the yellow pages for at least 6-8 months." Case, "Right. We missed that." Sutliff, " How does U-Haul work? Let's say a truck shows up over there & it's got a bum engine. Do you tow it out?" Case, "Yes. We tow it out." Sutliff, "You wouldn't do any repair back there?" Case, "The only thing a dealer is required to do is minor maintenance which is to top off fluids. He wouldn't be changing oil or any major repairs on the lot. Transmissions, engine or major repair would be taken off the lot. They'd dispatch a local tow company to take it to one of our repair shops."

Brett, "We talked about a 26' truck. How big are these spaces David?" (Hocevar) Hocevar, "10'X18'; 180 square feet. We don't designate the sizes, but usually they are 10'X18'." Brett, "With that, how do you count a 26' truck? Would that count as taking one space? Or does that count as taking two? Anything over 20, does that count as two?" Hocevar, "I don't think we address it. We just figure parking spaces, 10'X18'."

Tripp, "If the truck is 26' it's going to hang over." Sutliff, "It's going to take up more than one space." Hocevar, "Absolutely. You've got landscaping trucks with trailers pulling in there right now, taking two or three spots."

Al-Rousan, "Most of the trucks will be parked in the far right of the plaza. None of the people will be going back in the spot. It's right behind my store." Case, "If you park the truck & it overhangs, it could overhang on the side of the lot toward the wooded area. If I go to National City Bank in Painesville, I take up one spot with my truck. My truck is designed as a 26' truck. I back into the spot & it overhangs into the tree lawn. It depends on how you park them into the spot." Brett, "Does that mean the parking lot in the back David (Hocevar) has to be restriped?" Hocevar, "I would think so. Even with the overhang, you've got 18' worth of property behind the parking area. It probably would have to be restriped."

Sutliff, "Do you bring in semi's behind to stock those stores? If you've got five 28 footers back there…" Al-Rousan, "No." Sutliff, "I'm talking about stocking your store, the pizza place. Don't they have service trucks that come in back there?" Al-Rousan, "I'm the only one that gets the big trucks back over there which is mostly the beer truck. He backs up on the U-turn in between the Cipriani plaza & the bank. He backs up all the way to the store, only one truck." Sutliff, "With these 28' trucks in there, can he still back in there?" Al-Rousan, "I think he would." Sutliff, "Or is he going to load you through the front door?" Al-Rousan, "No, always from the back. There's a decent area between the two lines of the parking. He'd be able to move back over there."

O'Donnell, "The diagram shows that these vehicles would extend beyond the front & back line of Sal's place. These trucks are now parking behind the business that is next door. Is that acceptable?" Case, "That again is not a diagram to scale. That might not be accurate." Brett, "Do you have a drawing of that property?" Hocevar, "Yes."

Brett, "If I were to rent one of these trucks, how would the transaction occur? Do I have to go to the back to pick it up? Do you bring it? Do I go to the counter & fill out the application there & then? Do you drive it around the front?" Case, "He was going to hire another employee to help with this. When a customer comes to a location, they walk in or call ahead & say they want to rent a U-Haul truck. An employee would go to the computer, obtain their driver's license, write up the contract & take them out to the truck & go from there." Brett, "I'd have to go to the back to get the truck." Al-Rousan, "No. You come to the store. We do the paperwork. Me or the employee will get the truck & bring it up front. As a customer, you don't have to go in the back of the plaza to pick up a truck. That's what I'm going to suggest to somebody who brings me a truck. During business time, bring it to the front of the store. I'll bring it from the front to the back." Brett, "As a customer, I would never go to the back." Al-Rousan, "No. You'd never go the back."

Tripp referred to the parking lot drawing. Tripp, "There's only 88 spaces here." Hocevar, "I'm not sure when that thing was designed. That's an older drawing. We took the whole area, the main strip center plus the bank. We took the square footage calculated the five spaces per 1,000 square feet. That's where we came up with the 99 parking spaces."

O'Donnell, "Was the bank built at the same time?" Hocevar & Sutliff, "Latter." O'Donnell, "Was it the same owner?" Hocevar, "No." O'Donnell, "Who built the bank?" Hocevar, "I don't know."

Brett, Is it possible that your 101 includes the bank?" Hocevar, "Yes." Tripp, "Right now how many people on average park in the back lot of your facility?" Al-Rousan, "Not even five or six. Even today I looked out & saw four cars." O'Donnell, "What's next door to you?" Al-Rousan, "The eye doctor."

Brett, "If the PC were to approve this David (Hocevar), would you have to, on this plot, find five spaces?" Hocevar, "Mr. Ondrey." Ondrey, "I think that's the call of the PC if you want to designate the specific five or more spaces that are going to be required for this. But, I don't think there's a requirement that we do so. That's your call if you think that's the best way to manage the situation." Brett, "If you're going to say there's 104 spots, you have to say where they'd be at." Ondrey, "We're not creating more spots. Normally, you would need 104 & so they are going to need a variance to bring it back to 101. We're never going to go beyond 101 because there's no more space. They are going to need a variance to have three less spaces then what they would otherwise need. The question of where these U-Haul vehicles are specifically going to be maybe a subject of discussion. Or you can say, we don't care just as long as it is in the back."

Tripp, "At the end of the day, when you look at the conditional drawing put out by your associate (Case), 26' trucks generally parked in a parking lot like this are at an angle because people are going to have difficulty. Clearance is necessary to back it into a parking space straight. Most people renting U-Hauls don't drive trucks everyday. They perhaps will be careful & make extra wide turns. If you look a the actual distance that you have at the back yard from the print & look at the angle, it's going to take substantially more than five spaces. I haven't done the engineering on it. But, that's how it appears."

Case, "I look at it another way. If you change the direction of the parking, instead of at an angle, you park it straight. So the back of the truck hangs over the wooded area. If you have a 26' truck, he'd back that up towards the wooded area. That would over hang. It wouldn't be at an angle for pulling out."

DiMichele, "I'm not clear as to why we are speaking about the parking spots. The parking spots are still there. They just happen to have something parked on them. It's not a permanent attachment. I don't see the logic that because five trucks might be parked there, that he doesn't have five of those parking spots." Tripp, "The question is whether or not a 26' truck is taking up more than one spot." DiMichelle, "I don't care if they take up eight. Spots are still there." Tripp, "They're not there when the trucks are parked there." DiMichelle, "They're not in front when cars are parked there either. Just because someone is parked on it, doesn't make the spot disappear." Ondrey, "I was analyzing it from the standpoint that our regulations calculate how many spaces are needed." DiMichelle, "But you still have those spaces." Ondrey, "The theory is that you still need those spaces for retail customers. What we're saying here is we know five or slightly more of these spaces would be taken up by the U-Haul vehicles." DiMichelle, "They aren't going to be permanently taken up. Sometimes they'll have five vehicles." Ondrey, "There's no question about that." DiMichele, "Sometimes they'll have five vehicles, sometimes two, sometimes one, sometimes none." Sutliff, "Or sometimes eight." DiMichelle, "That's one of things we could stipulate is that he never have over five there. I'm not hung up on this spots are disappearing. They are still there. If he discontinues U-Haul in six months, the spots are there. They might be there next Sunday if all the trucks are gone. I've never seen that parking lot having a parking crisis where you can't pull in & find a parking spot."

Sutliff, "I don't think this board can rule on the parking variance anyway." Ondrey, "Right." O'Donnell, "It's not an issue for this board. For us, it's the use." Ondrey, "They'll need a variance for the use as well as the parking. The most you can do is say we reviewed it. We think this plan is acceptable if they get a variance for these other items; similar to what we did in the Cawrse situation. Or you can say we don't want to take the time to figure out the best plan until you get permission from the ZBA."

Sutliff, "If this board says we agree with our solicitor, that this is not an approved use, is their remedy still to go to the ZBA?" Ondrey, "They could certainly still choose to do that. Once they get approval, they'll have to come back because there's still a development approval issue. Now, we know the use is ok & the parking is ok. Then, it becomes a question of how do you arrange it in the best location. You wouldn't have the ability to deny it."

DiMichelle, "Could our group agree that it's not in accordance with the Village, but we still recommend that it be approved?" Ondrey, "Yes." DiMichelle, "If there were stipulations such as something written from the landlord that it wasn't a problem & the other tenants have no objection & Larry Lechman has no objection, I think we should do everything we can to help Sal salvage his business. He's absolutely right. When this station opens, he's going to suffer because of that. We have no service like this in the Village. It's a real pain to go to Chesterland. I've done it. If the trucks are in the back of the store, there's no residential area around it that would be seeing it. I think it would be a nice addition to our community."

DiMichelle made a motion **"that we suggest to Sal to go to the ZBA & we would welcome to have his business in our community with stipulations that the trucks be in the back & that there be written evidence from the landlord & the neighbors to the west that they have no objections." O'Donnell second.**

Brett, "I agree with your comment that we should support Moe in his efforts to have a good, viable business. I do have concerns about a U-Haul business. Some of those are functionally about how that business would do there. It seems to me that if there isn't a U-Haul in Bainbridge, then maybe that would be a viable business. But, there is a U-Haul in Bainbridge. I have some concerns about it."

Tripp, "My concern is that this is a nonconforming use at a business site that is already a nonconforming use in a B-2. I have a concern based on looking at our zoning & the efforts that have gone into assuring our zoning keeps up to speed with current city planning & Village planning & protecting the adjacent residential areas. I think it sets a bad precedent for South Russell Planning Commission to approve this nonconforming conditional use."

Sutliff, "I don't have any comments. I will repeat that there is a motion on the floor that has been seconded to recommend approval to the ZBA to suggest to them that they approve this concept providing they have permission from the neighbors & the adjacent business owners."

O'Donnell, "I'm not 100% sure of how I really feel about the addition of U-Haul trucks in our community. However, I do feel that it is important to keep the shopping center a viable business as a whole. The history of that place is checkered, from the beginning, which is not to say that anything illegal has gone

on over there. It's important to make it remain viable. I am willing to let the ZBA make this decision. I understand it's a nonconforming use. If they can see their way clear to approve this, it's ok with me."

Case, "You mentioned about Bainbridge being open. It is going out of business at some point. It'll be in the next couple of months, if not a month. From what I've heard, possibly March 1st. There most likely will never be a location in Bainbridge again. I'm in control of opening dealerships in Ashtabula & Geauga County. We try to make good decisions. We try to keep people spaced out as best we can because we want each location to be productive. It does not make sense for us to open location after location. When people are moving into the area, they will be routed to Sal's Place. Those businesses in that plaza will be the first business that they'll come in contact with in this entire area."

Sutliff, "Have you checked any other locations in Bainbridge, on 422 specifically? No offense, I picture U-Haul trucks more fitting on 422 than on Bell Street." Case, "I've looked at other locations & I've looked at available parking. There is a large amount of parking in the back of that building. I think there is more then enough space to accommodate U-Haul. We are the largest Yellow Pages advertisers. That's where most of our business comes from. I haven't had a location contact me. That's what I look for, interest. When someone contacts me, that's someone who says I want to do this. I want to put forth a good effort to make sure it works. That's a further commitment to me when I put my product there. They are going to represent us well."

Sutliff, "Does anybody know what's going on with Kredo?" Brett, "The other day I went to fill up my propane tank. Assuming he was the owner, I asked how long he was going to be doing the propane. He said as far as he was concerned, he was going to keep the propane & the U-Haul indefinitely." Case, "That's the response that they tell us too. My impression is that they've sold the location to a car dealership."

Ondrey reiterates the motion. Ondrey, **"It's a motion to conditionally approve the proposed use for the U-Haul conditioned upon ZBA approval. Parking will be permitted only in the rear. The landlord to indicate his approval in writing."** Sutliff, "And adjacent owners." Ondrey, "You mentioned that in your comments earlier. You didn't say it in the motion. I urge you to resist putting that in as part of your motion. Remember, the ZBA will have to have a public hearing. The neighbors will get notification. There will be plenty of opportunity for them to say one way or the other. If you make a condition of their approval, you've really taken it out of everybody's hands."

Brett, "Mr. Chairman could you get me up to speed? If this board votes yes or no, what does that mean?" Sutliff, "In either circumstance, the ultimate decision will go to the ZBA for both items: the permitted use variance & the parking variance. If they approve it, it's basically approved & it comes back to

this body for development review on where the trucks are located, how they are parked. If we approve it tonight, we're not giving them permission. Ultimately, the ZBA will rule on that." Ondrey, "I don't want to leave the impression that it's necessarily going to be a variance on the use. They have the right to interpret the zoning book. They may interpret it, as this is a permitted use. I'm just telling you my opinion. They may reach a different opinion. If they do, then there is no variance needed for the use part."

O'Donnell to Ondrey, "You provide legal advice to the ZBA. It's important that the opinions expressed here –all of which you've heard, although they don't have to listen to us – are relayed to the ZBA." Ondrey, "I'll try to remember to say the same thing."

Hocevar, "If that board determines it's a use variance, would that variance go with the property or the owner?" Ondrey, "Use variances go with the property." Hocevar, "So that would be there for eternity." Ondrey, "Yes with whatever conditions are attached to it." Hocevar, "So, if Sal wanted to take his food out of there & all he wanted to do is rent U-Haul trailers, as long as he stays within the guidelines, he can do it." Ondrey, "Yes." O'Donnell, "Could they (ZBA) throw in the use that it goes with the owner & not the property?" Ondrey, "I don't think you could. You couldn't condition it on one owner, not a variance. Do they want to condition it that it has to be operated in conjunction with a convenient store? Maybe that's legitimate. But, I don't think they can hold it to one owner. Variances run with the property."

DiMichelle's motion is stated again. **It's a motion to conditionally approve the proposed use for the U-Haul conditioned upon ZBA approval. Parking will be permitted only in the rear. The landlord to indicate his approval in writing." O'Donnell second. Roll call: DiMichele, "Yes." Tripp, "No." Brett, "No." O'Donnell, "Yes." Sutliff, "No."**

Ondrey, "We haven't reached a final decision. You've got to disapprove it or simply say we won't take any action until you go to the ZBA." Sutliff, "I thought that was implied by us turning it down. That in effect, we weren't taking any action. Ultimately, he's going to go to the ZBA." Ondrey, "If that's the way you want to leave it, I can't argue with that."

Tripp, "Council what you just suggested is that the sense of this PC would be better conveyed to the ZBA were we to have a formal motion which denied the application for U-Haul."

Tripp made a motion. **I move that the South Russell Planning Commission deny the application to install a U-Haul service in the rear of Sal's Place, South Russell, Ohio. Brett second. Roll call: DiMichele, "No." Tripp, "Yes." Brett, "Yes." O'Donnell, "No." Sutliff, "Yes." DENIED**

Sutliff, "The next step would be for you to move to the ZBA." Ondrey, "If you want, you can still make a shot at the ZBA to get whatever variances are

necessary. If you get them, then you still have to come back here for specific approval of the arrangements."

Case, "I have a question for you. (Brett) One of your concerns was the location in Bainbridge. If we were to come back here & there was no location in Bainbridge, would that have any effect on your…?" Brett, "It's possible." Case, "That seemed to be your main concern." Brett, "I don't think it's my main concern. Having that be there, I don't know how much of a demand there is for U-Haul." Case, "As far as demand, Kredo is almost regularly in our top 100 national rankings. There are over 13,000 U-Haul dealerships. As far as demand, it would bring quite a few people into that plaza." Brett, "If Kredo closed & if the U-Haul dealership went away…" Case, "Which it would; U-Haul dealerships are in addition to a regular business."

Sutliff asked if Case knew what the new business would be. Case, "I've heard an auto dealership. I heard there is an issue with a kerosene leak that has to be cleaned up before the deal goes through." Sutliff, "Have you approached them? Would you approach them about leaving the U-Haul dealership there?" Case, "No. We can't leave it there unless they have a regular business. Actually, their sales over the last four weeks, they've done $5,000 less than they did this time last year, simply because they've decreased their hours. They are closed on Wednesdays. They are doing about 50% of the business that they normally could do. I'm having people go to Bedford for the service." Tripp, "How about going to Fuller in Chagrin?" Case, "He's not opened yet. Kredo will cease to exist."

OLD BUSINESS:

On October 17, 2002 the PC conditionally approved the site proposal at 547 East Washington Street for Craig Cawrse. There would be a deed restriction on the back area currently zoned R-1-A. Such area will not ever be built on. The approval is condition on a lot coverage variance on the B-2 portion & that a 10-foot setback be allowed on the side yard. Mr. Cawrse's application was denied by the ZBA on 11-26-02.

Sutliff expressed surprise that it was denied. O'Donnell, "I could not believe that they turned that down. I had people on Laurel Brook call me when the Taussig's were going to build that barn. That horse barn is a beautiful building. I could live in the horse barn. Craig's got a nice business there. I couldn't believe that they were unwilling to…" Sutliff, "I'd like to see a driveway back there & build a big ugly house." O'Donnell, "I said it at the Council meeting. I think we tried hard to help him come to a viable solution for his property."

Sutliff, "I was shocked. To Ondrey, "What was their big concern?" Ondrey, "The real articulation was they did not want to consider in computing lot

coverage, the residentially zoned portion of that property because they still are sensitive to the property down the street here. (property Myers wanted to rezone & build office buildings). They felt that would be inconsistent treatment of the two different owners. They focused that this was lot coverage. We're going to ignore all this vacant land. It's lot coverage on this piece of commercially zoned property & it's way beyond our allowed numbers. Therefore, we're not going to approve it."

Brett, "I was at that meeting. I thought it was going to go through." Ondrey, "It went five zip down." Brett, "It seemed like it was going well for Craig. Then when the 78% came up, that's when it took a turn." Ondrey, "It's a zoning problem issue because you can't consider the adjacent vacant property. That does mean you can solve it through zoning legislation. For instance, when deed restrictions are entered into preventing the use of the residentially zoned property, then you can consider it in lot coverage." Sutliff, "A zoning change." Ondrey, "Yes. Exactly. That takes Council's concurrence."

O'Donnell, "We were trying to be a little more honest about it. Basically, we're rather opposed to zoning changes. He was willing to go into a conservancy easement, which would prevent future construction there. Althans lot goes right back to the property line with the parking lot. It's ugly. Craig had no intention of doing anything like that."

