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 BORTHOWSKI 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 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 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 Ondrey
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;

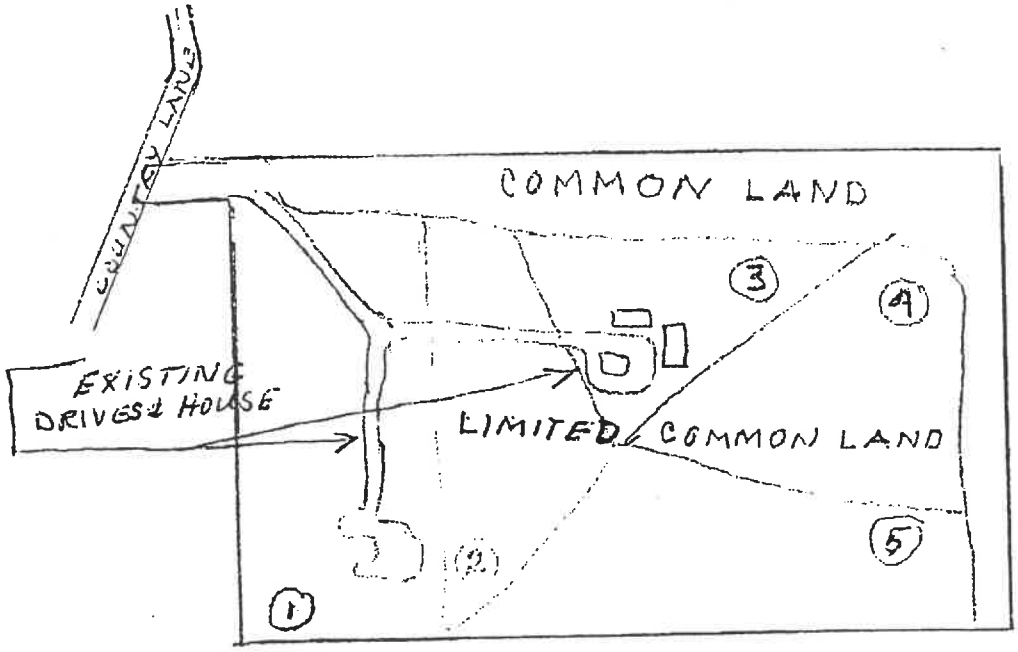
January 11, 2002

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

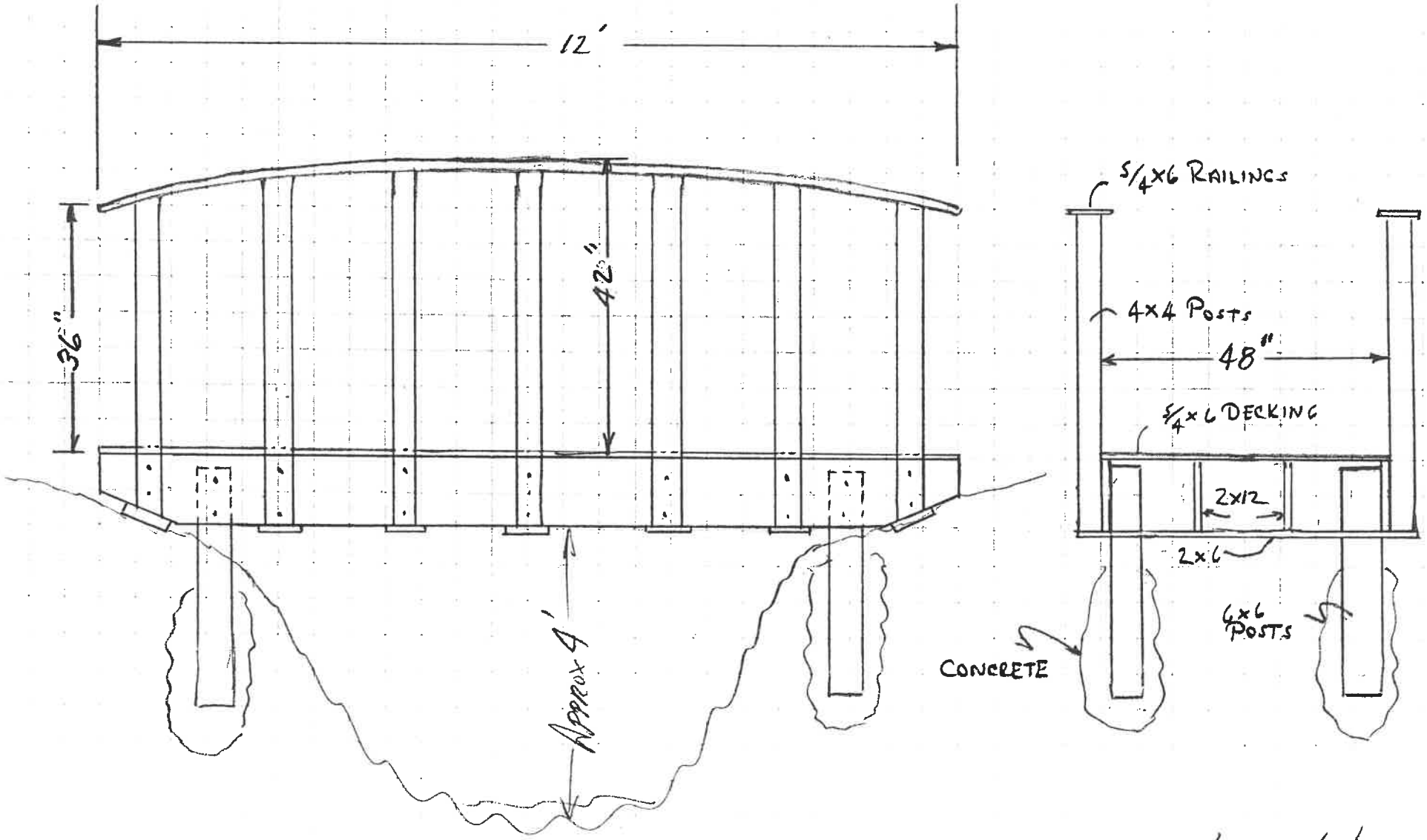
Dave Withrow, President
206 Fox Lane, C.F., OH 44022
440-338-3333

BRIDGELT2.HOA

Delay construction until culvert work is done

Fox Run Subdivision

Proposed Bridge over Creek near Bell St



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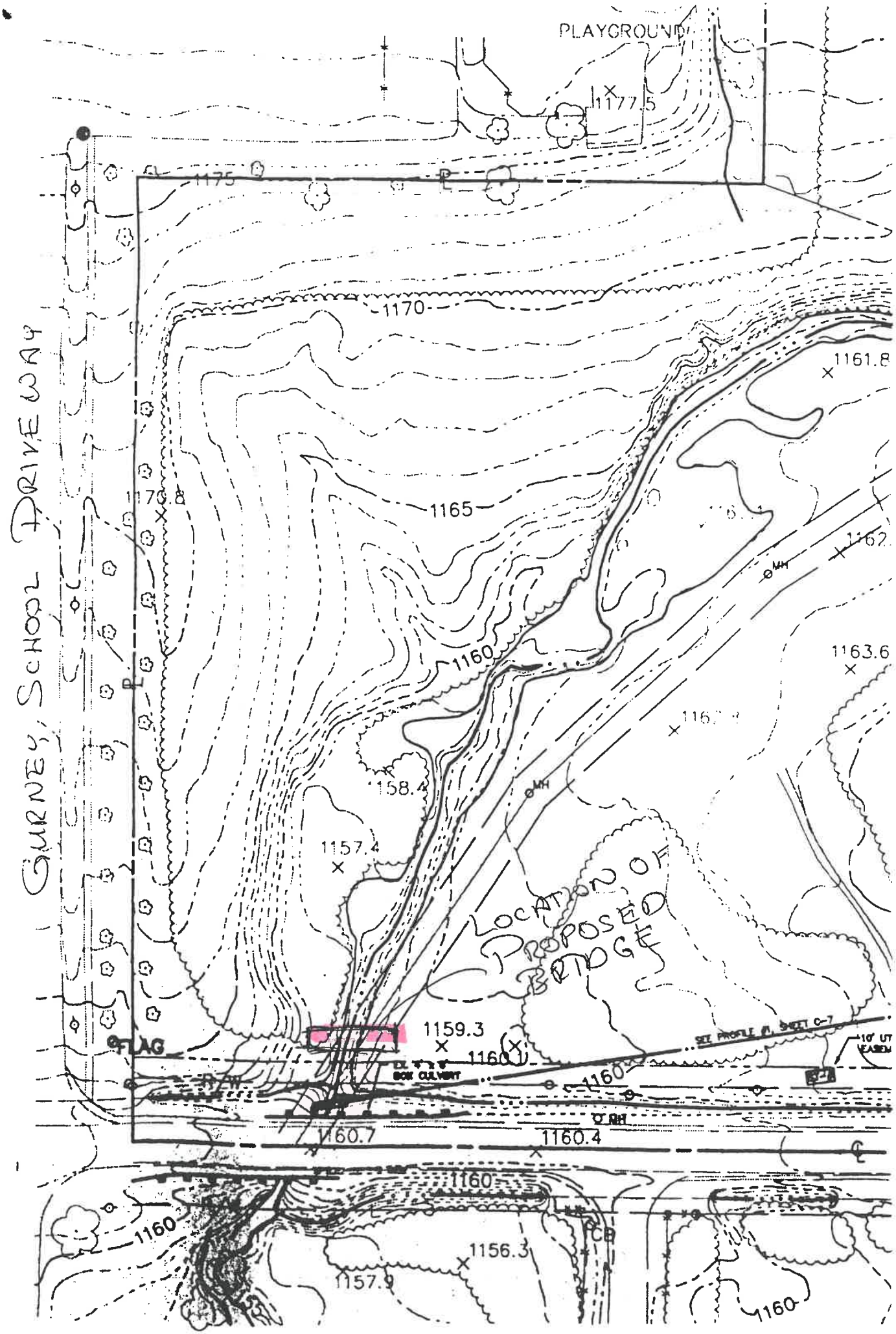
PLAYGROUND
1177.5
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LOCATION OF PROPOSED BRIDGE
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FLAG
BOX CULVERT
1160
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1157.9
1160
GURNEY SCHOOL DRIVEWAY

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

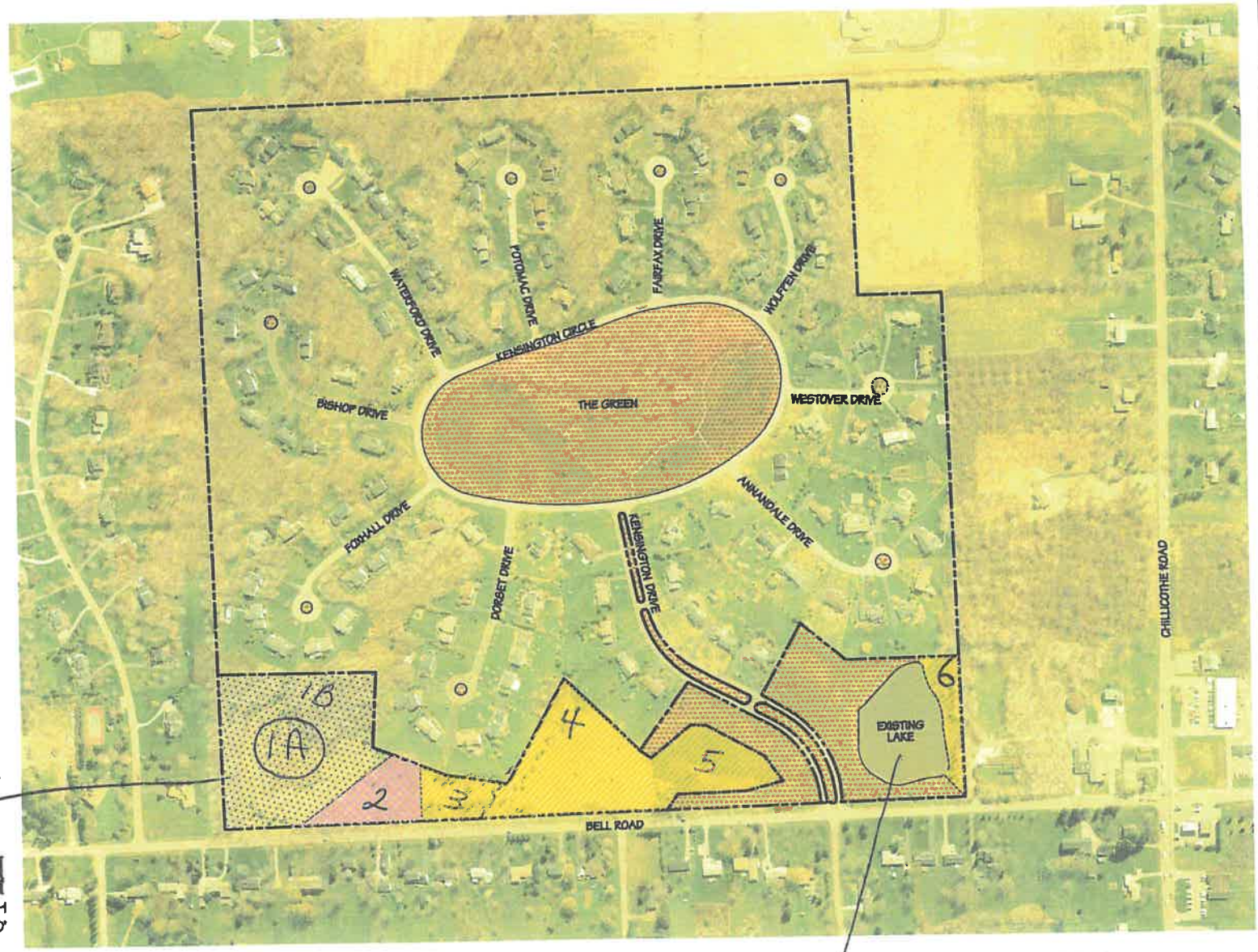
Maggie Tomaro

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.

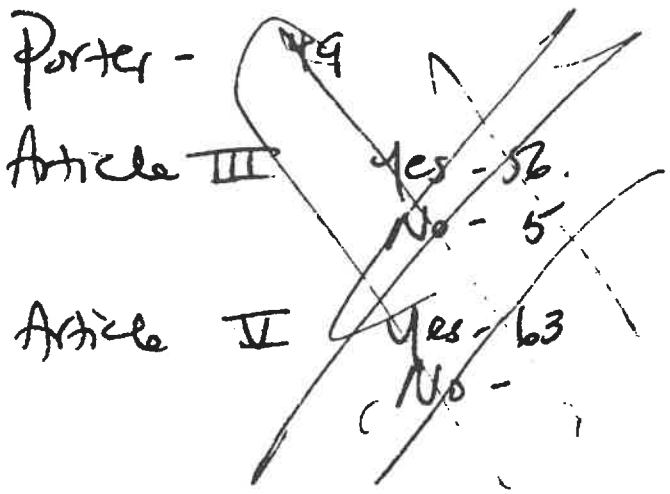
5. **Tree trimmings removal.** The piles of tree branches near Bull Frog Pond and around the Green have been removed. Removal of the branches took longer than intended. The Board apologizes for the delay.

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

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

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

SUMMARY OF THE PLANNING COMMISSION
JANUARY 15, 2004
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, O'Donnell, Tripp, DiMichele**

2. MINUTES: 7-17-03 & 8-21-03 **Approved as presented**

3. GUESTS:

   THE CHAGRIN RIVER WATERSHED PARTNERS, INC.: DISCUSS ZONING AS IT RELATES TO NEW DEVELOPMENT. KYLE DREYFUSS-WELLS

4. OLD BUSINESS: KENSINGTON GREEN LAND MANAGEMENT PLAN; REVIEW TAPE OF 7-17-03 TO HEAR MR. PORTER'S COMMENTS REGARDING THE HEIGHT TO BUSHOG 6' OR 6". **Porter said 6'. NOTE: Letter from the Engineer, dated 1-15-04 addressing "brush hogging" is in file.**

5. NEW BUSINESS: **NEXT MEETING: FEBRUARY 19, 2004 AT 7:30 P.M. O'Donnell & Tripp not able to attend this meeting**
   Subdivisions by-laws regarding annual meetings, changing name of development
   Variance/surveyed site plans
   Construction deposits/Forfeiture Hearings to be scheduled by the Building Dept. probably during the March PC meeting (3-18-04)
   Height of accessory structures, specifically barns

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 15, 2004
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Matt Brett, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

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

ABSENT: Ned Foley, Engineer

GUESTS:
Kyle Dreyfuss-Wells Executive Director of The Chagrin River Watershed Partners, Inc. P.O. Box 229, Willoughby, Ohio 44096-0229; (440) 975-3870

Chairman Sutliff called the meeting to order at 7:30 P.M.
OLD BUSINESS: Minutes of 7-17-03 reviewed regarding The Kensington Green Land Management Plan specifically, whether to bushog 6' or 6". PC members listened to the tape from 7-17-03. Mr. Porter said, "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."

Ned Foley, Engineer, wrote a letter, dated 1-15-04 addressing this. "In reviewing the issue to the "Brush hogging" of the retention area, it is my recommendation that the record reflect a height of 6 INCHES not 6 FEET. The purpose of the mowing is to facilitate the flow of storm water through and across the bottom of the pond. The taller grass may cause for sedimentation to occur and thus reduce the effectiveness of the retention pond. This restriction need only apply to the bottom and the overflow channel not the slopes."

PC referred to the conditions of the motion on 7-17-03. " 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, "Whether Kensington agrees with that or not, whether Mr. Porter wishes to maintain the cattails at six feet, that's immaterial. The motion said that

they will maintain it the way our Village Engineer wants to maintain it. If he says six inches, it's going to be six inches." Ondrey, "I'm not disagreeing with that. The minutes were accurate when they said Porter said six feet. You're right. If Ned is truly of the opinion that it needs to be six inches, we've got them (Kensington) as part of the motion. Someone has to let Kensington know that our Engineer is not going to allow six feet."

Sutliff, "In Ned's letter, I don't think he has a problem with the back being six feet. I think he's talking about the actual flow channels." Hocevar, "The bottom of the pond, the retention part. That's what he told me on the phone today. He said, 'No way are we going to let them grow the center of that pond six feet high of cattails. We never agreed to that.'" Brett, "It's impossible to bushhog it & leave it six feet. As soon as you bushog, it's going to be down to six inches."

O'Donnell, "Is it the intention that the cattails be no higher than six inches at any time? Are they allowed to grow during the 3-5 years? Are they supposed to be kept at six inches?" Ondrey, "I haven't seen Ned's letter. I don't know what he's recommending." Hocevar, "Six inches. The object is not to let this stuff grow in the retention pond high enough where it's going to fill that retention pond up with silt & sediment & flood our roads. The higher the grass, the more sediment it's going to contain."

PC reviewed the motion. Ondrey, "It sounds to me like they are going to brush hog it to six inches & then there's going to be a long time when it's going to grow." Tripp, "The motion as drafted; it has to be agreed to by the Engineer. If the Village Engineer says they need to cut it again before three years, they are going to cut it again."

Sutliff, "Has Ned approached or you (Hocevar) approached the folks at Kensington about brush hogging that?" Hocevar, "No. I think at the time, they were talking about the growth of these cattails. They came to the conclusion that if you cut them down every three years, it'll take that long to grow back up again. Sitting at the meeting, I remember, Ned was trying to explain we're not going to wait five years for you to cut those cattails down." DiMichele, "Cattails grow that tall in a season."

Ondrey, "I don't think it's any more complicated than Ned informs them (Kensington) that in his opinion when he says it's appropriate, they have to cut to whatever level he designates. I don't think we have a dilemma. We can tell them whatever the Engineer says is appropriate based upon the motion. This approval is condition upon our Engineers OK of the cutting of the retention pond." O'Donnell, "If The Natural History Museum says six feet is fine & Ned says six inches, whose going to prevail?" Ondrey, "Ned. All we did was acknowledge that the museum was going to have input into this. The approval has to be by Ned."

The minutes of 7-17-03 & 8-21-03 were approved as presented.

Tripp, "Did Kensington Green ever notify us that they have adapted the homeowner's regulations & amended them?" O'Donnell, "No. They have not properly done this." Ondrey, "What they did was, Mark (Porter) came to a Council meeting. He showed us the minutes from the meeting, showed us the agenda for the meeting & the newsletter that Kensington had sent out. He told us what the vote was. It had passed. About a month ago, Kathy (O'Donnell) raised that we hadn't seen the actual printed change in the by-laws. So, I wrote Mark a letter & told him Council's concern. What he sent back to me, unfortunately, was the same materials he brought to the Council meeting. We will follow up & say we need to see the officially printed out new regulations."

THE CHAGRIN RIVER WATERSHED PARTNERS, INC.: DISCUSS ZONING AS IT RELATES TO NEW DEVELOPMENT. KYLE DREYFUSS-WELLS, EXECUTVE DIRECTOR

Dreyfuss-Wells passed out The Chagrin River Watershed User Manual & a handout labeled, 'Chagrin River Watershed Partners, Inc. Planning Considerations for 2004'. Brett explained that SR has worked with the watershed group for a couple of years. "They have helped us with the EPA mandate, the storm water study that we're currently going through. A couple of topics came up pertaining to our existing zoning. I'm wondering, what things should we look at in 2004 pertaining to essential changes in our zoning?"

Dreyfuss-Wells will explain what the Chagrin River Watershed Partners do & address planning considerations for the Village. The CRWP was formed in 1996 by 16 watershed communities. Now there are 31 members. South Russell is one. Members are only townships, villages, cities, counties & park districts in the Chagrin River Watershed. The reason they were formed was to help members with solutions to flooding & erosion concerns. They provide technical advice. They work with member engineers, law directors, Planning Commissions on specific topics of concern.

(Pp.1 of the handout) They focus on members needs & concerns as opposed to saying you should be doing X, Y, Z. They provide member services & watershed initiatives. The services: (1). Grant applications. I.e. they just helped Munson & Russell get over a million dollars from the Clean Ohio Fund & ODNR to preserve big chunks of land in those two townships. (2). Review specific development projects. They've done a lot of that work with Aurora. (3). Help with ordinances, both adopting them & implementing them as they relate to natural resources. (4). Phase II: compliance. I.e. SR storm water management program & ongoing implementation of that. They have a variety of initiatives that increase the amount of information about the watershed & would support any zoning to be implemented. I.e. if you intend to implement Riparian setbacks, they have data to support public health & safety benefits of Riparian protection.

Refer to handout, Pp. 1. map. All the land within the boundary drains to Lake Erie at the city of Eastlake. There are sub watersheds within the Chagrin River Watershed. There is the Aurora branch, the Upper Main branch, the East branch, the Main Stem of the Chagrin & the Lower Main branch. SR is in the middle of the Chagrin River Watershed. SR is actually the headwaters of three subbasins. I.e. the headwaters of Silver Creek, which goes to Russell, the Mc Farland Creek, which goes to the Aurora branch (& she didn't identify the third). There are three different drainage areas in SR: to Chagrin Falls, to Bainbridge & to Russell. Activities in SR are going to have different impacts on these three communities.

SR has lakes. Most likely SR was a big wetland, probably Kettle hole wetlands formed by glacial activity. These have been filled in to form these ponds. It could be part of the reason for some drainage concerns. A wetlands was here before the development pattern laid itself out. Tripp, "Most of the lakes are formed from dams. They are not typical of kettle lakes as a function of glacial activity." Dreyfuss-Wells, "Like Bass Lake. But, there are wetlands where those lakes were." Tripp, "Right."

Pp. 2, handout. The Chagrin Watershed was formed to help members with flooding concerns, significant erosion throughout the watershed, & infrastructure damage. Refer to picture on Pp. 2 of Boulder Creek in Solon. It shows a classic example of a stream, which has high flows during storm events because of increase of impervious cover upstream in the watershed. You can see this is significantly undercut with the banks sloping in, trees threatened. The picture of Boulder Creek is actually how it looks as it flows through the two subdivisions in Solon. Some of the homes are very close to this type of erosion. This type of damage can lead to infrastructure damage where pipes crack in half & need to be repaired. All of this is caused by increase in impervious cover. Water can go only three places: evaporate, infiltrate & runoff. As you harden a surface through regular development patterns, you increase the amount of runoff. From runoff, all problems come: flooding, erosion & water quality problems. That's why there is the Phase II regulation.

Pp. 3, handout. The street picture shows impervious surface. They are surfaces that do not absorb water, such as parking lots, roads, rooftops, driveways & other developed areas. Pp. 3 handout. The Great Lakes Mall is in our watershed. There is huge amount of impervious cover built to the codes of the city of Mentor to deal with parking. Very rarely used. Important to note: You get a lot of impervious cover just from regular subdivisions. Pp. 2. Boulder Creek. There is a lot of impervious cover between the house, the driveway & the street with the cul-de-sac. The point: Pp. 3. We get impervious cover & we get more flooding & erosion problems. With that comes cost, increase flooding locally & watershed wide, stream bank erosion & decrease water quality.

Pp.3, handout. Watershed Partners recommends: (A). Comprehensive planning that takes into account the natural resources that you have in your community I.e. Master Planning: Inventory Natural Resources. Russell Township devised this. Master planning is where everything starts. You wouldn't adopt a Riparian setback or wetland setback until you had an idea of the Riparian areas & wetland areas in your community. Russell Township did the comprehensive land use plan as they were mandated to do by the Ohio Revised Code. They also did an inventory of all their natural resources to support their zoning resolutions. (B). Riparian & wetland setbacks. Riparian area is the area next to the stream. It's the floodplain or the area directly adjacent to the stream. Riparian setback or wetland setback is like any setback: front yard, side yard setback. It's a zoning tool that enables a community to limit development directly next to streams. It enables you to protect streams, maintain their functions & avoid highly erosive situations. It's a recommended component of Phase II compliance. It's getting more popular for communities to have these. Pp. 4, handout. Aurora, Chagrin Falls, Hunting Valley, Kirtland, Lake County, all have these zoning ordinances in place in the Chagrin. Summit County has been a huge leader in other watersheds, mostly the Cuyahoga. Six Summit County townships & five Summit County municipalities have adopted this. It's a very common zoning tool. It won't have a huge impact. It allows you to keep development back a certain distance.

Sutliff, "Do you know where in South Russell, a Riparian setback is applicable?" Dreyfuss-Wells referred to the map on Pp.1 of the handout. Dreyfuss-Wells, "If this parcel (unidentified) would be developed, you have a potential to have a 75' setback on either side of the stream. If you didn't have the setback, if you got the permits, most likely, you could fill that stream in or you could move it like they did in the Boulder Creek situation. When you move a stream, that stream is going to get back to where it was before. You will have an ongoing erosion situation. In the Silver Creek drainage, you have a delineated 100- year floodplain. Our Riparian setback recommendation expands to the outer limit of that floodplain. This could both apply to additions, but more significantly to new construction." Sutliff, "For new construction, the only piece that would be applicable is the Muggleton property." (972 Bell Rd.)

O'Donnell, "Kyle, focus on that stream right there. It's opposite 951 Bell Road which is a property we've had a lot of trouble with." Dreyfuss-Wells, "Flooding problems?" O'Donnell, "Yes. It's on the north side of Bell, opposite that little stream." Tripp, "If you look at the US Geologic Survey Map, that little stream there is probably an ephemeral stream. Isn't it?" Dreyfuss-Wells, "I don't know if that's an ephemeral stream. These streams were actually put in here from the aerials flown by Geauga County. In some cases, they are much more accurate than a USGS map. They are delineated by our staff from the aerial photography of the Village. If it's ephemeral or not, it's still a part of your storm water

drainage system. It's still providing a storm water control function & a sediment control function. The Riparian setback would still apply."

Tripp, "An ephemeral stream only becomes a stream when there's adequate water supplying it. It could be a swale, a ditch that a farmer dug to drain his field. It doesn't have any water in it most of the time." Dreyfuss-Wells, "The important point to remember on ephemeral streams is that if this were a human constructed drainage ditch, than our Riparian setback would not apply because you're not going to put a Riparian setback on a ditch. If this is a natural stream with a defined bed & bank & that's the key determining factor, then the Riparian setback would apply. Your point highlights the fact that this land is serving some sort of storm water control function in an open state. If it were developed, there is a potential for increase storm water problems down stream of it. You would want to have options available to whoever developed it; that they be able to do it in a way that minimizes the increase of storm water runoff. That's what Riparian setbacks are for, whether that's the tool or you use some other tool."

Sutliff, "The second stream that you indicated a Riparian setback, (unidentified), isn't that land owned by the Conservancy?" Tripp, "Negative. The land that she pointed to is the Kruse parcel. (1508 Bell Rd.) That is delineated as a 100-year floodplain." Tripp pointed to Lake Louise & said, "That was impacted by the development, Lake in the Woods in Bainbridge. When that was put in, it changed the whole dynamic of the lake."

Ondrey, "In the communities that are passing the Riparian legislation, do they take a map & delineate specifically where it is being applied? Or do they simply have a blanket, anytime we have a stream, we're going to have a 75' zone of protection?" Dreyfuss-Wells, "They do two things. They come up with a Riparian setback map like this, which we would help them with. Bainbridge Township, actually the Planning Commission, came up with it. We helped. The ordinance or resolution reads, 'The Riparian setback map is here & it is believed to be accurate. But, if there is a discrepancy between the criteria, which is established in the ordinance & the map, the criteria controls.' The map is set out & fairly well believed to be accurate. It tries to get people away from being concerned about a setback on their ditch."

Ondrey, "What do you do about areas in these communities that are already developed? They are already subdivided & homes are built. Do you even bother with the Riparian setbacks in those areas because it's too late?" Dreyfuss-Wells, "The thing that helps me is to say, it's a front yard setback. If South Russell were to change your front yard setbacks & make them deeper & if there is a lot in an existing subdivision that hadn't yet been built on, would that new home be subject to the change in the new front yard setbacks? I believe it would be yes that it would be subject to the zoning of the day. That's the key thing to Riparian setbacks. If there is a vacant lot & there's a stream over it, that lot is subject to the Riparian setback. If that setback cuts the lot in half, you're going to grant a

variance or enable them to move closer to the street or move further away or something so they can avoid that stream to the extent possible & still build. That's what we did in Kirtland. There's a lot of subdivisions in Kirtland where there's still one or two lots to go."

Brett, "It would also affect an addition." Dreyfuss-Wells, "Right. Front yard setbacks don't ever prevent someone from putting an addition on. It might require you to move your addition around or rearrange it. But, the goal is to enable a person to do what they want to do & give you the tool to minimize their impact."

Pp. 3 & 4 (E) Alternative site designs, Conservation Designs. Bainbridge calls it Cluster development, which is the absolute wrong term that you could use. But, it worked very well for them. Woods of Wembly is an example. Traditional site development is putting in roads, lay out lots. A stream is split up among the lots. The potential for it to loose its natural functions is there. You could have storm water impact etc. Alternate site design subdivisions would be built with engineered storm water control. The idea is to allow an alternative arrangement of those units to provide an appealing subdivision. You can maintain green space, get the same number of units, and have significant decrease in impervious cover.

Pp. 4. Avenbury Lakes, in Avon, Ohio is an example of alternate site design. The developer had the authority under Avon's existing zoning to put a very dense development over this 150- acre site. He maintained a significant amount of wetlands & did some engineered storm water management. There is vast open space on this development. From the developer's perspective, there are a lot of benefits. He would have had to get a lot of permits to fill in the wetlands. He would have had to buy significant mitigation credit elsewhere. He built boardwalks before he sold the lots. They sold well. The Conservation design is a very useful tool, particularly in areas that are sewered. No worries about septic.

Pp. 3 & 4 (D) Storm water management. There are other options in a conventional subdivision. The traditional way to deal with storm water is to: collect, concentrate, convey, centralize & control. It comes off the roof, which is impervious. It goes down the gutter, through the gutter, over the lawn, into the street & shoots down the street to a drainage basin somewhere. That's the good drainage paradigm. Note: The landscaping in the bottom picture on the left side of Pp. 4 isn't doing anything to slow the water down. Picture on bottom, right side of Pp. 4 has numerous opportunities like any given home site to actually control storm water. There are swales in the front yard. The driveway culvert can carry the drainage. Amend the soil. Plant rain gardens, which hold the water. The picture shows a conventional house in a conventional subdivision with some engineered storm water control.

Sutliff referred to Pp. 4, picture, lower right. "Would we permit that in South Russell Dave?" Hocevar, "No." Sutliff, "Typically, we'd come down the down spout into a storm sewer rather than let it run across the grass & on the

street." Dreyfuss-Wells, "That's even more of the good drainage paradigm. If the gutters were disconnected & it at least can run across into the landscaping area, that does some slowing of the storm water runoff. You'd see more in a situation where the rain garden temporarily holds some of the storm water before it runs off. They would not replace the storm water detention pond, but they may make it smaller. They also minimize the impact."

Pp. 5, Commercial Applications. Picture, top right. The median can be landscaped into a rain garden that serves some storm water control & is more aesthetically pleasing. Pp. 5, picture, middle, left side. Everything is designed to go to that pond. The idea is to minimize the need for a big retention pond & also maintain some of the natural features. We can't get away from the fact that we need to build these ponds. Pp. 5, picture, middle, right side. This is a dry detention pond located at 306 & 322. It was built for water quantity. All this does is hold the 100- year storm. You won't see any more ponds like this built because Ohio EPA has changed the mandate for storm water ponds & required that they hold the first ¾ of an inch of rain. This means they have to treat water quality. Any new subdivisions, you'll see wet ponds. You'd want to have a storm water management ordinance that allowed for those things to happen. Pp. 3 & 5 (C). Erosion & sediment control. If you were going to have storm water management, you'd want to have good erosion/sediment control. This is Phase II.

Pp. 5. bottom, right. Planning Considerations for South Russell. **Inventory** floodplains, wetlands & other natural resources so you have a basis for these. This is something the Watershed Partners can do for South Russell. **Consider** riparian setbacks & site designation for the small amount of new development that South Russell may have. **Adopt** updated storm water management & erosion & sediment control ordinances. **Phase II Compliance & a Good Land Management**. The two go hand in hand; all of that as a component of the Phase II plan.

DiMichele asked how much it cost to be a member of the Chagrin River Watershed Partners. Brett, "It's now up to $2,400. We saved significantly in the mandates for the EPA of storm water studies." Tripp, "They have sources of income from people who want to remitigate wetlands." Dreyfuss-Wells, "Actually, we don't. The Chagrin River Land Conservancy may do that & we're a completely separate organization. I don't know if the Conservancy has generated funds from remitigation. I know they are trying to."

O'Donnell, "You work closely with the Geauga County soil & water people." Dreyfuss-Wells, "Yes." O'Donnell, "FYI (to PC) the EPA mandated that we get into areas we haven't been in as far as some water management & educating the public. Kyle has had meetings & the soil & water people have had meetings. They are helping us meet the criteria that we have to meet in order to get over the hump on this EPA thing. One of the biggest is to educate the public.

In the last SR newsletter, I put an article about pollution & told people the material's here. Come & read it. It helps us meet the criteria of education. These people have worked hard to get the information out & helping us to become informed so we can do what we have to do."

Brett, "Do you have your GIS mapping on your lap top?" Dreyfuss-Wells, "It's not on this lap top. The only mapping I have is what I brought." Brett, "They have the ability to map all our zoning with overlays of streams. My thought on this is this might be an area we want to look at this year. As far as Bainbridge & Russell, have they recently got something pertaining to the Riparian setbacks?" Dreyfuss-Wells, "Bainbridge is in the middle of it. The Zoning Commission unanimously passed the Riparian setback resolution. The trustees will hear it Monday night." (1-19-04)

Sutliff, "Could you (Dreyfuss-Wells) or Dave (Ondrey) walk us through this process? How do we get something like that started?" Ondrey, "I think that we're counting heavily on model type provisions that this organization is going to do for us. Apparently, other communities are ahead of us. It's like any other zoning amendment. It's going to start here or Council can start it & send it back here. At some point, you have to make the recommendations & come up with the issues. Our Engineer is deep into inventory these streams & ditches in the Village. We're part of a greater Cleveland urban area that got delineated by the EPA that has to comply with these new storm water management regulations. You go east into Geauga County & the communities are not. It's how they defined it, by a certain mileage." Dreyfuss-Wells, "The census data of 2000."

Ondrey, "Council has been dealing with this issue for a year. Now we're being asked to seriously consider what can we do to our zoning to promote better erosion control measures. We have a pretty good erosion control ordinance. They are going to be reviewed & maybe tweaked." Sutliff to Dreyfuss-Wells, "Have you reviewed these?" Dreyfuss-Wells, "I haven't looked at yours specifically yet. We do have a model that we're finishing up with Willoughby Hills. The great thing is that your engineer, Ned, being with CT, is in the same building with most of the other communities that we worked with. Willoughby Hills is a test case for this new erosion/sediment control ordinance. I think Ned has probably seen it. It would be a matter of us looking at it."

Dreyfuss-Wells, "Normally, we'll look at your current code. We'll do a comparison with the model that we did; the one that the EPA approved. Then, we'll say, this is what you should change or you should do a forward page. We've done this for Eastlake & Willoughby Hills. Under the Phase II regulations, you're mandated to do a couple of things. One of those is erosion/sediment control. EPA has set the standard in their new construction site permit. We know what that needs to say. The other is you're required to do something for post construction storm water control. Riparian setbacks &

alternative site designs are things that they recommend. I think they talk about that in the storm water management plan. Looking at Riparian setbacks as a potential zoning tool & you decide not to do it, it would be an accomplishment that you reported to the EPA, we've looked at this, either it works for our Village or it doesn't work. We have a model. We can put it into the format for the Village. Ned & David could look it over. That's what we did for Kirtland. It's important to look at this map. Remember, you'd be adopting a new zoning setback."

Tripp, "Will this be in addition to what Geauga Soil & Water already demand?" Dreyfuss-Wells, "You mean the storm water regulations at the county level." Tripp, "Right." Dreyfuss-Wells, "The county regulations as you know are five acres & above. So, any development below five acres is not effected by these county regs. The county is limited by The Ohio Revised Code to do five acres & above or less than five acres if it's a part of a larger common plan of development. That requires that they have storm water management of some kind through a structural control. The Riparian setback would be a zoning setback so they can change the way the site was developed, not necessarily the structures that they built. It would be a new ordinance."

Ondrey, "In the Village, we don't utilize Geauga Soil & erosion Control other than on a consulting issue. They are in the townships." Tripp comments about all the regulations in Bainbridge. Dreyfuss-Wells, "Bainbridge has it's own township version, which takes it down to 300 square feet. They have a township version & a memorandum of understanding with soil & water to bring them in when they need them."

Tripp, "To make this effective, look at slide 5, (Pp. 1, map, left side) from Eastlake down to Mantua, not all of these areas are members of the Watershed Partners. Are they?" Dreyfuss-Wells, "Most of them are. The only nonmembers are Mentor & Chardon. They have significant drainage in the watershed. Mentor, hopefully, will join in 2004. Mantua is not a member, but a small portion of the drainage." Tripp, "Mantua is a significant flood plain, right in town." Dreyfuss-Wells, "If you do the number's of how much they are actually in the Chagrin, it's not a huge amount. They & Chardon are the only ones."

Sutliff, "What is Chardon's reason?" Dreyfuss-Wells, "When the Watershed Partners first started, there was an assumption that we were an environmental group, that we were anti-development, that we were going to come in & shout & scream. We've worked very hard to deal with that image & just always stay technical. I don't think Chardon got over that perception. We've had very little contact with them. They have significant concerns about their drinking water. That is something we could help them with. We act as a go between for communities & the Ohio EPA. Mentor was the same thing. But, we've had a lot of exposure with Mentor & they see what we are about."

Dreyfuss-Wells to Tripp, "What's your point? Everyone should adopt Riparian setbacks?" Tripp, "Yes. If we become an island of storm water management & everyone around us doesn't, what the hell difference does it make?" Dreyfuss-Wells, "I agree. You're not an island. Aurora has Riparian setbacks & wetland setbacks. Bainbridge is trying to do that & has conservation design already allowed. Most new subdivisions in Bainbridge are under cluster development, which is at least 25% open space maintained. Russell does a lot of land preservation & would also consider the Riparian setbacks. Chagrin Falls already has the Riparian setbacks. Hunting Valley, Munson, a large amount of preservation. Riparian setbacks here (unidentified). The island effect is not that significant."

O'Donnell to Ondrey, "In a development, what's our percentage? 18 for open land?" Ondrey, "That they have to maintain? We require open space if the subdivision is in an area where there is one acre zoning or less. We require 10% open space. 1½ acre, 6.6%; 2 acres zoning, 5%; 2½ acres zoning or more, 4%. Those are pretty low numbers for open space." Dreyfuss-Wells, "What do you allow in that open space?" Ondrey, "The intention is not to allow anything; no improvements. We may allow mowing, recreation, passive things."

Tripp, "We did spend a lot of time on lot coverage, which we have strict regulations saying every square foot whether it's even the second story counts for the lot coverage. 35% is the lot coverage limit. We might have open space requirement of 4% on 2½ acres & above, but people have far more open space by the fact of the way we have the lot coverage. It includes driveways." Dreyfuss-Wells, "From the perspective of storm water, a maintained lawn in a fully subdivide piece of land, is going to have more storm water impact than a big swathe of open space that you wood find in a Woods of Wembly or something like that. It all goes back to Ned's point that if you allow these big, tall grasses, there are going to do more to slow the storm water than your short grass."

Dreyfuss-Wells, "True conservation designs get the aesthetics; the appeal is 40% open space." Referring to the Muggleton property, 972 Bell Road. "The Muggleton property was farmed. Right? So, there's farm portion & there are trees portion. It would be best to arrange a development that maintains the character of that piece of property with some storm water controls. You would like to provide a developer options. Develop on the farm field. Leave the trees open. 40% is what people hold out. Bainbridge is at 25%. That is increased because you can only have a 15% maximum coverage on the whole development." Sutliff, "You're compromising lot sizes." Dreyfuss-Wells, "Yes."

Brett, "My thought with this was to share some thoughts. If you want to think about it & when we get together next time we can discuss it. There are two things going on right now. There are several components with the EPA mandate. The second is the Village has taken on a pretty big study with CT to inventory &

study how storm water flows through the entire Village. A lot of the background work is underway. The question is, would we want to do anything pertaining to our existing zoning?"

O'Donnell, "Now that David (Ondrey) has read to us out of the zoning book about the lot coverage, that might be an issue we need to think about as well. Do we want to change that?"

OLD BUSINESS:

Funeral home at 306 & Bell. Hocevar, "Same party (Mr. St. John) is still interested; still negotiating

NEW BUSINESS:

O'Donnell asked Ondrey what happens if someone found out that a subdivision is not following its bi-laws? I.e. if they are supposed to have two meetings a year & they don't do it. If they are suppose to present a budget to its members every year & they don't do it. Do we have any responsibility to make sure that - these documents, which went through formal approval process- are lived up to?" Ondrey, "With the older subdivisions, we probably have no enforcement. Decades ago, if they even had a homeowner's association, the Village wasn't requiring that we had any role or approval in them. The newer ones, for a number of years now, we have insisted upon reviewing & approving them. My recollection is that we have enforcement powers on certain issues like if they are not keeping their open space mowed. We ran into that with Fox Run. We used their homeowner's association rules & we were entitled to that; same thing with Kensington. But, as to other issues –like their meeting properly, meeting their obligations- I don't know that we have any role whatsoever. I'd have to look at each individual set & try to figure out was there an intent expressed in there that we play a role. It's possible. I'm skeptical."

O'Donnell, "This could become a problem. I know a couple of areas in the Village where it could be a problem for some of the people who live there." Ondrey, "Those people have their own enforcement powers as homeowners in those subdivisions that have rules & regulations. They have the right to insist upon enforcement. There's probably legitimate debate whether the Village wants to be involved in that kind of enforcement. Then, we are micromanaging 10 potential communities."

O'Donnell, "Can a subdivision in the Village decide they want to change the name of their subdivision?" Ondrey, "The odds are they probably can if they follow their own association rules as to how they make changes to their identity. We may have something to say in preventing it."

Variances/surveyed site plans. Hocevar explained that the Village does not require a surveyed site plan for a variance. Residents & builders provide a

site plan. To the best of their knowledge, it identifies the property line. Recently, there have been problems. Property lines are not where they think they are. Currently, a shed is being moved. The other one had to do with a variance that dealt with a side yard on Sheerbrook. The resident thought his addition was 10' away from the property line. It was more like six feet.

Hocevar talked to Ondrey who said if something's going to be put into zoning, it should originate at the PC. Hocevar doesn't think every variance should be required to have a surveyed site plan. But, when it comes to being close to property lines of adjoining lots, it's something to think about. I.e. Country Side backs up to Laurel. Country Side has a 20' storm easement. People on Laurel thought that was their property all these years. Someone got a variance, built a shed. The residents of Laurel dump their trash there. Fences are up there. One homeowner in Country Estates got his property surveyed & found out the Laurel residents are all on his property. He wants them off. We don't have anything in our regulations stating we have to have some type of survey or go out to site this property before we go through the variance procedure.

O'Donnell, "When Country Estates was developed & well underway of building houses, they found out after they had the lots numbered, that they were missing a lot. They had to survey, realign & renumber the houses".

Sutliff asked Ondrey how other communities handle the issue. "Do they require a survey?" Ondrey, "My impression is that there are probably some." Sutliff, "Financially to ask a resident to get a survey when he's putting an addition on his house, I don't know how much a survey costs." Hocevar, "I don't think everybody should get a survey, but situations where they are really close to the property lines with adjoining neighbors. Like I said we've got two in the last three months that were significant to the Village in regards to the variance procedures; having to go back to the ZBA, to neighbors who hate each other now." Ondrey, "The one addition had been there 10 years before the neighbors discovered the homeowner built it a foot closer that what his variance had been. Maybe the solution would be when we get a variance request for sideyard or setback, we consider from occasion to occasion imposing a survey as a condition of approval."

DiMichele, "Make that at the discretion of the zoning inspector if it's a marginal situation." Ondrey, "We'll have to set up some guidelines so everyone's treated the same way. That would be the tough part. One guy might say why do I have to do it? You didn't make that guy down the street do it." Hocevar, "It's not going to pertain to new development. It's the older developments at the west end of the Village that we're having problems with." Cost of surveys can vary. Hocevar, "$600. for a point survey for the man in Country Estates. He proved it. He has three residents in his backyard using his property for the last three years."

Construction deposits for contractors. Hocevar explained that Council has the opportunity to conduct forfeiture hearings to take money from contractors who are negligent on paper work etc. Pc has the same opportunity to do that in regards to grade plans, if a final grade plan is not submitted to the Village. Presently, there are six homes that were built as far back as 1999. Hocevar, "Do we want to conduct a public hearing at PC? We took their money in the construction deposit & we got as-builts. But, we still have money that the contractors deposited for as-builts. Talking to Mr. Ondrey today, he said the builders still have a right to take this money through a public hearing. Does PC want to pursue a public hearing? Or do you want to say, we only have six, give their $3,000 back & forget about it?"

Ondrey, "It all starts in David's (Hocevar) office. When he thinks things have gone on long enough, he can make a request to have a forfeiture hearing. There's no reason why you can't forfeit. These guys walked away & didn't finish their as-built plans. The ironic part is, they already forfeited other monies: the construction deposits. What Council did was get the as-builts done with that money. We've solved the problem. Dave (Hocevar) wants some guidance. He would schedule these things if you're willing to review the issues. We took other money because they didn't do other things. I.e. file their tax return. It was a different set of deposits. These people don't follow up. They didn't come to the hearings to claim their money. Council took that Money & had Dave finish everything up, like the as-builts. Certified mail is sent to these folks telling them the date the PC is going to consider forfeiting their deposit. You're welcome to come & tell us why not." Brett, "A forfeiture hearing absolutely makes sense."

Hocevar, "There are five totaling, $2,376.85. We didn't technically say we're taking their money for as-builts. As-builts was one of the reasons we were taking their money. There were other reasons we took it." Brett, "We do this once a year at Council & I would say if there are 10, maybe two show up." Hocevar, "These have been waiting a long time. We had to hire an engineer to do the as-builts. It cost us money to do that."

Sutliff, "What do we do? Send them a certified letter?" Hocevar, "We take care of that. If the PC agrees that they want to hear their case, I'll take care of the rest. We set up a public hearing for the night that we have a PC meeting." Sutliff, "Does anyone have an objection to that? If not, let's go ahead & do it." Hocevar, "OK." Ondrey, "It's hard to get all the paperwork together, so it might be March."

Height of accessory structures, specifically barns. Brett, "Recently, ZBA has heard a couple of issues regarding barns. Currently, barns fit into our accessory structures. Height allowed is 15'. Barns being constructed now are 28'. The issue that's being raised by ZBA is, should we look at our code pertaining to these structures? If we don't, each time a barn is built, they have to

go through this process. Height is the main issue." Hocevar, "If you have a three acre parcel, you're allowed a 1,500 square foot accessory structure. Try to keep that at 15'. You're not going to do it. It's not going to happen." Sutliff, "Yes. That's true." Residents maintain they need the height because it's a safety issue for the horses. O'Donnell, "That's not enough room for a horse?" Hocevar, "Right." Brett, "And once you get the rafters. It might be a topic for us to discuss in the near future."

The next meeting is set for February 19, 2004 at 7:30 P.M. Tripp & O'Donnell are not able to attend the February meeting.

There was no further business. The meeting adjourned at 9:00P.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

SUMMARY OF THE PLANNING COMMISSION
MARCH 18, 2004
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, O'Donnell, Tripp, DiMichele**

2. MINUTES: JANUARY 15, 2004 **Amended & approved**

3. FORFEITURE HEARINGS: Forfeiture of Final Plot Deposit.
Codified Ordinance Section 1446.06
Reason: Failure to clear required submittals

1. DEPOSITOR: Henmarc Homes, Inc. Marc Kaplovitz
HOMEOWNER: Ed & Sue Edwards, 180 Sorrelwood Lane
Deposit Type: Final Plot Deposit #: 1045-99
Amount: $500. Receipt: 3-23-99 #9563
Forfeiture approved
2. DEPOSITOR: Henmarc Homes, Inc. Marc Kaplovitz
HOMEOWNER: David Mazolla, 177 Sorrelwood Lane
Deposit Type: Final Plot Deposit #: 1044-99
Amount: $500. Receipt: 3-23-99 #9562
Forfeiture approved
3. DEPOSITOR: Henmarc Homes, Inc. Marc Kaplovitz
HOMEOWNER: Robert Cannon, 175 Sorrelwood Lane
Deposit Type: Final Plot Deposit #: 933-97
Amount: $500. Receipt: 4-23-97 #8360
Forfeiture approved
4. DEPOSITOR: North American Homes, Inc. Robert Vortruba
HOMEOWNER: Kevin & Debra Tweedy, 308 Fox Way
Deposit Type: Final Plot Deposit #: 959-97
Amount: $500. Receipt: 9-5-97 #8567
Forfeiture approved

4. GUESTS:

Fact Sheet, Ohio State University Fact Sheet, Community Development
Comprehensive Planning

Brett will contact Planner, David Hart & invite him to PC

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5. OLD BUSINESS: **Kensington Green, Meadow Management: Hocevar will talk to Ondrey regarding: (1). Bushogging is 6" and not 6', (2). Inquire if the bi-laws have been amended to accommodate the meadow management policy**

   Riparian Setbacks: Hocevar, "Between our engineer overseeing the sediment control & what we have in our subdivision regulations, I don't know if it's really an important issue for the Village."

   Temporary Sign Ordinance: Review & discuss the ordinance at the next meeting. Before the next meeting, Hocevar will get copies from other communities of their temporary sign ordinances.

   Height of accessory structures, specifically barns. Leave it. The ZBA will continue to hear variance requests & make determinations on an individual basis.

6. NEW BUSINESS: **NEXT MEETING: April 15, 2004 at 7:30 P.M.**

7. ADJOURN: **8:45P.M.**

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

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMISSION
MARCH 18, 2004
7:30 p.m.

MEMBERS PRESENT: Chairman Walter Sutliff, Matt Brett, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

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

GUESTS: None

Chairman Sutliff called the meeting to order at 7:30P.M. The minutes from 1-15-04 were amended & approved.

FORFEITURE HEARINGS:

Hocevar explained that deposits are made for the final plat to make sure a final plat is brought into the Building Department. The Building Department forfeited the construction deposit for various reasons. One may have been the final plat. Council agreed to take the money. This is money that was deposited to the Village to comply with the final plat ordinance. CT Consultants was contacted & paid to get a final plat. Now the Village wants to forfeit the money from the builders to cover the costs of paying CT Consultants. Each builder on the agenda was notified by certified letter & invited to attend the Forfeiture Hearing tonight.

Final plat is a final grade plan. Hocevar added, "It's money that we want to clear off the books. The forfeiture money goes into the general fund. Plans were submitted to CT. Ct approved them for grading, but the plans were not what was suppose to be submitted." According to Hocevar, Ondrey told him the builder didn't comply with the Village ordinances, so we may proceed with a Public Hearing & forfeit his money.

1). Henmarc Homes, Inc. for 180 Sorrelwood Lane. $500. deposit on 3-23-1999. Six letters sent from the Building Department to Henmarc regarding this situation. **O'Donnell moved to forfeit the deposit. DiMichele second. Roll call. All ayes. APPROVED.**

2). Henmarc Homes, Inc. for 177 Sorrelwood Lane. $500. deposit on 3-23-99. Five letters sent from the Building Department to Henmarc regarding this situation. **Tripp moved to forfeit the deposit. DiMichele second. Roll call. All ayes. APPROVED.**

3). Henmarc Homes, Inc. for 175 Sorrelwood Lane. $500. deposit on 4-23-97. Six letters sent from the Building Department to Henmarc regarding this situation. **O'Donnell moved to forfeit the deposit. Tripp second. Roll call. All ayes. APPROVED.**

4). North American Homes, Inc. for 308 Fox Way. $500. deposit on 9-5-97. Four letters sent from the Building Department to North American Homes regarding this situation. **O'Donnell moved to forfeit the deposit. DiMichele second. Roll call. All ayes. APPROVED.**

COMPREHENSIVE PLAN
Fact Sheet, Ohio State University Fact Sheet, Community Development

Brett reminded the PC that the topic of a Comprehensive Plan was brought up at the last meeting on 1-15-04 by Kyle Dreyfuss-Wells of the Chagrin River Watershed Partners. He handed out two sheets labeled, "Comprehensive Plan Thoughts." It is a series of questions that he asked Dreyfuss-Wells. Brett, "I want to throw out tonight the concept of the PC going through & evaluating whether we want to take on the task of having a Comprehensive Plan done for the Village. It's a major undertaking. Solon is in its third year of putting their CP together after they did it 20 years ago. It sounds like the average time in which this takes, is close to a year. It's a lot of work, a big investment. There's a value to this group going through the process of evaluating that."

DiMichele, "What's the closest thing we currently have to this?" Brett, "Several people have said, our zoning is our CP. In a lot of ways, it is. What would we have to do to put together a CP? How much work would it entail? I don't know."

Tripp, "Why would we spend the time & energy to put together a CP when we spent a tremendous amount of time & energy putting together the zoning package?" Brett, "What I'm asking is that we evaluate that question. From everyone I've talked to, a CP is a little more long range planning than what we have for our zoning."

O'Donnell, "I was initially opposed to tackling this issue. In reading through the Ohio State Fact sheet, I thought there's a couple of things included in a CP that we have not addressed in the zoning issues. As a municipality, we

own land. We've not set aside that land for any particular reason. It just sits there. I am in favor of creating a cemetery. Our residents are entitled to be buried here if that's what they want. A cemetery maintains & holds the history of a Village. Ideologically, we have just come to the conclusion that a cemetery is a good idea. We haven't planned for it. The same goes for a park, a recreation area. Because we have a good zoning plan in existence, I don't see that this is a lot of work for us. The growth of the Village is determined now. When something is decided about the Muggleton property (972 Bell Rd.) than you'll know how big the Village is going to be."

Brett showed a copy of Russell Township's Comprehensive Plan. Brett, "The difference between a CP & zoning is that the CP does a very good job of giving the background & philosophy for the zoning; why the zoning is the way it is. There's a value to evaluating whether we should have one or not. From a legal perspective, a CP will give more credibility to the zoning. It explains why the zoning is what it is. The fact that we have strong zoning is great. The CP takes nothing away from that."

O'Donnell to Dolan, "As I read these documents, multi-family was mentioned. Many years ago, we had two areas in the village earmarked for multi-family. One of them was developed as single family homes as a choice of the builder. (Emerald Lakes II). Would that mean we'd have to set aside new land?" Dolan, "Did you change the designation on it? Or is it still multi-family & he choose to build single family?" O'Donnell, "I don't think we ever changed the zoning on that. The area where Manor Brook is was also zoned multi-family." Dolan, "You designated it. How they choose to use it is immaterial." O'Donnell, "We're not in a bind about that?" Dolan, "No."

Tripp, "If a developer were to look at Emerald Lakes II, could he convert those houses to multi-family houses?" Dolan, "Assuming they meet the dimensions of how you set up the multi-family housing. Usually, there's a square foot minimum for a single house & a multi-family house. If he meets all the zoning requirements, yes, he could." Tripp, "Even though single family homes are there now, somebody could buy them, knock them down & build a multi-family home." Dolan, "If it's zoned multi-family, yes." Tripp, "A CP isn't going to stop it. Is it?" Brett, "A CP wouldn't address that. That is not the issue behind it."

Brett, "My suggestion is the PC evaluate whether this is a step that we want to go through. We review what it would take to put it together. If PC felt this is something we want to pursue, I think we could pull CT in, the Watershed group in. We could get more advice from them. We could look at what Planner we'd bring in."

Sutliff asked what the price was to do the CP in Russell Township. Brett, "I don't know. I would guess it ranges – depending on how sophisticated it is – from $2,500. to $10,000."