Tripp, "I think they also misinterpreted a lot because they got into how many floors it was & how many square feet per floor. It's the footprint. It's not lot coverage; how much square feet is inside." Sutliff, "No it's not. That's not true." Hocevar, "Read the zoning book. It says square foot area of each floor; each floor area." Ondrey, "We didn't change that part. We included parking & driveways & lowered the percentage. All floors are counted except the basement if it's used for storage."

Bell Station: Hocevar reported that it was opened last week & this week the owner has some minor problems with the wiring. The walls are up in the back.

Kensington Green: What happened? Ondrey, "It's still floating. No one's pushed it because it's not the growing season & Lynn moved. I suspect there will be a refocus in the next month or two."

NEW BUSINESS:

Next meeting: 3-20-03 at 7:30 P.M.

There was 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

PLANNING COMMISSION MEETING
FEBRUARY 20, 2003
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, O'Donnell, Tripp, DiMichele**

2. MINUTES: OCTOBER 17, 2002 **amended & approved**

3. GUESTS:

FORMAL DISCUSSION WITH MOE AL-ROUSAN OF 5210-A CHILLICOTHE RD. (SAL'S PLACE) HE HOPES TO PROVIDE U-HAUL SERVICES FROM THE REAR OF SAL' PLACE. FIVE PARKING SPACES WOULD BE USED.
Tripp made a motion. I move that the South Russell Planning Commission deny the application to install a U-Haul service in the rear of Sal's Place, South Russell, Ohio. Brett second. Roll call: DiMichele, "No". Tripp, "Yes". Brett, "Yes". O'Donnell, "No". Sutliff, "Yes". DENIED

4. OLD BUSINESS:
-On 10-17-02, the PC conditionally approved Craig Cawrse's request to build a new commercial building at 547 East Washington Street, zoned B-2. There will be a deed restriction on the back area currently zoned R-1-A. Such area will not ever be built upon. The approval is condition on a lot coverage variance on the B-2 portion & that a 10' setback be allowed on the side yard.
11- 26-2002, the ZBA denied Mr. Cawrse's request for two variances. He requested 78% lot coverage for a new commercial building to be built on the B-2 portion of his property. He hoped the ZBA would consider both parcels as one in terms of lot coverage. He also requested a five-foot variance from the side yard setback requirements of 15 feet to 10 for parking along the western property line.
Tonight PC members expressed surprise with the ZBA's decision. Ondrey, "The real articulation was they (ZBA) did not want to consider in computing lot coverage, the residentially zoned portion of that property because they are still sensitive to the property down the

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

street here. They felt that would be inconsistent treatment of the two different owners."
-Bell Station: to be opened any time; the owner has a minor problem with wiring
-Kensington Green: still floating; will resurface in the next few months

5. NEW BUSINESS: NEXT MEETING: **3-20-03 at 7:30 P.M.**

6. ADJOURN: **8:40P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
FEBRUARY 20, 2003
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Mayor Matt Brett, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

OTHER OFFICIALS: David Hocevar, Building Inspector, David Ondrey, Solicitor

GUESTS:
Moe Al-Rousan, 5210-A, Chillicothe RD. (Sal's Place)
Drew Case, U-Haul Rep. For Lake, Geauga & Ashtabula Counties

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes from the meeting on 10-17-02 were amended & approved.

Formal discussion with Moe Al-Rousan of 5210-A Chillicothe Rd. (Sal's Place). He hopes to provide U-Haul services from the rear of Sal's Place. Five parking spaces would be used.

Hocevar explained that renting U-Hauls is not a permitted use. The plaza has 101 parking spaces. Zoning requires 99. Since Mr. Al-Rousan hopes to use five spaces for the U-Hauls – if his request is approved- he will need to get a variance for three spaces. This plaza is zoned B-2. Hocevar identified the permitted uses in a B-2: personal services, office space, and residential offices. Tripp, "The accessory use is for structures, parking & loading, & signs that are under the current zoning rules put forth by Council. Conditional use, none."

Ondrey, "You have to remember the shopping center is there. The developer got a variance to install it. There was a dispute about what the zoning should have been. Ultimately, the shopping center was permitted. Would a use of U-Haul trailers be considered as a legitimate part of a retail shopping center space? I looked at our definition of how we define retail. It doesn't seem to fit there. We looked at other research to try to find out if it could be justified or there was even a precedent for it. Ultimately, I've come to the same conclusion as David (Hocevar) did. It's not a permitted use, but for a slightly different reason. Not because it doesn't fit into the B-2, but because it doesn't fit with what the permitted use is there, which is the retail shopping center."

Sutliff, "Retail is not permitted in B-2." Ondrey, "Correct. But, I don't think it's fair to judge this on a B-2 basis because that shopping center is there by permission of this Village, not as a B-2. Apparently, they got a variance back in the 70's." O'Donnell, "It was in the late 70's, 78'-79'. Cipriani was the builder." Sutliff, "After going through that, why was the property not rezoned to B-1 to permit retail use?" Ondrey, "Because they got the Zoning Board to approve the shopping center use. I gather there was much unhappiness. The Village even appealed the Zoning Board's decision of many years ago. What did they permit? They permitted a retail shopping center. Does a U-Haul rental facility fit within a retail shopping center? The way they define retail, it doesn't seem so."

Sutliff, "Personal service is permitted under that zoning. Does the definition of personal service include renting U-Haul trailers?" Ondrey, "I think that would be a stretch. I don't think it would." Tripp, "If you look at intent under 5.00, Business Districts, Chapter 5, the regulations are established to achieve among others the following purpose: 'The exchange of goods & services & other business activities to serve neighborhood needs for retail goods & services which do not attract large volumes of traffic.' A couple of things come to play then relative to the intent. We have to consider '(b) To protect adjacent residential uses by controlling the use.'"

Ondrey, "Yes. I think those are additional rationales. Under personal services, we define them as: ' Services such as beauty & barber shops & interior decorating. Laundries, laundromats, tailoring, pressing & drycleaning in which only non-explosive & non-flammable solvents are used, provided no work is done on the premises.' It doesn't seem to suggest a rental of trailers."

Sutliff, "The parking issue – that's not this boards decision." Ondrey, "Neither one would be. We have a list of options. Since it doesn't seem to be a permitted use & since we have a variance problem, at best you could only give conditional approval. They'd still have to go in front of the ZBA to get a variance as to these problems that we are talking about. You could also look at the proposal & not like it for development reasons- the legitimate problems of traffic control or parking. There's no way you'll give final approval here. The best you could do is give conditional approval that the ZBA will still have to pass on."

O'Donnell, "Would it be a safety issue to have those vehicles parked on the backside of the building? If there were a fire…" Ondrey, "I don't know. You'd have to ask David (Hocevar) & these gentlemen." DiMichele, "Where do you plan to park them?" Al-Rousan, "In the back." Drew Case of U-Haul, "They are motor vehicles just like parking a pickup truck out front." Sutliff, "Would these be pickup trucks or vans?" Case, "They have enclosed backs. They are moving trucks."

Sizes: Case, "There would be a variation. If somebody were moving into South Russell, they'd look to Moe's place to drop off the equipment. It's providing additional services to the community & a convenience to your local

residents. They may move in with a 10' truck. They may move in with a 26' truck. I know one of your concerns is parking. If his inventory exceeded your limits, we can easily relocate the equipment to another location, if you're worried about overflow of equipment. There may be times when we have only one or two trucks at his location."

DiMichele, "What is the average turnover?" Case, "It all depends on the marketing trends. If more people are moving out of town, his inventory would be lower. Part of opening this location is that Kredo True Value is going out of business. Eventually, U-Haul will phase out of that location."

Sutliff, "Are you with U-Haul?" Case, "Yes. I'm the area manager with U-Haul. In Chagrin Falls there is a location at Fuller's auto sales. I'm trying to split it up. Each location can spend more time with the equipment & better time with the customers. We can control inventory a lot better."

DiMichele, "Are you going to be getting into auxiliary stuff like selling boxes?" Al-Rousan, "Yes, full services. I've been at that location for 2 ½ years. Everybody knows how the store used to be before I got into it. I have worked so hard. I am at the point where I've got the store to be even. That's how much improvement I did in the store in the last 2 ½ years. And to be honest with you, suddenly after I've got the grove in the store & I start to be even with it, I've got the new competition next door to me which is issued through the Village of South Russell. The Bell Station, he's going to be selling exactly the same stuff I do: lottery tickets, beer & wine & the deli. So, this competition is going to drop off my sales even more down there. I'm hoping the Village of South Russell is going to help me out, just to keep me in business. I think the U-Haul truck is going to give me something (?). We're going to be using five or six parking spaces."

Case presents a chart that shows what it may look like with the trucks parked behind Sal's Place. Case's territory covers Lake, Ashtabula & Geauga Counties. Tripp, "What other convenient stores have U-Hauls?" Case, "Any business location can be a U-Haul dealer. We have convenient locations such as South Place. We have auto repair storage locations. I used to cover Lorrain & Medina. A guy did fireworks displays. He needed to rent trucks once in awhile. He wanted to be a U-Haul dealer. He looked at it as an additional income. Anybody can be a U-Haul location as long as they have a legitimate business. We look at it as, will this help our market penetration in that area? We take our business decisions into each location & see how we want to tap into that area." O'Donnell, "Where is your next closest location"? Case, "In Chesterland."

Sutliff, "There would never be more that five vehicles?" Case, "We can't control the inventory. Any time a vehicle does come into the area, he'd put that in his computer. We'd get the inventory at our office. If it's an issue, yes we can

relocate the equipment to another location via transfer drivers." Sutliff, "How did you come up with five spaces? To me that would indicate that you would never plan to have more than five vehicles." Case, "It's more of an estimate at this time. We aren't sure what your feelings are on the whole thing. I think that five would meet what we need to get into the market in this area. We have assigned trucks that we can permanently assign to the location. If he had two permanently assigned trucks for just in town moves & the other truck would be for one way or local depending on the customer. He may have two assigned trucks all the time. If he gets two trucks in & he has a one- way rental schedule, he'll be down to three trucks. To say five, he may always just have those two. If we don't assign him permanent trucks, he may be down to 0. If five is agreed upon, we can work to stay within those guidelines."

Sutliff, "Might there ever be eight 28' trucks over there?" Case, "Could there be? If eight people moved into this area & dropped off their overnight, yes. He'd have to do the returns & then we'd have to move them out of there. An example would be the Cleveland Heights/Mayfield Road location. They aren't allowed to park trucks out front. So, when they come in, they move them to the back. They stay within the guidelines that are required. If five is the agreed upon number, we could relocate the equipment. If he has by this time of day, you need to clear the lot..." Sutliff, "Are those designated parking places in the rear?" Case, "We counted 32 spots in the back."

Sutliff, "A truck takes up more than one spot. Technically, three 28' trucks would take up five spots." Brett, "On this diagram, you've got seven different vehicles." Case, "I put that in as a depiction. That's an example of a scenario of where we could park the trucks. That's not an exact thing." Brett, "The green one says D.C. What is that?" Case, "That's a 14' truck." Brett, "Would there be a reason that it would be in front?" Case, "I put it up there. I didn't know if we could have a truck displayed. That would be wonderful for customers driving by to identify the location as a U-Haul location. However, a lot of our business comes from the yellow pages. A 14' truck can't fit into one parking spot. We preferably would want a front display. But, if we can't have it, it's something we can work around."

DiMichele, "What does the landlord of the building say?" Al-Rousan, "He told me if the city's ok with it, I'm ok. I talked to all of my neighbors. Everybody says it is ok." Al-Rousan said he also contacted Larry Lechman, who owns a building at 1188 Bell Road near the plaza. Al-Rousan, "He told me if you (PC) don't have a problem with it, I don't have a problem with it. I'm not going to have a U-Haul contract for two or three years. It's going to be month by month." Case, "We require a 30 day notice if he decides to get out of U-Haul."

O'Donnell, "How long would it take to get the business started?" Case, "We can open a dealer approximately within two weeks." O'Donnell, "You

wouldn't get into the yellow pages for at least 6-8 months." Case, "Right. We missed that." Sutliff, " How does U-Haul work? Let's say a truck shows up over there & it's got a bum engine. Do you tow it out?" Case, "Yes. We tow it out." Sutliff, "You wouldn't do any repair back there?" Case, "The only thing a dealer is required to do is minor maintenance which is to top off fluids. He wouldn't be changing oil or any major repairs on the lot. Transmissions, engine or major repair would be taken off the lot. They'd dispatch a local tow company to take it to one of our repair shops."

Brett, "We talked about a 26' truck. How big are these spaces David?" (Hocevar) Hocevar, "10'X18'; 180 square feet. We don't designate the sizes, but usually they are 10'X18'." Brett, "With that, how do you count a 26' truck? Would that count as taking one space? Or does that count as taking two? Anything over 20, does that count as two?" Hocevar, "I don't think we address it. We just figure parking spaces, 10'X18'."

Tripp, "If the truck is 26' it's going to hang over." Sutliff, "It's going to take up more than one space." Hocevar, "Absolutely. You've got landscaping trucks with trailers pulling in there right now, taking two or three spots."

Al-Rousan, "Most of the trucks will be parked in the far right of the plaza. None of the people will be going back in the spot. It's right behind my store." Case, "If you park the truck & it overhangs, it could overhang on the side of the lot toward the wooded area. If I go to National City Bank in Painesville, I take up one spot with my truck. My truck is designed as a 26' truck. I back into the spot & it overhangs into the tree lawn. It depends on how you park them into the spot." Brett, "Does that mean the parking lot in the back David (Hocevar) has to be restriped?" Hocevar, "I would think so. Even with the overhang, you've got 18' worth of property behind the parking area. It probably would have to be restriped."

Sutliff, "Do you bring in semi's behind to stock those stores? If you've got five 28 footers back there…" Al-Rousan, "No." Sutliff, "I'm talking about stocking your store, the pizza place. Don't they have service trucks that come in back there?" Al-Rousan, "I'm the only one that gets the big trucks back over there which is mostly the beer truck. He backs up on the U-turn in between the Cipriani plaza & the bank. He backs up all the way to the store, only one truck." Sutliff, "With these 28' trucks in there, can he still back in there?" Al-Rousan, "I think he would." Sutliff, "Or is he going to load you through the front door?" Al-Rousan, "No, always from the back. There's a decent area between the two lines of the parking. He'd be able to move back over there."

O'Donnell, "The diagram shows that these vehicles would extend beyond the front & back line of Sal's place. These trucks are now parking behind the business that is next door. Is that acceptable?" Case, "That again is not a diagram to scale. That might not be accurate." Brett, "Do you have a drawing of that property?" Hocevar, "Yes."

Brett, "If I were to rent one of these trucks, how would the transaction occur? Do I have to go to the back to pick it up? Do you bring it? Do I go to the counter & fill out the application there & then? Do you drive it around the front?" Case, "He was going to hire another employee to help with this. When a customer comes to a location, they walk in or call ahead & say they want to rent a U-Haul truck. An employee would go to the computer, obtain their driver's license, write up the contract & take them out to the truck & go from there." Brett, "I'd have to go to the back to get the truck." Al-Rousan, "No. You come to the store. We do the paperwork. Me or the employee will get the truck & bring it up front. As a customer, you don't have to go in the back of the plaza to pick up a truck. That's what I'm going to suggest to somebody who brings me a truck. During business time, bring it to the front of the store. I'll bring it from the front to the back." Brett, "As a customer, I would never go to the back." Al-Rousan, "No. You'd never go the back."

Tripp referred to the parking lot drawing. Tripp, "There's only 88 spaces here." Hocevar, "I'm not sure when that thing was designed. That's an older drawing. We took the whole area, the main strip center plus the bank. We took the square footage calculated the five spaces per 1,000 square feet. That's where we came up with the 99 parking spaces."

O'Donnell, "Was the bank built at the same time?" Hocevar & Sutliff, "Latter." O'Donnell, "Was it the same owner?" Hocevar, "No." O'Donnell, "Who built the bank?" Hocevar, "I don't know."

Brett, Is it possible that your 101 includes the bank?" Hocevar, "Yes." Tripp, "Right now how many people on average park in the back lot of your facility?" Al-Rousan, "Not even five or six. Even today I looked out & saw four cars." O'Donnell, "What's next door to you?" Al-Rousan, "The eye doctor."

Brett, "If the PC were to approve this David (Hocevar), would you have to, on this plot, find five spaces?" Hocevar, "Mr. Ondrey." Ondrey, "I think that's the call of the PC if you want to designate the specific five or more spaces that are going to be required for this. But, I don't think there's a requirement that we do so. That's your call if you think that's the best way to manage the situation." Brett, "If you're going to say there's 104 spots, you have to say where they'd be at." Ondrey, "We're not creating more spots. Normally, you would need 104 & so they are going to need a variance to bring it back to 101. We're never going to go beyond 101 because there's no more space. They are going to need a variance to have three less spaces then what they would otherwise need. The question of where these U-Haul vehicles are specifically going to be maybe a subject of discussion. Or you can say, we don't care just as long as it is in the back."

Tripp, "At the end of the day, when you look at the conditional drawing put out by your associate (Case), 26' trucks generally parked in a parking lot like this are at an angle because people are going to have difficulty. Clearance is necessary to back it into a parking space straight. Most people renting U-Hauls don't drive trucks everyday. They perhaps will be careful & make extra wide turns. If you look a the actual distance that you have at the back yard from the print & look at the angle, it's going to take substantially more than five spaces. I haven't done the engineering on it. But, that's how it appears."

Case, "I look at it another way. If you change the direction of the parking, instead of at an angle, you park it straight. So the back of the truck hangs over the wooded area. If you have a 26' truck, he'd back that up towards the wooded area. That would over hang. It wouldn't be at an angle for pulling out."