O'Donnell, "The CP doesn't include zoning regulations." Brett, "No." DiMichele, "Legally, what are the advantages of having a CP?" Dolan, "Legally, there are none. You aren't required to have a CP. An advantage is that it allows the Council, PC, developers & residents to understand why the zoning exists as it does. A second advantage, which isn't applicable to South Russell, what kind of growth do we want for South Russell? Commercial developments? Residential developments? How do we want to have them grow? New thoroughfares? New housing? What type of housing? When developments come in, you have something to fall back on. More importantly, they know what South Russell wants to have. You are a defined community. You're not really talking about expanding. It's not likely a new road is coming in anywhere."

Sutliff, "Muggleton is the last major piece of property." Brett, "There could be others. If you put together a couple of the lots on Bell."

Tripp, "If it is the sense of the PC, what you have is a multi-step process. First, we decide yes it would be good to develop a scope for a planner to come & tell us how much it would cost, what they provide, time frames. PC doesn't have the authority to spend money. Right?" Dolan, "Council would have to direct this body. It's appropriate for PC to go to Council & say we'd like to undertake the CP." Tripp, "They would either approve it or disapprove it."

Tripp, "The only way to answer the question that I raised is to take the first step to ask a planner. With the help of CT, the PC develops a request for quotation or an RFQ. We get that & consider that. We're asking for price & time line." Brett, "There's a step before that. Does this group want to tackle this? Why should we? Why shouldn't we?"

Brett asks for Foley's input. Foley, "Having gone through a few of them, you have to take a look at what you are & do you want to be something different? If there are goals or changes or a direction you'd collectively like to see the community go towards, then you look at those. You deal with roadways, utility potentials that might be used to serve those areas. What's happening around you has some impact on what you might want to do here. It's not highly volatile around the perimeter. Let's assume it was. You might need to do something to accommodate that. It starts with you deciding you want to do something different than what you are doing now. If there are needs along those lines, you take inventory of what you have & how you would get there."

Foley continues, "If there were a vision that all along 306, it would all be professional or commercial & that was a long range objective, then you need to study the impact of that & what it would take to serve that. Is 306 going to become wider than it currently is? What other utilities are needed to serve that? What other agencies would you be working with that brings those utilities? These things serve to set up a plan & give a road map."

Foley continues, "South Russell is unique in the sense that you really don't have a lot of places that you need to change or want to change. If there are goals, this is a tool to get you there. My estimation, you've done that within your zoning map. You're not looking to set aside areas for multi-family. You're not overly concerned about developing a commercial core. If you are, you need to seek road extensions to tie up with other state highways. You start looking at the infrastructure aspect that come to bear on it. Ultimately, you end with a plan after community input, that says this is where we want to be in 10 years."

Tripp, "There are other things though. It would provide a unifying theme on storm water Phase II & the Village property. There ought to be a plan, have consensus within the community that we agree what that land is going to be used for. People ought to know what it's going to be used for. We have to look at adopting a CP to get that unifying theme."

Foley, "It becomes a commitment. A CP is in essence a community commitment. It sets the ground rules for the judgments you want to make. If it's not in the CP, then you generally get a no from a PC to requests. It becomes a firm directive. You might not have the flexibility that you currently have."

O'Donnell, "How legally binding is the CP?" Dolan, "It's not a document that you rely on. It's simply a guideline. If you don't have something in there, that a developer is presenting & that you don't like, the argument for the developer could be that you didn't prohibit this. It is meaningless in the legal argument. They still have to meet your zoning. As a document, it's a guideline for the Village, for the residents, for the developers."

O'Donnell, "When Myers wanted to develop the land across the street, he referred to the absence of a CP as if we were at fault for not having one." Sutliff, "Our zoning made reference to a CP which never really existed. That was the problem."

Hocevar, "Would a CP strengthen our zoning?" Dolan, "Only in the sense, it provides explanation." Hocevar, "It would put back bone into our zoning." Dolan, "It puts backbone in your zoning because it educates those who enforce the zoning. I.e. the Building Department, ZBA, Planning Commission. It's a great learning experience in terms of learning about your community, the development of your community. If somebody comes & they meet the standards for a variance, why it should be outside the scope of the zoning, they're going to get it either through the zoning board or the courts. The CP sets a guide. It's not designed to take into consideration every use for every possible development." Hocevar, "Will it make the rezoning of a piece of property from an outside group, more difficult?" Dolan, "Rezoning? Yes because everybody here would understand not without a pressure of a decision we thought this land should develop this way."

Hocevar, "If you develop a CP for South Russell, we're not dealing with Cleveland or Solon. We need a plan that's developed just around this small Village of South Russell." Foley, "You don't have those features like railroads, roadways & for those reasons it won't be as complicated. When you get into one where you do have an economy of use, a lot of topographic features that may prohibit what kind of development. The one value in a CP is the process itself. If it does nothing, it allows input from a lot of segments from the community."

Brett, "It also gives the background of why specific zoning is in place. Russell Township did a very good job of explaining their characteristics & what makes them unique, why they have certain areas the way they have it. As time goes on, as new people come in, you need that road map." O'Donnell, "Is there document a defense of large lot zoning?" Brett hands the CP to O'Donnell. Brett, "I was impressed by how it very easily takes you through the process they went through; the background & why they do what they do."

Hocevar, "We think we only have the Muggleton property to worry about. People call me all the time & try to devise ways to do things with property in the Village. There is a continuation of people trying to connive different ways to do something with this Village. It's not just Muggleton. People are trying to shift lot parcels, put parcels together. On the east end of the Village, people are thinking about buying parcels, knocking down houses & put condos & houses up. It's the Village in general."

Brett, "I envision it as I'd throw it out tonight just as a heads up. I think it's an idea that's' good for us to evaluate. We then come back with a better understanding of what is it? What are we talking about? What resources would be required? At that point, we start to pull some people in & we do an RFQ appeal & select a planner. The time frame from that point is probably a year."

Foley, "I would think it would be a year. It takes time to go through the discussions. You'll have several work variations of plans. You'll have public meetings with residents where you are soliciting input. There's probably a requirement at the Township level for a public hearing. You're bringing different groups of people who may want to make presentations on certain aspects. You might bring in the County Health Department to deal with septic systems. What are you planning limitations? Where could sewers go? How would that impact?"

O'Donnell, "If you have public input sessions, are they only for the residents? Or can people from a building company come in?" Foley, "Sure. That might be a perspective you would want. Generally, it's the residents, the community business segment. If there's industry, it's those people. They have a vested interest in their future. You would want that opinion."

Sutliff asked Foley if he has worked with planner, Dave Hartt. Foley, "The deepest I got with him was when he was here about across the street. (Rob Myers's project) I was impressed with him." Sutliff, "Would it make sense to

have him come here & discuss this before we go through the RFQ process?" Foley, "I don't know Dave Hartt well, but one of the benefits is that he's dealt with other areas out here. He has a feel for the adjacent area." Sutliff, "I'd be kind of curious to hear what Dave Hartt has to say." Brett, "Dave Hartt is a planner for Orange, Hunting Valley, Pepper Pike. About two weeks ago, he gave a presentation to the Chagrin Valley Inner-governmental group about Comprehensive Planning, the Shemo case that hit Mayfield Heights." Foley, "You may want to talk to a County Planning Director." Tripp, "It might be cheaper to have the County Planning Director come in." Foley, "With the townships, we used the County Planner Department. That was part of their function."

DiMichele, "I'm still on the fence about this whole thing. Somebody like that Hart is giving us a sales pitch because he wants our business. I don't know how objective he's going to be. I'm basically a cheap person. What I'm hearing tonight sounds like a lovely document to have. But, I haven't heard any worth out of it yet; fun to do, interesting to do. In our current situation, I haven't heard anything that makes me say I want to spend $2,500. to $10,000. of my tax dollars to produce it." Tripp, "Until we get more background to justify the expenditure." DiMichele, "Yes." Tripp, "Unless you go through all of our minutes of all of our discussions when we redid our zoning, you won't know the rationale we used to decide. The Planning document would quantify in a written form. It's easy to see. It's in one book & not minutes from all over the place. It would also create a defense of what we decide as PC. If somebody wants a sky scraper next door, we'd be able to say no this is what we planned for." DiMichele, "Right now we can already say no you can't do that. Our zoning prohibits it." Tripp, "They can take us to court & we don't have quite as much documentation to back up what we really think."

Foley, "I would think you could get Dave Hartt to come here & give you an hour of his time." Sutliff, "He's familiar with our Village. I'd like to hear what he has to say." Foley, "If he thinks you don't need it, he'll tell you that."

Brett, "I'm still going through, what is it? How does it come together? What are the benefits? What are the catches? There can be some. If you don't do it right & there are holes in it, there could be some things that could be used against us. We have to be careful. My guess is that it's incredibly educational for the group that puts it together. My guess is that it's not fun to put together. It's the discovery of all sorts of things that we've not considered. I'm hearing, there is some interest. The next step is for us to do more reading. Anyone who wants to look at Russell Township's CP, it'll be here." Dolan suggest looking at Gates Mills CP if they have one. Hocevar will call Gates Mills & inquire whether it has a CP.

Hocevar, "Fifteen years ago I was on Chester Townships Board of Zoning. David Hart drew up a CP. The township spent $18,000. The township trustees, because of political problems, decided to turn it down. That's why you have the hodge-podge garbage you've got there today. He wanted to redesign, redistrict all the zoning for building – for residential, for tiered residential, for industrial, for tiered industrial. It was a great plan. The trustees threw it out. Every member on the Zoning Board quit."

Brett will contact Dave Hart .

OLD BUSINESS:

O'Donnell referred to the minutes of 1-15-04. David Ondrey was going to contact Mark Porter of Kensington Green regarding the discrepancy of 6'or 6" to bushog. Ondrey was to inform Porter that bushogging is 6". Also, Ondrey was going to find out if Kensington Green had modified its bi-laws to include the meadow management policy. Hocevar will talk to Ondrey about the two issues.

Riparian setbacks: Tripp, "Riparian is the area next to a stream or a river defined by the characteristic vegetation & geology. Riparian setback is the amount of distance that they are trying to get people to agree to there will be no building. 75' is recommended by The Chagrin River Watershed Partners." Hocevar has a copy of the new Riparian Setback Ordinance adopted by Bainbridge Township. Hocevar, "Between our engineer overseeing the sediment control & what we have in our subdivision regulations, I don't know if it's really an important issue for the Village."

Temporary Sign Ordinance: Hocevar reported that a Council member wants to revisit the temporary sign ordinance. Before the next PC, Hocevar will get copies from other communities of their temporary sign ordinances & provide a copy of South Russell's temporary sign ordinance to PC. Next PC meeting: review & discuss the ordinances.

ZBA: height of accessory structures, specifically barns. Hocevar reported that the two previous barns given variances were because of the size of the lot & the side yard setbacks they obtained from having such big lots. Hocevar, "The Village may not want to go through changing heights, have public hearings, Council approval & rezoning. Instead just give it to the ZBA to address each one individually as it has been doing." He doesn't expect many new horse barns to be built. Hocevar, "I think the ZBA can control the ones that will be built." O'Donnell didn't agree with the variances for the two barns on Bell St. O'Donnell, "I think they were way over the hill."

Sutliff, "You're allowed say a 1,500 square foot barn. How are you going to put a 15' barn up? It will look ridiculous." Hocevar, "You're not going to do it." Sutliff, "So, maybe we did overlook that in our zoning. I agree with you (to Hocevar). Rather than go through & rezone, the ZBA is capable of handling two or three more barns." Dolan asked the cost to file an application for a variance.

Hocevar, "$500. to file an application for a zoning variance. They (ZBA members) take a look at the overall picture, the acreage, the surroundings. The Spieth barn on Bell, you're talking about 11 acres of property. He could probably build a 5,000-6,000 square foot barn, which he did. How are you going to build a barn like that with a 15' ceiling? You're not going to do it. It's impossible." Sutliff, "You can't do it." Hocevar, "How are you going to put a horse in a 15' barn? It's hard unless you have miniature horses. I think that variance request was realistic."

O'Donnell referred to the last barn on Bell that was given variances. (Valencic's) Hocevar, "ZBA takes a lot of thought, puts a lot of consideration into neighbors opinions. In those cases, we had very little objections to those variances. With no objection, ZBA is going to be hard pressed not to give the variance." O'Donnell asked what the side yard setback for a barn is. Hocevar, "Twenty feet for a barn. If there are horses, 50' from the property line & you've got 500 square foot per acre." The Valencic's asked for a 35' side yard variance for the fence & were granted it. After the ZBA meeting, the adjoining property owner & the Valencic's came to an understanding about placement of the fence. O'Donnell, "The ZBA went from 50' to 15'. That is over the hill." Hocevar, "But, no objections." O'Donnell, "Because the landowner never got the notice." Hocevar, "So she says. But, she gets every other one." Tripp wonders if notices are sent certified mail. Hocevar, "Notification. That's all we have."

The next meeting is scheduled for April 15, 2004 at 7:30 P.M. Tripp will not be able to attend the meeting.

There was no further business. The meeting adjourned at 8:45 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

SOUTH RUSSELL VILLAGE PLANNING COMMISSION FORFEITURE HEARING
THURSDAY MARCH 18, 2004

HENMARC HOMES, INC.

1.**FINAL PLOT 1044-99 dated 3/23/99 @ $500.00**-177 Sorrelwood/Edwards
NON COMPLIANCE OF CORRECT FINAL AS BUILT SUBMITTAL BY HENMARC.

03/23/99: Notice of requirements sent.
11/08/00: Second notice.
11/22/00: Third notice.
11/05/01: Fourth notice.
02/28/02: Notice of forfeiture hearing for construction deposit by Council.
04/22/02: Construction deposit forfeited by Council.
05/28/02: Engineer approved Final As-Built, with notation that it had ***not*** been resubmitted as required, but grades are acceptable.
2/19/04: Notice of forfeiture hearing for final plat deposit by Planning Commission via certified mail.

2.**FINAL PLOT 1045-99 dated 3/23/99 @ $500.00**-180 Sorrelwood/Edwards
NON COMPLIANCE OF CORRECT FINAL AS BUILT SUBMITTAL BY HENMARC

12/19/00: Returned Final As-Built for corrections.
02/08/01: Reminder notice.
02/28/01: Reminder notice.
11/02/01: Reminder notice.
02/28/02: Notice of forfeiture hearing for construction deposit by Council.
04/22/02: Construction deposit forfeited by Council.
05/28/02: Engineer approved Final As-Built with notation that revised As-Built information was not received but grade information was acceptable.
02/19/04: Notice of forfeiture hearing for final plat deposit by Planning Commission via certified mail.

3. **FINAL PLOT 933-97 dated 4/23/97 @ $500.00**-175 Sorrelwood/Mazolla
NON COMPLIANCE OF CORRECT FINAL AS BUILT SUBMITTAL BY HENMARC

06/05/98: Letter to revise and resubmit Final As-Built.
07/06/98: Reminder notice.
07/24/98: Violation notice.
11/10/00: Final notice.
02/28/02: Notice of forfeiture hearing for construction deposit by Council.
04/22/02: Construction deposit forfeited by Council.
05/28/02: Engineer approved Final As-Built with notation that revised As-Built information was not received, but grade information was acceptable.
02/19/04: Notice of forfeiture hearing for final plat deposit by Planning Commission via certified mail.

NORTH AMERICAN HOMES, INC.

FINAL PLOT 959-97 dated 9/5/97 @$500.00-308 Fox Way/Tweedy
NON COMPLIANCE OF CORRECT FINAL AS BUILT SUBMITTAL BY NORTH AMERICAN HOMES, INC.

11/20/98: Received Final As-Built from North American Homes, Inc.
12/04/98: Returned for corrections to North American with letter to revise and resubmit.
08/22/01: Called General Contractor to revise and resubmit or forfeit deposit – said he would get Howard Selee to do it.
9/14/01: Building Department called Selee to do FAB.
3/06/02: Contractor called requesting copy of rejected FAB; mailed it 3/7/02.
3/26/02: Certified mail notice of forfeiture by Council returned unclaimed.
4/22/02: Construction deposit forfeited by Council.
5/28/02: Engineer approved Final As-Built with notations same as above.
2/19/04: Notice of forfeiture hearing for final plat deposit by Planning Commission via certified mail.

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 19, 2004

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 1446.06
Reason:	Failure to clear required submittals.
Depositor:	North American Homes, Inc. Robert Votruba 5222 Richmond Rd. Bedford Hts., Ohio 44146
Homeowner:	Kevin & Debra Tweedy
Location:	308 Fox Way
Deposit Type:	Final Plot
Deposit #:	959-97
Amount:	$500.00
Receipt:	9/5/97 #8567

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 19, 2004

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 1446.06
Reason:	Failure to clear required submittals.
Depositor:	Henmarc Homes, Inc. Marc Kaplovitz 9601 Weathervane Dr. Bainbridge, Ohio 44023
Homeowner:	Robert Cannon
Location:	175 Sorrelwood Lane
Deposit Type:	Final Plot
Deposit #:	933-97
Amount:	$500.00
Receipt:	4/23/97 #8360

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 19, 2004

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

RE:	Forfeiture of Final Plot Deposit Codified Ordinance Section 1446.06
Reason:	Failure to clear required submittals.
Depositor:	Henmarc Homes, Inc. Marc Kaplovitz 9601 Weathervane Dr. Bainbridge, Ohio 44023
Homeowner:	Ed & Sue Edwards
Location:	180 Sorrelwood Lane
Deposit Type:	Final Plot
Deposit #:	1045-99
Amount:	$500.00
Receipt:	3/23/99 #9563

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 19, 2004

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 1446.06
Reason:	Failure to clear required submittals.
Depositor:	Henmarc Homes, Inc. Marc Kaplovitz 9601 Weathervane Dr. Bainbridge, Ohio 44023
Homeowner:	David Mazolla
Location:	177 Sorrelwood Lane
Deposit Type:	Final Plot
Deposit #:	1044-99
Amount:	$500.00
Receipt:	3/23/99 #9562

Sincerely,

David T. Hocevar
Chief Building Official

DTH/dlk

3-18-04 PC.
from Brett

Comprehensive Plan Thoughts

What is a Comprehensive Plan? (How would you describe it?)

- A Comprehensive Plan is a that document which summarizes a community's current condition - traffic, land use, natural resources, etc. - and sets forth that community's collective vision for growth/development over some planning horizon, generally 20 years.

How would it benefit the Village?
- Most directly the Comp. Plan would benefit S. Russell by providing the background necessary to support your zoning. If your large lot sizes, for example, are challenged you are in a much better position to defend it if you have a plan developed by community consensus that lays out the rational for those lot sizes. In general terms, a comp plan benefits the Village by providing a road map. As opposed to Council and Planning Commission picking topics that happen to be "hot" or being pushed around by whatever force comes before you (I am not saying this is a problem for S. Russell), the Plan would provide something against which you can always check your activities. Are we doing what we laid out in our plan? If not, why not? Those types of questions, as I understand from reading the Chagrin Valley Times - you do some form of this through yearly Council planning sessions - yes? The Comp Plan would be an expansion of that. It would also provide a unifying theme among your various efforts such as storm water Phase II, the cemetery issue, planning for Village properties, ect.

Who would put it together? (Who from the village?, who from outside the village?)

- Generally communities hire a planner to assist with a Comp Plan because it is a significant drafting exercise. Our experience has been with DB Hartt and Northstar - both good however, you may have to push a little to get beyond the normal. If you are interested, we can discuss specific firms in more detail. As FYI - between CRWP, SWCD and the storm water work CT is doing, much of the background data for planning is already available for the Village.

How would it come together? (what is the process?)

- The general process is that S. Russell puts out an Request for Proposals detailing what you want from a planner, they respond, you interview a few and select a firm. After that the firm guides the Village through a planning process. Each firm will have their own approach to this but generally there is a review of current conditions, some "visioning" and some recommendations. It may have a citizen committee component or be done by Council/planning commission. Some good folks to talk to are Dave Lipstrue, City of Aurora Planner and Greg Studen, Russell Township.

How long would you forecast the process to put it together?

- Ca. 6 months, can be shorter, can be longer. once a consultant has been selected. We can help you draft the RFP and select a firm.

What would you expect the costs of putting a comprehensive plan together to be?

Both Dave and Greg can let you know how much their plans costs.

Who would oversee the Comprehensive Plan as time goes on?

Given the size of S. Russell I would think that the Mayor and Planning Commission would have that responsibility. You want a document that is internalized by the members of Village government and has some excitement about it.

Any other thoughts you might have?

I strongly recommend that S. Russell consider a comp plan if nothing else than to have a solid foundation upon which to defend your zoning. Others, including your law director, may have thoughts on this but over and over we see challenges to zoning that is not based on a comp plan.

Kyle, let me know if these are the right questions and your thoughts.-

The questions seem right on. As you move forward, you may want to send the same questions to prospective firms for their response as well. Dave Dietrich may also be able to help.

Let me know if we can provide any other information. Kyle

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Comprehensive Planning

CDFS-1269-99

Land Use Series

John B. Conglose
Community Economic Development Agent
Huron County
Ohio State University Extension

Introduction

An old saying amongst those in the planning profession is that if you fail to plan, in reality what you are doing is planning to fail. Communities are always facing this dilemma. If the community you work, play, and live in does not have a plan for its future, what ultimately may happen is that the community will fail to adapt to change. The community will fail to take advantage of opportunities.

The concept of comprehensive planning is very much related to the economic prosperity of communities. A comprehensive plan can be used as a tool to plan for the future growth or decline of a local community. Most importantly, it can be used as a tool to address the constant change and evolution of a community. Comprehensive plans are sometimes referred to as land-use plans, because in many cases they are dealing with issues related to the appropriate uses of land. In many cases, comprehensive plans are prepared to address compatibility issues between various uses of land, management and preservation of natural resources, identification and preservation of historically significant lands and structures, and adequate planning for infrastructure needs. In other instances, comprehensive plans are utilized to address issues related to schools, recreation, and housing.

History of Comprehensive Planning

The issue of comprehensive planning in the United States has been addressed since the birth of the country. The original Williamsburg was one of the first highly successful products of an attempt to create a land-use plan in the colonies. In 1699, Williamsburg was laid out under the most detailed piece of town-planning legislation adopted in the English Colonies up to that point. Williamsburg reflected what is referred to as "axial planning," which means that it is formal, yet not pompous.[1] Many consider the modern phase of American City Planning dated to the Columbian Exposition of 1893. The modern era of planning for growth and development began, however, in 1900, when, at an annual meeting of the American Institute of Architects in Washington, D.C., several papers were presented dealing with the beautification of government buildings in the capital. This resulted in the appointment of a committee responsible for the work of preparing a plan for the District of

Columbia's park system. A final plan for the District Park System was completed in 1901. The impression left from this final plan was shared with many cities and villages throughout the country. Public improvement groups in these communities were created and became devoted to applying a new gospel of planning in communities. This early concept of this process was referred to as the "City Beautiful Movement." This movement established two aspects of the local comprehensive planning process that are still in use today -- the professional consultant in the field of comprehensive land-use planning and the planning commission, many of which are in existence in communities all across the country. The City Beautiful Movement was the beginning of what is more commonly referred to today as "Comprehensive Planning." [2]

What Is a Comprehensive Plan?

Comprehensive planning is an attempt to establish guidelines for the future growth of a community. The term comprehensive means exactly what it says. It should be a comprehensive or all-inclusive approach at addressing the issue of the future growth of a community. A comprehensive plan is the document that is the final product from the efforts of this process. The document is official in nature, meaning that some form of local government should adopt it into local law. The document should then be used as a policy guide to decisions about the development of the community.

According to William I. Goodman, a well-known author on the subject of comprehensive planning, the key principle in the concept of the comprehensive plan is that it is an instrument to be used by those leaders in a community who establish the policies and make the decisions regarding physical development. According to Goodman, there are six basic requirements which the plan document should fulfill:

1. The plan should be comprehensive.
2. The plan should be long-range.
3. The plan should be general.
4. The plan should focus on physical development.
5. The plan should relate physical design proposals to community goals and social and economic policies.
6. The plan should be first a policy instrument, and only second a technical instrument.[3]

Goodman goes on to say that there are six basic requirements to the procedure for creating a comprehensive plan:

1. There should be only one official comprehensive plan.
2. The plan should be formally adopted by the legislative body.
3. There should be a lengthy period of public debate prior to adoption.
4. The plan should be available and understandable to the public.
5. The plan should be formulated so as to capitalize on its educational potential.[4]

What Is Included Within a Comprehensive Plan?

The elements of a comprehensive plan can vary from community to community. In most cases though, the plan consists of a study of existing conditions and a discussion of future trends, goals, and objectives. Land-use patterns, housing conditions, population, roadways, and other infrastructure are usually the principle elements that are studied.

In some cases, educational facilities along with recreation and other government facilities are reviewed. Social service facilities can also be discussed. Comprehensive plans deal with the land-use related issues relevant to each of these topics.

The Comprehensive Planning Process

A comprehensive plan should be a vision of what a community is to be in the future. The process of developing this plan should be a community-wide effort. All interest groups should have a part in determining what this vision should be. Goals and objectives should be developed along with a time frame for implementation. The contents of a comprehensive plan can vary from community to community but in most cases, it should consist of the following elements: land use -- both existing and future; demographics -- existing and projected; housing; infrastructure; education; recreation; and thoroughfares. The first phase of the process consists of collecting all available data on these topics. A citizens participation process should also be developed. After analyzing all existing data and taking input from the citizenry into consideration, goals and objectives can then be developed.

Getting Organized

any work begins on the comprehensive plan, a leader should be appointed to coordinate this project. A committee ld also be appointed to provide direction to the person or persons held responsible for developing the plan. A popular nario is to have the county commissioners or village (city) council appoint the committee and assign the task of leading ne process to an administrative department head or consultant.

Data Collection

One of the first steps in the comprehensive planning process is to collect data on existing conditions. The data that is to be collected should relate to each of the elements that will make up the plan. For example, obtaining existing zoning maps or existing land-use maps that have been developed in the past can be a starting point for reviewing current land-use information. If this information is not available, then a survey of the existing uses of land may have to be conducted. A classification system must then be developed that identifies the various types of land use that are in existence. Typically, existing land uses can be identified as falling into three major categories – residential, commercial, or industrial. Additional categories can include recreation/open space, agricultural, and government. You can then break down each of the three or more categories into other classifications within each category. For example, you can have multi-family (meaning more than one unit) and single family as two classifications within the residential land-use category. The industrial land-use category can be divided into heavy industrial classifications or light industrial classifications. Each parcel of land within the community should be classified and identified on a map with a specific classification.

If housing is an element of the comprehensive plan, data must also be collected regarding existing housing in the community. Information pertaining to conditions, age, number of units, whether or not each unit has adequate plumbing and kitchen facilities, whether the unit is owner- or renter-occupied could be relevant information. Most of this data could be obtained from available U.S. Census Bureau information. This is also true for collecting data related to the demographics of the community population. However, a more detailed house- by-house survey may also be desired.

If a study of transportation is going to be part of the comprehensive plan, then a review of the existing roadway system in the community can be conducted. This can be initiated by reviewing existing maps of the community. As part of the transportation element, a review of current transportation services can also be included.

Various types of data collection can be used, depending upon what elements are to be included in the comprehensive plan. It is important to remember that most information is readily available through a number of sources.

Analyzing Data

Once all of the data has been collected, the next step in the comprehensive planning process is to analyze the data. The coordinator and committee should take time to study data that has been collected in each of the various categories. The data should be analyzed for trends or other types of significant points. Upon thorough review and analysis, the next step in the process is to come up with goals and objectives.

Goal Setting

The comprehensive plan should conclude with a set of recommendations established by the committee. The recommendations should be in the form of goals and objectives. The objectives should consist of strategies to address each of the goals that have been established.

Citizen Participation

Throughout the entire comprehensive planning process, citizen input should be obtained.

After all, the comprehensive plan is a document for the community. The citizens of the community should have a say as to what their community should be like in the future. There are a number of ways to obtain citizen input. A series of open forums or public meetings is a good way to obtain public comment. News releases explaining what is being worked on and inviting written comments are other ways to obtain input from the public. Many communities include a citizen survey as part of the comprehensive planning process and incorporate the results into the body of the plan. Citizen input helps to determine the goals and objectives of the plan.

Conclusion

In 1972 President Nixon appointed a Citizen's Advisory Committee on Environmental Quality. This committee established a task force to study land use and urban growth. The task force consisted of prominent people at the time, including Lawrence S. Rockefeller from the famous Rockefeller family and Mayor Pete Wilson from the city of San Diego, California. Other appointees were experts on various subjects from the academic, legal, banking, land development, and conservation communities. A nine-month study was funded by a grant from the Rockefeller Brothers Fund. A final report was published entitled *The Use of Land: A Citizen's Policy Guide to Urban Growth.* A major conclusion of this study and ensuing report was that land is a basic resource on which human activity ultimately depends. Planning its wise use is considered to be the best tool to aid citizens to guide growth toward achieving economic benefits and protecting environmental quality.[5] This conclusion is still true 27 years later. Comprehensive planning is a tool that citizens can use to achieve this goal.

Where to Get More Information About Comprehensive Land-Use Planning

American Planning Association, 122 South Michigan Avenue Suite 1600, Chicago, IL 60603, 312-431-9100, fax 312-431-9985. www.planning.org.

Ohio Planning Conference, 129 South Third Street Suite 510, Columbus, OH 43215-7100, 614-221-4349.

Ohio State University Extension, Community Development, 700 Ackerman Road Suite 235, Columbus, OH 43202-1578, 614-292-8436. http://www-comdev.ag.ohio-state.edu/.

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The Practice of Local Government Planning. 2nd. Ed. 1988. Frank S. So and Judith Getzels, Eds. Chicago, Ill. International City/County Management Association.

The Small Town Planning Handbook. 2nd. Ed. 1995. Thomas L. Daniels, John W. Keller, and Mark B. Lapping. Chicago, Ill. American Planning Association Press.

[1] William I. Goodman, Ed., and Eric C. Fruend, Assoc. Ed. *Principles and Practices of Urban Planning.* Chicago, Ill. International City Managers Association. 1968. p. 1.

[2] Ibid.

[3] Ibid.

[4] Ibid.

[5] Citizens Advisory Committee on Environmental Quality. *How Will America Grow? A Citizen Guide to Land-Use Planning.* Washington, D.C. April 1976.

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

PLANNING COMMISSION
WORK SESSION: COMPREHENSIVE PLAN
MAY 3, 2004
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Matt Brett, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

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

GUESTS:
David Hartt, Planner of D.B. Hartt, Inc. 1382 West Ninth St., Suite 420, Cleveland, Ohio 44113 (216) 696-0400
Brian R. Morrison, Council member, 20 Woodside

Chairman Sutliff called the work session to order at 7:34P.M. No minutes to review & approve. Tonight's agenda: Learn about & discuss Comprehensive Plan. What is it? How important is it for South Russell? What is the process to develop a CP? The cost?

David Hartt worked as a planner & consultant in Cleveland for 10 years. In 1979 he opened D.B. Hartt, Planning & Development Consultants. He works with communities to help formulate Comprehensive Plans, do zoning work - either write the regulations, devise the regulations or serve as community planner to review plans that are submitted by the private sector- evaluate their compliance. And he does neighborhood commercial revitalization studies. He also works with the private sector to help them to develop a piece of land & secure the necessary approvals. About 2/3 of his work is public & 1/3 is private.

Hartt met the Mayor at the Chagrin Valley intergovernmental meeting where he made a presentation. The thrust of the presentation was about the Shemo case of Mayfield Heights & how it affects communities as to how to go about planning & zoning. Hartt, "The quick answer is not much, except be careful." That case is still subject to financial settlement.

Hartt, "Simply stated, a Comprehensive Plan is a community's policy guide. It can have where it wants to be & how it wants to get there. The deficiencies in achieving those objectives are mid-course corrections that you need to go through to get where you want to be. It can be simple, a land use & zoning document primarily. Or it can be truly a CP that gets into facilities, capital improvement programs, storm water management & all kinds of things that go beyond this. It is the basic policy framework for land use & zoning."

Hartt, "It's basically the policy guide that a community has set forth that says, here's where we want to go & here's how we're going to get there. Here are the reasons why we are not in sync with where we want to go. It changes no laws. It doesn't change any property rights that the property owner has. It is used by a community to make decisions. Depending upon how elaborate or comprehensive the plan is, it's helping you guide zoning decisions, land use decisions, development decisions. Or it's helping you guide capital improvement programming, new facilities planning or administrative action depending on how complex & large the community is. Those administrative actions are probably not applicable in South Russell. One example would be, if you want economic development so you need an economic development coordinator because you want to promote that type of development."

Hartt, "I liken the plan to if you are preparing architectural drawings. It's the concept drawings. It's the basic blueprint to provide guidance to develop the contract documents. A Comprehensive Plan, the contract document, is the zoning regulations for one or the contract documents are your capital improvement programming. Or the contract documents are facility planning for a new city hall, rec. center & tennis courts. As you move from the CP to the contract documents or changing the zoning, things could shift. The CP is a guide. As you get into detailed evaluations, you may discover some things & decide you don't want to implement it exactly as it was outlined in the CP because you have found with the detailed investigation that there are some flaws or something that you don't like. It's a guide, but it's not so rigid that it doesn't allow you to make some departures."

Hartt, "You don't have to have a CP. There is no obligation in Ohio to have a CP. The township law is that if you have a rationally created zoning map that is your CP. I assume, to a certain degree, that same policy applies to cities & villages. Many communities don't have a CP. The communities with a simpler land use pattern that is fairly well established probably are less likely to have a CP. Communities with more complex land use patterns may have a CP. It's not related to size. There are some small communities that have them. There are some small communities that don't. There are some large communities that have them. There are some large communities that don't. Even totally built communities – more & more – are developing CP because as they get older, they are getting a little nervous. Whether it's the older homes or the older commercial areas, they are nervous about the ability of those facilities to remain competitive in the market place. This is true especially in Northeast Ohio where we continue to build & build & build. The size of the market place doesn't really increase all that much. It's pretty flat. We continue to have more supply & we start to worry about what's going to happen with the older stuff. It's not just for certain communities. It can be for basically any community."

Hartt, "I know you're sorting out whether you need a CP. I'm not here to do a hard sell & tell you you've got to have it. One of the things that has promoted communities to give more thought about Comprehensive Plans is the Shemo case. It did not change the latitude or the discretion or the criteria that a community uses to make zoning decisions. You still have the same public purpose & the economic use of the property; the two prongs for determining whether zoning is reasonable. What it did say is, 'Don't screw around.' If somebody has zoning that is unconstitutional & they bring it to your attention, don't just sit there & say, 'No' & throw it to the courts. That clearly is an irrational decision. You know darn well the zoning wasn't appropriate. What Shemo has said, 'You are going to pay. If the property is unreasonably zoned & it's pointed out to you, if you hassle us & continue to act unreasonably, we're going to come after you for the damages caused by the delay once we brought it to your attention.'"

Shemo background: Hartt, "Wolf, Goldfarb & Shemo were the agents for the property owner in Mayfield Heights. The property behind Best Buys - where Costco is located- is the property involved in the Shemo case. Originally this property was zoned single family. It is a triangular shaped piece of property abutting 271 & north of the Mayfield Road commercial area. I was a witness for Mayfield Heights, a losing cause. The triangular parcel was protruding north of the commercial area into the residential area. It was about 25 acres, zoned single family. It was the same density as the single family homes to the west of the property. The property owner initially asked for apartments. They went right to court. They didn't try to go through the legislative process, saying, 'We knew it was futile.' The trial was in 1994. In court, they said that the single-family zoning was unconstitutional. The city rezoned it to a townhouse district. I had thought that was a reasonable classification for the property. Mid stream, the applicant switched gears & didn't want to build townhouses. They changed their complaint & asked for commercial zoning. It went to the Supreme Court of Ohio a couple of times. During the process, the property owner asked for the dedication of the old streets. I think that was the straw that broke the camel's back. The city said, 'No. We're going to deny the dedication of the streets.' That was sticking it to the court. The court said, 'You have overly hassled us. You haven't been reasonable. You lost on the merits of the zoning issue whether it should be commercial or stay residential. You continued to hassle us all the way. Now we are going to make you pay from the time the court ruled it was commercial to the time you finally got off your (? missed the word) & built on the property.' That's about an eight-year period. Now they are in court to determine the cost value in that eight year time period. The range is up to 8 to 10 million dollars."

Sutliff, "How would the existence of a CP helped Mayfield Heights?" Hartt, "We don't know because we don't know if the community was going to act rational or still try to stick it to the property owner & play hard ball." Sutliff, "If there had been a CP, would the results be the same?" Hartt, "I can't tell you." Tripp, reading from, Presentation to the Village of South Russell, 5-3-04 "Pp. 6 Mayfield Heights, Mayfield Village; you've helped them prepare a CP. So, they have a plan?" Hartt, "Mayfield Height's CP is still going through the process of adoption. They did not have it in 1993. The plan that was in effect in 1993 goes back to 1976." Sutliff, "Was that a CP or was that zoning?" Hartt, "That was a CP." O'Donnell, "Was Best Buys & the Baymont Inn part of this?" Hart, "They were already up, commercially zoned."

Hartt, "This is not a precedent setting land use decision. If you had the same facts & tried it in another court at a different time, with a different judge & different attorneys, I think the city could have won. I don't think this says anything about changing the location criteria for residential, changing the location criteria for commercial or how we lay out our land use pattern. I think this is a strange one from the land use decision. What the precedent setting is though - be careful. Not only do you loose the land use issue, you loose the financial. It hasn't changed the structure or the discretion. It just says when somebody points out to you that there may be some unconstitutional lands or a property owner wants to change the zoning, you have to evaluate it more speedily, more responsibly & not be so cavalier & say, 'No. We don't want to change.'"

Hartt, "There are- I'm not saying this applies to South Russell- lots from unconstitutionally zoned land in the region. There was still a lot in Mayfield Heights. They have one- acre zoning that remains surrounded by other stuff. It doesn't make sense to hold the line on one-acre zoning when it's surrounded by offices, commercial, apartments & those things. The one-acre zoning is the odd one out. It doesn't make sense to adhere to it any longer. There are older industrial areas in the region that aren't suitable for industry anymore. They were zoned for industrial purposes in the 1940's & 1950's when zoning was first created. The community said we want our tax base. They put industrial in the best location at the time. But, the road patterns have changed dramatically. The use of railroads has changed dramatically. We've got poorly zoned industrial land around this region that's not suitable for industrial purposes anymore. If you try to say, you're not going to allow that to go back to residential because you don't want the kids, the schools, you've got a problem."

Hartt, "Shemo is not saying, you've got to zone all that land now to make it constitutional. It's saying, when someone points it out to you, be prepared to make the adjustment. Listen to their case. Agree there are changing land use patterns. Something that had been reasonably zoned 20 years ago, even five years ago, might not be reasonable now."

Ondrey, "The Shemo case started in Cuyahoga County at the Court of Common Pleas & went up through the Court of Appeals to The Ohio Supreme Court. I agree with David (Hartt). The real problem was that it went to The Ohio Supreme Court. That affirmed the appellate court's decision that the property was not zoned properly with instructions to the city to rezone it in a fashion that would make it useable. The problem was that the city of Mayfield Heights, for another 4-5 years, dragged it out with silliness about dedication of streets, and took a lot of steps to continue to thwart this proposed development. I think that is what The Supreme Court ultimately reacted to. You cannot treat developers like this. You cannot drag it out this long. You have to act a lot faster."

Sutliff, "If they would have had a CP, how would this have changed the situation?" Hartt, "It may not have. If I were doing the plan for Mayfield Heights, I would have left that residential. The difference is the stars were aligned with this particular judge, attorneys to loose this original land use decision. One of the things that was against us, the express lanes were under construction. You could see the impacts. The impacts were coming out of the dump trucks, the back hoes & the steam shovels of all this additional traffic."

Hartt, "Shemo is saying, there are two ways for communities to get around Shemo. One is create a CP & identify those sites yourself that aren't constitutionally zoned & be prepared to do something about it. Secondly, wait for a property owner to point it out to you. Act responsibly & don't do what Mayfield Heights did by dilly dallying & wash your hands of it."

Hartt, "You don't have to do a CP. But, a CP helps you identify those places where you are at risk." Hartt showed two Comprehensive Plans: one for Mantua & one for Willoughby Hills. Hartt, "Willoughby Hills' was finished in 2003. Willoughby Hills has a history of Comprehensive Plans. This is the fourth one they've done since the 1970's. They wanted this plan to be done because they were tired of going to court. They wanted a basis to identify those sites that were zoned & couldn't expect those properties to be developed reasonably under the current zoning."

Ondrey, "A CP gives a community one more reason to attempt to explain what the zoning is. If it makes no economic sense, it doesn't necessarily save the zoning. It gives the community an argument to make. If you don't have any long range vision for a town, that's where I think it can come back to hurt a community that doesn't have one."

Sutliff, "How often do Comprehensive Plans change?" Hartt, "We've just completed the update of three plans. One was five years old. One was seven years old & the other was about seven years old. We did not do the whole thing over again. We are working through a process with the Planning Commission & preparing an addendum to the plans. The addendum is a matrix of the policies in the existing plan & a reassessment, an audit, by the Planning Commission to ask are these policies still valid? Or are they valid with conditions? If there are

conditions, then we put into the comment section of the matrix, what the conditions are. We've suggested that communities adopt that. Updated Comprehensive Plans is the old plan plus the matrix which is a lot more simple."

Sutliff, "What happens on that update? Does that involve zoning changes?" Hartt, "When you complete the CP- I'm talking about more complicated communities like Willoughby Hills – we identified several changes: text changes, map changes. The CP was adopted. None of the zoning changes have been made. Some of the recommendations in the CP may be changed as a result of that update. Typically, you don't implement all the recommendations in the CP. It doesn't happen because you've decided you don't want it, political resistance to it, community resistance. Some communities will implement ½ of the loaf & some communities will implement one slice because it's too difficult to get there. It varies. Usually, there's a disconnect between what the plan says & the zoning limitations."

Sutliff, "What takes precedence? What happens if the CP visualizes something that's not in the zoning code & it's not consistent with the zoning code? For example, take property here on 306. If the CP said the B-2 district ought to go 500 yards to the south & yet our zoning maintains R-2 zoning." Hartt, "Nothing. You say we didn't change the zoning. But, a property owner comes in & says, we want this property to be zoned B-2 & the CP says it ought to be zoned B-2. I would like to flip that around & say, the CP says it ought to be cluster housing. The property owner says we want to expand the B-2. You say, 'No. We've gone through a process. We evaluated the options. We went through this learning process. We think the cluster housing meets the community's objectives & still gives you reasonable developing rights to the property.' Now you're using it to your advantage & saying no. No offices. No retail. We've gone through this process. We're acknowledging that the whatever acre zoning is unreasonable on that property. But, we've set the parameter of what we'll accept as a reasonable fabrication. There may be several reasonable classifications. All you do is choose one of them."

Tripp refers to the objectives in the Mantua CP. Tripp, "You also have implementation strategies where you go through & recommend zoning text amendments & map changes. You have a procedure that a community can follow to develop a public consensus that can have the effect hopefully, to minimize in the future, potential issues of the Shemo case." O'Donnell, "The 271 corridor has housing on each side of that. The courts choose to ignore that?" Hartt, "I pointed out all that in my testimony."

Brett, "In this process, we are evaluating, what is this? How would it benefit South Russell? If we were to take on this task, what would we do about it? We're very early in this whole process."

O'Donnell, "Why would a CP have made a difference in this (Shemo) situation?" DiMichele, "He said it wouldn't have. They had a CP." Tripp, "This may be an anomaly relative to comprehensive planning because of the plaintiffs, the attorneys & the way Mayfield Heights treated the people. If it had been a different situation, maybe the CP would have created the rationale & this thing wouldn't have gone forward." Hart, "That's a very valid point. They had the plan & if they weren't trying to play catch up, always trying to stay up with the developer & the attorneys…"

Tripp, "Basically, a CP could be a proactive audit of your capacities of the land use. You find where you have these islands of potential illegal zoning & you proactively develop a plan so that if a developer wants to put a 10-story building on the corner…" Hartt, "It's also related to some quality issues that don't affect the basic zoning map pattern. For instance, South Russell wants to preserve its rural ness. What is that? Some people say one-acre zoning is rural. Some say, one-acre is very rural. Let's go beyond what the zoning is & ask, what are those characteristics that we really want? Are we achieving them? Are there some better ways to achieve these? One is, what would happen if someone wanted to redevelop the commercial at the corner? Would you like the outcome? Does it have the qualities i.e. landscape, setbacks, mounding & character of the building, right use mixes in the zoning district & things like that? You can get to the detail aspect of quality control as well as land use issues."

Hartt, "Willoughby Hills was dealing with the Lohman Plaza area. How do we make that area competitive? Can we make it more of a community center? So, it has less parking in front. Perhaps we allow more intensity of development to help it achieve investment rather than less. They were looking at quality of development in those areas that were already zoned commercial, shifting the usage somewhat, looking at a step down as you get closer to the residential properties, looking at heights. Those are all planning issues that are a basis for changing the zoning. If you have quality one-acre zoning & somebody puts in a 4,000 square foot garage in their backyard, is that the same rural quality that South Russell is looking for?" O'Donnell, "Could you call those spots endangered?" Hartt, "I don't know. The plan is looking at outcomes. What could happen if nothing changes & will we like it?"

Hartt, "The process: First, doing a CP, it's not the consultants plan. You have choices. Our job is to tell you the implications of the alternatives you are considering, how to get there & tell you the jeopardy of trying to get there. The choices that you may have south of the commercial; do you want it commercial, offices, cluster, keep it the way it is? One of them may be unreasonable. Three may be acceptable. We sort through the alternatives with you. Some communities, like Willoughby Hills & Mantua, we suggest a creation of a broad base citizens committee to deliberately represent the diverse cross section of

community interests. All the possible community perspectives are represented in the process. You don't have to be that elaborate in South Russell. You may, yourselves, come up with a preliminary blue print. I don't think there's going to be a lot of choice areas in South Russell. There's going to be few. I think the plan here is to record what you know you want, what you have & identify any areas at risk. You might do a plan that's developed in draft form by the Planning Commission then you air it to the public. You can get through faster that way."

Sutliff, "Does Village Council adopt the CP?" Hartt, "My understanding is that it becomes a official document of the community when it's approved by the Planning Commission & can be approved by Council, which gives it more standing." Ondrey, "I've never looked at how to adopt a CP. I would bow to David (Hartt). I can certainly check that." Hartt, "It's not an ordinance. It's an approved policy guide."

Brett, "What's the benefit to the Village? If we were to move forward, what are the steps? Timing? Price? Involvement? Process?" Hartt, "The benefit is you doing your assessment, your audit & figuring out that you want to be more than what you are now. Figure out the qualities that are getting you there & figure out the qualities that you don't like that already exist. Figure out where you want to go & what the issues are that are preventing you from getting there. Here's where you are. Here's where you want to be. There's a gap. What do you need to do to close that gap?"

Hart, "If tax base is an issue, you do things to shift from a residential to a nonresidential tax base. You want to look at the outcome if nothing changes. What is the capacity for development? It may not be much different than what it is now. Look at the land. Look at the zoning. Look at it in terms of redevelopment if something happens to the commercial or residential. Are people using their residential properties to the extent that they can? If not, would you like it, if they do?"

Hartt, "Brecksville is very concerned about the action of properties because people aren't using the envelope they are entitled to. But, we like it because the houses are smaller than they are permitted to be. All of a sudden, people are building to the allowable limits. Pepper Pike has the same problem. We don't like the allowable limits anymore. The character issues, the scale of the buildings, have dramatically changed. That is the assessment stage. What do you want to be? Where do you want to be? What are the issues? What happens if you don't make mid-course corrections? Would you be closer to achieving your objectives? Or would you be farther away? Look at it – worse case. That's the basic methodology of figuring out what the policies are & strategies are to get to where you want to go. If you do it with the Planning Commission or with a broad base citizen participation process, we like to say the process won't last more than 8-10 months. In South Russell, you could cut it down to half that & get a document that is suitable for adoption."

Cost: Tripp, "You have to establish the scope, objectives, time line of the work." Hartt, "And the citizens review process. Willoughby Hills was $45,000. Chagrin Falls Township wants to record their policies, holding things in place. They want to have the rationale to accept things just the way they are. They are spending $4,500."

Sutliff, "Is there a downside to having a CP?" Hartt, "The downside is that you make a statement & latter you don't mean it. If you say, you should expand the B-2 & the policy says that, if you don't mean it, than you'd better be careful. You've said something that can be used against you. Communities are better off with it than the risk associated without.

DiMichele, "Before I joined the commission, I know they spent lots of time redoing the zoning. It sounds like the Planning Commission did what he (Hartt) is describing." Ondrey, "It was much more of a text review than the big picture."

O'Donnell, "You struck a chord with me when you said somebody could come in like the Shemo's with a valid challenge to the zoning. That can happen on the corner here (Bell & 306)." Tripp, "The way the CP is outlined provides the Village with options & alternatives. They are outlined already. In Mantua, it talked about a transitional plan that showed existing zoning relative to farm & how it could be transitioned if that farm were developed first. And if a residential area, next door, were defined, it showed three kinds of permeations."

Tripp, "So, people do view this as an audit really. Audits are used to find shortcomings, address them, establish corrective action & go forward. Looking at it every 5-7 years is continuous improvement. That shows good faith if somebody goes to court. We had a program. We've continually worked to improve & be aware of what's transforming. The audit is a good term for a community like South Russell. You know there's not going to be major shifts in our land use patterns. We're trying to record & rationalize the basic patterns & find flaws in your ability to maintain it. That's why the audit works."

Tripp, "In Rootstown, I'd never call it an audit. They were addressing fundamental issues whether they wanted to provide for increased economic development opportunities. The answer is yes. If they designated land for industrial use, they are going to have to find some locations that will be least disruptive which, they did as part of the plan. That was a fundamental shift from land use."

Tripp, "Audit is a good term for South Russell. If you engage in the process, you'd be wrestling with, what is rural? What are the characteristics? Is it just lot size? If we have one-acre lots, we're home free & we've achieved our objectives. Is there more to it?" Brett, "Every year for several years, Council has done a strategic planning session. One of the things is the review of the mission statement. Council spent a fair amount of time discussing it. One thing was the Village should maintain its rural character. What does that mean? It's not just

that we have one-acre lots. Also, there is not a lot of traffic, some green space & a feeling that it's open. It's a feeling. That's more than just zoning."

Brett, "I think this is a tough issue & there's a couple reasons for it. There's a lot of unknown to this. It's an intangible. Zoning is black & white. Even as we describe the plan itself, there's a sense of, what is it? How do we get there? What's the benefit? It's one of those things that isn't coming right at us. If someone acquired a large chunk of property & wanted to challenge our zoning, that's something coming at us. This is one that, if we don't move on it today, it's not a big deal- could be tomorrow. Reasons to do it: I think it's a map to the future. It says what the Planning Commission is looking forward on. Our zoning code is very good. I don't think we have holes in it. This gives us direction for the future. It documents the past. It gives definition to why we have the zoning code that's in place. What's the history/rationale behind it? It's proactive. That's the Shemo stuff coming through. It's a learning experience. The way I learn more about the Village is getting involved with issues. This is a big one for the Planning Commission, for department heads for Council to continue to learn about the Village."

Brett, "The challenges: Cost, but we're not there yet. Lack of need- I'm not sure if we know one way or the other. It could position us into something we don't want. As we review where we're at with our zoning & this CP, we could discover we need to make change. It may be a change that we didn't want. We shouldn't run from that. We should face that. At some point, somebody's going to point that stuff out to us. This is a big investment time wise from this board, department heads, the planner and our solicitor. It feels like there's a big payoff."

O'Donnell to Hartt, "You represented Mr. Meyer when he was trying to change our zoning. Why did you think you could challenge us on that? What did we not have in place? What should we have done to prevent the challenge?" Hartt, "That site was disadvantaged compared to other sites to be used for similar purposes like the one-acre lot size & get reasonable yield use of the property. That was the question. I did make an argument that the property wasn't marketable for one-acre lots given its location criteria compared to other sites in the area. I would also say, it probably didn't have to go to office zoning to secure that property. That gets into planning options. Mr. Meyer wanted office zoning. So, I went to bat for the office zoning. To cure the problem, you could probably have gone to high density residential. Orientate the limits away from the commercial & the street & still give reasonable yield to the property. There are a lot of cases where single-family zoning can't be marketed & sold & cluster housing – at quite the higher density- can. That's because the market place uses the surrounding environment very differently when you live in a cluster home or a townhouse than you do if you live in a single family home. The demographics of the buyer are different & the expectations when you buy in those projects are

different than when you buy a single- family lot with the swing set & the tree house. You can build more housing i.e. townhouses, in a distressed area than for single family's. But, you can build single family homes."

Hart, "Cedar Road in Pepper Pike, there was one-acre zoning. The area is impacted by office development in Mayfield Heights, townhouses on the north side & widening of Cedar Road. Rather than waiting for a property owner to ask for offices on the south side of Cedar, the city rezoned it to townhouses. That's the reasonable cure. We don't have to go to the higher request. Let's be proactive & do it."

Tripp, "It's not only an audit, but it's also being proactive to allow the Village to confirm our mission statement for the maintenance of our rural appearance. Behind every mission statement, what's the rationale? The CP provides that rationale."

Sutliff, "How can you get more specific on the cost?" Hartt, "The key variable is what kind of process would it be? Whether it would be the Planning Commission through a series of meetings or whether it would be a larger citizens group, there's a fixed cost. Educating knowledge of community & background information is required if you dealt with a large citizens committee rather than you folks."

Ondrey, "South Russell's Council has made passing comments about this. They know you're reviewing the issue. In general, the communities that we have represented at the firm, nobody had a CP at the time we represented them. Middlefield Village now does. We're no longer there."

Ondrey, "It's clear that many communities can get away without them. In the decision to have one or not, the better focus is on are you going to get something out of the process as opposed to worrying about are you able to defend zoning challenges in the future? It's not the final definitive answer on that. It's an arrow in the quiver, which we didn't have in the Meyer's case. It was brought to the attention of the Zoning Board that we didn't have the ability to say your CP calls for single family residential in this area."

Ondrey, "I'm hearing a great benefit in just a review of the rationale. This is a relatively simple Village with very little pressure for additional development because you're so built out already. You've got just a couple parcels remaining at issue & a couple small commercial issues. You ought to be interested that Chagrin Falls Township is looking at it from the standpoint of let's find a way to utilize the zoning to preserve what we have. We like it & we don't want to see substantial changes. Having an expert review, if that makes sense, whether you're being realistic in certain areas on active parcels, that's a beneficial long range effect for you."

Tripp, "There may be different land use: the starter home, the big family home, the empty nester home & how people progress through a community. What group should be there? In South Russell, there are a few plots left to be developed, one substantial (Muggleton). It may sell someday & then we may end up with a new casting director & the zoning might get challenged." O'Donnell, With the progression of homes & then cemetery." Tripp, "It is kind of important. People who live in the community wish to be buried in the community. It needs to be looked at. Who wrote this Q&A?" Brett, "Kyle Dreyfuss-Wells of the Chagrin Watershed Partners."

Sutliff to Hartt, "If you could provide us with a ballpark on two things? What do you think the range is? What is the best process for us? From there Planning Commission needs to indicate to Council that it wants to take this task on. Council would need to approve funds to do it." Hartt," Price: you can leave it up to others to determine what the price should be or you can dictate the price yourself. In this situation, it might be better to say here's what we want to spend. Come up with a proposal for that amount of money. Then we're forced into carving out a process that's within your budget. You can decide if you like the process or not. It might mean attending this meeting on May 3 & you wrestle with some issues & we come back in July. The variation & the cost depend on our participation in the process." Brett, "Not only would there be a cost for a planner, we need to take into consideration our engineer's time, our solicitor's time. We need to be aware of all of this."

O'Donnell, "Would the process be, your firm assigns one of the people identified in the back of the book? Would we be working with & through the expertise of these people?" Hartt, "On that list, you'd be getting Kristin Hopkins or Jeanette Corlett."

Brett, "Are we going through the right process? Do you have any recommendations?" Hartt, "I think you ought to do it as a in house development of the document. When you have issues you want to take to the community, you do so rather than have a broad base process. You'll get there faster. Because it's simple patterns & there is going to be relatively little change, you'd get a lot farther faster if you keep it."

O'Donnell, "Is it legal to start that we want to continue to exist forever as a Village?" Hartt, "Sure. I don't see why not." O'Donnell, "Everything would follow from there that we plan accordingly?" Hartt, "Yes. We're updating a CP for Orange. One of the principles in an earlier plan & it still is, that we made sure it doesn't go above 5,000 people."

Hartt showed his drawings, left copies of Comprehensive Plans for Willoughby Hills & Mantua & left. A copy of Russell Township's CP is at South Russell's Village Hall also.

Foley, "I've been through a number of Comprehensive Plans. The emphasis in most of those cases has been to carve out where one would want industrial/commercial development. The economy of land use was far more dominating an issue than it may be here. Things here are fairly built out. The process will clearly be different here. My history with these, the pressure is to try & develop a means to an end where there is a considerable amount of developable land. How do you want that done? How can you achieve that not only with zoning, investment in the infrastructure & roads? It was much more complicated. Even with our township one, there is a great differential of land use from north to south. It was really important to define where we could see economic development to support other things we wanted to accomplish."

Foley, "That's not the objective here. You've got some commercial, but your planning is behind you. The character is not a function of what else occurs. You've got the ability to fine-tune it. I liked what he (Hartt) said. I never thought about it quite like that. When we talked before, I said I was not sure if there's a need for it. Interestingly, he talked about Willoughby Hills. We do some work for Willoughby Hills. The other side of that dynamic, there's a massive project to bring sewers to that community. Prior to planning that, he went through to set the stage for the impact of this next capital investment that they are making. They needed to have the road map in order to properly undertake a project of that magnitude. One thing leads to another."

Hocevar, "I agree with Ned. To get a CP to preserve the corner across the street is the wrong idea. I think you have to look at the complete picture."

The next meeting is May 20, 04 at 7:30 P.M. Agenda: temporary sign ordinance & how it compares to surrounding communities, Mr. Buddenhaggen is coming to present a plan for his property on 306.