DiMichele, "I'm not clear as to why we are speaking about the parking spots. The parking spots are still there. They just happen to have something parked on them. It's not a permanent attachment. I don't see the logic that because five trucks might be parked there, that he doesn't have five of those parking spots." Tripp, "The question is whether or not a 26' truck is taking up more than one spot." DiMichele, "I don't care if they take up eight. Spots are still there." Tripp, "They're not there when the trucks are parked there." DiMichele, "They're not in front when cars are parked there either. Just because someone is parked on it, doesn't make the spot disappear." Ondrey, "I was analyzing it from the standpoint that our regulations calculate how many spaces are needed." DiMichele, "But you still have those spaces." Ondrey, "The theory is that you still need those spaces for retail customers. What we're saying here is we know five or slightly more of these spaces would be taken up by the U-Haul vehicles." DiMichele, "They aren't going to be permanently taken up. Sometimes they'll have five vehicles." Ondrey, "There's no question about that." DiMichele, "Sometimes they'll have five vehicles, sometimes two, sometimes one, sometimes none." Sutliff, "Or sometimes eight." DiMichele, "That's one of things we could stipulate is that he never have over five there. I'm not hung up on this spots are disappearing. They are still there. If he discontinues U-Haul in six months, the spots are there. They might be there next Sunday if all the trucks are gone. I've never seen that parking lot having a parking crisis where you can't pull in & find a parking spot."

Sutliff, "I don't think this board can rule on the parking variance anyway." Ondrey, "Right." O'Donnell, "It's not an issue for this board. For us, it's the use." Ondrey, "They'll need a variance for the use as well as the parking. The most you can do is say we reviewed it. We think this plan is acceptable if they get a variance for these other items; similar to what we did in the Cawrse situation. Or you can say we don't want to take the time to figure out the best plan until you get permission from the ZBA."

Sutliff, "If this board says we agree with our solicitor, that this is not an approved use, is their remedy still to go to the ZBA?" Ondrey, "They could certainly still choose to do that. Once they get approval, they'll have to come back because there's still a development approval issue. Now, we know the use is ok & the parking is ok. Then, it becomes a question of how do you arrange it in the best location. You wouldn't have the ability to deny it."

DiMichele, "Could our group agree that it's not in accordance with the Village, but we still recommend that it be approved?" Ondrey, "Yes." DiMichelle, "If there were stipulations such as something written from the landlord that it wasn't a problem & the other tenants have no objection & Larry Lechman has no objection, I think we should do everything we can to help Sal salvage his business. He's absolutely right. When this station opens, he's going to suffer because of that. We have no service like this in the Village. It's a real pain to go to Chesterland. I've done it. If the trucks are in the back of the store, there's no residential area around it that would be seeing it. I think it would be a nice addition to our community."

DiMichele made a motion **"that we suggest to Sal to go to the ZBA & we would welcome to have his business in our community with stipulations that the trucks be in the back & that there be written evidence from the landlord & the neighbors to the west that they have no objections." O'Donnell second.**

Brett, "I agree with your comment that we should support Moe in his efforts to have a good, viable business. I do have concerns about a U-Haul business. Some of those are functionally about how that business would do there. It seems to me that if there isn't a U-Haul in Bainbridge, then maybe that would be a viable business. But, there is a U-Haul in Bainbridge. I have some concerns about it."

Tripp, "My concern is that this is a nonconforming use at a business site that is already a nonconforming use in a B-2. I have a concern based on looking at our zoning & the efforts that have gone into assuring our zoning keeps up to speed with current city planning & Village planning & protecting the adjacent residential areas. I think it sets a bad precedent for South Russell Planning Commission to approve this nonconforming conditional use."

Sutliff, "I don't have any comments. I will repeat that there is a motion on the floor that has been seconded to recommend approval to the ZBA to suggest to them that they approve this concept providing they have permission from the neighbors & the adjacent business owners."

O'Donnell, "I'm not 100% sure of how I really feel about the addition of U-Haul trucks in our community. However, I do feel that it is important to keep the shopping center a viable business as a whole. The history of that place is checkered, from the beginning, which is not to say that anything illegal has gone

on over there. It's important to make it remain viable. I am willing to let the ZBA make this decision. I understand it's a nonconforming use. If they can see their way clear to approve this, it's ok with me."

Case, "You mentioned about Bainbridge being open. It is going out of business at some point. It'll be in the next couple of months, if not a month. From what I've heard, possibly March 1st. There most likely will never be a location in Bainbridge again. I'm in control of opening dealerships in Ashtabula & Geauga County. We try to make good decisions. We try to keep people spaced out as best we can because we want each location to be productive. It does not make sense for us to open location after location. When people are moving into the area, they will be routed to Sal's Place. Those businesses in that plaza will be the first business that they'll come in contact with in this entire area."

Sutliff, "Have you checked any other locations in Bainbridge, on 422 specifically? No offense, I picture U-Haul trucks more fitting on 422 than on Bell Street." Case, "I've looked at other locations & I've looked at available parking. There is a large amount of parking in the back of that building. I think there is more then enough space to accommodate U-Haul. We are the largest Yellow Pages advertisers. That's where most of our business comes from. I haven't had a location contact me. That's what I look for, interest. When someone contacts me, that's someone who says I want to do this. I want to put forth a good effort to make sure it works. That's a further commitment to me when I put my product there. They are going to represent us well."

Sutliff, "Does anybody know what's going on with Kredo?" Brett, "The other day I went to fill up my propane tank. Assuming he was the owner, I asked how long he was going to be doing the propane. He said as far as he was concerned, he was going to keep the propane & the U-Haul indefinitely." Case, "That's the response that they tell us too. My impression is that they've sold the location to a car dealership."

Ondrey reiterates the motion. Ondrey, **"It's a motion to conditionally approve the proposed use for the U-Haul conditioned upon ZBA approval. Parking will be permitted only in the rear. The landlord to indicate his approval in writing."** Sutliff, "And adjacent owners." Ondrey, "You mentioned that in your comments earlier. You didn't say it in the motion. I urge you to resist putting that in as part of your motion. Remember, the ZBA will have to have a public hearing. The neighbors will get notification. There will be plenty of opportunity for them to say one way or the other. If you make a condition of their approval, you've really taken it out of everybody's hands."

Brett, "Mr. Chairman could you get me up to speed? If this board votes yes or no, what does that mean?" Sutliff, "In either circumstance, the ultimate decision will go to the ZBA for both items: the permitted use variance & the parking variance. If they approve it, it's basically approved & it comes back to

this body for development review on where the trucks are located, how they are parked. If we approve it tonight, we're not giving them permission. Ultimately, the ZBA will rule on that." Ondrey, "I don't want to leave the impression that it's necessarily going to be a variance on the use. They have the right to interpret the zoning book. They may interpret it, as this is a permitted use. I'm just telling you my opinion. They may reach a different opinion. If they do, then there is no variance needed for the use part."

O'Donnell to Ondrey, "You provide legal advice to the ZBA. It's important that the opinions expressed here –all of which you've heard, although they don't have to listen to us – are relayed to the ZBA." Ondrey, "I'll try to remember to say the same thing."

Hocevar, "If that board determines it's a use variance, would that variance go with the property or the owner?" Ondrey, "Use variances go with the property." Hocevar, "So that would be there for eternity." Ondrey, "Yes with whatever conditions are attached to it." Hocevar, "So, if Sal wanted to take his food out of there & all he wanted to do is rent U-Haul trailers, as long as he stays within the guidelines, he can do it." Ondrey, "Yes." O'Donnell, "Could they (ZBA) throw in the use that it goes with the owner & not the property?" Ondrey, "I don't think you could. You couldn't condition it on one owner, not a variance. Do they want to condition it that it has to be operated in conjunction with a convenient store? Maybe that's legitimate. But, I don't think they can hold it to one owner. Variances run with the property."

DiMichele's motion is stated again. **It's a motion to conditionally approve the proposed use for the U-Haul conditioned upon ZBA approval. Parking will be permitted only in the rear. The landlord to indicate his approval in writing." O'Donnell second. Roll call: DiMichele, "Yes." Tripp, "No." Brett, "No." O'Donnell, "Yes." Sutliff, "No."**

Ondrey, "We haven't reached a final decision. You've got to disapprove it or simply say we won't take any action until you go to the ZBA." Sutliff, "I thought that was implied by us turning it down. That in effect, we weren't taking any action. Ultimately, he's going to go to the ZBA." Ondrey, "If that's the way you want to leave it, I can't argue with that."

Tripp, "Council what you just suggested is that the sense of this PC would be better conveyed to the ZBA were we to have a formal motion which denied the application for U-Haul."

Tripp made a motion. **I move that the South Russell Planning Commission deny the application to install a U-Haul service in the rear of Sal's Place, South Russell, Ohio. Brett second. Roll call: DiMichele, "No." Tripp, "Yes." Brett, "Yes." O'Donnell, "No." Sutliff, "Yes." DENIED**

Sutliff, "The next step would be for you to move to the ZBA." Ondrey, "If you want, you can still make a shot at the ZBA to get whatever variances are

necessary. If you get them, then you still have to come back here for specific approval of the arrangements."

Case, "I have a question for you. (Brett) One of your concerns was the location in Bainbridge. If we were to come back here & there was no location in Bainbridge, would that have any effect on your…?" Brett, "It's possible." Case, "That seemed to be your main concern." Brett, "I don't think it's my main concern. Having that be there, I don't know how much of a demand there is for U-Haul." Case, "As far as demand, Kredo is almost regularly in our top 100 national rankings. There are over 13,000 U-Haul dealerships. As far as demand, it would bring quite a few people into that plaza." Brett, "If Kredo closed & if the U-Haul dealership went away…" Case, "Which it would; U-Haul dealerships are in addition to a regular business."

Sutliff asked if Case knew what the new business would be. Case, "I've heard an auto dealership. I heard there is an issue with a kerosene leak that has to be cleaned up before the deal goes through." Sutliff, "Have you approached them? Would you approach them about leaving the U-Haul dealership there?" Case, "No. We can't leave it there unless they have a regular business. Actually, their sales over the last four weeks, they've done $5,000 less than they did this time last year, simply because they've decreased their hours. They are closed on Wednesdays. They are doing about 50% of the business that they normally could do. I'm having people go to Bedford for the service." Tripp, "How about going to Fuller in Chagrin?" Case, "He's not opened yet. Kredo will cease to exist."

OLD BUSINESS:

On October 17, 2002 the PC conditionally approved the site proposal at 547 East Washington Street for Craig Cawrse. There would be a deed restriction on the back area currently zoned R-1-A. Such area will not ever be built on. The approval is condition on a lot coverage variance on the B-2 portion & that a 10-foot setback be allowed on the side yard. Mr. Cawrse's application was denied by the ZBA on 11-26-02.

Sutliff expressed surprise that it was denied. O'Donnell, "I could not believe that they turned that down. I had people on Laurel Brook call me when the Taussig's were going to build that barn. That horse barn is a beautiful building. I could live in the horse barn. Craig's got a nice business there. I couldn't believe that they were unwilling to…" Sutliff, "I'd like to see a driveway back there & build a big ugly house." O'Donnell, "I said it at the Council meeting. I think we tried hard to help him come to a viable solution for his property."

Sutliff, "I was shocked. To Ondrey, "What was their big concern?" Ondrey, "The real articulation was they did not want to consider in computing lot

coverage, the residentially zoned portion of that property because they still are sensitive to the property down the street here. (property Myers wanted to rezone & build office buildings). They felt that would be inconsistent treatment of the two different owners. They focused that this was lot coverage. We're going to ignore all this vacant land. It's lot coverage on this piece of commercially zoned property & it's way beyond our allowed numbers. Therefore, we're not going to approve it."

Brett, "I was at that meeting. I thought it was going to go through." Ondrey, "It went five zip down." Brett, "It seemed like it was going well for Craig. Then when the 78% came up, that's when it took a turn." Ondrey, "It's a zoning problem issue because you can't consider the adjacent vacant property. That does mean you can solve it through zoning legislation. For instance, when deed restrictions are entered into preventing the use of the residentially zoned property, then you can consider it in lot coverage." Sutliff, "A zoning change." Ondrey, "Yes. Exactly. That takes Council's concurrence."

O'Donnell, "We were trying to be a little more honest about it. Basically, we're rather opposed to zoning changes. He was willing to go into a conservancy easement, which would prevent future construction there. Althans lot goes right back to the property line with the parking lot. It's ugly. Craig had no intention of doing anything like that."

Tripp, "I think they also misinterpreted a lot because they got into how many floors it was & how many square feet per floor. It's the footprint. It's not lot coverage; how much square feet is inside." Sutliff, "No it's not. That's not true." Hocevar, "Read the zoning book. It says square foot area of each floor; each floor area." Ondrey, "We didn't change that part. We included parking & driveways & lowered the percentage. All floors are counted except the basement if it's used for storage."

Bell Station: Hocevar reported that it was opened last week & this week the owner has some minor problems with the wiring. The walls are up in the back.

Kensington Green: What happened? Ondrey, "It's still floating. No one's pushed it because it's not the growing season & Lynn moved. I suspect there will be a refocus in the next month or two."

NEW BUSINESS:

Next meeting: 3-20-03 at 7:30 P.M.

There was 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

PLANNING COMMISSION MEETING
MAY 15, 2003
7:30 P.M.

1. ROLL CALL: **Brett, O'Donnell, DiMichele**

2. MINUTES: FEBRUARY 20, 2003 **amended & approved**

3. GUESTS:

MOE AL-ROUSAN OF 5210-A CHILLICOTHE RD. (SAL'S PLACE) IS RETURNING TO THE PC FOR A FORMAL DISCUSSION ABOUT THE PARKING ARRANGEMENTS FOR THE U-HAUL VEHICLES HE INTENDS TO LEASE FROM HIS STORE. HE APPEARED BEFORE THE PC ON FEBRUARY 20, 2003. HIS REQUEST WAS DENIED. HE APPLIED FOR VARIANCES FROM THE ZBA. THE ZBA GRANTED CONDITIONAL APPROVAL ON APRIL 9, 2003.

LISTED ARE THE CONDITIONS OF THE ZBA APPROVAL:

MOE AL-ROUSAN OF 5210-A CHILLICOTHE RD (SAL'S PLACE) REQUESTS VARIANCES FOR THE USE OF THE PROPERTY (TO RENT U-HAUL VEHICLES) & TO PARKING FOR SUCH VEHICLES.
Johns moved to grant the use variance for the operation of this truck rental & a parking variance with the following conditions:
(1). All vehicles will be no more than double axle vehicles.
(2). There is to be no more than five vehicles at any time.
(3). All vehicles are to be parked in the back of the retail establishment. The only time that they'd be in the front is when vehicles are picked up or dropped off; a minimal amount of time, a very short time in front.
(4). If there are ever more than five vehicles, they must be moved within 24 hours.
(5). All vehicles must be maintained in good appearance & operating condition so that they are satisfactory for anyone to drive.
(6). A variance is granted to provide parking for the five vehicles that would be included in this variance.
(7). All maintenance of vehicles, appearance or operation, must take place off site.
(8). Any signage related to this aspect of the business has to comply with our zoning requirements.
Withrow second. Roll Call: Johns, "No", Bartter, "Yes", Withrow, "Yes" CONDITIONAL APPROVAL

PC ADDITIONS TO ZBA'S CONDITIONAL APPROVAL, NEXT PAGE

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
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Matt Brett made a motion to give developmental approval with the following additions to the ZBA's conditional approval:

1. "All vehicles are to be parked in the back of the retail establishment." (part of the ZBA condition #3) **PC: Those vehicles must conform to the existing parking configuration or an alternative-parking plan may be presented by the applicant for the PC to consider.**
2. "All vehicles are to be parked in the back of the retail establishment. The only time that they'd be in the front is when vehicles are picked up or dropped off; a minimal amount of time, a very short time in front." (ZBA condition #3) **PC: not to exceed 20 minutes.**
3. "If there are ever more than five vehicles, they must be moved within 24 hours." (ZBA condition # 4) **PC: Any excess vehicles – over five- must be moved off site.**
4. "All vehicles must be maintained in good appearance & operating condition so that they are satisfactory for anyone to drive." (ZBA condition # 5) **PC: All vehicles must be maintained in a good, clean, professional appearance.**
5. **This is to be reviewed by the Planning Commission 90 days from the start of the U-Haul operation.**

Janice DiMichele second. Roll call. DiMichele, "Yes", Brett, "Yes", O'Donnell, "Yes". CONDITIONAL APPROVAL

4. NEW BUSINESS: **NEXT MEETING: JUNE 19, 2003 AT 7:30 P.M. -PC started to discuss backyard recreation equipment.**

5. OLD BUSINESS: **None**

6. ADJOURN: **8:45 P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

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FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
MAY 15, 2003
7:30 P.M.

MEMBERS PRESENT: Acting Chairman Matt Brett, Kathleen O'Donnell, Janice DiMichele

OTHER OFFICIALS: David Hocevar, Building Inspector, Matt Dolan, Solicitor

ABSENT: Walter Sutliff, Ike Tripp, Ned Foley, Engineer

GUESTS:
Darci Spillman, 109 Champion Ln.
Bill & Pat Carothers, 108 Champion Ln.
Randi Stillman, 105 Champion Ln.

Acting Chairman Matt Brett called the meeting to order at 7:30 P.M. The minutes from the meeting on February 20, 2003 were amended & approved.

Moe Al-Rousan of 5102-A Chillicothe Rd. (Sal's Place) is returning to the PC for a formal discussion about the parking arrangements for the U-Haul vehicles he intends to lease from his store. He appeared before the PC on February 20, 2003. His request was denied. He applied for variances from the ZBA. The ZBA granted conditional approval on April 9, 2003.

The Building Inspector informed Mr. Moe Al-Rousan of tonight's meeting. He did not attend nor did anyone representing U-Haul. The solicitor, Matt Dolan, informed the PC that it could proceed & make decisions about the

proposed U-Haul services or continue this at another meeting. Mr. Moe Al-Rousan's presence at the PC is not required.

Dolan explained that the purpose of tonight's meeting is, "to give developmental approval within the realm of what the ZBA has done. The U-Haul service is now an approved use by variance. You're limited now to what the ZBA did. You can only tinker in that area. You may have some give & take with him (Moe Al-Rousan). You may have some questions or concerns about how he's going to operate, what he intends to do back there. You may be limited in the information you have. For that reason, you may decide let's continue. If you feel you have information based on prior minutes & the ZBA presentation, you can proceed. You can't deny it. You can tinker with it."

O'Donnell, "Based on the stipulations they (ZBA) made, we can only make…" Dolan, "You can make developmental changes within those guidelines." O'Donnell, "For example they said 'If there are ever more than five vehicles, they must be moved within 24 hours.' I would make that six." Dolan, "You can't change that."

Brett, "First issue, should we handle it? Should we address this tonight? It sounds like we're in favor of doing that. Are you in agreement with that? We can discuss it & if we feel good about it, we can move on it." O'Donnell, "OK."

Brett summarizes the action taken to date. "It came to the PC on 2-20-03. It was denied. It went to the ZBA. The ZBA granted a variance with eight conditions assigned to it on 4-9-03. It's now come back to the PC for us to set guidelines within the eight stipulations that the ZBA set." Dolan, "Wherever it's applicable. Some of them are not applicable. Or this body can do nothing. You can just accept those & say that's fine & move on. You're not obligated to do anything. The only thing you can't do is deny the use."

Brett, "One of the things I'm concerned about is how those vehicles will be parked in the back." Hocevar provided an aerial view drawing of the parking lot. Brett, "There's a row of parking immediately behind the building & another row at the edge of the parking lot." Hocevar, "Correct." Brett to Hocevar, "David, can you tell me how far is it between spot to spot?" Hocevar, "Sixteen feet." Brett, "It is 16' from the end of one spot to the beginning of the next spot." Hocevar, "Correct." Brett, "The size of these spots are how big?" Hocevar, "9' X 20'." Brett, "I have some real concerns about this. How exactly a large U-Haul truck, which can vary any where from 14' to 28' in length is going to back down this parking area & back into one of these spots. I don't see how that's doable. When Mr. Al-Rousan presented this to PC originally, he talked about pulling the vehicles in perpendicular to these spots. I'm not for that. That's not how this parking lot was designed."

O'Donnell, "How would you get them in & out?" Brett, "Exactly. I think this parking lot was designed in a certain fashion. I think that one of the things that we ought to do from the Village standpoint is to make sure that it is

continued to be used in that fashion. The parking lot should be used the way it is striped which brings forward the issue of, I don't know how a 28' vehicle will back in & make a radius cut into a 20' section. So, I have concerns about that."

O'Donnell, "Did the ZBA put any restrictions on the size of the rentable vehicles?" Brett, "The only stipulation is that it is a double axle, which a 28' can still be." Hocevar, "Don't forget, 28' is just the bed of the truck. That doesn't include the cab of the truck." Brett, " If there are no rules, there are three things you can do. One is you can back it in & park the way you are suppose to. Two is you can park perpendicular or three you can go in diagonally." O'Donnell, "Are we allowed to stipulate within the realm of two axle vehicles that they can't be any longer than a certain length?" Dolan, "Within the two axle vehicle, no. But, you could limit, for the reasons that the Mayor's bringing up, the number of certain, say 28' trucks. You could say there can only be one of those back there. As Dave Ondrey mentioned to Matt this afternoon, you do need to be careful tonight particularly with him (Moe Al-Rousan) not being here to limiting by feet of truck. You can't deny him use. If he planned on having four 25' trucks & you deny him that, you effectively deny his right to do business. You have to work with him a little bit. To say you can only have one or two at any given time of any trucks larger that 21' may be a way of saying you can still do it. In the minutes, they said they would alternate with the Chagrin Falls site if needed. If he's got three, he just has to move one to Chagrin Falls."

Brett, "I still have an issue. Even if you have one 28' truck, I don't know how it will fit into this diagram." DiMichele, "Just because it's striped that way, he can't park this way? Why can't he restripe the side? You've got two spots that are 20' & 16'. So, you've got 56' along here. If he were to parallel park five long trucks along there, you're not using up more spots than if they went this way." (She was pointing to the diagram)

Brett to Dolan "Is that an option?" Dolan, "This board can't change the striping there. You can ask the applicant to go to the owner of the center & submit to us a parking striping plan that allows for one or two 25' trucks & we'll work from there. Given the current striping, Matt has a good point. How can you fit a truck given the current striping? The board doesn't control the striping."

Brett, "Even if you're able to do that, playing with the math that David gave us, if this is 20' & this is 20' & 16' which is 56', you could have six spots that are nine feet wide. But those spots – to accommodate a 20' truck that's longer than that- would actually have to go five & no car could park here because you'd have to have access out of there. I see it as truly a dilemma." O'Donnell, "Is this the original plan Dave?" Hocevar, "Yes." O'Donnell, "So this is like 1980?" Hocevar, "Right. But, the back part of that is pretty much the same." O'Donnell, "Are the stripes there or did they disappear?" Hocevar, "They are still there." Brett, "We should note that typically there aren't a whole lot of cars in the back of that shopping plaza. However, we need to be careful about what we've said.

We've allocated five spots for this. Just because there aren't cars there now, doesn't mean that there won't be cars there in the future."

O'Donnell, "These aren't all his parking places. These parking places belong to other occupants of the building. How do we take away from a whole building? I think it would be if we allowed that size of a vehicle to be back there. If he had three of them, he's wiping out six parking places isn't he?" Brett, "Yes because you have to have access in there. That's exactly what I'm saying. Spots aren't assigned to certain businesses." Hocevar, "No they are not." Brett, "But they all count together." Hocevar, "Correct."

Brett to Dolan. "Was my original suggestion – of making Sal's with his U-Haul business- conform to our existing parking pattern; is that doable?" Dolan, "Whether it's appropriate for this board to say that? Yes." Brett, "Could that be construed as us limiting the larger trucks?" Dolan, "Yes." Brett, "Would you advise that is not such a good thing?" Dolan, "Anything we do tonight is conditional either on another meeting where the applicant is present or as David suggested, whatever you say tonight make conditional for three months or four or six months to see if he can operate; to see if he can come in with a plan that suits you or he can come in & show what a hardship that decision you've made tonight is."

O'Donnell, "Can we make a stipulation that rather then having novice people i.e. the renters of the vehicles backing these up & parking them into a somewhat restricted area, that there has to be somebody who is trained?" DiMichele, "He was going to have people drop them off in the front. He & his employee intend to drive them back & up front." Dolan, "Even if that was the case, no not in the guise of tonight's meeting. You could not make that a condition." O'Donnell, "I'm surprised this gentleman is not here. I don't feel good about the fact that he is not here. If we knew he wasn't going to come, none of us would have to be here talking about something that we have no one to converse with about."

Brett, "I agree with you. I think we should see if we can make any progress. Are there other thoughts to the parking in the back?" O'Donnell, "We have to do something. We have to change the configuration because what's there, I don't see as going to work." DiMichele, "Does the driveway on the south side come through from the front to the back?" Hocevar, "No. If he changes the configuration of the parking spaces, the whole lot will be nonconforming because it's over maxed right now."

Brett, "The third issue from the ZBA is 'All vehicles are to be parked in the back of the retail establishment. The only time that they'd be in the front is when vehicles are picked up or dropped off; a minimal amount of time, a very short time in front.' I had a discussion with David Ondrey & Matt Dolan earlier this afternoon as to what things we can do. It appears to me from our discussion, this is one of the things that we should address. How long a vehicle would be up

front? I was at this ZBA meeting & it's clear to me they were certainly concerned about that, as I am. It seems to me this should be a very tight time frame. I would say no longer than a ½ hour a vehicle should be in front." DiMichele, "I was going to say 15 minutes." O'Donnell, "I was too." Dolan, "From a practical stand point, this isn't legal. If there are larger trucks, sometimes it takes awhile for the person to get comfortable with the truck. You'd hate to have Sal saying you've got to go now & they're not quite comfortable." Brett, "Twenty minutes." O'Donnell, "I do think the solicitor made a good point where we set a period of time to have a trial basis, to see how this works. If 20 minutes doesn't work, then we have to change that."

Brett, "Condition # 4 (ZBA) 'If there are ever more than five vehicles, they must be moved within 24 hours.' Condition #2, 'There is to be no more five vehicles at any time.' My question is, do those two sentences conflict with each other?" DiMichele, "I think #2 is how many vehicles he'd have at the site available for rental. More could be there because of the drop off. He wouldn't have any control over that. That's where you'd have your excess." Brett, "That 24 hour window, can we move that?" Dolan, "No because from the ZBA minutes I couldn't tell where the 24 hour period came from. If they had said must be moved within a short period of time, we could create it like we did the issue above. I would say no because ZBA probably went over the hours of operation. They went over the plan of operation. As a result, they probably came to an agreement that 24 hours is a reasonable period of time to move three or four at one time." DiMichele, "One could be dropped off at 9:00P.M. on a Saturday night. They're not going to be able to move that until Sunday."

Brett, "Do we have the power to say how many? There's only supposed to be five. We understand that there could be a situation where a vehicle is dropped off. Can we limit that? There could never be a situation where there would be more than eight for example." Dolan, "No. Again, I don't think this board can do that because that doesn't fit within the developmental plan. That's interfering with operation. That's not working within the standards that we are working under tonight." O'Donnell, "Is it possible to change the grammar of the sentence? It's not clear. 'If there are ever more than five vehicles, they must be moved within 24 hours.' It sounds like you've got to get all of them out of there." Dolan, "Excess vehicles must be moved." Brett, "Do we have the power to change that?" Dolan, "You can reaffirm it in your motion. You are going to put your own conditions on. You can reaffirm that the excess vehicles must be moved off site." Brett, "**Any excess vehicles – over five- must be moved off site.**"

Brett, "Condition #5 (ZBA) 'All vehicles must be maintained in good appearance & operating condition so that they are satisfactory for anyone to drive.' Our building inspector has to enforce this. How does he enforce that?" Dolan, "When I read that I fully expected the end of the sentence to read

satisfactory to looking. I was surprised when it said to drive." O'Donnell, "That relates to operating condition." Brett, "Operational, we can't have a way to measure that. Can we put things on there like there shouldn't be any rust or appear as if it's in disrepair?" Dolan, "Yes. That's what you can do tonight." O'Donnell, "Are we allowed to legislate the appearance of the vehicles? They must be clean." Dolan, "From the outside." Brett, "I'm all for that. I think we should have something in there that says they should be kept in a clean fashion." Dolan, "You don't want to be so strict that you put him in a bind. Northeast Ohio cars are going to have rust. Maintained in a clean appearance is broad enough that he can make a judgment as to what it means. You don't want a dirt-covered truck. You don't want a rust- covered truck. Some trucks are going to have rust & there's not a lot you can do about that." DiMichele, "He can't clean it there because (according to ZBA #7) 'All maintenance of vehicles, appearance or operation, must take place off site.' If it comes back muddy, where's he going to wash it?" Dolan, "Monday morning he (Hocevar) stops by & says to go & get it washed. We don't want it sitting there."

Brett, "It's a valid point. But, one of the things I have a concern with is the overall appearance. I think the ZBA was concerned about the same thing. That's why they put the vehicles should always be put in the back for example. You can still see them from back there. You can see them from Bell & from 306." O'Donnell to Hocevar. "Was Mr. Al-Rousan present at the ZBA meeting?" Hocevar, "Yes." O'Donnell, "So he knows he can not clean those vehicles behind the building." Hocevar, "Correct." O'Donnell, "He knows he's going to have to take them somewhere else to do that."

Brett read ZBA conditions #7 & #8. Number 7 'All maintenance of vehicles, appearance or operation, must take place off site.' DiMichele, "He did say he would be topping off fluids over there. Now will he not be able to do that either?" Dolan, "That you have to get from the minutes if they consider that as maintenance. It's certainly maintenance. If you go by this it says all." Brett, "I believe their intention was major; brake jobs." DiMichele, "I believe that too. I just don't want him to get a ticket for putting windshield washer fluid in the truck." Brett, condition #8, 'Any signage related to this aspect of the business has to comply with our zoning requirements.' Brett, "It's a zoning issue."

Brett, "What we've talked about tonight is an addition to the ZBA #3. Those vehicles must conform to the current parking configuration or Mr. Al-Rousan can provide a new design for this board to review." O'Donnell, "We would draw something up?" Brett, "It's not our responsibility. What is there currently doesn't fit for him. Then it's his responsibility to come up with an alternative. Then we'd consider it." Dolan, "He has to go to the owner of the shopping center & within the realm of the zoning, strip the parking lot any way they want. If they loose spaces which would take them outside of zoning,

then they'd have to come back." O'Donnell, "I thought you were talking about us telling him how he had to park those vehicles, whether they park coming in at an angle or whether we redesign the configuration of the parking places back there." Brett, "I'm suggesting that we make a stipulation that those vehicles have to conform to the existing parking configuration back there, which means, they'd have to be pulled in as any other vehicle." O'Donnell, "I understand that. But, the 28' thing is not going to fit. Right off the bat, we've got a situation that isn't going to work." Brett, "My take on that is I don't see that as the Village's problem. I would see that as Moe Al-Rousan's problem. I don't mean to push it off to him. I don't see that we should take the burden to figure out something to make this part of his business fly. He's gotten it through the ZBA. It's our job to set the final plan." O'Donnell, "That's what I'm thinking we're doing is telling him that just because this parking space is 16' & the truck is 35' doesn't mean he can do some helter-skelter thing back there. Who decides how he's supposed to do it? Isn't that what we're suppose to do?" Dolan, "If he were to go to the owner & say they are putting this condition on me & I can't do it the way it is. Can we create larger parking spaces?" O'Donnell, "You're suggesting that he go to Mr. Cipriani & say we have to do something different here. Will you work with me on it?" Dolan, "Right. If he works with him on it & still maintains the number of parking spaces, I don't know if the Village can do anything about it."

Dolan "Is there a maximum or minimum on the parking spaces size?" Hocevar, "9' X 20' minimum." Dolan, "If he wanted a larger one…" Hocevar, "He doesn't have any room to make them larger. He's maxed out with his parking area. He can't park trucks back there legitimately. He can't configure them because he's going to loose a parking place. Then, there won't be enough parking spaces for that shopping area." Dolan, "So he'd have to come back to get a variance." Brett, "It may be a non issue. It may be that he doesn't want to have large trucks there. My point is that this is an issue that we've got to watch. I think this is a stipulation that's important for us to put in here. We wouldn't let any other business just come in & park any way that they want to."

Dolan, "The issue you have –this is for Dave- I don't want these big vehicles here, but someone's moving in & dropping one off. He has to move it off site. But, for a short period of time, it's there. By the time the ink dries on the citation, it's going to be gone. You always give someone a chance to modify. You could be out there a lot doing that. Is that what we really want? This is where he not being here handicaps you. If you knew his intentions were always to have a 26'or 28' truck, than he would be well advised to rethink that plan given the decision likely going to be made. If his decision is to have 16'or 18' trucks, but occasionally a big one will come in, that seems to be a difference in terms of how this commission might react."

O'Donnell, "When does the variance that the ZBA granted take effect?" Dolan, "It took effect 4-9-03." O'Donnell, "Is he in the U-haul business right now?" Dolan, "Assuming he gets the proper permits from U-Haul. In terms of being able to use it, yes. In terms of being able to operate it, no. The use is a zoning term. Yes, there is permission for U-Haul to be there. He still needs this developmental approval, which he's going to have to get now with conditions." O'Donnell, "With that understanding, I don't think we can proceed on this without him. And he's not hurting us. If he can't operate than it's his fault if he can't begin to operate because he didn't come here." Dolan, "It's not his fault. He's not required to be here. It would be helpful for him to be here. You can make decisions. The only one I'm concerned about is the one that may or may not limit his business plan which was presented to the ZBA."

Brett, "Is it possible to phrase this; This business must conform with the existing configuration of the back parking lot or Sal's, through Mr. Cipriani, can approach the Village with an alternative parking configuration." Dolan, "You say parking configuration. Are you restriping the whole area or occasionally allowing a 28' truck in there that will take up five spots? That's the question they'll ask you. What does that mean?" Brett, "I'm trying to make this so that we don't have cars parked any which way. As far as I'm concerned, if we don't say anything, we've basically said that. We've approved a business that can have large vehicles operating out of this facility. We've said that they have to park in the back. Therefore, I don't know what the alternative will be. I'm suggesting that we present this that it has to follow this configuration. If it doesn't work, Sal's has the option to come back to the PC or ZBA to present a different configuration. That could be, I need to park vehicles in a different manner. Maybe that is redesigning this parking lot. It's not for us to redesign this parking lot for a business that may go in there. Remember, he doesn't have the business at this point. It's dependent upon U-Haul going out of Kredo. If they don't, this may be for nothing."

Dolan, "Is that a fact? That didn't come through. I know they suggested it." Brett, "That was stated by the U-Haul representative (2-20-03). He would not allow Sal's Place to have U-Haul if Bainbridge Kredo is still in business. My conversation with the owner of that facility is that he planned on continuing it. Is that an acceptable condition?" DiMichele, "Can we stipulate that we want to review it in 90 days?" Dolan, "Yes. You can have a review period in 90 days."

Brett returned to the ZBA condition #3. Part of it states: 'All vehicles are to be parked in the back of the retail establishment.' Dolan, **"Those vehicles must conform to the existing parking configuration or an alternative-parking plan may be presented by the applicant for the PC to consider."** Brett, **"This is to be reviewed by the PC 90 days from the start of the U-Haul operation."**

Brett, "Continuing with the ZBA conditions, #3 reads in part: "The only time that they'd (vehicles) be in the front is when vehicles are picked up or dropped off; a minimal amount of time, a very short time in front.' Brett, **"Not to exceed 20 minutes."**

ZBA condition #5: 'All vehicles must be maintained in good appearance & operating condition so that they are satisfactory for anyone to drive.' Dolan, Brett, O'Donnell & DiMichele fine- tuned the PC condition to be: **All vehicles must be maintained in a good, clean professional appearance.**

O'Donnell to Hocevar regarding signage. "What do we have over there?" Hocevar, "Each unit has a sign over it saying what it is." O'Donnell, "Is there a big sign near 306 that lists everybody?" Hocevar, "I don't know if it lists everybody. It lists some of them." O'Donnell, "If he were to add a sign that says U-Haul on it, what exactly can he put? Can he create another monument sign?" Hocevar, "No. He's maxed out there. Cipriani is very cautious about signs. That's an agreement he has with his tenants. They are all going to look alike & be done by the same people." O'Donnell, "What exactly could he do?" Hocevar, "Maybe put a small sign on the monument sign. His window space is full." DiMichele, "What if he changes it to Sal's Place & U-Haul?" Hocevar, "I don't know if you'd be able to read it with all that on it. Those signs are expensive. If he changed it, it'll cost him." O'Donnell, "That's not going to be a worry?" Hocevar, "No."