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

SUMMARY OF THE PLANNING COMMISSION
JUNE 2, 2004
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, Tripp, DiMichele**

2. MINUTES: 3-18-04 & 5-3-04 **amended & approved**

3. GUESTS:

   INFORMAL DISCUSSION WITH MR. BUDDENHAGEN OF 5185 CHILLICOTHE ROAD REGARDING A PROPOSAL TO BUILD TOWNHOUSES ON HIS PROPERTY
   16 units on 3.71 acres. Zoned: commercial & residential. No action

   REVIEW SOUTH RUSSELL'S TEMPORARY SIGN ORDINANCE & COMPARE IT TO NEIGHBORING COMMUNITIES
   Ondrey will prepare a proposal for amendments to the Zoning ordinances relative to temporary signage

   CONTINUE TO DISCUSS COMPREHENSIVE PLAN

4. OLD BUSINESS:
   Kensington Green; not mowing according to plan. Hocevar talked to HOA president, Mark Porter. He sent a letter today to mow it within five days or the Village will & bill Kensington Green.

5. NEW BUSINESS: NEXT MEETING: **June 24, 04 at 7:30 P.M. if Ondrey has a draft ready pertaining to temporary signs. Will also continue to discuss CP & Dunning/Buddenhagen proposal**
   -Cutting down of lilacs on 306: a safety issue & too over grown to transplant

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
JUNE 2, 2004
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Matt Brett, Ike Tripp, Janice DiMichele

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

ABSENT: Kathleen O'Donnell

GUESTS:
Ann Dunning, Architect, 62 Morningside Dr.
E.T. Moroney, 1412 Bell Rd.
Bob & Donna Buddenhagen, 5185 Chillicothe Rd.

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes from 3-18-04 & 5-3-04 were amended & approved.

Informal discussion with Mr. Buddenhagen of 5185 Chillicothe Road regarding a proposal to build townhouses on his property

Architect, Ann Dunning spoke for the Buddenhagen's & explained the project. She introduced Bob & Donna Buddenhagen & Bud Moroney, a resident, who may be interested in buying a unit. The Buddenhagen's own 3.71 acres on Chillicothe, just north of Bell Road. There is a house & barn currently on the property. They've lived there 35 years. Part of the property is zoned commercial & part is residential. The proposal is for 16 units – cluster housing. Dunning, "It's a really great idea for South Russell. More than that, it's doable." Bruce Thomas, a developer, is involved with the project, but not available to attend the meeting tonight.

Dunning had boards showing the architecture & what it would look like with mature trees. Dunning, "We have turned water well logs from four homes on Chillicothe into Dave (Hocevar) for review. They are all very very good. That's one of the first concerns in a development like this. What's the water going to be? The well logs indicate they are getting 20-30 gallons per minute. When I talked to Mr. Eckstein in April, he indicated that a development like this would require, per house, 200 gallons per day. When you multiply this out, it seems like a possibility. Certainly, he would be consulted as to exactly how we would get the water & what the system would be."

Dunning, "I've looked at the zoning code & I can't find anything that relates the way I think it should relate. I think we need to write something, add something or do something. We want to be part of that, but I think that's your major responsibility to guide us through that."

Dunning, "One of the things that makes a decision as to how many units we have is, what are they going to cost? We have Manor Brook & other high-class developments in the community. We also feel that there are people who want to sell their property & have a place here. Or you could have your mother near you. I've done six mothers-in-law, fathers-in-law suites in the past year. We are concerned. Where do our older people go? How many units we do & what it cost is all tied together."

Dunning, "I have 16 units. As an architect, I can see probably there's too many & I also see that my units are getting a little bigger than they need to be. The sizes we're working with now are 2,000 square feet. Bell Tower condominiums are 3,000 – 3,500 square feet per unit. We're talking about a footprint including a garage at 2,000 square feet & maybe some space upstairs; 600-700 square feet on the second floor. We're trying to stay down to a smaller size not a luxury type unit."

Dunning, "Neighborhood impact: I've been involved in housing forever & have 2,500 units of multiple housing all over the country. So, I'm not a new comer on this. One of the planning issues is what is the buffer zone between commercial & residential? This is an ideal type of development for this property that's a little commercial & a little residential. It can be made to look extremely residential. It buys up that land –whatever the commercial development - between the two properties that are commercial on the corner & the house that is on the north side of Bob (Buddenhagen). The neighborhood impact would be very good for you. We're looking at 32 cars a day or twice a day. We were looking at a business having 40 cars. It could have been 40 cars an hour the way that was set up. It's really reducing the traffic & use of that area."

Dunning, "We need to be concerned how they look, how they fit into the neighborhood & if they are truly accepted as part of South Russell. We shouldn't feel like we are having outsiders come in to throw up these units just because it is a commercial venture. It should be something we as a group could work on & manage. One of the things we see across the country is a Dell Web type of development that takes over the community. They tell you what it is you are going to do for them. You think you can withstand all that & it's possible, but they are pretty formidable. They are in Streetsboro & Strongsville. It wouldn't be impossible to say this is a great market. This is a great place for housing. There would be a lot of pushing & shoving. Hopefully, you will look on us more favorably because we live here & we want to live here."

Sutliff referred to boards labeled, "Existing Conditions". There are two parcels. Buddenhagen, "The one parcel my house sits on is 1.52 acres. The rest, 2.19 acres, is residential." The entire piece is 3.71 acres; total area is 644 feet. From Buddenhagen's house back to Mr. Martien's line (1229 Bell Rd.) is 402 feet & is zoned B-2.

Ondrey defines informal discussion. "It's designed as a chance for a perspective developer, homeowner to discuss & find out your (PC) reactions to their proposal. There is no voting. It's a chance to have a discussion & get feedback."

Sutliff to Hocevar, "There must be 1000 questions i.e. density to our minimum square footage for a single family home." Hocevar, "I don't know if you want to rezone this piece of property or go for variances or set up a cluster type development." Ondrey, "They understand under current zoning, none of this is possible. Therefore, they are looking for a reaction. If you think this type of development is attractive & appropriate for South Russell then they want to work with you to potentially change the zoning." Dunning, "Absolutely." Ondrey, "They can always make a formal request to rezone. You could have a public hearing. You could vote on it. It would go to Council after your action. I sense they are looking to not force a decision yet. They want to find out, do you like it? Don't you like it? What would you want to change?" Dunning, "Absolutely. That's the way Bob & I started. We talked to Bruce about it. We have no reason to go to court & fight you to the death to get this done. We all want to work & make this a South Russell project."

Ondrey, "I have not analyzed this. Whether or not any of this is doable the way they proposed it or is this going to take the creation of a new zoning district that we don't have, or we rezone it to one of our other existing zones - multi-family of some sort - I don't know."

Tripp, "When we look at the zoning map, the three properties: the corner property, the Kidd property next door & Buddenhagen property, are they all within Business, B-3?" Ondrey, "B-2, but only approximately ½ of that southern most lot." DiMichele, "Is there any intent to bring the Kidd property into this?" Dunning, "We thought it would be better to stand on our own & make this presentation. If other people at some point in time decide to join in with us that would be considered. But, that's not our responsibility."

Sutliff, "Earlier in the week I added 1.52 acres & 3.71 & got 5.23. My initial reaction was how are we possibly going to fit 16 units on five acres. Now I see we only have 3.71 acres." Dunning, "Can I show you something on these boards? Let's start with the densest. This is a little over three acres. There are 25 units. Manor Brook is one unit per acre. Across from Chagrin Pet & Garden is 10 units per acre. I propose the first 100 feet would be trees & a road back. From there on, would be houses. Four units per acre is a very small number of units when you're planning more than one per acre." Dunning showed a photo of a

house she worked on in Chagrin Falls. Dunning, "It's a tight site. The house is 2,300 square feet. I want you to get a picture in your mind." Sutliff, "Does that include the second floor?" Dunning, "Yes." Sutliff, So these houses would be ½ that size." Dunning, "No. They'd be 2,000 square feet on the first floor & 500-600 square feet on the second floor. We'd have a two car garage."

Tripp, "I'm looking at the map that shows all 16 units. I'm wondering where the storm water containment system is." Dunning, "The engineer hasn't looked at this yet. No engineering has been done. Even the placement on this map, according to the topo, indicates we have fairly good land back there for this. There are huge trees. A couple of them are dead. We have to save some of those. The next step would be to get into the engineering & check out the storm drainage."

Brett, "The total square footage per unit is what?" Dunning, "The footprint is 2,000 square feet & on the second floor we might get 600-650, depending on how we develop it. Or we may not develop a second floor." Brett, "16 units at 2,000 square feet, 32,000 square feet. You would need to add in the second floor for lot coverage. The road area is 26,000, which brings you to 35% lot coverage. You have the allowable lot coverage as 36%. Is there any reason for 36 instead 35?" Dunning, "No." Brett, "It should be 35%." Dunning, "Those are the limitations. If we have to go with 2,000 square feet; is this a unit that is buildable & livable?"

DiMichele, "Our existing multi-family, what's the density that we allow?" Hocevar, "Still the same. 35% lot coverage." Tripp, "So we just do it on lot coverage rather than unit per acre?" Hocevar, "They are both an issue. There's a lot of issues: minimum square footage of the dwelling, density, lot coverage, private road, public road, different setbacks than what we have in any other development." Tripp, "They're showing a 100' setback from the road." Hocevar, "You're loosing the common area. I don't know if there are any variances that wouldn't be needed unless this was rezoned. If they submitted this, they'd have to jump through every issue in our zoning."

Sutliff, "If we didn't cram these in here, what would be a realistic number of units? Certainly less than 16 units speaking for myself." Dunning, "I would say down to 14. It depends when it's laid out where the common area is & I maintain the 30' setback the entire way around. It would be green area. In some communities, that's livable. I think there's a give & take. We might be down to 12 units. Certainly, when we get down to 1 & 2 houses back there, we go through some of the same pain of getting the zoning arranged or variances & things for only two houses. That's Bob's other choice to sell the lot into parcels of 1, 2 & 3 & develop three houses. It certainly doesn't maximize his potential. The front end is business & backing that to residential development is a consideration."

Brett, "It's an interesting application for the property. The thought of over four units per acre certainly is a concern to me. That seems like a big number. I'd be concerned about the water, drainage & traffic. You mentioned 40 cars if it were a business. This would be less. But, traffic being not that far from Bell is a concern. There are some real challenges to it. It doesn't mean that I'm against the concept. At 16 units, I probably would be." Dunning, "I came up with that & never changed it. I left it at that to see what happens. I think you're also used to projects that have the final engineering. This is the basic beginning of an idea. They are not detailed in any shape or form. In my experience, it's a doable project." Brett, "Conceptually, as far as an idea goes, I think it's interesting. It has challenges & some are substantial: the water, drainage & traffic. And setting a precedent, this would be a pretty big shift in the Village."

DiMichele, "Would there be any chance that the people on 306 would want to sell off the back of their lots & still have enough to maintain the regulations?" Hocevar, "It's zoned one acre. Some of the houses have 1 ½ acres, 1.6." DiMichele, "So they couldn't sell the back." Sutliff, "They could." Dunning, "It would be hard to get setbacks. We could talk to the people on the corner & the next house." DiMichele, "I think it's going to be isolated & an eyesore there. If we are going to do this, I'm looking at, let's do it bigger & take that next house."

Tripp, "If you look at unit type one duplex, it shows an optional second floor with 650 square feet. It shows an attic over the garage, a bedroom, office & bath. That's 650 square feet?" Dunning, "Uh-huh." Tripp, "The garage is 440 square feet, the first floor, 1560 square feet. When you add all that up, it's 2,650 square feet, not including the basement." Dunning, "Right. Again, my calculations are on the footprint." Tripp to Mr. Moroney, "You've seen unit one. This is something you would consider living in?" Moroney, "This is the first time I've seen any part of this. I'd have to do a lot of thinking & looking before…" Sutliff, "If you took the porch on unit 8, what's the distance between the porch on unit 8 & the porch on unit 9?" Dunning, "One inch equals 20'. So, this is about 30'." Sutliff, "Thirty feet away." Dunning, "Units 8 & 9 are 40' away."

Sutliff to Ondrey, "Take us one more time through rezoning." Ondrey, "A property owner can make a formal request. They make a $1,000. deposit. They would propose what they actually want for the zoning with the dimensions, name. Or they may take one of our current zones & ask you to rezone this R such & such. The PC can initiate a rezoning effort & likewise Council can initiate it. Whoever initiates it, once it's formally underway, then the PC has the option to hold a public hearing on the question. Ultimately, whether you have a public hearing or not, there is a vote. If it's approved, it goes to Council where Council has the ability to modify or reject it or approve it. They have to have a public hearing." Sutliff, "PC isn't obligated to have a public hearing, but Council is."

Ondrey, "Yes. You don't have to initiate anything. Then it's up to the property owner whether they want to push it further or not. Because of the higher density than what you have anywhere else in the village, I think the concept here is try & create lower costs, smaller units that you may or may not think is beneficial to your population here for older folks who are looking for something or starter families. As I hear Ann, I think that's what they think is attractive about the concept." Dunning, "Uh-huh."

Tripp, "Do we have any zoning that comes close to this?" Hocevar, "Not when you take out the common area. No. No matter where we stood, common area & one- acre density. Kensington Green, Manor Brook, it's all common area. That would be the big difference. If you took the density away, it fits somewhere into what you've got at Emerald Lakes." Tripp, "It's only close to Emerald Lakes II without the common ground." Hocevar, "Right. They still have one- acre density in Emerald Lakes II. It might be ½ acre common area, each home." Tripp, "If you're doing a per square foot calculation, what would they normally have in green space in this 3.71 acres?" Hocevar, "Green space? 65%. Lot coverage, 35%".

Ondrey to Hocevar, "What would the common area requirement be for instance in the Emerald Lakes area?" Hocevar, "One acre per dwelling. They may take ¼ acre, build a house on it, but they still have ¾ of an acre in common area." DiMichele, "Even with that kind of zoning, this property would only support three houses." Hocevar, "Correct."

Dunning, "You have the boards. Think about it. Anytime you want to talk with us we're more than willing to come back again. The fact that we have not gotten any business organization as to how we're going to put this together, how we're going to build the units, we're trying to keep Bob's money in his pocket before he has to go much further. We need at least a positive before we can...." DiMichele, "If you stick to the 16 units, what kind of price range are you looking at?" Dunning, "We'd like to be between $200,000 & $300,000. The units in Chagrin (Bell Tower) are going for $350,000-$400,000." Sutliff, "I don't think they sold any." Dunning, "They sold two. I'm on the Architectural Board in Chagrin Falls & we've gotten a big rap for how bad that development looks. The big rap should be to the Planning & Zoning Board because they determine how many units per acre should be on that piece of property. I'm very sensitive to what you're saying. You need to think about it & I need to think about it." Sutliff, "The zoning board determined there should be that many units there? I find that hard to believe. Who pushed for that density? The developer?" Dunning, "I'm sure it's the developer. But, the zoning board fed the density." Sutliff, "That's what I'm concerned about here." Dunning, "I am to. I don't doubt that at all."

Tripp, "You have not given any consideration as to whether this will be a condo board or how this will be set up in terms of units, the common area?"

Dunning, "We've talked about the individual pieces of property. It could be condominiums. There are a number of examples that we certainly could use. Bruce has the most experience. That's one of the next steps we'd be getting into."

Brett, "For lot coverage, we take into account the total square footage." Hocevar, "First floor & second floor, not the basement." Dunning, "I know that. But, on the other hand, that is what I was trying to see. Is this feasible? In fact, if that's what we need to go back to, that's what we'll go back to."

Sutliff asked Foley what his concerns are. Foley, "Drainage, which is obviously a great (?). And as you get into the site, you're going to deal with things like visitor parking, emergency access & lighting." Sutliff, "There's sanitary sewer on 306. What is the capacity of McFarland? Would Geauga County give you 16 connections?" Foley, "At this point, I would assume they would. We're getting ready for opening bids on expanding McFarland. I would think there's capacity there. I don't think that's an issue. I'm not quite sure of elevation & whether there's a drop on this property. I don't think plant capacity is an issue. As you lay out the site, things that jump out at me are: what are you going to need in terms of area to serve issues like access, storage & refuse? Obviously, I don't know if you're facing the need for an emergency access."

Tripp, "Has there been any assessment of the surrounding neighbors as to this type of development?" Dunning, "Have we asked any of them? No." DiMichele, "I wouldn't want to be the one to tell the colonial on 306 that they're going to be surrounded by condos." Dunning, "I think you have to look at it more positive than that. I like trees & I would certainly not want it to look like it was overpowering that piece of property."

Sutliff, "It's an interesting concept. I think there's a need for something like this in the Village. It's just too dense." Tripp, "It's just too dense. I have concern about the neighbors. What are they going to feel & other people who live here in South Russell? Look at the plan & all the issues that go with it."

Sutliff to Dunning, "Give us a chance to think about it & you think about it & perhaps in a month or so, we can reconvene. Maybe we can come up with…" Dunning, "I don't think we're in a position to do engineering on it yet. I'm disappointed that Bruce isn't here because he'd have some of the answers because of his experience with the properties he's developed. He's a conscientious developer & South Russell knows that. He won't be involved with it long if we don't do it right."

Brett, "If this were to come together, what would the time line be?" Dunning, "A year for plans & engineering. Maybe start fall 2005. That's pretty aggressive. If we talk about the zoning issues, if we start now & start to understand, I would think by the end of the year, we would have some sort of real direction as to what we have to do with the zoning."

Sutliff to Moroney, "Bud, you've been on Council. You've sat on this board. What's your reaction?" Moroney, "I agree with you. The density would be a big problem & the neighbors."

Review South Russell' temporary sign ordinance & compare it to neighboring communities

Sutliff, "What's brought this about? Is there a problem?" Brett, "Councilman, Jack Binder's concerns are: the application procedure, time limits or the lack of time limits, size restrictions, the type of signs, placement & location restrictions, nature of sign i.e. real estate vs. grand opening, temporary signs limited to business district & the limit of the number of signs in one area at a time. What's driving this for Jack is that he has a business on East Washington Street. From time to time, a fair amount of signs pop up. He brought it up at Council & directed it to PC."

Tripp, "One of his issues is temporary signs. Look at the handout. Pp. 54, B-1, B-2, Business District, point (e). Temporary Signs. This specifically delineates the temporary signs in the business district. There's further delineation on Pp. 46, #4. Additionally, Pp. 60, point (e) under I1 district is another issue pertaining to temporary signs." Tripp, "Included on Pp. 46, #4 is a caveat that the Zoning Inspector can step in on the whole issue of temporary signs."

Brett to Hocevar, "Can you explain the packet we received?" Hocevar, "We're trying to compare South Russell with Chagrin Falls & Bainbridge with regards to the Temporary Sign Ordinance. If you take Charter One, (1194 Bell Rd.) they can put a temporary banner up. Come & get a permit for 60 days. Take it down the next day, come right back in, get a permit again & hang it for another 60 days. They are doing it right now. They have the same banner there for years & years & years." Sutliff, "They are getting a permit every 60 days?" Hocevar, "They know because there is no regulation to how long they can keep them up."

Brett to Hocevar, "The three pages of your packet labeled, Pp. 54, Pp.46 & Pp.60 is South Russell. Chagrin Falls temporary sign ordinance is labeled, 1143.13 & is two pages long. Bainbridge is the last page of your packet." Hocevar, "Right."

Tripp did a comparison of the three communities ordinances. Tripp, "Bainbridge, point #5 deals with a very specific announcement. Basically, what it says is you could put up a banner to announce it. You get 37 days. You can't come in & get a new permit & put it up again." Hocevar, "Right." Brett, "I think that is one of the things Jack Binder's bringing up. The issue that David (Hocevar) presented is that a business can put up a temporary banner. In essence, it's up there & it's going to stay there as long as they take out a permit."

DiMichele, "Pp. 54 (e) Temporary Signs, South Russell. It says there, banners shall not be permitted. (Ord. 2001-19) So, none of them should have banners, no matter what." Hocevar, "In the case of East Washington Street, or any other ones, they don't consider them banners. They consider them temporary signs. The ones on East Washington are like real estate signs. They are 2'X 2', 2'X 3', 2' X 4' signs. Two for one burger today." DiMichele, "Charter One, those are banners." Hocevar, "That's actually a temporary sign." DiMichele, "What would a banner be?" Hocevar, "A banner, when I started here, was considered those glittery things, the type with flags."

Tripp, "Dr. Schmahl has had one out here on this little house (5203 Chillicothe Rd.) for how long? Does she get a permit every 60 days?" Hocevar, "She hasn't. No. The point is, she would. They will. You tell them that, they will continue to do it. I'm not saying I'm for or against putting time limitations on it. But, you have to look at the Village as an overall picture & say is this something I want to see on this building for the next 12 months?"

Sutliff to Hocevar, "You mentioned 2'X2' signs." Hocevar, "They are popping up all over East Washington." Sutliff, "Do they need a permit? Is that a temporary sign?" Hocevar, "They do. They come in our office & get a permit. At the end of 60 days, we write them a letter to take the sign down. They come right back to the office & get another permit." Tripp, "How much is a permit?" Hocevar, "Down on East Washington Street, $25." DiMichele, "Maybe we should raise the price & encourage the signs."

Sutliff to Ondrey, "You know the intent here & that's not our intent. You ought to be able to come up with some language by the next meeting so we can review it with the idea of changing it." Ondrey, "If I come up with that kind of language, I'm concerned they could monkey with it still. If I say, you can't repeat some sign you just had, they may make minor alterations. I'm wondering if you want, a business cannot have more that one or two temporary signs in a 12 month period? So, David (Hocevar) has the ability to say, 'You've exceeded it.' They have to think through, how important is this to me because I'm only going to be allowed to do this once or twice a year." Tripp, "Make the price such that they really do think about it before they do it." Ondrey, "That's up to you guys. Whatever is charged has to have some reasonable basis. Could you raise it? Yes. If the only abuse is not about size, not about colors, but they are constantly being rotated, I think we can cure that relatively easily."

Ondrey, "I ask you, how often do you think a business ought to be allowed a temporary sign in the course of a year?" Brett, "We don't want to limit business. That's not the intention. What we don't want to do is have a temporary sign that turns into a permanent sign." Sutliff, "Like this one across the street. (Charter One)." Brett, "That's a good example. The reason for that, it just doesn't look good."

Hocevar, "Another thing you want to consider on East Washington is the industrial parkway. You've got Gottschalk owning the front entrance to that. (200 Industrial Parkway) He will gladly give all his tenants the use of that for temporary signs. He's got a lot of buildings back there, small storage places & the lawn mower shop. J& B Moore puts a sign up. D.W Bootlegger puts a sign up. I think that's where Jack Binder is seeing the signs. There's got to be a way to control the signs from 50 businesses on a 50'X200' strip at his entranceway. We take them down all the time down there. It's something you want to keep in mind. If we are going to limit it to one business, you're still going to have a whole bunch of signs there."

Brett to Hocevar, "Do you think we have any issue with the 20% of display window area? Do the people who put up signs now, do they fit into it?" Hocevar, "Yes, basically. We still go by temporary signs in window signs at 20%. You go by the total square feet of your building frontage. If you want to get technical, you go with the building frontage. There's a provision in the code, Mr. Lechman's Building, (1188 Bell Rd.) he's got entrances from our main street & from that parking lot. You can take a portion of that building on the side – it's not so much frontage – which increases that dramatically. That's a whole different issue. That's not something that's abused. But, that's a unique situation with the way that building is designed."

DiMichele, "I consider that a banner. And I consider the ones at Charter One banners." Brett, "Would it make sense for us to clarify what a banner is?" Ondrey, "Yes. Definitely. We can do that." Hocevar, "There might be an easy way to do that by eliminating a rope held display. Something, they'd have to have a frame around, something they couldn't hang from ropes." Tripp, "You want to have a sale. You don't want to spend a fortune on a frame. Then you are creating hardship & we don't want to do that. If you look at Bainbridge, they are allowed to do openings & institutional events & display the sign for 37 days. It's got to be removed 7 days after it. And they can't get a permits to add up year after year. That should take care of the whole thing. As for these 2'X2' signs, I don't know what to do with those except go down & take them away." Brett, "Do we address those?" Hocevar, "We don't because we consider them temporary signs. We call & tell them come & get a permit. They do. Actually, it's a function they are trying to promote." Brett, "Like the farmer's market. We put out two of those little signs."

Ondrey, "We now have a little bit of a drift as to what Jack Binder's complaints are & some of David's observations. Do you want to restrict the number of them? Do you want to restrict that they can't put substantially the same sign up over & over?" Hocevar to Ondrey, "I think you had the right idea when you said, the time limit on the signs & do something with the banners.

It's 30 days & it's not more than three times annually or whatever the number is we might decide on. You can do it & within certain parameters. The sign Dr. Schmahl has, that's got to be bigger than 20% of the window area." Sutliff, "Do they still come in & get a permit?" Hocevar, "I don't believe so Wally." Sutliff, "You should have them take that down." Hocevar, "Usually, it's upon complaints. No one ever complained until I heard it tonight." Tripp, "Consider a complaint has been registered." Hocevar, "Signs do not exceed 20% of the display window area…" Sutliff, "Take Sal's Place. Only 20% of his window can be covered?" Hocevar, "That's correct. That's another issue. We can push it. The man is screaming for business. You're right. That comes under it. Not only Sal's, go right down to Augie's & all the rest of them."

Brett, "We are trying to limit signs without restricting business." DiMichele, "Should part of this include consequences if they are up longer & not removed at the end of 30 days? Like $10. a day?" Ondrey, "Sure. We can impose those kinds of provisions. The real problem is enforcement. It is expensive for the Village to take them to court. Most municipal judges & magistrates are slow to impose fines even when they know somebody's abusing it." DiMichele, "What kind of leverage do we have so people understand we mean at the end of 30 days?" Ondrey, "I guarantee we already have a penalty provision in there. They are subject to a certain penalty per day while the violation goes on. It's difficult to enforce."

Brett, "In regard to yard signs, that fits into the 20%?" Hocevar, "No. Pp. 53. Section 5.06 Sign Regulations (B-1) (B-2) (B-3), Building frontage determines maximum sign area. Window signs are a different thing. If Sal wanted to put up a two for one hot dog deal in his window, you could say no more than 20%." Brett, "If Sal wanted a yard sign…" Hocevar, "No. He's done because of the signage there. They are maxed out on their signage." Sutliff, "He could come in & get a temporary sign permit." Hocevar, "Not if it exceeds the square footage of what they've got on the buildings over there."

Sutliff, "When we calculate temporary signs, we still take into consideration that formula?" Hocevar, "Yes. What else do we go by?" Sutliff, "The free checking sign is within the sign formula? They've got to be maxed out." Hocevar, "They're maxed out." Sutliff, "Without the banner." Hocevar, "No. They've got some room left." Tripp, "If you look at their actual sign, it's smaller than most of the signs around." Tomaro, "They've got two signs. They've got a yard sign & a building sign plus two banners." Hocevar, "Is the intention, if you exceed your square footage allowable, then you're not allowed to put a temporary sign at all?" Sutliff, "That's the question I'm asking you. Is that the way you've been interpreting it?" Hocevar, "That's the way we usually do it. You take Lechman's building, he's got enough frontage to put that temporary sign where it is at now & leave it & get permits & permits & permits. He can leave it up." Sutliff, "Under the new ordinance, or tweaking this, we can solve that

problem of him coming back every 30 days to get the permit." Hocevar, "Correct." Sutliff, "I'm speaking now of the free checking signs." Hocevar, "The free checking got orders to take them down. We sent them a letter. We're done with them." Sutliff, "It seems to me between their permanent signs & temporary signs, that exceeds what they are allowed to have." Hocevar, "Let's take that building. What do you think it is? 70 square feet of frontage? Maybe between 50 & 70 square feet of sign area."

Ondrey, "Is what you want, that folks can have temporary signs even if maxed out on their signage limitations so long as they don't exceed the 20% window in the one district & as long as we solve this keep it up all the time issue? I thought that's how it worked. You calculate their wall sign & stay within dimensions according to our code. Then, if somebody comes in & says, I want a temporary sign, I assumed that meant they were now exceeding…" Hocevar, "Yes. You're right. If you wanted to limit it to allowable square footage, the only one allowed to do it would be Lechman." Sutliff, "When you get a temporary sign, it's over & above what the allowable calculation is."
Ondrey will prepare options for the temporary sign ordinance by the July meeting.

Continue to discuss Comprehensive Plan

Brett has not talked to David Hartt. He has talked informally to members of Council about a CP. Brett, "I think the idea is compelling to them." Sutliff, "Do we request a proposal from David Hartt? Brett, "I thought that David Hartt's last comment that the Village has an option to put this out & say that you want this project done at X dollars is a compelling idea. That seems to fit a lot of the different applications we are looking at. I see a value. I'm not sure of the exact number, somewhere between $5,000 & $10,000. I would be interested in moving forward & putting together the parameters of what we're looking for. If we want to move forward, the steps would be to define what we're talking about then go to Council, ask them to approve us at a dollar amount that would not exceed $10,000."

Sutliff, "My only thought is going to David Hartt & asking for a proposal, I believe you get what you pay for. If we say, don't spend any more than $8,000 & to do a decent job is a $15,000 job, we're going to get a half baked $8,000 job." Tripp, "Mr. Hartt did say, give us a price & we will tell you what we can do. He can also say & for this amount, I will do this, this & this. To me looking at community size & what others have spent, I think $10,000 for South Russell isn't enough for what he can potentially do for us. I think we won't get what South Russell truly needs for only $10,000." Sutliff, "I don't know that. But, I'd like David Hartt to tell us that. If we send him a request for a proposal & see what it is."

Tripp, "We can't send an RFQ out & say we want to spend $10,000." Sutliff, "No. We say we want you to draw up a CP. How much? If he says, it's $18,000 & we say we only want you to spend $8,000, we're wasting the money." Ondrey, "I think you could – to David Hartt & two or three other planners with reputations – say South Russell has established a budget of X amount of dollars. For that amount, please tell us what you would accomplish to enable us to enact a CP. I think what he was saying was depending on the cost that you are willing to pay, would help him determine the extent of any public meetings he'd be willing to attend & to monitor. You might get a hungry planner to say here's what I'm going to do for $10,000. It's going to be twice as comprehensive as what David Hartt would suggest."

DiMichele, "Wasn't Chagrin Township doing it for $4,500 & was given a plan to keep things the same?" Brett, "That is different. They had already done a lot of work within the township." Tripp, "Plus, the township only has 50 families." Foley, "I think what he was proposing in that comment; to what extent is the PC willing to invest time? How much do you want to do collectively that he can guide you? If you were willing to put more hours in to do some of the leg work, some of the thinking, what he would do is keep everyone on track i.e. you can't do that, don't go in that direction."

Brett, "Taking the cost out for a second, is this something PC wants to tackle?" DiMichele, "I'm the hesitant one. But, I know everyone wants to. I'm still cheap. I'm having a tough time with it." Sutliff, "I'm not completely convinced yet that we have to spend the money."

Tripp, "My opinion is that the crux of this process is the development of a CP that will act as an audit of what we have in place. You all are familiar with your businesses. You get an annual audit of your business every year to ensure you made money or lost money. I think any good businessperson has an audit whether it's on your taxes, your environmental liabilities, your employment opportunities or employment law. This is the only way we can gauge that you have a rigorous, effective process by which we instituted our zoning regulations & are willing to follow our zoning regulations. As a PC, being representative of 4,000 people in South Russell, we have to consider 4,000 people & what kind of place they want to live in. I believe the time has come for South Russell to step up & fund the development of this CP because I think it will be a rigorous audit & provide an excellent framework for us in the future in terms of whatever we will face. Maybe another Mr. Meyer will take an option on the property next door."

Sutliff, "What bearing does the CP have on the Buddenhagen case?" Tripp, "I think one of the things Ned (Foley) mentioned the last time. When you do a CP, you're stepping back & looking at it from a 50,000' level. What we have to be concerned with is the residential & maintenance of the high quality neighborhoods that we have in South Russell; continued development of the value

of those neighborhoods. The money being spent is an audit to ensure we are doing it correctly now & in the future. It's an audit of our mission. If we define our mission as South Russell is a high quality place for 4,000 people to live in a rural type environment with green space, then that's what we're doing."

Sutliff, "You don't think our zoning code does that?" Tripp, "I'm simply saying the zoning code that we spent all that time on, is a verb age kind of line by line analysis. What this would be is a dynamic, resident & individual owner & collective group of people auditing & monitoring the process."

Sutliff to Brett, "Have you spoken to Kathy about this?" Brett, "I have." Tripp, "She's not here. Maybe we ought to defer the conversation until the next time when she is here. Allow people more time to give consideration to the thoughts that have been expressed. It is a lot of money & we have to really think about it."

Brett to Sutliff, "Your suggestion earlier…" Sutliff, "Send out a request for a proposal. Send it to a lot of people & maybe even I'll buy your idea David (Ondrey). We have $10,000. What can you do for us? I am just reluctant to go to one person & say, 'We have $10,000 to spend' & it's a $15,000 job & we get a half baked proposal."

Ondrey, "The PC has the ability to send out a request for proposals. I'd rather you not do it until you've got Council's blessing & the number on it. So you're not leading the planners on. PC could come up with a recommendation that you would like Council to approve or not. If you've got the concept of sending out a request for proposal, we the PC, put that together, what that exact recommendation is & go to Council. We say this is what the PC voted on & wants to do. But, we don't want to do it without your ok." Tripp, "I ask we hold off development of that until we have input from Ms. O'Donnell." Sutliff, "I agree." DiMichele, "Absolutely." Table this & put on the agenda for the next meeting.

OLD BUSINESS:

Tripp, "It appears Kensington Green's nonmowed area has expanded. In fact, it now includes an area in front of the fence that adjoins Bell Road. When I looked at the map, it wasn't supposed to be like that. Have they been put on notice?" Hocevar, "Yes they have, as of today. The Mayor & I discussed the minutes (PC 7-17-2003). I called Mr. Porter. (Mark Porter, HOA President) I let him know about the agreement they had with Council. Mr. Porter did not agree readily. He said, 'You're right. I have to cut the grass.' He wanted to check with his landscaper. He wanted to review Council's minutes. Today, after I researched it, I did send Mr. Porter a letter. He's got five days to cut his grass."

Tripp, "I noticed the cattails have been cut. They did a good job with that & let everything else go to hell." Hocevar, "I sent one to Paw Paw Lake also. They are in violation. Rumor has it, Paw Paw Lake is going to come before PC or Council & ask for the same thing that Kensington got, which would probably fit in their requirements."

Sutliff, "Was Mr. Porter belligerent with you?" Hocevar, "Somewhat." Sutliff, "I thought he was involved with that plan." Brett, "He was. He questioned what we did. It says right here (PC minutes, 7-17-2003) (#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.' His take was different than that. We went back & said it's pretty straightforward. He has five days to cut it or we cut it & bill them."

NEW BUSINESS:

DiMichele saw something in the local newspaper & asked who decided to cut down the lilacs along the walk across the street. Brett, "That was a decision made a couple of years ago after acquiring the property based on safety. We did look into trying to move them, but so close to the road, so overgrown, it was not possible.

Next meeting: June 24, 2004 at 7:30 P.m. if Ondrey has a draft ready pertaining to temporary signs. Will continue to discuss CP

Tripp asked if they would talk about Dunning's project on the 24th. Brett, "I don't think we have to." Sutliff, "It's an informal discussion. There's no action. They got a sense of how we felt. I think the ball is in their court." Ondrey, "I don't know where the ball is. If you guys see this as going nowhere, the sooner you tell them, the better off everybody is. If you think it's got promise in a modified form, they are looking for feedback. We're not obligated to give them feedback that soon. My impression is that they are not coming back to us until they hear what you think of the whole concept."

Tripp, "Put it on the agenda for the next meeting & we'll deal with it when Kathy's here. I feel it's only fair for all the members of the PC to mediate on this." Sutliff, "What are your thoughts on this? I thought I made my feelings clear that not a bad concept. But, no way 16 units on 3 ½ acres."

DiMichele, "I think it's a great concept. What I'm really concerned about is changing zoning & resident's around it, who bought those homes, live there next to residential property & suddenly, change it on them. If there weren't people around them at all…" Sutliff, "It's no secret, this board has been very sensitive about rezoning. In my 15-18 years, I think we've only done it once."

DiMichele, "But then I was thinking about what Mr. Hartt said about the Shemo property in Mayfield Heights. Is this one of those situations where if we don't say that sounds great, are we going to be called on the carpet?" Ondrey, "I don't think that's equivalent. With the Shemo property, the owner was saying, it's zoned residential, I can't use it as residential. It's surrounded by freeway & retail. I can't use it for what it is zoned. These folks aren't saying they can't use it how it is zoned. What they are saying is, there's a better use for it that would benefit them & the Village. They want to know, do you see it their way or not? I don't think we have a Shemo problem at all with this. If you decline, I don't see that as an issue."

Brett, "I don't think we're on any time issue at all. It was informal. If it were a formal discussion, then we might be. I think we're all on the same page. Conceptually, an interesting idea. 4.3 units per acre is more than a lot. The other issue, when she mentioned they require 200 gallons per day, that doesn't sound right." Foley, "The actual usage is 266 gallons. 400 is used for design purposes. 266 is an actual number that can be documented. It doesn't take into account loss & infiltration. But, in terms of actual water uses, that's a number that can be documented." Brett, "The supply & drainage issues." Ondrey, "But you've got to remember, they are trying to see it in the long run. You may like it better than commercial development."

Sutliff, "The board sentiment was summed up by Bud Moroney. He was introduced as the first buyer. By the time he left, he was, 'I don't know if I'm going to move in there.'" Hocevar, "Their thoughts are maybe we can go to 14 or 13 units."

There was no further business. The meeting adjourned at 9:25 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

SUMMARY OF THE PLANNING COMMISSION
JULY 15, 2004
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, O'Donnell, Tripp, DiMichele**

2. MINUTES: 6-2-04 **amended &approved**

3. GUESTS:

CONTINUATION OF INFORMAL DISCUSSION WITH MR. BUDDENHAGEN OF 5185 CHILLICOTHE ROAD REGARDING A PROPOSAL TO BUILD 16 TOWNHOUSES ON HIS PROPERTY, 3.71 ACRES **No action**

REVIEW & DISCUSS DAVID ONDREY'S TEMPORARY SIGN ORDINANCE OPTIONS **Hocevar will make up examples of different sign sizes for the PC to review. Ondrey will make changes to the proposed Temp. Sign Ordinance & bring them to the next meeting**

DISCUSS ZBA'S CONCERNS ABOUT SIGN ORDINANCE; REFER TO LETTER DATED 7-12-04 FROM BRUCE BARTTER, CHAIRMAN OF THE ZBA **Brett will prepare a response for the ZBA**

CONTINUE TO DISCUSS COMPREHENSIVE PLAN **Tripp, "I make a motion that PC send out a request for quotations (RFQ) to planning & development consultants. That list to be developed by a small group of PC members & assisted by members of Council if they desire. We develop the criteria that we want the quote to be based on." O'Donnell second. Roll call. All ayes. APPROVED**
Brett, "I'd like to introduce a motion to South Russell Council that the Planning Commission is moving forward with a Comprehensive Plan. It is in the process of determining scope & prices." Tripp second. Roll call. All ayes. APPROVED
Brett & Tripp will draw up the RFQ.

4. OLD BUSINESS:

KATHY O'DONNELL REQUESTS TO HEAR THE TAPE FROM THE PC MEETING OF 7-17-03. KENSINGTON GREEN'S PLAN REGARDING MOWING, SPECIFICALLY "TWO WIDTH PASS"
Pp.3. TOP OF PAGE. PARAGRAPH STARTS WITH:
SUTLIFF, "We're talking about everything north of the split rail fence…"
(ON TAPE 8.4A TO 10.9A)
Letter to be sent from Chairman Sutliff to Kensington Green expressing dissatisfaction with maintenance of prairie plan & reminding Kensington Green that the trial period expires 7-2005

5. NEW BUSINESS: **NEXT MEETING: 8-19-04 AT 7:30 P.M.**

6. ADJOURN: **9:40 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
JULY 15, 2004
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Matt Brett, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

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

GUESTS:
Bob & Donna Buddenhagen, 5185 Chillicothe Rd.
Ann Dunning, Architect, 62 Morning Side Dr.
Sue Reid, Reporter, Chagrin Valley Times

Chairman Sutliff called the meeting to order at 7:30 P.m. The minutes from the 6-2-04 meeting were amended & approved.

Continuation of informal discussion with Mr. Buddenhagen of 5185 Chillicothe Road regarding a proposal to build 16 townhouses on his property, 3.71 acres

Bruce Thomas was not available tonight. It was asked if they'd given any more thought as to how this could be scaled back from 16 units. Dunning is concerned about density. "Dunning, "We don't have any problem with taking many looks at how many units are supposed to be on the site. We have to make sure they are viable. I have a moral goal that I think this should be affordable housing. That makes it harder to pull it around with the amenities. To back up is expected."

Sutliff, "If you went with 35% lot coverage & lot coverage is the footprint plus the second floor area, plus the paved surfaces & you stuck within the 35%, did you recalculate this in terms of how many units you could come up with?" Dunning, "No. I didn't. I put a second floor. I don't know yet if we're going to have a second floor."

Sutliff, "What's the break even point for you? Does eight units make the project…" Dunning, "We did not do our homework. We're waiting for Bruce Thomas. What we needed before we kept moving on – doing all sorts of designs- we need to have an idea that it would be considered. Whatever you suggest, we're going to listen to & try to incorporate."

Sutliff, "My opinion hasn't changed since our last meeting. I have a serious problem with density, with the 16 units." DiMichele, "I don't know what level I feel comfortable with it. If you go down to what our zoning is, it is three that's allowed. Between three & 16, at what point do we feel comfortable? Anything above three is a drastic change for our zoning. I'm having trouble being comfortable with any of the numbers. I think the concept is great." Dunning, "That would be encouraging to us, to continue with more schemes, bring some dollars to this. Our idea was we'd show this to you often so we did have input."

Tripp, "One of the issues, when you look at the zoning map of the whole village & you compare this area to the other areas which are primarily residential with 4,000+ people & you look at the green space & the rural nature of the area, then you look at 3.71 acres. Comparatively, it's really a small plot of land. You look at the number of units that you propose, it's critical of the euphemism: square peg, round hole. It don't fit. The issues of: access, traffic, how trash is going to be handled, and government. Is it going to be a condo organization, a co-op, individually owned units? I think we need a lot more information. We want to go from A to Z. We need to see what B, C, D etc. looks like before we can say, yes that looks pretty doable. We could see a reason for that."

Brett, "I echo what the rest of you said. I will also share that we put a couple of drawings out at Council & I think Council had the same reaction. In regards to concept, there are some compelling things to the concept. As far as 16 units, so far everyone has backed away from that. Another concern: water. It's the village's & Planning Commission's obligation to give some indication. It's certainly less than 16. How much less? I think it's their (Budenhagen/Dunning) (unintelligible) to come back with that. We had discussions with different residents, the same sort of feeling. Two individuals were against the whole concept. The rest, 20 or 30, conceptually, it's a decent idea. Lot coverage wise, that's a concern."

Sutliff, "Is a rezoning of this property, the only mechanism that would handle this type of development?" Ondrey, "It is the most practical way to do it. A landowner is always entitled to ask for a variance saying they can't use it as it is currently zoned. They would present a plan to the ZBA. That's dependent on the landowner being able to demonstrate that the current zoning doesn't work at all. The better method is to go through a rezoning process." DiMichele, "Would a whole new zoning class have to be created?" Ondrey, "Yes, since none of our current zoning gets them close to what they would like. The only way a development of this proposed density could ever work is to create an entirely new zone for it."

Sutliff, "Would that zone just include those 3.71 acres?" Ondrey, "That's your call." Tripp, "What precedent would that set?" Ondrey, "I never worry too much about precedent. If you rezone, that's a legislative decision. Just because

you find a compelling political reason to do it in one area, doesn't compel you to have to do it in other areas. The danger would be if you rezone a parcel or parcels, on a relatively small size to higher density that gives adjacent property owners other arguments to make for variances. All of a sudden they can't use their property as single family residential quite as easily. From that stand point, there's a ripple effect."

Tripp, "The other houses with elongated properties along Bell Street could have the same idea. They'd all sell them. They'd all come & say we ought to be able to do the same thing." Ondrey, "Right. But, again just because you determined to rezone some parcels, there always has to be a dividing line in every zoning scheme of things. It doesn't mean you have to rezone anything near by."

Ondrey, "The other thing we have to think through, I don't think there's a lot of danger here. In rezoning, there's always the concern about spot zoning. It is when you rezone a small unit of parcels & isolate it from the bigger picture around it. Because we're adjacent to commercial as well as residential, you probably don't have the same issues for spot zoning in this one. It at least bears discussion."

DiMichele, "Would there be a new classification for the buffer zone?" Ondrey, "Exactly. That's how you can often justify these types of new zones. There may be some tension between the residential area & commercial area. This is a transitional use for it."

Dunning, "Bob (Buddenhagen) was approached by the neighbor to the north, Mr. Ettinger (Richard, 5173 Chillicothe Rd.) who has his property up for sale. It goes all the way back. It leaves the one new house in a horse shoe shape. We didn't look into it. Is that something that could follow along if this develops? Or, does that have to be a separate proposal?" Ondrey, "If the PC decided we like this kind of zone, this kind of high density residential use, they could theoretically, expand it into adjacent properties. Of course, the property owners would be notified. There would have to be a public hearing. Ultimately, it's PC & Council's call as to where to draw the line on the zones. You've (PC) got a wide-open range of options. But first you have to decide if it's a use that you want in this particular area at this particular time."

Tripp to Brett, "You said there were 20 or 30 constituents from the community that expressed concerns." Brett, "At the farmer's market, it seemed to be the topic. I would classify them all the same. The first comment was, 'That's a lot, 16 units.' As the conversation continued, 'But the idea of cluster homes in that area, not a bad one.' 'Traffic, it's already congested'."

Tripp, "One of the things Ned talked about last time was that McFarland has the capacity. If you look at Manor Brook, they've got wells, common wells supplying the water system. In a high-density area like this, water levels are going to be definitely something of a concern as to how that is going to be

serviced. I recognize Mr. Buddenhagen doesn't want to spend money on engineering, drainage & all those calculations. These are pertinent issues."

Brett to Dunning/Buddenhagen, "Is this the feedback that you are looking for? I agree with you (Tripp). I personally have concern over those same exact issues: water supply, water drainage, traffic. How would this be governed? What we are comfortable saying is that we are uncomfortable with the level of 16. That's a high number. We are not in a position to say this number would be acceptable." Dunning, "At this point Bob & I have taken the risk. Now we have to get deeper pockets to say this looks like a viable project. We want to take it through."

Dunning, "I have an article for all of you to read regarding the zoning & making cities & villages more segregate. There are suburbs with great big lots & never the smaller housing. It's something the state planner is looking at in so far as how we change some of this. How do communities look at changing some zoning? You've got your comprehensive plan that you're talking about. To me, that's the greatest tool for how this village should continue on. If people participate in that & make something out of it, I think you'll find some really wonderful things happening. The green pieces out there can stay green. This is the blessing of using tighter, denser houses. They don't take up all of the land."

Dunning, "I think we'll be coming back with plans that show you different things. We'll go step by step as far as how much engineering we can get & keep you appraised of it. I know there's a process. We have to apply & go through proper rezoning & we don't want to side step that. But again, we'd like some feedback from you without having to go through a real formal presentation. I'd hate to see that we get all the way down the road & you say you don't like that now."

DiMichele, "If you could tell us what the minimum is to make this a viable project, then we know what number we have to get used to or have to dig our heels in. We might consider eight. You say 12. Those are different concepts for us. Right now, we want three & you're at 16. We have to find some place in between that." Dunning, "It's easy to see in Chagrin that there are eight units per acre & nobody likes them. They aren't selling. (Bell Tower) It was just not done right in a number of ways: planning, zoning & architecturally. It isn't compatible with the way we want to live. I took a look at Manor Brook. If you take one of those little individual pods & close in the land around it, that's how I see this looking. That will be the direction I go. I appreciate the time you've taken." Sutliff, "Perhaps we'll see you next month or in a few months." Dunning, "As soon as possible."

Review & discuss David Ondrey's Temporary Sign Ordinance options

DiMichele, "Are temporary signs above what they are allowed? Or, once they get to the maximum size, they aren't allowed to have temporary signs?" Ondrey, "My understanding is that you are already maxed out on your signs. You're still allowed a temporary sign as long as it doesn't exceed 20% of the display window." Hocevar, "I agree with that."

Ondrey provided a handout to all PC members. 1. For the B-1, B-2 District, amend Section 5.06.2.e as follows: Ondrey, "In the B-1, B-2 district, I suggested two different options. The first one limited it to no more than three times a year. You can change that & a minimum of 30 days of separation for the signs due to the problem of rotating. As soon as one temporary permit expires, they get the next one. I didn't see a problem with the 20%. It actually is kind of clear. They can get additional signage in addition to what's permanent as long as they don't exceed the 20% of the display window area. That predates all of us."

Ondrey, "The second option was to not allow a temporary sign for 120 days; four months for any temporary sign which is essentially the same in content & style. I wrote, 'The purpose of this provision is to discourage the practice of temporary signage being used on a quasi-permanent basis.' As I look back at the minutes, there was also discussion about the entrance area to Gottschalk Industrial Park. (200 Industrial Parkway). I don't know if this solves any of those particular problems. To that extent, it may need more work on it."

Tripp, "So this permits business to have one time or twice a year, a special sale or announcement or product roll out without affecting their permanent signs." Sutliff, "Option 1. You'd be able to have a temporary sign a maximum of three times a year, not exceeding 60 days." Ondrey, "And you couldn't do those right in a row. They'd have to have 30 days in between each one."

DiMichele, "A temporary sign could be up 60 days." Ondrey, "Yes. That's the current regulation now, 60 days." DiMichele, "To me a temporary sign is a 'Grand Opening', 'Special this Weekend'. You don't have a special activity or grand opening for two months. 60 days is an extremely long time." O'Donnell agrees. DiMichele, "Seven to 14 days is much more in line with what we're trying to use this for: for impact. If you've got a sign up for 60 days, nobody's paying attention anymore. It's part of the landscape." Brett, I agree with your first point. I wouldn't go with that tight of a time frame. I would accept 45 days." O'Donnell, "I thought 30 max."

Brett to Ondrey, "The last sentence of Option 2 is exactly what we're talking about. 'The purpose of this provision is to discourage the practice of temporary signage being used on a quasi-permanent basis & to limit the privilege of a temporary sign to its intended relatively brief period of time.' We don't want temporary signs becoming permanent signs. We still want to give local business the ability to do some sort of promotion or temporary advertising." Ondrey, "I

put it in that paragraph because if you go that way, that's going to put a judgment call into the zoning inspector's hands. He's going to have to look & say is that the same sign we've been looking at recently? Or is it almost the same? What we're trying to do is stop this quasi-permanent signage."

O'Donnell, "What Janice said is true. After a certain period of time, you don't see it anymore. For example, the flags were up since Memorial Day. I didn't even notice that Darrell had taken them down." Ondrey, "You've got 60 days now. My guess is local business would say 60 days is what they need. That's where you may generate some controversy." O'Donnell, "If they are having a sale that last 60 days, it's not a sale anymore. That's almost standard price if it lasts 60 days."

Sutliff, "Where are these signs?" Hocevar, "Along East Washington, across the street, the shopping center. The bank is notorious: 'Free Checking'." Brett, "The bank having a promotion for free checking, the fact that they could put something up for 45 days or 30 days, I don't have an issue with that. What I do have an issue with is that they'd put that sign up & then there's more signage & it becomes regular signage. That is not what it was intended for. I'd still go with 30 or 45. Businesses are not going to outsmart this." DiMichele, "They are now. They come in every time…" Tripp, "That's only because they don't have any time separation. We have it in there now that they can have a temporary sign for 60 days. I don't think that's unreasonable that the business community asks for that. I also don't think it's unreasonable for the PC to say you're only going to be able to do it three times a year with 30 days, 60 days or 120 days of separation. It just doesn't become a permanent thing like the sign at Dr. Schmahl's old building (5203 Chillicothe Rd.) It's still in the front of the old building. No permit." Hocevar, "They got notice to take it away. It's still there."

Sutliff, "Getting back to the 'Free Checking' sign & the 20% factor, did that comply with 20%?" Hocevar, "We had a little problem with that. That was in our zoning a long time, that 20% window area. It pertained to the stores across the street. If you put 20% of the building frontage area, 20% over the maximum sign limitations, the windows are (unintelligible)". Sutliff, "What does 20% window area mean? Is it just the windows facing Bell Street?" Hocevar, "I don't know. It never made sense to me."

Brett, "How do other communities define how much you could have?" Hocevar, "On a temporary sign, basically what we're doing, 20% over maximum sign area." Sutliff, "I personally find a big temporary sign much more offensive then a small temporary sign. That 'Free Checking' sign is too big." Hocevar, "You could never put that up there if you had 20% of the building. The window area, how are you going to tell Mr. Lechman 20% of the windows? He has no windows. It doesn't make any sense. If you went by frontage area, it would be more realistic to a smaller sign; 1/5 of the side of the building."

Tripp, "We did a comparison chart: Chagrin Falls, Bainbridge & South Russell. Chagrin Falls has specifically a definition for 'Business Window Signs'. The window area is measured & shows everything that is pertinent to deciding what is a window area." Hocevar, "Chagrin Falls is primarily all windowed stores. That's not what we have out here." Tripp, "The windowed stores we have is just the little strip mall." Hocevar, "That's right. They are minimal. I get calls once a year to put out a little banner outside the right-of-way for hot dogs & coffee. That shopping center is not a big problem. It's the bank, the Bell Station, East Washington Street."

Brett, "Couldn't we just define the maximum for a temporary sign?" Sutliff, "I think we should. I don't think 20% of the window display area makes any sense." Brett, "For example, it couldn't be more than 10 square feet, which would be 2'X5'. Or if it's a yard sign, you'd include both sides." Sutliff, "I think that makes a lot of sense. I think it's cut & dry. You're allowed X number of square feet."

Brett to Hocevar, "Do you have an idea how big the sign is on Lechman's building? Would you say that it's 10' in length?" Hocevar, "Easy." Brett, "And that's more than one foot in height?" Hocevar, "Right. I don't think it's there anymore. I think it's down." O'Donnell, "Is it in compliance with the current temporary sign ordinance?" Hocevar, "I told him to take it down because it's too big."

Sutliff, "What's a reasonable quantity for a temporary sign?" Hocevar, "Maybe we ought to look at 20% with this building frontage of permitted maximum sign area. If you were allowed a 75 square foot sign, you'd have to be 70' off the road for that. The closer you are to the road, the smaller the sign will be. Take 20% of 20, it's a small sign. I think 20% is decreasing the size of the temporary signs drastically." Sutliff, "Is there an objection to making it X square feet?" DiMichele, "The hard part is you've got such a variety of sizes of places who want to use it. If Milbar wants to put up an open house sign, it's not fair to hold them to the same constraints that a little office would have."

PC refers to Bainbridge's temporary sign ordinance. Signs are allowed 37 days & must be taken down. Ondrey to Hocevar, "What if you peg it to whatever signage they are currently allowed & couldn't exceed that amount by 20%?" Hocevar, "That's what I'm saying. Their maximum allowed signage & 20% or 10% over that." Ondrey, "So the folks with the larger buildings are allowed more signage. When they do a temporary sign, they are going to get a bigger sign if based on percentage."

Hocevar, "If you want for the next time, I'll take a little spin & take some measurements & show you examples of different buildings in the village & how big the sign is going to be. If we go 20%, it might be too much. 10% might be just fine. Do you want to do that?" Sutliff, "Ok."

Brett, "Whatever we end up with should be very clear & definable. If you say 20% of window, is that window in front or is it that total windows?" DiMichele, "Some buildings are on corners…" Hocevar, "We've got that. That's understood." Tripp, "That's how Lechman got away with the banner. He's got two frontages." Hocevar, "Which you're allowed, 20%." Sutliff to Hocevar, "I think it would be helpful for the next meeting if you could get us…" Hocevar, "I'll put that together. I think you'd get a better idea before we jump into something. That 20% was actuality something in our zoning about corner lots; building lots on corners. That might be where you picked up this 20%. The Bell Station, he faces two streets. He gets 20% increase on the sign area to put on one side that faces the streets."

Sutliff, "Back on Option 1 & Option 2, does anyone have strong feelings on those? I'm hearing 60 days is probably too long." DiMichele, "I'm at 14. Matt's at 45." Sutliff, "Would 30 be reasonable?" O'Donnell, "Chagrin has 10 days." DiMichele, "I would increase the number of times a year somebody could do it, if it were there only 14 days per event. Special events don't go 30 days." O'Donnell, "Free Checking could be a 30 day thing. However, 'Free Checking' there (at Charter One) is not an event. It's an ongoing thing. They always have free checking. That's a whole different thing. They are advertising on their building for an item that is available every day of the week all year long."

Tripp, "We allow 60 days. The pendulum has to swing. But to go from 60 to 14 is way too far." DiMichele, "You've twisted my arm to 30." Sutliff, "I think 30 days is reasonable." Brett, "30 it is." (for options1& 2)

Sutliff, "What are your thoughts on option 1 & option 2? My feeling is option 1 is very clear once we come up with signage size." O'Donnell, "If we're talking Comprehensive Plan, option 2 is closer to the purpose of the CP because we are spelling out why we are doing this." Sutliff, "There's no reason why you couldn't put that last sentence of option 2 into option 1." Brett, "I like that last sentence being moved up to option 1. The sentence is, 'The purpose of this provision is to discourage the practice of temporary signage being used on a quasi-permanent basis & to limit the privilege of a temporary sign to its intended relatively brief period of time.' DiMichele, "Move the sentence up to option 1 & change the 60 days to 30." Sutliff, "And come to some sort of agreement on the size. That will be decided at the next meeting."

2. For the Residential District, amend Section 4.08.4 to read as follows: Ondrey, "We didn't have any issues about temporary signs in the residential area, so I didn't change it." Sutliff to Ondrey, "For the residential district, you're proposing no change." Ondrey, "It's now in the plural. I changed it to singular - sign." O'Donnell, "In my neighborhood I have put up signs for the Bloodmobile. I've put one up at each entrance. That's two signs. So, now I can only have one sign up?" Ondrey, "If we change it the way I suggested."