Brett made a motion to give developmental approval with the following additions to the ZBA's conditional approval:

1. "All vehicles are to be parked in the back of the retail establishment." (part of the ZBA condition #3) **PC: Those vehicles must conform to the existing parking configuration or an alternative-parking plan may be presented by the applicant for the PC to consider.**
2. "All vehicles are to be parked in the back of the retail establishment. The only time that they'd be in front is when vehicles are picked up or dropped off; a minimal amount of time, a very short time in front." (ZBA condition #3) **PC: not to exceed 20 minutes**
3. "If there are ever more than five vehicles, they must be moved within 24 hours." (ZBA condition #4) **PC: Any excess vehicles-over five-must be moved off site.**
4. "All vehicles must be maintained in good appearance & operating condition so that they are satisfactory for anyone to drive." (ZBA condition #5) **PC: All vehicles must be maintained in a good, clean professional appearance.**
5. **This is to be reviewed by the Planning Commission 90 days from the start Of the U-Haul operation.**

Janice DiMichele second. Roll call. DiMichele, "Yes", Brett, "Yes", O'Donnell, "Yes." CONDITIONAL APPROVAL

Hocevar asked Dolan if Moe Al-Rousan continually breaks the regulations, what's his recourse? Dolan, "You can cite him. He doesn't comply. You file a motion to the court to enjoin him to stop what he's doing. If he doesn't do that, you file a motion of contempt. If you're successful, he's subject to fines & jail time. Ultimately, you can rule the variance null & void."

NEW BUSINESS:

Next meeting: 6-19-03 at 7:30 P.m.

Brett explained that there's a situation at 106 Champion Lane, a home owned by the Hunts. They have built a recreation facility in the backyard that is 30' maybe 40' X 40'. It is a paved asphalt area that has netting & a backstop. It is used for soccer. South Russell has no ordinances to address this; something to consider & look at. DiMichele asked how it affects coverage of the lot. Someone answered that it doesn't affect the lot coverage. The lot is 2.3 acres.

Randi Stillman, 105 Champion Lane, "One of our concern is the possibility of them getting a variance." Hocevar, "What they have installed on their property complies with our zoning. There's no way I could have cited them. They came in & got the permit. I talked to the solicitor about it because of the complaints we'd had from Champion. The height on the backstop complies with it. The lot coverage complies with it. We don't have anything that says you can't put a tennis court in your backyard. We don't have anything that says you can't put a basketball hoop in your yard. We've got another problem on Woodside. Neighbors are complaining that there are too many kid sets up, trampolines & tree houses." Randi Stillman said she understood a variance would be required. Hocevar, "I said may be required."

Brett, "Some of the residents don't like this." Dolan, "You're raising it as a way to address zoning. Should we put something in zoning to deal with any future nuisance?" Brett, "Should we consider it? Our building inspector & solicitor have looked at it & what they've found so far, there's nothing in the Village to speak directly to this."

DiMichele, "As residents, what are your complaints?" Neighbors chimed in: "The noise. It's extremely loud. It awakened one of the residents at 8:00A.M. There's continuous, very loud jarring noise against that back wall. It's a nuisance. It makes it very difficult to do anything without being disturbed. This is a type of thing used on a regulation soccer field."

O'Donnell, "What times of the day are they playing?" Stillman, "When I documented the noise, it was three days in a row: Friday, Saturday, Sunday; dinnertime, early evening & going into the evening. On Labor Day morning – which was a day off work- at 8:00A.M. This is when they first built it."

O'Donnell, "Have you talked to them?" Stillman, "We have documentation going back to the summer of 2002 with every contact. Yes. We have spoken to them. They have not been cooperative nor have they been open to negotiate or compromise." Bill Carothers, 108 Champion Lane. "They spent over $25,000. on this. The wall is 8' high by 24' long. It's hollow. Above it is an elaborate net that stretches up six feet more." Pat Carothers, "I have a letter from David Hocevar saying a fence & a permit is required. Then Maria (Hunt) wrote back. There are three or four things in this letter that are completely fraudulent i.e. (1). She has signatures from contiguous neighbors. She did not. (2). It's in the center of her property. It is against our property line. (3). It is a temporary structure. It's on asphalt cemented to the ground. It's not like a little swing set. It's a big, huge obnoxiously loud thing that interferes considerably with the quality of our lives."

Stillman, "We feel the Hunts did not accurately represent the structure to South Russell. We are wondering if the Village had completely investigated it before this permit was granted." Brett, "My intentions tonight were to bring the topic up. You are concerned about it as we are, as we should be. The intention of tonight is to bring this forward so that this committee can get a little bit of feedback. I don't think it's appropriate to go too far into that issue here tonight. The issue is a valid one for us to look at."

Stillman, "If you proceed & do something official about this kind of situation for the future, would it be retroactive to this case?" Dolan, "No. If you change zoning, you cannot go back. It would be grandfathered in. It existed before the zoning which prohibited it." Brett, "If you don't have anything in zoning which addresses this, could it expand? If this is an issue that we want to address? It'll keep it where it is at & not let it get any bigger."

Dolan, "What you're able to do is file a complaint with the zoning inspector. Articulate what your complaint is. From what I'm hearing, there are some issues that he won't be able to deal with because his only job is to enforce the zoning code. File a formal complaint. If there are items on your complaint that he feels are within the zoning, that he needs to check out to see if it's accurate or not, he will do that. If he finds violations, he'll move forward from there. If your complaint is noise, I don't know if you have a noise ordinance in the Village." Brett, "We do." Dolan, "He'd have to match it up with that. Again, the zoning officer's only obligation is to see that there are no violations of zoning. You may file a formal complaint & the answer you may get back is nothing in your complaint is in the realm of my responsibility."

Hocevar talked to Mrs. Hunt today to ask permission to go on her property to take some pictures. Hocevar, "She told me that she's in the process of negotiating with the committee. She has some soundboard for this backstop.

It's going to cost a lot of money. She has more screening coming." One of the residents, said, "She hasn't talked to anybody."

O'Donnell, "Do you have a HOA?" Stillman, "Yes. I'm the President of it. She's violated lots of things from the HOA. We're seeking legal counsel because they're not complying with anything. From the HOA standpoint, they didn't do what they were supposed to do. We have by-laws & they didn't follow the by- laws." O'Donnell, "I'm very sympathetic. People had a basketball hoop across the street from us. The basketball makes the same sound when you dribble it."

OLD BUSINESS: None.

There was no further business. The meeting adjourned at 8:45P.M.

Matt Brett, Acting Chairman

Maggie Tomaro, Secretary

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

SUMMARY OF PLANNING COMMISSION MEETING
JULY 17, 2003
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, DiMichele**

2. MINUTES: 5-15-03 **Approved**

3. GUESTS:
FORMAL DISCUSSION WITH MARK PORTER OF KENSINGTON GREEN ABOUT THE MEADOW MANAGEMENT PROJECT. HE PROVIDED A MANUAL LABELLED, 'KENSINGTON GREEN LAND MANAGEMENT PLAN, SUMMER, 2003'. NOTE: ORDINANCE #2003-11, PERMITTING NATURAL LANDSCAPING FOR CERTAIN TRACTS, WAS OFFICIALLY ENACTED JUNE 2003 BY THE SOUTH RUSSELL VILLAGE COUNCIL
DiMichele made a motion to conditionally approve the Kensington Green Land Management Plan, Summer, 2003. The conditions are:
1). This is for a trial period of two years.
2). Maintenance of the dry detention basin; It will be mowed at three to five year intervals under the monitoring & auspices of The Cleveland Museum of Natural History & as agreed to by the South Russell Village Engineer. (Addendum to the manual, Pp. 5, Management Areas, #1)
3). The mowing of the meadow areas, defined as areas #3, #4 & #6 shall include mowing of the 10-foot buffer area south of the fence & north to the ditch line. (Addendum to the manual, Pp. 5, Management Areas, #3)
4). Within six months of approval, the Kensington Green Home Owner's Association regulations be amended to accommodate the adoption of this landscape plan.
Roll call. All ayes. CONDITIONAL APPROVAL
POSTPONED TO NEXT PC MEETING: INFORMAL DISCUSSION WITH FRAN CAHILL; WISHES TO DISCUSS A FUNERAL HOME THAT MIGHT BE BUILT ON THE CORNER OF BELL & 306. (5197 CHILLICOTHE RD.) REP FOR ST. JOHN'S FUNERAL HOME IS MARJORIE RULE. **Ondrey will research whether or not a funeral home is a permitted use in a B-2 district. In the zoning book, personal services include: beauty parlors & dry cleaners.**

4. OLD BUSINESS: **Start to think about play areas at resident's homes**

5. NEW BUSINESS: **NEXT MEETING: AUGUST 21, 2003 AT 7:30 P.M.**
NOTE: PLEASE RSVP TO NANCY GALLAGHER IF YOU PLAN ON ATTENDING THE APPRECIATION PICNIC, 338-7843.

6. ADJOURN: **8:10 P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
JULY 17, 2003
7:30 p.m.

MEMBERS PRESENT: Chairman Walter Sutliff, Matt Brett, Janice DiMichele

OTHER OFFICIALS: David Hocevar, Building Inspector, David Ondrey, Solicitor, Ned Foley, Engineer

ABSENT: Kathleen O'Donnell, Ike Tripp

GUESTS:
Mark Porter, 29 Annandale Dr. President of the HOA at Kensington Green
Bill Howell, 12 Circle Drive

Chairman Sutliff called the meeting to order at 7:25 P.M. The minutes from the meeting on May 15, 2003 were approved.

Formal discussion with Mark Porter of Kensington Green about the meadow management project. He provided a manual labeled, 'Kensington Green Land Management Plan, Summer, 2003. Note: Ordinance #2003-11, permitting natural landscaping for certain tracts was officially enacted June 2003' by the South Russell Village Council.

Tonight Mark Porter presented basically the same plan that was discussed with the PC on July 18, 2002. Some changes were recommended in July 02'. The changes were made & Porter identified them.

1). Manual, Pp. 5 (A), Point of Contact: The President of the HOA is "designated as the Point of Contact. On or before January 2nd of each year the President shall notify the Clerk of the Village, in writing, as to his or her identity, address & phone numbers."

2). Manual, Pp. 12, the map, "Management Areas": Areas 1A & 1B are the detention pond. Number two is the wooded area. Three & four are the meadow areas. 5A & 5B are areas along Kensington Drive. Number six is the western edge of Bullfrog pond. Porter, "What you see driving into Kensington Green now is the way it would be under this plan. It's been kept the way the PC recommended since last year. (July 18,02). The Plan you have in your hands right now, 'Kensington Green Land Management Plan, Summer 2003' puts that into print. The area in discussion is over 25 acres, which more than meets the new ordinance requirements of eight continuance."

Porter presented an e-mail from Stanley Stine, Field Botanist, The Cleveland Museum of Natural History. A copy is in the record. Porter, "His recommendation, as a naturalist, it wasn't quite as good as last years plan. But, it would derive great benefit to the citizens of South Russell particularly with regard to water quality & also with regard to keeping natural species of grass & plants within Kensington Green. Last night I had Amy Holthouse out. She is from the Chagrin River Watershed Partners. We walked the property. She's in agreement with Stanley Stine. The plan as modified will confer benefit upon South Russell in general & Kensington Green in particular."

3). Survey of homeowner's at Kensington Green: A postcard was sent to each household. It read: Shall the Kensington Green HOA adopt natural landscaping in the detention pond & meadow areas as set forth in the Land Management Plan? Yes or No. Porter, "We received 73 responses; 68 favorable, 5 not favorable. One vote was allowed per household. A quorum of 50% was met. Under our by-laws, to incorporate this into the by-laws, 2/3 of the people have to be present & then it'll have to be a majority vote after that. This satisfies the requirement of the ordinance where it says an expression of support from the homeowner's association has been demonstrated. I think PC will find that this is a demonstration of that. I ask the PC to approve our land management plan to the benefit of South Russell."

Sutliff to Foley, "On Pp.12, areas identified as 1A & 1B are referred to in the legend as a wetland. Wasn't your recommendation that that area be maintained weekly because of runoff & drainage?" Foley, "I didn't say weekly. My recommendation was to more frequently mow the bottom of the pond of the dry basin. The slopes aren't as critical. I thought it was important to keep the bottom of the pond mowed so it didn't fill up & the grade was maintained. One of the mitigating issues, there is a paved gutter throughout that pond that really will facilitate low flow drainage. They're recommending that it be mowed every three years. The fact that that paved gutter is there is a positive issue. It's not an issue of volume. It's a matter of getting a good flow across the flat areas." Sutliff, "You're comfortable with this then?" Foley, "I would think. I'm not aware that there has ever been a significant problem as a result of the way that pond has (unintelligible). I don't think it's been mowed to the extent that I was recommending anyway over the years & I think it functions."

Foley, "There was a couple of maintenance issues to that area as it related to the dike & the overflow to the pond from there to Bell that needs to be addressed. That has nothing to do with your mowing plan. It's really a maintenance issue. That overflow ditch between the pond & the Bell Road system needs to be regraded." Sutliff, "Is that a Kensington Green issue or South Russell?" Foley, "My opinion is that it's a Kensington Green issue because they are responsible for maintaining the pond."

Sutliff to Porter, "When you talk about 'maintain every 3–5 years,' how do you define maintain?" Porter, "We are going to bush hog to the level recommended by The Natural History Museum folks, which as I understand it is about six feet. It'll be below the level of the street by about 1 ½' to 2'. The plants typically there, the cottontails grow

about 8'. The rest will be below the 6' mark. It's a matter of bush hogging the cottontails."

Sutliff, "We're talking about everything north of the split rail fence will be maintained or not maintained?" Porter, "The Village maintains on the north side of that split rail fence. The plan calls for a two width pass on the southern side, about ten feet." Brett, "The part that the Village maintains, what was your take on that?" Porter, "The Village maintains the roadside of that area." Brett, "Would that be on the map (Pp. 12) 1A & 2?" Porter, "It's outside the borders of Kensington. I'm assuming the split rail fence marks the border. It's always mowed. I think the Village mows it." Hocevar, "Are we talking about between Bell & the split rail fence. The Village mows it, but I'm not sure at to what extent. It's not manicured." DiMichele, "I bet your landscapers do that." Porter, "They might because it's cut close." Hocevar, "Then, it's not us." Brett, "What we do is just the ditch line & on the map, 1A & 2. To my knowledge, we don't do any part of 3, 4 or 5A." Porter, "We must be doing it then. I do know it's mowed. I have seen people out there on tractors mowing it." Brett, "What's important about this is that's part of the plan. Kensington would continue to mow that section. Kensington would continue to maintain from that fence to Bell, as it is now." Porter, "We will do that."

Brett, "Mark, could you readdress on Pp. 5 of the plan the 'Management Areas'?" 1). Dry detention basin area; to be mowed at 3 to 5 year intervals under monitoring auspices of CMNH (Areas 1A & 1B); The gist of that is that the Cleveland Museum of Natural History would dictate whether it needs to be done or not or it's fine as it is." Porter, "Yes. We'll do that every year." Brett, "Just on that point, Ned you're ok with that?" Foley, "Yes." Ondrey, "I interpret that to mean it's going to be mowed at least a minimum of a 5 year interval & may be as early as three year interval depending on what the museum recommends." Porter, "If they tell us it needs it next year, we'll do it next year per their recommendation. That's the bush hogging part." Brett, "Just on that issue, would this be a conflict if we left it as it is & a couple of years down the road, the engineer felt that there was something that needed to be addressed there? Should we put something there?" Ondrey, "Yes. If you feel it is important for the Village to reserve the right to change the timing of the mowing, based on the engineer's recommendation, then you need to make that a condition of your approval."

DiMichele, "I thought we were doing this for a three year trial period." Ondrey, "That's true, but that doesn't mean we can't put in conditions for what happens during that trial period." Porter, "We can add the engineer & The Natural History folks together." Foley, "The pond needs to function as it is designed. There are some maintenance issues that need to be kept in check that transcend the mowing period. That gutter needs to be cleaned so does the overflow. The principle parts of the pond, the head walls & those things, need to be maintained a little bit more frequently. If they function, more than likely the grass will have a minimal impact. If they are not well maintained, then it could affect the performance of the whole plan. That would more than anything be the issue."

2). Pp. 5, 'Management Areas' #2. Woodland area; to remain as is (Area 2); Brett, "That's how it is now." Porter, "Yes."
3). Pp. 5, 'Management Areas' #3. Successional meadow areas, including a mowed buffer along the perimeter; cutting to be done at least once every 3 years, under the monitoring auspices of CMNH; this area would also include the western edge Bullfrog (Areas 3, 4 & 6); Brett, "The gist of this is areas 3,4 & 6. We need to add that Kensington is still responsible for 10' to the south of the fence line. I read that as the buffer along the perimeter of the fence. I think we should clarify that so there is no question that it's the area 10' past the fence to the south to Bell Road."
4). Pp. 5, 'Management Areas' #4. Areas to be mowed on a weekly seasonal basis (Areas 5A & 5B). Brett, "Areas 5A & 5B will be mowed on a weekly basis as they are now." Porter, "Right."

Brett, "How many homeowner's in Kensington?" Porter, "There are 105." Brett, "The card that you sent out, could you read that?" Porter, " 'Shall the Kensington Green HOA adopt natural landscaping in the detention pond & meadow areas as set forth in the Land Management Plan? Yes or No.' Each household gets one vote." Brett, "What would they have received with that? Would they have received the map?" Porter, "I didn't have this map. I had an older one. We drew in the meadow areas & all the other areas in. We included that along with an information sheet stating the facts; that my predecessor had come to PC last year, recommendations had been made, that certain things had to be done. I listed them." Brett, "I'm surprised that of 73 responses, 68 supported it. The reason I say this, I know I talked to more than five people who were not in favor of this. If you asked me to guess, I would have said 50-50." Porter, "I was astounded they came back in this fashion. I learned a lesson. Don't be afraid to ask people."