Sutliff, "What about real estate signs? That's a temporary sign." Ondrey, "That's handled totally separately. That's not considered a temporary sign." DiMichele, "Do we want to put a time limit on the residential ones?" Ondrey, "It doesn't have any time limit now." Sutliff, "It says 'permitted by the Zoning Inspector for a specified period'." O'Donnell, "I don't think we should put that on his shoulders." Tripp, "Not to exceed 14 days." Brett, "The purpose of this sign is if you are having a garage sale or community event. I don't think we have an issue." DiMichele, "Not to exceed 14 days." O'Donnell, "How about 5 or 7?" Brett, "14 is fine."

Ondrey, "Do you want to leave it plural or make it singular?" Tripp, "If you look at signs such as the Bloodmobile sign, you have multiple signs up." O'Donnell, "Most of the developments in South Russell have two entrances. Most people use one & not the other. When you have two entrances, I think it's reasonable to put one up at each area." DiMichele, "Let's leave it. We'll make it plural & add the words, not to exceed 14 days."

3. For the I-1 District, amend Section 6.06.2.e to read as follows:
Ondrey, "For the industrial district, I gave it the same options as B-1 & B-2."

4. Amend Chapter 2 "Definitions" Section 2.01 (119) to read as follows:
Ondrey, "I decided that we need to change the definition of a temporary sign. We do have a definition now. I changed it so that a banner is now one of the allowed temporary signs." Sutliff, "Can we define a banner? Is there a definition for a banner?" Ondrey, "I couldn't find one. I couldn't find anyone to say, this is what a banner is. I did look in the Geauga County Law Library under several different zoning texts. What I did gather is that temporary signs are a routine problem in a lot of communities. Most of them do include banners as an allowed temporary sign. We're saying it's a 'display constructed of cloth, canvas, cardboard, paper, fabric, wallboard or other temporary materials'. But then we specifically exclude 'pennants, streamers, flags, floodlights, spotlights & other similar devices or displays.'"

DiMichele, "What about those lighted sign boards like over at the gas station? What do they fall under?" Hocevar, "That's according to the sign regulations. That's a wall sign. It's part of his wall sign. It's too big. He's thinking of taking it down." Sutliff to Hocevar, "You made a comment that mobile signs are not permitted. Is that spelled out?" Hocevar, "I believe it is." Brett, "After 'spotlights, & other similar devices or displays' add and mobile displays shall not be permitted as temporary signs."

Discuss ZBA's concerns about sign ordinance: refer to letter dated 7-12-04 from Bruce Bartter, Chairman of the ZBA

Jim Pascoe of the Bell Station appeared before the ZBA on June 23, 04. He requested a 10.33 square foot variance for a sign over the maximum sign dimensions permitted. It is the illuminated wall sign that faces Chillicothe Road. During the meeting, someone read from the zoning code. It directs anyone who requests a sign that goes beyond 36 square feet to go before the PC. The ZBA referred Mr. Pascoe to the PC.

The ZBA had questions. Bruce Bartter prepared the letter asking for clarification from the Planning Commission. PC read letter. Question #1: What is frontage? Hocevar, "Pp. 5, definitions, #10. Part of the definition reads, 'Main structures permitted in business & industrial districts having frontage on a secondary street may include 20% of the length of the façade facing the principle street as building frontage'. I think that's what he had questions about. The Bell Station has 306 & Bell. They can take 20% of their sign area on Bell Road & include it on their sign area on 306."

Ondrey, "The zoning inspector makes the initial interpretations of the zoning code. If somebody doesn't like it, they can appeal to the ZBA & they have the power of interpretation. In this case, they are confused. What is frontage? David (Hocevar) is pointing out the definition. The issue for the PC is if you don't think paragraph 10 adequately explains this, because of the issues of what is secondary, what's principle, then it's your call to rewrite it & make it more clear. It's not a question of, what do you think it currently says? It's a question of, do you think it adequately explains it? Do we think we want to clean up Paragraph 10?"

Tripp, "In terms of the building, the front of the building, the door opens to the front on Chillicothe Road." Ondrey, "I would say, what is the secondary street? You'd look at what is the major thoroughfare. 306 is a state highway. I would consider Bell to be secondary to Chillicothe." Sutliff, "Would you do it by the address?" Ondrey, "I wouldn't. It says secondary street. To me that says that you're looking at some hierarchy of what's the more important street. I don't think where the front door is, is supposed to make a difference on determining that."

Brett to Hocevar, "How did you interpret that?" Hocevar, "The same way David did. This came about because there was confusion about the mathematics for the signage. They couldn't understand why he was allowed the sign. They've got some legitimate questions. They deserve some answers."

Question #2: What about the signs on top of the pumps? Hocevar, "This is something we never do. What about MasterCard stickers on windows? Where do we draw the line?" Ondrey, "The decision whether those kinds of signs are

included with the calculations of total square footage is the zoning inspector's job. David is saying he doesn't count that stuff. The issue for you is, do you agree? If you don't, you're going to have to write some zoning legislation to include it. The Planning Commission's job is not to say if you agree with David. It's to say, do we want signs on top of gasoline pumps included in sign calculations?" O'Donnell, "He could decide to someday to make those signs a little bigger."

Brett to Hocevar, "How did you interpret #2?" Hocevar, "We never counted it as part of signage." Brett, "Do you have a question on it?" Hocevar, "I think it's realistic. I think it only pertains to the Bell Station." Brett, "Are you aware of other communities? Do they have anything like this?" Hocevar, "Probably Mayfield Heights. They won't allow you to advertise the price of gas."

Ondrey, "You as quasi-legislatures may think because of the way gas stations market their stuff, maybe there is too much signage. On the other hand, you get into the practical problem of how are they going to operate without all of that?" Tripp, He's got to have warning signs: caution, do not breathe the vapors, no smoking, no cell phone use. You're going to see more safety regulations at gas stations."

Brett, "In regard to that gas station, I don't see anything out of the norm excluding that sign in reference is big." Sutliff, "We'll leave it up to our zoning inspector." PC agrees.

Questions #3: Is there a limit on the number of wall signs? Hocevar, "Not as long as they fit under the square footage, they can have all they want." Sutliff, "Who will respond to the ZBA?" Hocevar, "I will." Brett, "David (Hocevar) & I will prepare a response because it's addressed to me."

O'Donnell, "Somewhere in your response to the ZBA, over the years we've had difficulty with the ZBA giving variances because they felt sorry for them. The reason to grant a variance is because of hardship. You should point that out to them." Ondrey, "That's not the only justification anymore for a variance. That's for a use variance. A lot of these people come in with side yard, front yard variances. That's now not a hardship test. That's a practical difficulties test. It's heavily dependent upon, is it a change to the neighborhood?"

Ondrey, "In defense of the zoning board, what happens in a lot of these cases is, someone says I want to build an addition to the house. It's going to be 10' closer to the line. If those neighbors don't come out & say it bothers them & if it's not a huge variance in the first place, those are legal, appropriate reasons to grant variances. They don't have to show hardship." O'Donnell, "I'm offended by that. A lot of people I know would not come in because they would be concerned about establishing bad relationships with the neighbor by coming in & standing up in front of them & saying, I don't like your plan. Right away you have an adversarial relationship. We created the zoning code, the setbacks after

enormous hours of work. To get rid of them because a person doesn't show up..." Ondrey, "According to the Ohio Supreme Court, it's a substantial detriment. They don't say, is it something out of the ordinary? The zoning board has to find a substantial detriment in order to justify denying it. They have to show, will it substantially alter the neighborhood? Sometimes when you're talking about a three or four foot side yard variance, it's real tough to say that that's going to be a huge problem for the neighborhood. I recognize a lot of time & effort is spent in writing those regulations."

Ondrey, "The zoning board doesn't let them just say, we want a bigger family room. So, therefore give us a variance. It's often because, let's say, the location of trees or a mound or the design of their current house, so they can make rooflines match. There is usually an initial reason as to why they need to get closer to that side yard. Once they justify that, if there isn't evidence from either neighbors or the zoning boards own interpretation that they've really substantially changed the neighborhood, then those property owners have met the practical difficulties test & they are entitled to those variances. That's what the Supreme Court has said."

Continue to discuss Comprehensive Plan

Brett, "I think the general feeling of Council is supportive. It would depend on the dollar amount that we would request." Sutliff, "Are we all in agreement that a recommendation to Council be made to proceed with a request for proposal?" Tripp, " At the last meeting, there was discussion over how much money should be spent. We want to find out if the money is available, if this is something Council supports." DiMichele, "There was still one member who wasn't 100% sure if the money should be spent."

O'Donnell, "I have expressed my opinion to Council in terms that we, the PC, felt there was merit to the idea of a Comprehensive Plan. We were led to believe from Mr. Hartt that we could draw up the parameters ourselves; that we could specify what we wanted & how far we wanted them to go. My question is, who is going to make those decisions? Is it going to be a joint committee of Council members & PC members? How would we set the parameters; get input on how comprehensive we want this to be?"

Brett, "We have two directions we can go if we want to move forward. One would be to indicate to Council that the PC wants to move forward. Would Council fund it? Two, I did talk to David Hartt. He suggested that we send out a request for qualifications. We indicate that the village is interested in a CP & would meet with a number of consultants. We'd ask what approach they'd take & their cost. That's a professional service so we don't have to get bids & we

(unintelligible) it less than $15,000. I'm ok with either approach. I'd like to see this board move forward with this."

Brett, "The first step is a letter for request of qualifications. Who would develop the scope? I would like to be involved." Tripp, "Are you saying we have Council's blessing?" Brett, "No. I'm not suggesting a request for quotation, but a request for qualifications. A letter would say the village is considering a CP. Please share with us your expertise & interest in the project." Sutliff, "What would be wrong with asking for quotations now?" Ondrey, "You don't have authority to spend money so the most you can do is ask for qualifications. I don't want some planner misled into thinking we already have the ability to go ahead with this project."

O'Donnell, "We don't have the parameters. We're not interested in a $150,000 project." Brett, "If PC is ready to move forward & take on the task of a CP, then defining the parameters is the next step. If PC isn't ready, it doesn't make sense to define the scope."

Tripp, "I make a motion that PC send out a request for quotations (RFQ) to planning & developments consultants. That list to be developed by a small group of Planning Commission members & assisted by members of Council if they desire. We develop the criteria that we want the quote to based on."

Discussion: O'Donnell, "Are you eliminating the step of sending out a letter for qualifications?" Tripp, "I am." Sutliff, "My concern is that Council gives us $8,000. The job comes in at $15,000. Why not get a quotation now & see how much it's going to cost?" Tripp, " I believe when we give them the RFQ, we say here's our base & here's the alternates that we want. It's like a Chinese menu. Choose some from column A & some from column B & then we have the number. Then we'll know exactly what we are going to get."

Ondrey, "Council doesn't have to authorize your going out & seeking information. That's all you are doing." Brett, "If we were to do a RFQ & because this is a professional service, we can still negotiate it & go with who we want to go with." Ondrey, "Right." Sutliff, "Is the majority of Council in favor of going forward with this?" Brett, "That's my feeling. Yes." Sutliff, "As far as drawing up the RFQ, who's going to handle it?" Brett, "I would volunteer myself & Ike Tripp." Tripp, "Let Matt & I develop the scope. We'll bring it back to the next PC meeting for your input. Then, we'll move forward." Ondrey, "When you send out the request, put in background information. South Russell is a village with a population of such & such. It consists of so many square miles. It has a zoning code, which has residential & commercial zones. Give them some background."

Tripp's motion. O'Donnell second. Roll call. All ayes. APPROVED

Brett, "Would it make sense for the PC to introduce a resolution that we are looking to move forward with it? It would give Council a heads up so it can begin to consider it." Ondrey, "That is not legally required. That's a public relations decision. If you'd like to present to Council, here's what PC formally adopted by motion, resolution or call. The desire of the PC was to have a CP created with the first step being the exploration of potential candidates as planners & cost."

Brett, "I'd like to introduce a motion to South Russell Council that the Planning Commission is moving forward with the Comprehensive Plan. It is in the process of determining scope & prices." Tripp second. Roll call. All ayes. APPROVED

OLD BUSINESS:

Kathy O'Donnell requests to hear the tape from the PC meeting on 7-17-03. Kensington Green's plan regarding mowing, specifically "two width pass" Pp. 3, top of the page. The paragraph starts with: Sutliff, "We're talking about everything north of the split rail fence..." (On tape, 8.4A to 10.9A)

PC read Pp.3. O'Donnell, "I think the key word is mow instead of bush hog." Brett, "I would say they've mowed it." O'Donnell, "I don't think a mower cuts grass like that. It says in here (min. 7-17-03), they would continue to maintain it the way it has been maintained. That's not the way it was maintained. It had been mowed between the fence & the ditch."

Tripp, "There's a distinct difference between rough cut & being mowed. From the South Russell line at the police station to the entrance of Kensington Green & from that entrance to a group of Pine trees is mowed about 2 ½". From then on was where they are letting it go wild. Last year it was mowed with a mower. This year they let it go. We sent the letter & they mowed it with basically a brush hog, a heavy-duty mower. It's not mowed at 2 ½". They finally mowed the area next to the retention pond which, under this plan they are called upon to do. They also cut down the cattails. The mowing that they are doing is not as well manicured as it was before." Brett, "I don't know if that's because they are using a different machine. Is there a difference between their entrance & the section you just described?" Tripp & O'Donnell, "Absolutely."

Brett, "My take on that is because they let it grow to 18" & they are continually chopping it up." Hocevar, "I had many discussions with Mr. Porter & he explained that they have a different landscape crew in there. His intention is to comply. It's going to take some time for him to bring the grass that wasn't cut back to conformance. If we have a problem with the way it looks, he'd be glad to take care of it."

O'Donnell, "Today is the 15th of July. Mark Porter has accomplished exactly what he planned to do; BS his way through the whole thing. So, they end up having what they wanted in the beginning, tall grass. If he's trying to convince us that he's going to fix it & make it look like the rest of the grass looks, when is he going to do that? He did what he did because your (Hocevar) letter went out on the 5th of July. Today is the 15th of July & it hasn't been touched since then."

Brett, "Does that area not look as good as the other areas? Absolutely. Am I frustrated with it? Certainly. Do I think now, he's violating an ordinance? No. I don't think so. If he does not cut the area, we have to enforce our ordinance pertaining to grass cutting & we look to amend the ordinance that we gave them on the prairie."

Tripp, "This is a two year experiment. These people are doing nothing but earning ill will. If they think they are going to come back to the PC & have us accept what it presently is, they are living in never never land." Hocevar, "He's cut that grass two or three times since we had the issue of high grass. He's trying to manicure that lawn to the best he can as high as it is & try to bring it down. He's come a long way since the 12"-14" grass." Brett, "We don't have anything that says you have to cut your grass in a certain way. You have to bag or rake it. You have to cut it when it exceeds 8". He's in compliance. Our zoning inspector worked aggressively to get it cut. They didn't cut the two swipes behind the fence. They have done that. Does it look like the entranceway? No. It doesn't."

O'Donnell, "I don't think Kensington Green/Mr. Porter have acted in good faith. They have made us push them to do the work. I don't consider that in compliance with the ordinance." Brett, "They stopped cutting the grass before the prairie ordinance went into effect. Did that two-year period start when they stopped cutting the grass? Or did it start when the ordinance was passed?" Ondrey, "The two year period started when we passed the legislation, the July 17, 2003 meeting when we adopted their plan."

Brett to Ondrey, "PC could recommend that we amend the ordinance." Ondrey, "Yes. You play no official role. You could make a recommendation to Council. Perhaps a letter, memorializing to them how your expectations aren't being met with the current arrangement after what you felt were significant concessions to allow this experiment is very disappointing. Remind them the trial period ends in July 2005. If you encounter the same problems with this mowed area next year, it's your current feeling, that the likelihood of an extension of the landscape plan would be diminished if you don't see improvement."

DiMichele asked if the HOA by-laws have been amended. That has been done. Sutliff feels a letter is in order. A letter will be prepared & Sutliff, as the Chairman, will sign & send it.

New Business: Next meeting is August 19, 2004 at 7:30 P.M.

There was no further business. The meeting adjourned at 9:40 P.M

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

12 July 2004

Dear Mayor Brett and the members of the Planning Board:

Reference: the June 23 ZBA meeting

One item on the agenda was a request for variance by James Pascoe of the Bell Station. This was required for a sign 10.33 Sq. Ft. Over the maximum dimensions permitted.

In our review of this matter, the Board found the Zoning Code coverage in 5.06 confusing regarding sign restrictions. Some examples:

Reference is made to "All signs defined in Chapter 2, ... The "Design & Size chart refers to total sign area. 5.06 3. a. and b. covers wall and projection signs. Dave Hocevar indicates that the chart applies just to "wall or face signs".

Also, under "Design and Size", "In no event shall any single sign exceed 36 square feet, unless approved by the Planning Commission.... This statement seemed to say that Jim Pascoe's first request for this "variance" should go to Planning, and if refused, appeal to the ZBA. On advice from the Solicitor, the ZBA thus bowed out at this point and referred Jim to Planning.

Some other board questions:

1. What is frontage when on a corner? pp.5 dy.10
2. What about the signs on top of the pumps?
3. Is there a limit on the number of wall signs?

Some clarification on the above would be of assistance to the ZBA members.

Thank you,

Bruce R. Bartter
Chair, ZBA

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

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

THE PLANNING COMMISSION
AUGUST 19, 2004
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, O'Donnell, Tripp, DiMichele**

2. MINUTES: JULY 15, 2004 **amended & approved**

3. AGENDA:

   CONTINUE TO DISCUSS TEMPORARY SIGN ORDINANCE
   Brett made a motion to recommend approval by Council of the revised Temporary Sign Ordinance. O'Donnell second. Roll call. All ayes. APPROVED

   CONTINUE TO DISCUSS COMPREHENSIVE PLAN
   Form labeled "Statement of Qualifications Process" handed out. Foley to send letter to planners & ask for response by 9-13-04. PC to review them at next PC meeting.

4. OLD BUSINESS: **Kensington Green mowing is under control**

5. NEW BUSINESS: **Next meeting: 9-16-04 at 7:30 P.M.**
   Emerald Lakes II: Some residents want to buy common property. HOA decision. Village not to incur any expense

6. ADJOURN: **8:12 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 19, 2004
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Matt Brett, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

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

-

GUESTS: None

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes from the July 15, 2004 meeting were amended & approved.

Continue to discuss Temporary Sign Ordinance

Ondrey revised the Temporary Sign Ordinance to include changes made by the PC on 7-15-2004. Still to be determined for B-1, B-2 district: to use "does not to exceed twenty percent (20%) of the display window area" or go with a determined square footage for all temporary signs.

Discussion. Hocevar, "I think we ought to come up with a square footage sign. If they want to go for a variance, let them go for a variance. Keep it up a certain amount of days, give them square footage & that's it." He thinks 14 square feet is reasonable for a temporary sign. O'Donnell, " 2'X5' or 2'X7'." Hocevar, "That's plenty." Tripp, "A temporary sign does not exceed 14 square feet." Ondrey, "14 square feet permitted on each side." O'Donnell, "A maximum of one 14 square feet, two-sided sign." Brett, "The ordinance already stipulates only one temporary sign is allowed." Ondrey, "Permitted to a maximum size of 14 square feet; two sides permitted." Delete from ordinance, "does not exceed twenty percent (20%) of the display window area." PC agrees.

Residential District, Temporary Signs: No size limitation or how many are permitted in current definition. Current definition allows sign to be displayed for 14 days. Discussion. The number & size has never been a problem. Hocevar, "Fourteen days might be stretching it. Why do you need a sign in a residential yard for 14 days? I say seven."

Garage sale signs on poles are not permitted. Darrell Johnson takes them down. Brett, "What commonly occurs is that they go up on Friday late afternoon after the service department is gone."

Brett to Hocevar, "They don't have to obtain a permit for residential temporary signs." Hocevar, "I never push that issue." Tripp, "The change in residential is seven days from 14." PC agrees.

I-1 District, Temporary Signs: Sutliff, "The industrial district is the same as the business district." Ondrey, "Yes. Fourteen square feet allowed, two-sided sign." Delete: "does not exceed twenty percent (20%) of the display window area."

Definition, Temporary Sign: Ondrey, "The definition in general was broadened to include banner as an allowed temporary sign. Mobile signs are added as not permitted."

Brett made a motion to recommend approval by Council of the revised Temporary Sign Ordinance. O'Donnell second. Roll call. All ayes. APPROVED.

Continue to discuss Comprehensive Plan

Brett handed out a form labeled, "Statement of Qualifications Process". Foley hammered out details of the statement. Brett explained that a subgroup of the PC would meet with the potential firms.

Sutliff, "#5, Enter into an agreement; obviously, that would be Council entering into an agreement not us." Brett, "Yes." Sutliff, "#1, letter or legal ad; the law doesn't require that we take public bids on this." Ondrey, "No. It's not required."

Foley, "#3, Meet with firms. As a group you would select that short list much as you did with David Hartt. It's not so much a negotiation as it is a meeting to determine…" O'Donnell, "To get a feel for them." Foley, "Right. Then once you have two or three, a group or a few of you would meet to carve out the dollars & cents & other issues." There are not a lot of firms. Foley came up with three names.

DiMichele, "Would we consider local universities & the graduate students doing this as an urban planning master's degree program?" Tripp, "We don't want to wait two years for the results." Brett, "If we touch base with some of the surrounding communities & see who they've used & what Ned has come up with, my guess is we'll get six or eight."

Sutliff, "Ike & Matt can get the list & then let us meet with the final two or three. Who will be drafting the letter requesting the statement of qualifications?" Ned will draft the letter & send it out by next week. Ondrey, "No need for a newspaper add if there are only six or eight." Sutliff, "Is it reasonable to request a response so we can look at them at next month's meeting?" Foley, "Sure."

Ned will request a response by 9-13-04. Brett, "Council passed a motion endorsing the idea of moving forward with a Comprehensive Plan."

OLD BUSINESS:

Architect, Ann Dunning & Mr. Buddenhagen choose not to be on the agenda tonight.

Kensington Green: Hocevar reported that the mowing is under control.

NEW BUSINESS:

Hocevar to Ondrey, "Emerald Lakes II; I was asked by the property owners to see what the possibilities were of each property owner buying some of the common land." Ondrey, "It would be complicated." O'Donnell, "Our zoning regulations require them to have common property."

Hocevar, "They want to buy just some of it. People who live on Alderwood have a 50' strip in their front yard that's common property which means anybody could walk through their front yard." O'Donnell, "I have heard from people who live in Emerald Lakes. There's supposed to be a strip around the exterior. Many people who back up to the woods have cut down trees & extended it so it's perceived to be part of their yard with no authorization to do that."

Hocevar to Ondrey, "I don't know if that's our problem." Ondrey, "No. It's not. That's common area. People who live in that subdivision can walk all over it. It's the HOA who should be stopping that if they don't like it."

O'Donnell, "Remember that man who went to Country Estates & complained about the water. The land he talked about wasn't his." Hocevar, "That's right. It was common property."

Sutliff, "If they want to buy common property, who do they buy it from?" Ondrey, "The Association." Brett, "We would incur a great deal of expense if homeowners wanted to buy a chunk of property. There'd be legal, research…" Ondrey, "There'd have to be a vacation of the current plat & a release from all the other homeowners that they are OK with somebody buying…" Tripp, "What's in it for us?" Ondrey, "A lot of headaches. If they were offering to pay your attorney fees & engineering fees to make sure it's done right- My legal advice is anything is possible. It would be an extremely cumbersome, expensive process that would take approval of this body." O'Donnell, "And no expense to us. Just say no."

The next meeting will be on 9-16-04 at 7:30 P.M. There was no further business. The meeting adjourned at 8:12 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

THE PLANNING COMMISSION
NOVEMBER 18, 2004
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, O'Donnell, Tripp, DiMichele**

2. MINUTES: 8-19-04 **Approved as presented**

3. AGENDA:

   1. INFORMAL DISCUSSION WITH MIKE SMITH, 1572 BELL REGARDING A LOT SPLIT. **No Action**

   2. FORMAL DISCUSSION WITH MARY LOU GERACI, 1466 BELL ROAD. SHE HOPES TO SELL HAIR CARE PRODUCTS TO CLIENTS. NO ADVERTISING. PC GRANTED HER A BUSINESS OCCUPANCY PERMIT TO CUT HAIR AT HER HOME ON 9-19-01. **DiMichele moved to allow the retail sale of hair care products at this location to customers who are being serviced there. Second by O'Donnell. Roll call. DiMichele Yes, Tripp No, O'Donnell Yes, Sutliff Yes, Brett No. CONDITIONAL APPROVAL**

   3. FORMAL DISCUSSION REGARDING REDEVELOPMENT OF MILBAR BUILDING, 530 EAST WASHINGTON STREET TO OFFICE/RETAIL. PROPERTY OWNERS: JEFF SIMLER & SANDY KRULAK. PRESENTATION MADE BY JEFF ETTORRE OF AMERI-CON HOMES & BRADLEY BECK OF LOWENSTEIN DURANTE ARCHITECTS **Brett made a motion to give conditional development approval. Conditions: 1. Get ZBA approval of variance on lot coverage. 2.They have to come back to PC for final development approval. Tripp second. Roll call. All ayes. CONDITIONAL APPROVAL**

   4. CONTINUE TO DISCUSS COMPREHENSIVE PLAN
      Contact the three planners who responded to PC request for qualifications. 1). D.B Hartt, 2). NorthStar Planning & Design, 3). David F. Gilmer. Ask each to attend next PC meeting. Their presentation is to be 15 minutes. Focus on: scope, timetable & fee structure. Then 15 minutes for Q&A from PC. Meeting will start at 7:00 P.M. & allow ½ hour for each presenter.

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

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

4. OLD BUSINESS:

KENSINGTON GREEN LAND MANAGEMENT PLAN: LETTERS:
7-20-04, LETTER TO MARK PORTER OF KENSINGTON GREEN FROM CHAIRMAN WALTER SUTLIFF
8-30-04, LETTER TO WALTER SUTLIFF FROM BOARD MEMBERS OF KENSINGTON GREEN
10-28-04, COPY OF LETTER TO MARK PORTER FROM STANLEY STINE, CLEVELAND MUSEUM OF NATURAL HISTORY
Brett reported that Mark Porter came to Council. He presented the letter Dr. Stine wrote. "It was relatively well received by Council." Sutliff, " I assume no further action is required by this board other than to keep our eye on it." Brett, "Yes."

5. NEW BUSINESS: **Tripp asked Ondrey to prepare new language for home occupation permit to prohibit retail sales. Ondrey agreed.**

6. ADJOURN: **9:00P.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 18,2004
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Matt Brett, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

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

GUESTS: Mike Smith, 1572 Bell
Mary Lou Geraci, 1466 Bell
Bradley Beck, Lowenstein Durante Architects, (216) 932-1890;ext. 106
Justin Fliegel, Lowenstein Durante Architects
Paul Ettorre, Development Director for Ameri-Con Homes
Mary Beth Wolfe, Chagrin Valley Chamber of Commerce

Chairman Sutliff called the meeting to order at 7:30 PM. The minuets from 8-19-04 were approved as presented.

Informal Discussion with Mike Smith, 1572 Bell Rd. regarding a lot split.

Mike Smith handed out drawings for PC to review. He explained that there are 28 acres. The property is next door to Don Plzak (1600 Bell Rd.) and goes back to the Bainbridge line. There is a creek and 2 lakes. Mike's mother lives in the home on the property. They hope to divide the property among the three children. There will be four parcels, three new lots.

Mike's mom's house will be on 2.5 acres. The other three parcels will be 8.5 acres. Mike wonders if there will be a problem with frontage. He is required to have 150 feet frontage at the building line. He intends to have 180 feet. His sister's parcel would have 180 feet. Smith, "To get the driveways in, we have to split the street to 50 feet. Is that enough room?" Hocevar, "He's got plenty of room. What he gave to Planning Commission complies with our zoning. This is an informal discussion. He's going to have to get a survey, and bring it back to us for a formal opinion. They still have to meet the side yard set backs, the rear yard setbacks. The lots are divided so they are buildable lots." Tripp, "They are basically two flag lots." Hocevar, "Right." Tripp, "They will have a common driveway." Hocevar, "He can have separate driveways if he wants. The frontage is determined at the building line. The zoning is 2.5 acres minimum. He meets that requirement. If he builds it at the 150 feet setback requirement, he'll meet that requirement. It's not a water sensitivity zone."

O'Donnell, "The brother (Al) could end up with two houses on the property." Hocevar, "No. It's one lot. He'd have to come back before you to subdivide that to have another house on that."

Mike hopes to build his house in the spring. His sister may or may not build a house. She may give the property to one of her sons.

Ondrey, "We are running into the minor subdivision requirements because three new lots are going to be created. 'A minor subdivision is the subdivision of a parcel which abuts an existing public street which does not involve the opening, widening or extension of the street or does not include more than five lots after the original parcel has been completely subdivided.' If that's correct, it's a minor subdivision. There's an application. It gets referred to the engineer. It gets placed on the agenda for the next meeting. The engineer has to certify his findings. Then the commission takes action at the meeting to approve it or not. It's a lot like a lot split, but it's a little more detailed. The drawings have to conform to our requirements."

Sutliff, "So you'd get a survey." Smith, "I just wanted to see if this would work before I spend six grand on a survey." Sutliff, "It certainly sounds like it will work."

Brett to Hocevar, "The way this is drawn out, would it go through?" Hocevar, "I think everything applies that I see here. If he wants to build a house, he still has to submit a site plan to the South Russell Village. Our engineer has to approve each individual lot. Planning Commission will approve the overall picture."

Ondrey to Sutliff, "If you wanted to, you could ask the health department to review and comment on the proposed minor subdivision. I assume that in some cases septics are possible on lots. Here, I don't know if you have the same concerns."

O'Donnell to Smith, (pointing to drawing) "Is there a possibility that your brother or his children want to build back here some day?" Smith, "It's a possibility." Hocevar, "Behind Al's house? He'd have to come back to Planning Commission. He'd have to subdivide that lot." O'Donnell, "Mike and his sister have decided that this is going to be a driveway. This gentleman has six acres behind his house." Hocevar, "He'd still have to come back to Planning Commission and replat this whole thing. He'd have to start at step one and do the whole thing over."

Sutliff, "This is informal. We don't take any action other than indicate to Mike that we see no obstacles."

Tripp, "I just want clarification. His brother Al could not come back on this long narrow lot without going to Planning Commission and getting a lot split to build something back here." Hocevar, "That's right. And he has to get the ok by the Board of Health before we issue any building permits for septic systems. He could divide this whole thing up & the Board of Health say, ' I'm not going to give you the ok.' So we can't issue a permit. I don't think that is going to happen."

Sutliff asks Planning Commission if they have any problems. Nobody has any problems. **No Action.**

FORMAL DISCUSSION WITH MARY LOU GERACI, 1466 BELL ROAD. SHE HOPES TO SELL HAIR CARE PRODUCTS TO CLIENTS. NO ADVERTISING. PC GRANTED HER A BUSINESS OCCUPANCY PERMIT TO CUT HAIR AT HER HOME ON 9-19-01

Mary Lou Geraci explained that on 9-19-01 she was issued a home occupancy permit for a hair salon. Retail sales of hair care products were prohibited. She has no employees. This is a one-person operation. She requests to sell hair care products only to her customers: shampoo, gels, hair spray, conditioner etc. There would be no advertising. She works about 3.5 days a week and estimates she has about 12 customers a week. No walk ins. Customers ask to purchase the products she uses.

Geraci, "If I delivered it to them like Avon, Mary Kay products, Amway & Shakley, it would be more convenient for me to have them be able to take it with them. I'd have to get a vender's license. I'd be tax exempt. They'd purchase just the line I use in the salon." She's tax exempt because the customer pays the sales tax. Geraci, "There are a few clients who have left. It's been a detriment to me because they want to purchase where they are serviced. They go elsewhere. I'm not a full service salon. It's just me."

DiMichele, "You're not going to sell just for retail?" Geraci, "No, I don't advertise. I don't want anyone coming to my house that I don't know. I'm leery of advertising and having people come to my home. I'm cautious." Tripp, "Who would deliver these products?" Geraci, "As of now Fed-Ex comes with my products. I am getting a Fed-Ex on occasion; probably once every two months for my supplies: perm, shampoo, conditioner and color. I get one truck and I drive to a supply company."

Sutliff, "If Kathy O'Donnell stopped, could she buy shampoo?" Geraci, "If I'm not servicing her, if I'm not cutting her hair or doing some service for her, probably not. It's for the clients I service. They ask. I use a nice line called Back Bar."

Sutliff, "This is a gray area because I don't think retail sales is permitted in home occupation." Ondrey, "It's personal service. In one set of our code, one of the personal services is defined in the business section as beauty shops. We don't say anything specifically about retail in home occupation. You have to ask yourselves, in a typical course of someone operating a salon, do they do this- sell retail as a convenience for their customers? If you don't think it's unusual, it doesn't fall outside the definition."

Brett(reviewing minutes from 9-19-2001) "There was a question posed if she would be selling anything. She answered no. I'm curious if anyone recalls why that was brought up then?" O'Donnell, "Because of the personal service issue and then Mayor Young was very concerned." Hocevar, "Under home occupation regulations, it states anything sold or offered for sale shall be limited to that resulting from the conduct of the

business. At that time, Mrs. Geraci said that she didn't want to sell any retail products. So, we put it as a stipulation on the zoning permit. When I talked to David Ondrey about it, he said bring it back to Planning Commission to override that and get it to be sold. Since that business was started, Mrs. Geraci has complied with the health department regulations and the building code regulations. She got her sign ok'd. For what it's worth, she did comply with everything we asked her to and I have not yet got a complaint about her establishment."

O'Donnell, "One of the (former) mayor's concerns at the time was, it was going to open the door to others of this type of business. Has that happened?" Hocevar, "No. It hasn't happened." Ondrey, "We have established that that is a permissible home operation in our definition." O'Donnell, "Anyone who got involved with that would have to come to here." Ondrey, "Yes."

Brett, "It seems like a minor issue, but it does feel like we are opening the door in light of what you read David. Things that could be sold are things that could be provided by that business. This is an exception to that. It starts to open the door. What other things could be done there?" Mrs. Geraci, "I was trying to find information on Shakley. There's a resident in Paw Paw Lake that had a Shakley sign on their mailbox selling Shakley products. I was one of their customers. I was wondering if they came to you? How they were able to? They had boxes and boxes of product." Shakley is a vitamin sold out of homes, like Mary Kay products, which are sold out of homes. "They would probably sell a lot more than I personally do." O'Donnell, "Does the Shakley person have a sign on their mailbox now?" Geraci, "They did. They recently moved. They were here for years." Hocevar, "I never saw it. They never had a permit."

Sutliff to Hocevar, "Could you reread the quote you just read?" Hocevar, "Anything sold or offered for sale shall be limited to that resulting from the conduct of the home occupation." Sutliff, "Selling shampoo or conditioner and so forth, seems to me would comply with that." Hocevar, "Right. At the time, Planning Commission just wanted on the zoning permit that there were no retail sales. So we made that stipulation. When I talked to Mr. Ondrey about it, he said bring her back to Planning Commission. They made the last decision not to sell. They are going to have to make the decision to allow her to sell it." Ondrey, "Mrs. Geraci offered it last time. She wasn't interested in retail sales. The board made it a condition. I agree with you, (Sutliff) I don't think it violates the definition under home occupation. It is rising from the conduct of the salon."

DiMichele, "I wasn't on the board when this first started. I understand the hesitation. Some salons have boutiques & sell clothes and jewelry. I think they just wanted to make sure that kind of thing didn't get started. Selling shampoo is fine." Hocevar, "She's limited to the square footage for home occupation. She's maxed. To put anything additional in there would be tough to do. We did the occupation inspection. We did the building inspection, which changed the room over to a salon. She had all the permits up."

Tripp, "I 'm concerned we're on a slipping slope. Personal service. Now we're going to have sales." O'Donnell, "I'm concerned that this would take us closer to opening the door; Mayor Young was concerned about barber shops. If we take this step, it makes it now easier for a barbershop to open. He sells the products too. I don't know."

Brett, "It seems like it was a condition that the Planning Commission phrased. It was brought up before and had concern that it was put as a stipulation when it was granted. I have a concern about going against what the Planning Commission did just a couple years ago."

Mrs. Geraci, "That is why I waited two years. Everything was working well for the Village and myself. There hadn't been complaints. A year ago I wanted to be here and asking. I wanted to see that everything was working properly."

Ondrey, "Remember part of the difficulty was the ambiguity of what did we permit or what we did not permit as home occupation and as a personal service. If you felt there is a risk that this type of use might be repeated in other home occupations, you have the ability to legislate it out. You can't legislate her out because she'd be grand fathered. If you are concerned there might be more, you can control in a different fashion."

DiMichele, "If she sells her property does it go to a new owner?" Ondrey, "No. The new individual would have to apply for home occupation. That wouldn't be grand fathered. She's stuck now. Without your approval it can't be changed."

O'Donnell, "The line of products you want to sell, how many different items would that include?" Geraci, "Probably five or six. Gel, shampoos, mouse, hair spray, conditioners."

DiMichele, "I move to allow the retail sale of hair care products at this location to customers who are being serviced there." Second by Kathy O'Donnell. Roll call. DiMichele, yes. Tripp, no. O'Donnell, yes. Sutliff, yes. Brett, no. Conditional Approval.

Tripp asked Ondrey about new legislation so that other home service permits for retail sales could be denied in the future. Ondrey, "The best place to put it is in the home occupation section, which is in the residential section. If you want to specifically exclude this kind of thing or barbershops for example as a home occupation, I would amend the zoning. You make a recommendation to Council."

Tripp, "I recommend that Council draw up recommended language to amend our zoning section of residential home use license to ensure that we are not forced with this type of situation again." Sutliff, "Is that a motion? If that's a form of a motion, I'm not going to vote for it." Ondrey, "The normal course is that we have some language amending the section of the zoning code that is applicable that you vote on. If it passes, it goes on to Council for their review. Ike, if you want to bring this up, we could look at the language, come up with specific language that you want and at the next meeting Planning Commission could vote on it if you introduced it as a motion at that time." Tripp, "That's what I'd like to do." Tripp to Ondrey, "You'll prepare the recommended language?" Ondrey, "Yes."

FORMAL DISCUSSION REGARDING REDEVELOPMENT OF MILBAR BUILDING, 530 EAST WASHINGTON STREET TO OFFICE/RETAIL. PROPERTY OWNERS: JEFF SIMLER & SANDY KRULAK. PRESENTATION MADE BY JEFF ETTORREE OF AMERI-CON HOMES & BRADLEY BECK OF LOWENSTEIN DURANTE ARCHITECTS

Preliminary site development plan handed out to PC. Paul Ettorre, Development Director with Ameri-Con Homes spoke on behalf of property owners: Jeff Simler & Sandy Krulak, who were not available for the meeting.

Ettorre tells history of property. "Jack Bares owned the property & operated Milbar since the 1960's. Over time, he expanded the buildings by tacking onto the existing facility. There are three separate structures. In the 1980's, Mr. Bares retired & leased the property to his daughter. It was Stride Tools. They were cutters for Sears & Craftsman."

Ettorre, "Jeff Simler & Sandy Krulak purchased the 4.75 acres at the end of 2002. The lease was to expire now in 2004. At the time they purchased the property, there was a five- year option extension. It was expected the tenant would go with the extension. They were notified this year by the tenant that the facility is obsolete. They had three separate locations: distribution in Chicago, another location in North East Ohio & this one. They decided to consolidate & build in Solon. They are moving everything to that facility."

Ettorre, "Several industrial brokers came to the site (530 E. Washington) to determine options for the property. The facility is obsolete for current light industrial uses: no freeway access close to the property & the property is cut up into pieces reflecting 20 years of expansion. They don't want the property to become a hulking empty facility. The vision is that they'd look at office & small boutique- retail."

Brad Beck of Lowenstein Durante architects explained the project. Beck identified problematic things: the buildings were built at different times, building C was built most recently, 1989. That one is worth keeping. The other two buildings are to be removed. Beck, "These buildings cause problems with the setbacks. In two of the areas, they are not meeting the setbacks required for light industrial use. The parking requirement for light industrial use is not being met now. It is 44 cars short of what is required. The building coverage is not met. It's exceeding building coverage by 3.4%. Industrial requires 30%. The building coverage is 33.4%. That's just the building coverage. It doesn't include hardscape."

Beck, "By removing the two buildings, we are now complying with the code in terms of the setback requirements. We are 76' off of this (pointing to a drawing). We are 110' or 130' off the back line. We are meeting all of the setback requirements now. The parking requirements based on the use are now met exactly. There are 199 that are required by code. That's how many we can fit into this lot. The building coverage is now 22.7%. We have significantly reduced the amount of building coverage that's on the

site now. It is complying with the code now. As a business use, it would be 25% & we are at 2.5% below that."

Beck, "From East Washington Street, there's two ways to access the property. Both of these would carry all the way around the back. There's a loop. The front area is parallel with the street & houses the retail & a restaurant. These are small enough to be boutique style retail. The back area has an existing building that we will renovate & turn into office spaces. There are several leasing options for that. It will stay two floors. It could be 12 offices. It also could be six offices. We'd end up putting some fire stairs."

Beck, "Elevations: We consider the East Washington Street elevation sort of retail; a traditional look to it. This is the interior elevation of the office space where we would update the façade so it is a little more contemporary." Sutliff, (refers to drawing with retail building) "What is the red material?" Beck, "On the retail area? It's brick."

DiMichele, "Have you done any exploring about interest in a restaurant or retail there?" Ettorre, "No. We're not going to until there's consensus with the municipality & these folks are comfortable with our vision."

Beck shows pictures of other projects his office has done. Beck, "The zoning code allows for 35% of the building & hardscape - the pavement. Currently, about 75% of the site is building or hardscape. With parking requirements, we've dropped it to 72.8%. We've reduced it. We're hoping we can get approval contingent upon the ZBA approval." O'Donnell, "With the number of parking places?" Beck, "We meet the building coverage. So, it's the parking spaces that brings us over the requirements." Sutliff, "This is public water servicing this. This isn't well water. Is that right?" Ettorre, "That's correct." Sutliff, "The sewer is there also."

Brett to Hocevar, "What is it that the PC would be looking at for what's being proposed here?" Hocevar, "They would still have to go to the ZBA for lot coverage. There are 100' setbacks. We take that from the rite-of-way. I don't know if that's where you figured that from." Beck, "It's 107 feet from the rite-of-way."

Ondrey to Brett, "Anytime we have a commercial or industrial proposal, our code requires development approval. Look at Pp.16 & Pp.17 of the zoning code. (3.04 DEVELOPMENT APPROVAL) The review standards are wide open. '(e) 1.That the proposed development is harmonious with the Subdivision Regulations, if applicable. Well it doesn't sound like it's something to worry about. (2). That it will not adversely affect neighboring properties. (3). That the plan of the development provides for integrated & harmonious design of buildings & structures & for adequate & properly arranged facilities for internal traffic circulation, off-street parking & loading, landscaping & such other features & facilities that make the project attractive & efficient from the standpoint of the applicant as well as from the standpoint of the adjoining or surrounding, existing or potential developments.' You are also supposed to be considering whether there's an adequate water supply. That doesn't seem to be an issue here. That's it for your development review."

Ondrey, "You are trying to figure out, do you like the way it is laid out? Does it make sense? Does it offend neighboring properties? Does the traffic pattern work? You don't have the ability to approve it completely because they are not going to be able to meet the lot coverage requirements. The best you can do is approval contingent upon ZBA approval. Do you want to give your opinion now & say yes it works & send them onto the ZBA? Or you could say, go to the ZBA first. Make sure you can get your variance & then we'll talk about it. It's easier for applicants to know where you stand before they go through the expense & time of the zoning board."

Tripp, "We've had complaints from the zoning board on this very subject. We've approved something & sent it over & they don't quite understand what we've approved. So if we send it over there first & say you've got to deal with the lot coverage issue before we say whether or not we're going to approve it..." Ondrey, "You have the right to do that. The difficulty becomes, let's say they approve it & then it comes back to you & you don't like something else. Now everybody's rearranging & they are trying to meet different requirements."

Tripp, "How many parking spaces are on this lot now?" Beck, "186." Tripp, "What's the lot coverage now?" Beck, "Now, 74.6%." O'Donnell, "It needs to be ..." Beck, "35% & that includes the hard surfaces." Ondrey, "You can look at it, if you don't like it for some reason, you may say, we would not recommend that under any circumstances. You may have your rationale for it. You can discuss it. You can consider it. But, you can't give approval." Tripp, "I was just trying to get a comparison. What is the lot coverage now? How many spaces are there? Right now there are 186 covering 74% with three buildings. You're talking about 199 spaces with 72.8%. Right?" Beck, "Uh-huh." Tripp, "Where are your storm water containment basins?" Ettorre, "TBD. We have to have civil engineering take a hard look at that."

Sutliff to Foley, "What do they do now with their storm water?" Foley, "I don't know." Sutliff, "Use the storm sewer on Washington Street?" Foley, "Probably." Tripp, "It was built before the on site detention was required. Would you anticipate in those offices that they'd strictly be offices? They would not be office/condominiums where one part is devoted to manufacturing be that truck docks & the like? It would only be offices." Ettorre, "No manufacturing." Hocevar, "It's I-B2, I-B1. It's split industrial businesses."

DiMichele, "Does the property have to be rezoned?" Hocevar, "No." O'Donnell, "The office building's entrance front side would be on what we call the back side of the building?" Ettorre, "Correct. There are side entrances along either end."

Comments: DiMichele, "I would love to see something like this. Otherwise, we're going to have this big, ugly building sitting there empty. I don't see any industrial use coming in & taking over this space. Maybe it's time to say, do we really want another industry to come in there?" Ettorre, "There's high peaks & valleys in employment. The average number over the last several years is 140 jobs. Many of those

jobs are middle to low pay scale for manufacturing. We feel the office can get pretty close & back up to those kinds of numbers at higher paying jobs." Brett, "140. Was that the number Stride Tools had at its peak?" Ettorre, "No that is not at its peak. That is typical-average, separate from the peaks & valleys." DiMichele, "So we're looking at some tax base vs. no tax base. Milbar's been there. It's not anymore. We have to look at something new. This looks beautiful. But, I'm concerned with 72% coverage. That's something we drilled into people. 35% is our limit. We haven't been too willing to budge. It's not like we are close. That worries me. I'd love to see a concept like this go in."

O'Donnell, "If you were to go ahead, when would you plan to go ahead?" Ettorre, "Our goal is to break ground in the spring. We feel urgency. We want to see this eyesore come down & become brand new as soon as possible. We felt it would be critical for us to come to Planning first & ensure there was some level of comfort & ensure that the ZBA understands that this body was comfortable with the direction & was happy with what they are seeing in the redevelopment plan, contingent upon the important coverage issues. It's all in the name of trying to move forward & get rid of this eyesore. It's going to be completely vacant in the next 30 days."

O'Donnell, "If you get a go ahead & you begin in the spring, when will it be completed?" Ettorre, "One of the reasons we picked Lowenstein Durante is that they have quite a bit of experience of taking old industrial space & rehabbing it for a modern kind of office. The retail is obviously where the time will be. At this point, I see no reason why we could not have the retail facility up & open for business by the end of next year."

O'Donnell to Hocevar, "If they were to have the office completed, but not the retail space, would they be allowed to start filling that space? Or do the have to have everything completed?" Hocevar, "If that building is done, they can occupy it alone, unless you stipulate different." O'Donnell, "I think it's a great idea."

Tripp, "I've asked my questions." Sutliff, "It's a great use of this property as opposed to another industrial facility in there. It makes a lot of sense." Brett, "I like what you've put together compared to what's there. If you asked my opinion, are we lacking office space or retail currently in this area of the Village, I would have guessed not. What's driven you to this concept?" Ettorre, "Realizing that we'd have to redevelop & have to look at impact to the immediate area. Light industrial is just a non-starter. The replacement usage, it made total sense to stick with the surrounding community."

Ettorre, "What we do in a case like this is commission a quick market study. We work very often with a firm out of Columbus to do a quick study of comps in the area to give us an idea of how to market it. We believe in South Russell. We never would have purchased the property if we didn't believe in the area. We know if we reduce the impact to the immediate area & blend in, we feel it's a win-win strategy for us & the township."

Brett, "Do we consider the impact that would have on the neighboring sites i.e. with the restaurants? There are several restaurants there now. Will that take away from the restaurants? The same with retail?" Ondrey, "I don't think you can legitimately make a decision to protect existing businesses. Are there exceptions? Maybe you could conceive of that. You can legitimately ask, is it offensive to adjacent properties? Is it too close to lines? Is it too domineering? Is it too ugly? I don't think you could say you're not going to look favorably on one project because you're worried it might hurt existing business."

O'Donnell, "What is the square footage in the office building, both floors?" Ettorre, "Proposed retail would be 16,890 square feet. Central warehouse factory facility, 30,000 square feet." O'Donnell, "So the office is 15,000 each floor?" Ettorre, "Yes."

Brett, "Would it come back to PC?" Sutliff, "For the final review, it would come back. Utilities." Hocevar, "I would think you'd take another look at it for final review. To see the final concept of the buildings & if you like the way it looks. The whole scheme would have to go to ABR." Ondrey, "You would condition your approval on that. I don't know if necessarily that would automatically happen. Normally, you get through development review & if you vote on it & approve it, then they go onto these other entities. Because it's a preliminary look & we don't know what the ZBA is going to do, I don't think it would be unreasonable for you to say you need to see it after ZBA either approves it or if they disapprove it, end of story."

Tripp, "That way, we would be able to see the retention basin issue addressed. How it's going to be shielded? The landscaping? Ettorre, "Our landscape architect engineer is our neighbor, Craig Cawrse & Associates." (547 East Washington St.) Sutliff, "This plan automatically has to come back to us." Ondrey, "You need to say we need for the final…"

Tripp, "Can you site other developments that you've done?" Justin Fliegel of Lowenstein Durante, "Highland South is in Westlake. There was an existing warehouse building, light industrial. The interior got rehabbed into offices for a computer software company. Ad Pro was an office/condo that was off I 271 near Beachwood. They ended up moving it to Solon into an office park that was there. That was a light industrial brick building that was in rough shape. It was originally used for car repairs. (Shows photo of it) We were really able to take the building & turn it around. They love the space. We've done a lot of new office buildings too." Tripp, "It's not split block. You added brick face." Fliegel, "In Ad Pro, it was. In both of them we kept the existing. We did minor modifications to the exterior in those cases."

DiMichele, "I hope they can figure out some way to do this. It's way over the 35%. If you look at something coming in new at a vacant piece of ground, we'd be hard pressed to go past the 35. But here, we've got installation that is already past that & we're pulling back from what is already there. I hope we can figure out some way to do this or we're going to have a big, empty building."

Beck, "The building that we are keeping, right now it is currently one floor with a couple of mezzanines. That's where these second story windows are. That's how we are going to keep it. It's going to be one floor. That footprint is 30,000 feet. There may be mezzanine spaces within those office areas. For the most part, it will be one, two-story office space with mezzanine. I'm sorry I misled you on that before. (Pp. 7 of these minutes, second paragraph: Beck, "From East Washington Street, there's two ways… & Pp. 10, second paragraph: O'Donnell, "What is the square footage in the office building, both floors?")

Sutliff, "The footprint is 30,000 square feet." DiMichele, "Not two levels with 15,000 square feet." Beck, "Right." Brett, "That would change your percentage. Correct?" Beck, "No. I ran the percentage that way. I misled you when you asked me if it was going to stay two stories." Brett, "So your percentage includes all of the office building being the whole first floor plus…" Beck, "It might change the parking spaces required if the tenant wants to come in & add the mezzanine as extra office space." Brett, "If you add mezzanine space, that would count toward your lot coverage." Beck, "No. The parking spaces would, but the mezzanine wouldn't because it's part of the coverage already." Tripp, "You're in South Russell. The second floor counts." Beck, "Ok." Brett to Hocevar, "Could you address that?" Hocevar, "That's correct. If they aren't counting in mezzanine as per square footage, they should. It would change the lot coverage." Beck, "Ok."

Sutliff introduces Mary Beth Wolfe. She is the Executive Director of the Chagrin Valley Chamber of Commerce. Sutliff, "The interest of merchants in Chagrin is her expertise. Any comments?" Wolfe, "The timing was unbelievable because I was discussing with one of your members about what was going to happen over there. I think it's a terrific idea. I think it's great use of the space. There could be some serious conversations about tenants. From an economic standpoint & retail & office standpoint, it's all good. The owner's of the property have been very pro-active. The property isn't vacant yet. They already have a plan. That's something we don't necessarily see in the valley."

Ondrey, "You make a motion to give conditional development approval. Conditions: 1. Get ZBA approval of variance on lot coverage. 2. They have to come back to PC for final development approval." Brett made the motion. Tripp second. Roll Call. All ayes. CONDITIONAL APPROVAL

Continue to discuss Comprehensive Plan

Three proposals-Statement of Qualifications- were sent to South Russell from planners: D.B. Hartt, David Gilmer & Mark Majewski of NorthStar Planning & Design. PC members received the materials & have had the opportunity to review them.

PC discussed the next step in order to proceed with the development of a Comprehensive Plan. The secretary is to: **Contact the three planners who responded to PC request for qualifications. 1). D.B. Hartt, 2). Mark Majewski of NorthStar**

Planning & Design, 3). David Gilmer. Ask each to attend the next PC meeting. Their presentation is to be 15 minutes. Focus on: scope, timetable & fee structure. Then 15 minutes for Q&A from PC. Meeting will start at 7:00 P.M. & allow ½ hour for each presenter.

OLD BUSINESS:

Kensington Green Land Management Plan:
Letters: 7-20-04, letter to Mark Porter of Kensington Green from Chairman Walter Sutliff
8-30-04, letter to Walter Sutliff from Board members of Kensington Green
10-28-04, copy of letter to Mark Porter from Stanley Stine, Cleveland Museum of Natural History

Sutliff to Hocevar, "How have they been doing?" Hocevar, "Ok in my opinion. They came before Council." Brett, "Mark Porter did come before Council. He presented the letter he received from Dr. Stine of The Natural History Museum. It was relatively well received by Council." Sutliff, "I assume no further action is required by this board other than to keep our eye on it." Brett, "Yes."

NEW BUSINESS:

Tripp asked Ondrey to prepare new language for home occupation permit to prohibit retail sales. Ondrey agreed.

The next meeting will be on December 16, 2004. If the planners are able to attend, it will begin at 7:00 P.M. If they aren't coming to the meeting, it will begin at 7:30 P.M. There was no further business. The meeting adjourned at 9:00 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

Request for Qualifications
August 27th, 2004

The Village of South Russell is seeking Statements of Qualifications from qualified professional planning firms to assist the Village Planning Commission with the development of a comprehensive plan.

Services that are envisioned to be provided include:

- consultation with the Planning Commission relating to plan objectives and needs
- attendance at planning commission meetings, public input hearings, and council meetings
- recommendations on areas of potential development
- recommendations on zoning regulation needs and/or changes
- Identify zoning map amendments

Time Frame July 1, 2005

Interested firms shall include the following information with the submittal:

- Firm history/overview and experience and familiarity with the project area;
- Professional background and previous experience of each person of your firm;
- similar project experience and any other unique or relevant project experience;
- capability of the firm including a brief outline of intended approach;
- references

Submittals will be accepted at the Mayor's office, 5205 Chillicothe Road, South Russell, Ohio 44022 until 4:00 PM September 15, 2004. Questions should be directed to Mayor Matthew Brett at (440) 440.338.7843. Please provide six(6) copies of the submittal for use by the Commission.

The Village web site is www.southrussell.com

G:\SRV\S Russell Legal Notice.doc

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

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

October 18, 2004

D.B. Hartt, Inc. 216-696-0400
Planning & Development Consultants
The Crittenden Building, 1382 West Ninth St. Suite 420
Cleveland, Ohio 44113-1231

Dear Mr. David B. Hartt,

The South Russell Planning Commission received your Statement of Qualifications to assist the PC with the development of a comprehensive plan. Due to scheduling conflicts, the Planning Commission has not met since August.

The next Planning Commission meeting is scheduled for Thursday, November 18, 2004. At that time, PC members will review the materials you forwarded to us.

The intent of this correspondence is to thank you for your interest & to inform you that the Planning Commission has not made a decision to contract with any planning firm to date.

Sincerely,

Maggie Tomaro

Maggie Tomaro
Secretary of the Planning Commission

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

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

October 18, 2004

NorthStar Planning & Design LLC 216 - 320 - 9940
Heights Rockefeller Bldg., 3091 Mayfield Rd. #212
Cleveland Heights, Ohio 44118

Dear Mr. Mark A. Majewski,

The South Russell Planning Commission received your Statement of Qualifications to assist the PC with the development of a comprehensive plan. Due to scheduling conflicts, the Planning Commission has not met since August.

The next Planning Commission meeting is scheduled for Thursday, November 18, 2004. At that time, PC members will review the materials you forwarded to us.

The intent of this correspondence is to thank you for your interest & to inform you that the Planning Commission has not made a decision to contract with any planning firm to date.

Sincerely,

Maggie Tomaro
Secretary of the Planning Commission

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

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

October 18, 2004

David F. Gilmer, AICP
6737 Ravenna Road, PO Box 330
Concord Township, Ohio 44077

1-440-354-4784

Dear Mr. David F. Gilmer,

The South Russell Planning Commission received your Statement of Qualifications to assist the PC with the development of a comprehensive plan. Due to scheduling conflicts, the Planning Commission has not met since August.

The next Planning Commission meeting is scheduled for Thursday, November 18, 2004. At that time, PC members will review the materials you forwarded to us.

The intent of this correspondence is to thank you for your interest & to inform you that the Planning Commission has not made a decision to contract with any planning firm to date.

Sincerely,

Maggie Tomaro

Maggie