Ondrey, "One of the concerns is, what is the impact of one of the regulations that is part of Kensington Green's HOA code of regulations? It specifically deals with the common area. It talks about a minimum standard of maintenance. It says, 'The minimum standard of maintenance shall be the keeping of non wooded areas mowed, the keeping of wooded area trails in good repair & the keeping of common land free from trash, debris & nuisance.' My concern is that there's at least an argument or an ambiguity in this language. Is the plan in violation of their own regulations? Part of the reason I'm concerned about this is that the Village has enforcement power as to that particular regulation. My understanding is that Mark agrees that there is at least some question raised with that language. My impression is they are willing to go forward with an amendment of that by-law which would clear up this potential problem. Here we are being asked to approve a landscaping plan. This is an additional obstacle to overcome. If the PC approves the landscaping plan, maybe one of the contingencies ought to be that within a certain time period, that particular regulation would be amended to conform to this new plan. It's not our position to say how this exactly is to happen. If it doesn't happen, at some point, there could be other Village residents coming to us & asking how

come you're ignoring this provision, which seems to suggest that these common areas have to be mowed. I know Kensington has put forth the argument, we are still mowing. It's just not mowed as often. There's some logic to that argument. This is open ended enough. If they are willing to clear it up, I think that's a great thing. We should make it a condition of approval."

Sutliff, "What are the mechanics of doing that?" Porter, "We have an annual meeting in October. To do anything, we need 2/3 of the residents present. Of the 2/3, half have to vote in favor of amending the by-laws. So, about 35 people of the 65 have to vote in favor."

DiMichele, "What are the objections of the people who voted against it?" Porter, "Betsy Johnson was concerned that there is a slippery slope here (pointing to the map). Her back door faces Bullfrog pond. She doesn't want Bullfrog pond to go natural. Under this plan, it won't. I told her, what you see out your back door is the way it's going to be. She & her husband voted no anyway. The other folks, three of them live on Potomac Drive, on the opposite side of the green area. I don't know why they voted against it." DiMichele, "Could we vote to accept this plan, contingent that in the next six months the homeowner's have a modification to their by-laws to accommodate this plan? Six months would give them past the October meeting." Ondrey, "I thought something like that would make sense."

Ondrey, "One of the things the ordinance requires in the plan is a description of the natural landscaping proposed including the plants & vegetation likely to be developed in the natural area. We've got a plan that says we're going to mow these areas less frequently. Perhaps in the future, depending on funding, they may plant wild flowers & things of that nature. I'm not suggesting that should trouble you. But, if the notion of the natural landscaping is to revert to some kind of a prairie, natural wild life, we're not necessarily going to achieve that if we stop mowing. One way to address that is to say within a year or two, you need to know what is to be planted & when. Decide whether that is acceptable to you. All that's happened is that the mowing has stopped. But, there hasn't been any planting of natural flora & fauna. Otherwise, they met the requirements of the ordinance." DiMichele, "Was the $500. paid?" Porter, "Yes ma'am."

Brett to Hocevar, "Did we receive any complaints or concerns from residents across Bell?" Hocevar, "Yes. Not recently. Last year two people called & said I don't want to look out my door & see all this high grass & animals killed by cars because they can't see due to high grass." Bill Howell, a guest & councilman, "I dealt with one of them. The MacRitchies did complain. I talked with them. I shared with them the proposal. They told me a little while ago, they no longer had a problem with it." Brett, "We put a notice in the newspaper?" Secretary, "We didn't." Ondrey, "We didn't send out notices. We just advertise our normal PC meeting."

Brett to Ondrey, "On Pp. 2 of the ordinance that we passed, the parameters in there are guidelines for the PC to take into account, how to set this up for anyone coming to PC requesting a plan like this: (b). establishing a trial period (not to exceed three (3)

years). We could make that two years?" Ondrey, "You don't even have to establish one at all. It says the commission may impose that as a condition. You could do less. The only limitation is, it can't exceed three years." Brett, "If we made it a trial period, it couldn't go more then three years. But, you don't necessarily have to have a trial period." Ondrey, "Right." Brett, "After three years, what happens? Does Kensington have to come back up?" Ondrey, "Yes. They have to ask, Can we turn this into a permanent plan?"

Sutliff reviewed the conditions that were discussed. Brett recommended a two-year trial period. Brett, "That way it's not too far off in the future. If it's working, you'll know it in two years. PC then can make it permanent or could make it another trial period." Two years is agreed upon & Kensington Green is not required to put another $500. down.

Brett, "My biggest concern was where do the Kensington Green residents stand? If 68 out of 73 are in favor of this, it went to all the residents & every resident had a say so, than that's what they want." Sutliff to Porter, "More telling is your homeowner's modifying your by-laws regulations." Ondrey, "Mark. I thought you talked at one point of having your board adopt a resolution that the board was in favor." Porter, "It has happened. I'm here because the board authorized me to come here to present the plan. As a board member too, I vote for the resolution to put this plan forward & extend the funds to generate the plan & modify it."

DiMichele made a motion to conditionally approve the Kensington Green Land Management Plan, Summer 2003. The conditions are:
1). This is for a trial period of two years.
2). Maintenance of the dry detention basin; It will be mowed at three to five year intervals under the monitoring & auspices of The Cleveland Museum of Natural History & as agreed to by the South Russell Village Engineer. (Addendum to the manual, Pp. 5, Management Areas, #1)
3). The mowing of the meadow areas, defined as areas #3, #4 & 6 shall include mowing of the 10-foot buffer area south of the fence & north to the ditch line. (Addendum to the manual, Pp. 5 Management Areas, #3)
4). Within six months of approval, the Kensington Green Home Owner's Association regulations be amended to accommodate the adoption of this landscape plan.
Brett second. Roll call. All ayes. CONDITIONAL APPROVAL

NEW BUSINESS: The next meeting is set for Thursday, August 21,03 at 7:30 P.M.
OLD BUSINESS: Play equipment. At the last meeting, the PC heard about a soccer wall constructed at a home on Champion Lane. Some neighbors complained about it. Brett asked the PC to start to think about play areas.

There was no further business. The meeting adjourned at 8:10 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

Kensington Green Homeowners' Association
Newsletter September 2003

1. **KGHA Annual Meeting.** The Annual Homeowners' Association meeting is scheduled for Monday, October 20, 2003, in the Gurney School small gym at 7:30 pm. A flyer about the meeting is enclosed.

2. **Proxy.** A proxy form is enclosed for those homeowners who will not be able to attend the Annual Meeting.

3. **Code of Regulations Change/Addition:** The following proposed by-law change and addition will be voted upon at the Annual Meeting:

a. **Article III, Section 4** (changes in bold and underlined)

The Association shall retain the Common Land for park, recreation and open space purposes for the permanent common recreational use and benefit of all owners or occupants of Subplots within the Subdivision and shall maintain the Common Land. **The minimum standard of maintenance for the Common Land areas encompassed by the Land Management Plan (Summer, 2003) shall be as set forth therein. The minimum standard of all areas for the Common Land not subject to the Land Management Plan (Summer, 2003)** shall be the keeping of non-wooded areas mowed, the keeping of wooded area trails in good repair and the keeping of the Common Land free from trash, debris and nuisance. Such recreation purposes shall include the placing or construction of recreational structures upon the Common Land, provided that such placement or construction shall been approved by and authorized by the affirmative vote of not less than two-thirds of the votes of the total membership.

NOTE: This amendment of the Code section is the final step in implementing the Land Management Plan that was approved by KGHA membership vote (by postcard) in August and approved by the South Russell Planning Committee.

b. **Article V, Section 9** (new)

Neither an Owner nor an occupant shall exhibit or offer for sale any kind of personal, tangible property (e.g., automobiles, appliances, recreational equipment, furniture and similar items), on the front lawn of the Owner or occupant's Subplot for more than 24 hours during a calendar year.

NOTE: The intent is to allow homeowners to have a garage/yard sale once during the year, but to prohibit extended display of such items.

4. **Common Property Addition.** There is a proposal to build a foot bridge across the culvert on the southwest side of Bull Frog Pond, not to exceed $1,000 in construction cost.

NOTE: This proposal was raised in the past but was not approved primarily due to cost concerns. The new proposal is lower in cost. The bridge would allow access from Kensington Green to South Russell Village Hall. The Village Hall area is used for voting, the Farmers' Market, and semi-annual trash pick-up among other activities.

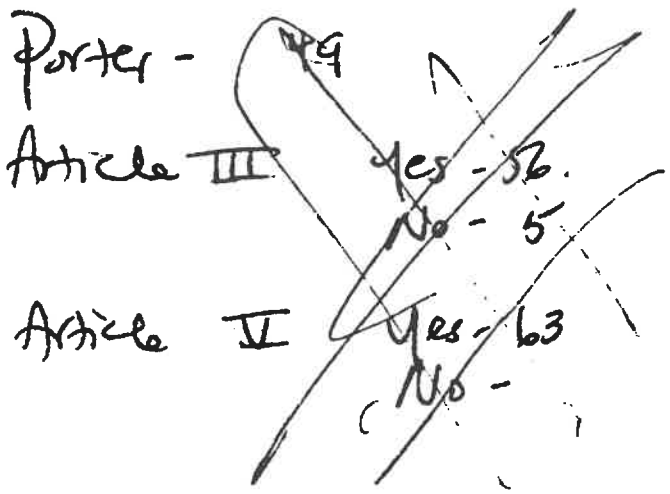
5. **Tree trimmings removal.** The piles of tree branches near Bull Frog Pond and around the Green have been removed. Removal of the branches took longer than intended. The Board apologizes for the delay.

6. **Property destruction.** This is not a new topic, but again some adolescent males have been observed cutting down live trees at the west end of the Green. Both picnic tables have been dismantled and have been placed on top of the cut down trees creating an eyesore. The Board had to pay several hundred dollars to have the cut trees and destroyed picnic tables removed. Parents, please inform your children that the green belongs to all residents and destroying shared property is not acceptable behavior.

7. **Kensington Green Annual Party.** On a more positive note, special thanks to Scott Skiljan and all the folks on Waterford who helped organizc this year's summer Pig Roast. The food, music, weather, and fellowship were great.

cc: Mayor
O'Donnell
Solicitor
RI Bd

Porter attended 11/10/03
Col. Mtg. re: KG
by-laws changes:
Land Management
Plan



Porter - 61+1=62 Charlie 16+1=17

Art III Y - 61+1=62
Art III N - 5

Art V Y - 57+1=58
Art V N - 10

Fritbridge Y - 36+1=37
Fritbridge N 30

Budget - 66+1=67

August 17, 2003

To: PC

From: Maggie Tomaro

Greetings!

The next PC meeting is scheduled for Thursday, August 21, 2003 at 7:30 P.M. There are two items on the agenda:

1. Informal discussion with Nabil Sahlani of Treasureland Development He wishes to discuss property at 1607 Bell Road. It is a ten- acre lot that he would like to divide into four lots. Enclosed is a sketch plan for proposed lot split.

2. Informal discussion with representatives from St. John's Funeral Home. They are considering the property at 5197 Chillicothe Road (306 & Bell Roads) for a funeral home.

The minutes from the PC meeting on 7-17-03 are enclosed. Please call me if you do not plan on attending the meeting on the 21st. (338-1807)

Thanks,

Maggie

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

PHONE: (440) 338-7843
FAX: (440) 338-8776

SUMMARY OF THE PLANNING COMMISSION
AUGUST 21, 2003
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, O'Donnell. Tripp, DiMichele**

2. MINUTES: 7-17-03 **Not approved. Tape to be reviewed at next meeting**

3. GUESTS:

   INFORMAL DISCUSSION WITH MR. NABIL SAHLANI OF TREASURELAND DEVELOPMENT. HE WISHES TO DISCUSS PROPERTY AT 1607 BELL ROAD. IT IS A TEN-ACRE PARCEL THAT HE WOULD LIKE TO DIVIDE INTO FOUR LOTS. **No action.**

   INFORMAL DISCUSSION WITH MR. CHARLES ST. JOHN OF ST. JOHN'S FUNERAL HOME. HE IS CONSIDERING PROPERTY AT 5197 CHILLICOTHE ROAD (306 & BELL) FOR A FUNERAL HOME. **No action.**

4. OLD BUSINESS: **None**

5. NEW BUSINESS: **Next meeting: 9-18-03 at 7:30 P.M.**
   Listen to tape from 7-17-03 regarding Kensington Green's Land Management Plan. Bottom of Pp. 2. Porter's comment about bush hogging; six feet or six inches?

6. ADJOURN: **9:30 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 THE PLANNING COMMISSION
AUGUST 21, 2003
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Matt Brett, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

OTHER OFFICIALS: Jim Holt, Building Department, Matt Dolan, Solicitor, Ned Foley, Engineer

GUESTS:
Nabil Sahlani, re: 1607 Bell Rd.
Charles, Lois Sue & Chris St. John, 923 Broadway Ave. Bedford
Marjorie Rule, Reality One
Fran Cahill, Reality One

Chairman Sutliff called the meeting to order at 7:30P.M.

The minutes from the meeting on 7-17-03 were reviewed. Discussion occurred about comments made on the bottom of Pp.2 & the top of Pp.3 by Mark Porter, the HOA President of Kensington Green.

Porter, "We are going to bush hog to the level recommended by The Natural History Museum folks, which as I understand it is about six foot. It'll be below the level of the street by about 1½' to 2'. The plants typically there, the cottontails grow about 8'. The rest will be below the 6' mark. It's a matter of bush hogging the cottontails." Tripp took issue with "six foot". He thinks it should read "six inches".

Sutliff asked the secretary to bring the tape from the meeting on 7-17-03 to the next PC meeting so that the PC could hear the actual comment. Dolan, "You can't change what he (Porter) said. If that is relevant to anything that you approved; the conditions are what you approved, not what's in the minutes. The minutes just reflect what happened at the meeting."

Tripp, "There was extensive discussion of the maintenance of this water containment area by the Village Engineer & the necessity for them to bush hog it, which they have not been doing at all. I understand Ms. DiMichele's motion to conditionally approve the plan. It says: '2). Maintenance of the dry detention basin: It will be mowed at three to five year intervals under the monitoring & auspices of The Cleveland Museum of Natural History & as agreed to by the South Russell Village Engineer. (Addendum to the manual. Pp.5, Management Areas, #1).'"

Tripp to Dolan, "I imagine our out is if the museum says we want to bush hog it &everything is left to six feet tall, our Village Engineer will step to the plate & say that is unacceptable. Would that, according to your read on this, take care of it?" Dolan, "No. If The Museum of Natural History says six feet, that's the standard. The Engineer could not come back & say we want it less. Your motion clearly says you're going to mow it under the auspices of The Cleveland Museum of Natural History. Is that six feet?"

Brett, "I think that was addressed in the plan that was submitted." Dolan, "It's not six feet." Brett, "I don't know." DiMichele to Foley, "Ned, does six feet sound right?" Foley, "No. But, the one issue that comes to mind relative to the serviceability of the detention area is the fact that there were paved channels, which initially in our discussion, I wasn't aware of. The functionality of that pond is served by the maintenance of that paved area. I can't specifically recall that we ended up with height. My final conclusion is that I didn't think the high grass would be as much a detriment as before because of the fact that those paved channels existed. In the end, the height of the grass – whatever the dimension is – was not really a real factor with me because the water would flow through that basin on those paved areas & function real well. I suppose to some degree that's been proved because it hasn't been stored. It would have been a problem. I do know that my final conclusion, the grass is not that big a deal as long as those channels are maintained."

Tripp, "That is what was discussed in PC minutes of 7-17-03 at the bottom of Pp.3, in the last paragraph where you specifically mention, 'There are some maintenance issues that need to be kept in check that transcend the mowing period. That gutter needs to be cleaned so does the overflow. The principle parts of the pond, the head walls & those things, need to be maintained a little bit more frequently.'"

Sutliff, "The actual motion, item #2. 'Maintenance of the dry detention basin; It will be mowed at three to five year intervals under the monitoring & auspices of The Cleveland Museum of Natural History AND agreed to by the South Russell Village Engineer. (Addendum to the manual, Pp. 5 Management Areas, #1)'. Certainly, I think we're covered under that." Dolan, "He's right, but it's conflicting. It certainly suggests if the museum says one thing & we're saying another, it's a conflicting resolution. Does the plan address it? It says, 'Addendum to the manual, Pp. 5, Management Areas, #1.' Is that referencing to The Cleveland Museum of Natural History?"

O'Donnell to Dolan, "On the motion it says, 'This is for a trial period of two years.' I wasn't at this meeting. It doesn't say when the trial period begins." Dolan, "Unless it says otherwise, it would begin the night of the meeting." Sutliff, "That was our intent."

Foley, "I don't remember the six foot dimension. The plan talks about it being mowed three to five year intervals. I don't remember a dimension." Sutliff, "I don't either." Dolan reviewed the manual, Pp. 5, Management Areas. Dolan, "There isn't one here either." Foley, "My original comments were that I felt the bottom of that pond should be mowed. It was moderated somewhat because we discovered that the channels were there. The later discussion, I don't remember anything about six feet. I'm not sure that it's relevant one way or another. So as I see it, it's going to be mowed 3-5 years & if that constitutes that it would end up to be six feet high when they mowed it, that's where it came from. The plan doesn't talk about six feet. The question was whether or not it needed to be mowed more frequently. The answer was as long as the gutters are maintained, it's probably not an issue. It's certainly not one for increased volume. It seems to function fine as long as the water passes through it."

DiMichele to Dolan, "Is it an issue because the plan that we approved does not address a particular height? I don't think it's an issue." Dolan, "It's not an issue because what people have to fall back on is your resolution. The minutes reflect the intent of the resolution. If they were to let it grow to six feet, you guys don't want it to be six feet. Is that right?" Tripp, "You don't bush hog something so it's six feet tall. You bush hog so it's six inches tall." Dolan, "Let's say they grow it to 8'. They are told to cut it. They cut it to 6' & they say that's what we talked about. They would be able to point to the minutes & argue that was the intent. You guys could point to the plan, which was silent to it. The Engineer is now saying his position. You cannot change the minutes. You cannot change that to inches. If the tape said feet, that has to apply."

Tripp, "I understand that. I want that part of the record; I want this issue clarified so PC is well aware of this issue. We spent a lot of time talking about this & nights out there looking at it & walking it." Dolan, "Then you need to put it on the agenda for your next meeting." Sutliff, "Let's suspend the (unintelligible) on the minutes." Sutliff to the secretary, "Bring the tape." Dolan, "Let's assume the tape was recorded accurately, that doesn't address Ike's (Tripp) concern. If you're going to talk substantive about that resolution, you're going to need to put it on the agenda." PC agrees to put it on the agenda for the next meeting. The secretary will bring the tape from the meeting on 7-17-03 so that PC can hear whether Mr. Porter said bush hog to six feet or six inches.

Informal discussion with Mr. Nabil Sahlani of Treasureland Development. He wishes to discuss property at 1607 Bell Road. It is a ten-acre parcel that he would like to divide into four lots.

Mr. Sahlani does not own the property. He has a contract on it that should close at the end of the month. He is the President of Treasureland Development Co. It does business mainly outside of Ohio. He & his family have lived in a home for 17 years. At this time, he'd like to build a house on sublot 4 for he & his family. He hopes to develop the rest of the parcel into three residential lots.

Sutliff to Holt, "This is a common driveway, not a proposed dedicated street. What does zoning say about common driveways?" Holt, "It really doesn't. That's something that's been taken care of in PC. We've done flag lot splits before." Sutliff, "What do we consider rear yard, side yard & front yard on for example, proposed sublot 2?" Holt, "On sublot 2, the rear lot line of sublot 1 would become the front lot line of sublot 2." Tripp, "So you'd have a setback from the rear boundary on sublot 2." Holt, "No. That rear lot line of sublot 1 would automatically become the front line of sublot 2."

Sutliff, "I thought front yard was defined from a public road." Holt, "In this case, there would be no public road." Dolan, "It doesn't have to be public. Usually it's based on a road. I would have put the front next to the driveway & make that the front yard." O'Donnell, "Which way would the houses face? Do you have a plan for that?" Sahlani, "Not yet."

Sutliff, "The lots are only 133 feet. It's130' plus 30'." Sahlani, "The overall width on Bell is 163'." Sutliff, "I need clarification. What's the front yard? What's the side yard? What's the rear yard? That certainly determines how & where the house sits."

Dolan, "If we determine that these are four flag lots; is that what you are thinking?" Holt, "Right. Exactly." Dolan, "Consider four flag lots, therefore the frontage is Bell Rd."

O'Donnell, "Don't we have another situation off of Bell where there's one long driveway with a couple homes on it?" Holt, "That's correct." O'Donnell, "How does that work?" Holt, "Your rear lot line becomes the front lot line of the next property." O'Donnell, "Do those houses face Bell Rd. or the driveway?" Holt, "The last one faces Bell. The others face the driveway." (Homeowners: Burr, 1589 Bell Rd., Kimball's, 1629 Bell Rd.)

Sutliff, "A potion of that property is in the ground water sensitive area. Like sublot 4 requires three acres. You have four. Sublot 3, half of it is in a three- acre ground water sensitive area & half of it is in a two- acre ground water sensitive area. You are proposing a two-acre lot on sublot 3." Sahlani, "Right. More studies have to be done. If the whole house was to be sitting in that sensitive area, we have no choice, but to go to the three acres. The Wetland study

came out with no problem. The preliminary soil testing is no problem. If I am to proceed, then we need to do a little more in depth study on the soil."

DiMichele, "What about utilities? How are you going to get the sewer back there?" Sahlani, "There are no sewers in that area. It has to be a well & septic. Other utilities would be most likely underground: gas, electric, telephone."

Sutliff, "This is a private road. Who maintains the driveway?" Sahlani, "We do, the owners of those homes." Sutliff, "Is it a homeowner's association?" Sahlani, "Something like that." Dolan, "The Village wouldn't have any responsibility." DiMichele, "I thought the Village was trying to avoid private lanes, non dedicated streets & that there were two left: Paw Paw & Sugar Bush." O'Donnell, "Manor Brook, Emerald Lakes, Sunridge." Holt, "Bramble Farms off Bell has the same situation. There are roughly four homes back in there. They take care of the road themselves." Tripp, "In the case of Bramble Farms, there's a HOA. Everything is recorded with the county." O'Donnell, "Are minor subdivisions required to have HOA?" Holt, "Only major."

Tripp, "What's the minimum frontage?" Holt, "150' wide for a R-1-C district & 75' setback from the rite-of- way." Dolan, "You don't have a minimum frontage on the rite-of-way? Lots 2, 3& 4 aren't required to have a minimum frontage at Bell?" Holt, "No. They would have a 75' setback." Dolan, "Some communities have a frontage on a public road way. You have to have 60', 100' of width to avoid essentially what's happening here." Sutliff, "I thought we did."

Brett to Dolan, "What is proposed here is a 30' utility & ingress/egress easement. Is that subtracted from the 160'?" Dolan, "No because it's private. They would meet the 150' width because it is a private drive." O'Donnell, "They can include the driveway?" Dolan, "Yes as long as they have no plans to dedicate it. The question I have, is it sitting to close to the neighboring property?" Tripp, "What's the side yard setback on the driveway?" Dolan, "It's 25'. But, I don't know if that includes driveways." Holt, "I don't think it does." Dolan, "So, you can have a driveway right up to the property line?" Holt, "Yes."

Brett to Dolan, "Lots 2 & 3 are in the ground water sensitivity zone. If he found the soil conditions were different, how would that affect us? Sublot 3 is almost 50% in one & 50% in the other. Would you say that's 2½-acre minimum requirement?" Dolan, "My instincts are telling me if it's more than the three acres, then sublot 4 is going to have to give an acre to sublot 3. I have to review those. My guess is you don't have the ability to go 2½, 2¼. It's either 2 or 3."

Holt, "Sublot 1, the existing house is not on the map. That would have to meet present zoning. When that house was built, it was on 10 acres. Front setback, I don't see a problem. The rear setback & side setback would have to meet present zoning." Sutliff to Sahlani, "What is the intention for the house on sublot 1; to remove it?" Sahlani, "If it cannot be incorporated into a larger home,

it will be removed. My plan is to build up over 3,000 square feet. Between 3,000-5,000 square foot homes will be built there." Brett asked Sahlani to show PC how the homes would physically sit on the lots. Sahlani, "It all depends on how we could design the houses. There is nothing definite. The last one, 4, will be facing Bell. So, that's the full width. It's the largest one."

The map shows that the driveway stops at the beginning of sub lot 4. Dolan, "You've got to have a driveway in there." Sahlani, "We'll have some type of circular cul-de-sac in front of it." Dolan, "Most of this won't be used." Sahlani, "A pond, something natural." O'Donnell to Dolan, "The driveway has to continue to a garage." Dolan, "He's saying he has full width. But, what he's saying, the driveway is going to continue. But, it's going to be circled shortly after it reaches sublot 4. It's hard for you to know about the zoning until you know where the houses are going to sit. A more general question is how do you feel about four flag lots here? It appears that it's acceptable in South Russell. You don't have minimum frontage requirements on Bell as long as they understand each of the owner's has a responsibility because that 20' asphalt driveway & 30' easement is going to be their property. There has to be agreements among all four."

Sahlani, "Since this is where I'm going to live with my family, I will make sure it is taken care of. That will be part of the deal." Dolan, "Nobody's doubting your intent. These are the questions & what they (PC) are going to need to see." Sahlani, "Since my house is the last one, I have to make sure the road is maintained & stays in good shape."

Tripp, "You mentioned you've done a wetland study; no issues of wetlands." Sahlani, "Correct." Tripp, "The ground water recharge zone of the two & three acres have been set aside here because South Russell paid a great deal of money to have a very extensive hydrologic survey run to insure we have adequate ground water resources for all the people within the Village. Sublot 3, being ½ & ½, the matter of what the pump rate showed, consideration should be given to making sure that that lot is moved out to be three acres so that you have more acreage in the three-acre ground water zone & not so much in the two-acre. If the members of the commission will note, sublot 2 has a small part that is in the two-acre ground zone & the rest is really three-acres. It's not just that ground water recharge is important in sublot 3, it's slightly important in sublot 2 & very important in sublot 3."

Sutliff, "On sublots 1,2 & 3, does the acreage, two-acres include the 30' driveway easement through there?" Sahlani, "I assume so. Yes." Sutliff, "Something looks out of scale. Sublot 3 looks exactly the same size as sublot 4 & yet it is twice as big." O'Donnell, "Sublot 4 is actually longer." Sutliff, "It's 50' longer." Brett, "They are out of proportion." Foley, "The two acres does not include the strip. The strip should be part of something. I assume the strip is part

of sublot 4. That's probably the only conforming lot. The other three are non-conforming because of width. If the driveway were on an easement, than each of the parcels would have a minimum 150' & then they would have to have some kind of agreement so the width ends up becoming 163'. The way it's shown here, sublot 4 has a frontage on the road of 30'. Sublot 1 has 133' & sublots 2& 3 have nothing. The location of the houses will be dictated by how the septic system is going out of the basement." Sutliff, "The 30' driveway is part of sub lot 4." Foley, "That's the way it is shown." Sutliff, "The frontage on sublot 1 is 133'. We require 150'. So, they are all nonconforming lots." Foley, "If you weren't creating sublots 2 or 3 & just creating it into two lots, you would be subdividing it into two nonconforming lots."

O'Donnell, "I'm looking at these zoning requirements. Minimum lot frontage at the rite-of-way is 75'. Minimum width at the setback line is 150'. Where is the rite-of-way line & why is it different than the setback line?" Foley, "We have irregular lots, cul-de-sacs for example, the effective width of the lot. We have a minimum house setback not necessarily the rite-of-way." Holt, "That would be a building lot line." O'Donnell, "On the front lot, shouldn't they both be the same?" Foley, "If you're on a cul-de-sac, the curved portion would have to be 75'. As it gets wider, it would have to be 150'." Tripp, "They've got 133." As long as the driveway is included in sublot 4, it means we only have one flag lot. There could be a driveway that comes in on sublot 1 from Bell. Sub lot 2 & 3 have to get ingress/egress rite-of-way from the owner of sublot 4." Foley, "You're talking about the minimum width at the rite-of way, 75'. But, the minimum width with the setback is 150'. Effectively, you have to have a lot somewhere of 150' wide to conform. You have to make it at least 75' in the rite-of-way." Tripp, "If indeed it has to be 150' wide, these lots are all shown at 133' wide, except sublot 4. Is that not a problem?"

O'Donnell, "The way it's drawn here, it looks like the entire length of the driveway belongs to sublot 4. That isn't going to fly with these requirements. The portions of the driveway have to belong to the sublots." Dolan, "Sublots 1,2 & 3 are going to have to get a variance of 17'. Foley, "Thirty feet is added to the width." Dolan, "But they won't own that 30'." Foley, "They could if they buy an easement for the driveway." Dolan, "That's not ownership. That's access."

Bret, "Could you make the lots four rectangles? Have the driveway go through three & into the fourth lot instead of having three lots with the fourth lot having one single 30' wide path. Dolan, "What I thought they were doing is a flag lot on Bell & then sublots 2, 3 & 4. Of that 30', they divide it up 7', 7' & 7'. So, that 30' is made up of ownership by each of the homes." Foley, "Actually, you don't need to provide any for sublot 1. You could give sublot 2 ten feet, sub-lot 3, ten feet & sublot 4, ten feet. They would have frontage. Sublot 1 has frontage." Dolan, "That's what I thought they were doing to create the flag. But, that's not what they are doing, as Ned (Foley) pointed out." O'Donnell, "There's

no line marker at each of the properties." Dolan, "Right. If this is the plan that they are submitting, they have created three lots that need variances."

Sutliff, "What is minimum frontage?" Dolan, "Minimum width at setback is 150'. When I asked, is there minimum frontage, you said no. Minimum front yard is 75'." O'Donnell, "They need to have a driveway to have that." Dolan, "Or they need to get a variance." Tripp, "Sublot 1 is coming off Bell Street. You give 10' to sublot 2, it still only gives them 143.' The same with sublot 3. The only one that's going to comply is sublot 4." O'Donnell, "And sublot 1." Foley, "Sublot 1 doesn't comply." Tripp, "Yes you're right because you're going to loose that 30' one way or the other." Dolan, "The other way he could do it, they won't have the frontage but, if they each own their portion of the 30', then they have to have multiple agreements." Sahlani, "That's fine." Dolan, "That may not be how these guys want to do it. Sublot 1 has to give an easement to 2,3 & 4. Sublot 2 to 1,3 & 4 etc." Tripp, "We'd still have to grant a variance if they only have 143'." Dolan, "No. Sublot 2 would own the entire 163'. But, they will give an easement or a license to sublot, 4 & 3 &1 to use the driveway. That would give them 150'." Tripp, "So each lot would own a piece of the driveway & give a license to 2,3 & 4 to get in." Dolan, "Right."

Sahlani, "There was a lot exactly like this one before you get to 1607 Bell, on the left side, exact same size. (West of 1607) There is a house in the front & they built a new house in the back. They are building it now. That's the same situation." Dolan, "It's irrelevant what someone else has done. You guys can do whatever you want on this one."

Sutliff, "I don't feel comfortable that we have all the answers now, that we know all the zoning problems here. (To Dolan & Holt) I'd like to have Dave (Ondrey) & your office (Building Department) advise us on the zoning deficiencies. I think there's more than what we see." Dolan, "That's fine. This is an informal discussion. You may want to wait until they make a formal..." Tripp, "Yes. If you wanted to make it formal, then we can look at setting the houses." Sutliff, "Certainly, the way this is drawn now, it's not going to fly. We know we have at least three nonconforming lots." Dolan, "He has the right to go to ZBA. If this was the presentation, this PC could not approve it. It has to be shipped to ZBA."

Brett to Holt, "You said there's a house on sublot 1. Is there any reason why it wouldn't show up on this drawing?" Holt, "I have no idea why it wasn't put on there." Tripp, "The house that's there would have to comply with side yard setback." Holt, "To present zoning. Yes." Tripp, "Does it comply now?" Holt, "I'm not sure." Dolan, "It's on a 10-acre lot so unless it's severely to one side or another or right on top of Bell Street, it probably does."

Brett to Dolan, "In an informal discussion like this, what things do we need to consider?" Dolan, "What we may need is a statement like you've heard

our concerns." Brett, "Beyond the obvious, is there a reason that you want four lots? Is three an option?" Sahlani, "It could be an option. I'd like to see four if it works. If it doesn't then we'll see other alternatives."

Tripp identifies areas of concern: "Ground water recharge issue is of great importance to the people who live in this Village. It has to be taken into consideration with any presentation that you make." Sahlani, "Would putting a pond help that question?" Tripp, "I think the guidance provided by the hydro-geologist who provided this ground water zoning map is most appropriate. I don't know if you could get a pond to stay up in this area." Foley, "The topo doesn't appear to prohibit one. I'm not sure what a pond does in terms of making it better conditions to split it off. A pond might even be a problem as you start laying out your septic systems. You really don't have a lot of area when you start laying out your septic system & duplicate an area & allow separation for the well."

Tripp, "That's why I think it's going to be a real problem for these lots. It is that very issue & having duel area for the septic system & having distances required from the well. He'd have to take that back to his engineer on site plan." Foley, "I think it's important to lay out those areas. Get some schematic work: what that area would take up, how the houses would fit in there, how the driveway would fit in there. Two acres will disappear really quickly if you get rid of those parameters. You've got an isolation area around the well. You've got features you might want to save. So all of that adds up & sometimes that dictates how it is laid." It's a wooded lot.

Sutliff to Foley, "Could there be a scenario where sub lots 1,2 & 3 could be conforming as far as 150'?" Foley, "To in fact have each of these parcels be the full width, they'd have to have that easement across it or a license. You still run into the situation, the only lot that actually has minimum frontage on the road is lot #1. You still have a situation where you have three lots, even though they'd have minimum width, they don't have any specific frontage on the road, other then through the easement or license. At least they'd be at minimum width. Right now, one of these lots is at minimum width."

Brett, "Have we dealt with this in a similar scenario with a long lot split?" Foley, "I've dealt with these in townships, not here." Tripp, "Typically, flagship lots are one driveway back. It looks like a flag. There's a lot that is square. This is like a flag cut in half laying on its side." Foley, "Even in those cases, you'd end up having the width at wherever the building setback is as your minimum. At least your lot conforms, maybe not your width at the rite-of-way. The conditions of width at rite-of-way vary. It's 75' here. Other places don't have that. So, as long as you are at minimum width, flag lots can fly. I remember dealing with one when the question came up when we were looking at alternative scenarios for across the street. One whole option was could you create flag lots? Yes. You could. But, we were dealing with issues where we did have lots that conform

specifically with respect to the width & each of them had significant frontage. That's the problem here. Either way, you are facing a variance to get your width & a variance to get the frontage on the road. I don't know if one's better than the other. Effectively, it still boils down to lots that are misshaped, that are impacted by as much demands from septic & water. The topo looks pretty uniform, but it still governs how you can lay out the lot, more than any other factor."

O'Donnell, "Cutting the number of lots from four to three will solve several problems. But, it doesn't solve the width problem." Brett, "It sounds workable if you did the 10' (unintelligible)." Sahlani, "Yes." Sutliff, "Explain that again. How that's workable?" Dolan, "You will still need a variance because you still have to have frontage. Lots 2,3 & 4 wouldn't have frontage. But, as to the width question, you just take each one & give it the entire width. That portion of the entire lot is the driveway. It would then be defined, either licensed or given an easement, to the necessary parties." Foley, "It probably would be the better way because you're still dealing with a variance which is better than having one long plank."

Brett, "The concern I would have is still the water situation. Four lots there seems like we're going right up to the limit. If this whole area back there were three; three lots back there would be more digestible."

DiMichele, "What is our minimum set back for the front of the house?" Holt, "Seventy five feet." DiMichele, "If the minimum setback for the house from the front is 75' & the minimum rear yard is 50', we're already at 125'. There's only 133' by the time you give up the 30'driveway." Sahlani, "My understanding is our reference is Bell road not the actual property." DiMichele, "That makes a big difference because you said the front of the house would be your driveway." O'Donnell, "It all depends on how they set the house." Dolan, "The way this is developed, the front would be Bell Rd. But, they don't have enough frontage. One would. Lots 2,3 & 4 would not have the minimum 75' front rite-of-way." DiMichele, "The front is on Bell. So, sub lot 2, it would have to be 75' back from the edge of sub lot one's line." Dolan, "The 75' is minimum frontage at the rite-of-way." DiMichele, "I'm talking about setback. I'm not talking width." Dolan, "Front yard setback? That would be from Bell."

O'Donnell, "You're saying he can't consider the driveway as the front of the house?" Dolan, "No. Not under the scenario where each of the four own the entire property."

Sutliff to Sahlani, "Do you have the sense of what our feelings are on this?" Sahlani, "I do." Sutliff, "I would also like Dave Hocevar & Dave Ondrey to see if there are any other zoning issues here."

Informal discussion with Mr. Charles St. John of St. John's Funeral Home. He is considering property at 5197 Chillicothe Road (306 & Bell) for a funeral home.

Chuck St. John is the owner of the St. John's Funeral Home. Mr. St. John's grandfather started the business 90 years ago on the West side of Cleveland. In 1959, Mr. St. John's father built the funeral home in Bedford where they currently are located. Mr. St John has been a licensed funeral director for 40 years. His daughter, Sue, is in her second year of being licensed & his son, Chris is currently going through his two-year apprenticeship. He will be licensed as a funeral director in the spring of 2004. Mrs. St. John, Lois, raised their eight children & works full time in the funeral business.

The St. Johns have looked for another location for a funeral home in Portage, Summit & Geauga Counties. They intend to keep the funeral home in Bedford operating. They have looked at the property located at 5197 Chillicothe Road four times. They've taken "a serious interest" in the property. An engineer, architect & builder have looked at the property for the St. Johns.

Mr. St. John provided a two page sketch for the PC to review. They are here tonight to find out what they can & cannot do. St. John, "The home & the add on would encompass about 6,000 square feet. The barn was measured & is approximately 2,700 to 3,000 square feet with that little part that juts out." Pointing to the sketch, St. John, "This sketch is so that you'd have some idea what we're thinking about & you could tell us where we are wrong & what we can't do. It is not definite. Even since I did the sketch this afternoon, I thought maybe I'd like the entrance to face Bell instead of 306. I haven't figured out how we can divide up the rooms. The second page shows just one of the ideas. With parking being predominantly in the rear, there would have to be a significant rear entrance. Once we have an architect involved, the architect can tell us what makes sense in trying to make the best use of 6,000 square feet & stay within the requirements of the Village for the building & the pavement. Lot coverage; we've been told it's 35% of the entire property. Doing those drawings, I tried to stay within that. The one thing we have to keep in mind in looking for a second location, we have to plan for the future. We are also thinking of a way to add on."

St. John, "What we'd like to do is provide facilities for the community & the outlaying communities that we would serve. In doing so, we'd have at least two chapels; two chapels to start. With parking, because there is no on street parking, I mentioned to Dave Hocevar that we were looking for space for 150 cars. I based that on our volume of business in Bedford. I called other funeral services in greater Cleveland who have built new facilities in the suburbs. I find out 150 parking spaces is a little high. We brought it down to 100. We're not as big as some of the west side funeral homes with three chapels. 100 is almost a necessity."

St. John, "The possibility of expanding the building so we would have three chapels some day, maybe that day will never come. But, we have to think in those terms of what would we do if it gets to that point. You don't know us. But, we pride ourselves in being very considerate in providing service & accommodations for our families. We did a lot to our Bedford facility in order to do that. We are very comfortable that smaller facilities wouldn't be fair; not today's standards. I remember growing up in the Buckeye Road community where we had a funeral home. We never had a parking lot. When we had two funerals, there were -at times- people elbow to elbow with no air conditioning. People didn't mind at all. Now we have chapels in Bedford that can sit 150-160 people. People wonder if they have enough room. We have to be prepared for something like that. St. John, "I'm sure there is a lot we don't know & need to be told. In particular, we have to be conscience of space, what we're allowed to do. Setbacks aren't clear in my mind as to where they start, the center of the road & the lines.

St. John refers to sketches & said, "Every block is a 10' square, 10'X10'. If you count the blocks, you can see how far things are. We had some information as to how close we can be to the neighbor on Chillicothe Rd. We thought about putting some barrier there for the sake of the neighbor, so they wouldn't feel encroached on."

Sutliff, "What is the plan for the barn? Would you leave it there?" St. John, "At first we talked about trying to salvage it & use it. No matter who we talked to, they said it's impractical. On this diagram, it takes up part of the green space. As we speak now, if we go ahead with our plans, we'd probably have to take it down. We've been told the history of it. My wife & I are very active in the historical society in Bedford. We're fighting over a train station built in 1847. Unfortunately, because of the 35% limit, that would have to come down. We don't have use for it & it becomes green space. We thought we'd use the lower level somehow. In Bedford, we have a community room, where we serve lunch after funerals. We really would like to have the same thing here. But, the builder, engineer & architect all said it would be very difficult to put that into some kind of use."

Brett to Holt, "How is that property currently zoned?" Holt, "That is a B-2 district. What's permitted in a B-2 district is personal service & offices." Dolan, "This is not a personal service. There is no current zoning that would allow this use. They'd have to get a variance or amend the zoning."

Brett to St. John, "Could you speak to how much a facility like that would be used on a weekly basis?" St. John, "Based on the projected cost, in order for us to accomplish this development, we would have to, within three years maximum, in order to function & take care of costs, do at least one service a week or we would be in financial trouble. Our goal would be 150 funerals a year.

That's three a week. That would have to be accomplished in 10 years. We feel strongly that this would be very successful. For us to think of doing 150 funerals a year is not unreasonable."

Brett, "A funeral service is two viewings?" St. John, "Two viewings. When we're talking 150 services, we're also talking about cremations. With cremations, sometimes there's no service. There's nothing. Let's say 150 deaths a year, 120 of those with some type of service. So, that's two a week with a service. In one day there's an afternoon session & evening session. The following day is a service either at the funeral home or at a church. That includes a burial or cremation to follow."

Brett, "Do you have a feeling for how many cars would attend a service, an average?" St. John, "The reason we say 100, we are considering the maximum. We buried the mayor of Bedford. Our lot has 80 spots & we had evening, afternoon & evening. All the time, the 80 were taken with 20 to 30 on the street. That's an exception. On an average – set aside the exception – someone who is significantly involved & popular, 40 parking spots would probably do it with an afternoon & evening visitation session." Brett, "How many total cars would come in & out? What would that do to traffic at 306 & Bell?" St. John, "If 60-70 cars came in & out in the entire day, that would be a lot. Many are family members. They are going to stay. The others, pay their respects, & go. If 200 people come to the funeral home, that's a lot. One hundred, 150 come. You're talking 50-60 cars in the course of a day."

O'Donnell, "Is it one person per car?" St. John, "It's generally more than that; at least two." Sutliff, "You're talking about 40-50 cars at your present facility. Do you have one chapel?" St. John, "We have two." Sutliff, "What happens if you have two viewings?" St John, "Then you can double it. It there's two viewings, that's why we project 100 parking spots. We have 80 in Bedford, but we have on street parking."

O'Donnell, "Are you located on a main street?" St. John, "Right on Broadway, a main street. We have parking on the street. There isn't a time when there are no cars on Broadway. A lot has to do with whether a person belongs to an organization. If the person is a Veteran, there might be 40 Veterans. The Veterans & I say this respectfully, come early & stay late & eat all our pastries & drink all our coffee. So, they take up our parking spots. We have a parking attendant, usually a uniformed person. They assist people." O'Donnell, "They direct traffic?" St. John, "Yes."

St John, "Projecting 100 is projecting an extensive situation. When we are able to predict that this is going to be a big gathering, if we had a second call, we'd postpone the second family one day. Generally, that's not a problem. We're basing our thoughts & needs on what we have now & allowing a little surplus, like extra parking."

Sutliff, "100 cars at 300 square feet per car, you've got 30,000 square feet plus your drive & cul-de-sac. I roughed that out at 8,000 square feet. 6,000 square feet for the building brings me up to 44,000 square feet." Holt, "It's 2.12 acres." Sutliff, "You're talking about expansion. I question whether or not you're going to be able to get 100 cars plus a 6,000 square foot facility & your road on a two-acre parcel & fall within 35% lot coverage, let alone talking about future expansion." St John, "That's why I preface my remarks with this is a rough sketch. I'd have to have an architect take a look at it & see if it's feasible. I know the parking spots are to be 10'X20'. In order to have more green space, an architect would tell me what to get rid of to conform."

O'Donnell, "Are you talking about a one story building or two story?" St. John, "The add on, one story." O'Donnell, "You do plan to keep the house." St. John, "Yes. The house as it is shown here is for office, casket show room & conference room. We'd like to keep the house & continue on with the architecture with the add on." Brett, "You mentioned cremations. Would cremations occur there?" St. John, "We use an outside crematorium."

Tripp, "The barn originally did have a retail shop on the first floor level. Your engineer said there's no way you could do something with that? Maybe you could even use it for indoor parking." St. John, "First we said, can we take the top half off & gable roof it & save the bottom? We looked at the concrete floor & noticed the moisture, cracks, unevenness. The builder said we'd have to tear it all up & find out where the waters coming from. It seems like the practical thing to do is knock it down. Plus, that's part of the green space that you folks want."

Brett, "To consider this, you're looking at a permitted use?" Sutliff, "A use variance which is a ZBA issue." Dolan, "Correct. Or this body could amend the zoning to allow this type of use in a B-2." Sutliff, "Typically, we've not gotten into rezoning." Dolan, "It's not rezoning. We'd amend the zoning code to allow this particular use to be in a B-2 district. You did that two years ago to allow a bed & breakfast." O'Donnell, "Is that a Planning Board decision or does that go to Council?" Dolan, "I don't know. I think it goes to Council. You make the recommendation."

Brett, "There's a lot coverage issue. Are there any other things?" O'Donnell, "Egress & ingress." Tripp, "Traffic study because just getting in off Bell Street & getting in off 306 is a busy corner." DiMichele, "Instead of the two entrances on 306, you'd probably want to concentrate farther down on Bell, away from the intersection." Sutliff, "Water usage." St. John, "The engineer, architect & builder who have looked at it feel water usage is not a problem." Tripp, "How many people to staff this?" St. John, "A staff of two, three, four people. Even when it's in use, there's not a terrific amount of water used." Tripp, "Nobody would be living upstairs in the house?" St. John, "There's a suite upstairs. I don't know what we'd do with it."

Sutliff, "How about a garage for a hearse & equipment?" St. John, "We rent all our equipment. There is no garage space shown on here. We have no desire to own our own equipment because of the cost. We lease everything by the funeral." Sutliff, "What do you do about picking someone up?" St. John, "We use a removal service. When we consider the cost of the vehicle: the upkeep, the maintenance, the insurance the personnel, it's far better to do what we're doing because it's done by professionals & it's top shelf equipment. We'd have to have people on call 24 hours."

DiMichele, "I think it's intriguing. It's a neat piece of property. Funeral homes are always the most beautiful buildings in a township. They are always immaculate. The landscaping is always great. I think it would be a very good use for that corner." Tripp, "Well we permitted a bed & breakfast which took quite a while to reach that conclusion." O'Donnell, "I think it would be a great use."

St. John, "The traffic, I realize on this corner would be an issue. Traffic when a funeral is taking place, when we are all going to leave & go to the cemetery, that really is not a traffic issue other than a minute or two. During visitation: 2:00PM to 4:00PM & 7:00PM to 9:00PM, when traffic is coming & going in Bedford on Broadway, it's really never a traffic concern. With all the property on Bell, things could be worked out. The sketch has three driveways. In order to get rid of some asphalt, so we could have more building, we could eliminate a driveway. We don't need three driveways."

St. John, "We need the setbacks. I did some measuring, but we may not have measured from the right spot. We certainly don't want to put a facility up that is not going to be accommodating & useful to the public because we don't think that's fair. And, we also don't want a facility that isn't fair to us. Now that I've heard your comments, I know there's a concern about traffic. I need to get a hold of an architect to tell us exactly with regard to this aspect, how many cars we can park."

O'Donnell referring to the sketch. "Each little block here is 10'X10'. Is this piece of property 230'X400'?" Sutliff, "Yes. That's about right." St. John, "232'X403'." O'Donnell pointing to the sketch. "This driveway is way to close the traffic light for me. I agree with Janice (DiMichele) that this is an interesting proposition. I would hope that we could pursue this more with you." St John, "We had originally thought of facing the funeral home north, but then we considered the neighbors. Now after this discussion, the building should face Bell. We want to use the house. We're going to have to start with the current house & work our way east. There doesn't need to be a driveway near 306. It can all come out east of the building because the parking is all going to be in the back." Tripp referring to the sketch. "You could take off this leg & you'd have an entrance off Bell. They could drive around the front. That way if people are driving down Bell, they'd see the front of the house & front of the funeral home."

Sutliff, "You indicated that you looked in Summit County." St. John, "We looked at Summit County, Portage & Geauga. There's nothing for sale in Portage." Sutliff, "Is this your primary area? Would this area be #1 on your list?" St. John, "It is now. When we found it was available, we fell in love with it. This is our prime target. Our ears are open for other areas. Nothing compares to this. We're going to continue to work with this until we either find out that yes, we're going to go ahead & get a banker, get plans drawn. Or we find out, unfortunately, it's not going to work."

DiMichele, "Do you have an option to buy the property?" St. John, "No." O'Donnell, "Did you speak to the adjacent property owners?" St. John, "No we haven't. We don't know who they are. I know the owner of the property we are looking at. We were in the army reserves together. I was his commanding officer." (Marshall Kidd owns the property next door on Chillicothe.) St. John, "We don't want to make the neighbors unhappy. If we end up with the property, we want to know them & want to be friends."

Brett, "Do you have a time table if things work out?" St John, "I'd like to see us operating within 12 months. We figure eight months of construction. If we could make the decision & wrap up the financing by the end of the year, we'd be open by late summer. We need, once we start dealing with a lender & sign papers, to put the building up as quickly as possible in order to pay the mortgage. Realistically speaking, if we're able to get this into action by January 1, 2004 maybe by August, we'd be open.

Sutliff, "There are a lot of things to consider. For the Village, the traffic is a pretty big one. It's an interesting application for that parcel." O'Donnell, "Would you plan to build on the Western Reserve architecture which is currently on that property?" St. John, "Absolutely. My son asked, 'Can we put the porch all the way around?' The porch has to stay. In the sketch, we considered a little extension of it. So, maybe if we face Bell we'd extend the porch a little further."

St. John, "How do we figure out where the property line is off 306? From the center of the road?" Holt, "Yes. That's a 60' rite-of-way." St. John, "Thirty feet from the center of the road towards the house." Holt, "That would start your setback." St. John, "Right there would be the edge of the property." Holt, "Approximately. The same on Bell Road." St. John, "When we measured the other day, we did that exactly that way. I think my measurements are within a few feet of one way or another. Figuring this to stay within the 35% regulations & still have enough space, if we eliminate the driveways, we're picking up parking spaces." DiMichele, "35% is important." Sutliff, "I believe the lot coverage includes the second floor of the house. It's not the footprint of the house. A two-story structure, both floors are counted towards the 35%."
St. John, "Yikes. It's a small house, 30'X30', 900 square feet. That we didn't know."

St. John, "If we had space for 80 cars & some cars parked in the back on our lawn, is that frowned upon? We wouldn't turn the back into a parking lot." O'Donnell, "We have more snow than you do in Bedford." Brett to Holt, "Do we allow that?" Holt, "Usually not." St. John, "We'll curb it then. We don't want that. That's all we need is people tearing up our lawn."

Tripp, "It's an interesting proposition. My only concern is whatever plan Mr. St. John & his family would come back with would include – I hate to see the barn torn down. They are historic structures. If somebody could purchase this thing, I know people are out looking for old barns. Maybe somebody can take it away. Recently, we had an old house down the road here. They took it down. They took away every stick, every brick, everything." St. John, "Sell it for a dollar & they can cart it off." Tripp, "I'd like to see it not demolished. I think that there are people in Geauga County, if they find out this barn is going to be torn down, there might be a multiple (unintelligible)."

Brett, "Without starting to waiver on anything, that may be something we consider is that 35%. If the barn is something that we really wanted the St. Johns to keep, maybe we would factor that in. I think there are some different options. That barn is something that a lot of people would like to see stay." St. John, "Our original thought was to simply paint the barn the color it is now & make it look neat, until we decided where we go from there."

Tripp, "One of the things the barn does is provide a buffer between whatever is on that corner & all the surrounding development. That's a very nice thing. People living right here like to see it." St. John, "If we could figure out a good use for it- it's not that it can't be used, it's 2,700 square feet on the ground level- otherwise, we'd knock it down & grass it. That's just more landscaping to take care of. The bar is beautiful. " DiMichele, "You couldn't put your casket room out there?" St. John, "We thought about that. We like all these facilities attached for convenience. We could make that a planning center where the casket showroom would be as well as other items like grave markers. But, we do use Sheffield In Chagrin Falls. We could put our community room in there. That's a possibility. If it doesn't count in the 35%, than that's a break for us. The fact of the matter is in order to save the barn; we don't have a problem with that. It stays there forever." DiMichele, "If it's gone, it gives you more room in the original facility." St. John, "That's true. It gives us more room in the original facility to organize things."

DiMichele, "What's the next step for him?" Sutliff, "He has to decide whether he wants to pursue it." St. John, "We'll go back to the drawing board. Maybe it's time for us to hire an architect & have him understand what can & cannot be done & tell us straight up what we can do. I really appreciate your time."

Dolan, "There's a preliminary step you have to deal with. Currently, you are not permitted to have that use in this zone. That will have to be addressed. It can be addressed two ways. It can be an application to this group to ask them to amend the zoning to allow your use into this district. Or you can go to the ZBA & get a use variance. As part of both of those processes, you'll need to present a little more than what you presented tonight in terms of diagrams & traffic studies; maybe not as much as you eventually will to get the plans approved. If this group were to accept an application to amend the zoning, you're on a good path. So, you may want to present to this group as much as you can: landscaping, traffic study." Sutliff, "For him to do that, to request that action, doesn't he have to have a financial interest in the property?" Dolan, "Yes. He'd have the owner make the application or show us that he has a contingent contract."

OLD BUSINESS: None

The next meeting is scheduled for Thursday, September 18, 2003 at 7:30 P.M. There was no further business. The meeting adjourned at 9:30 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary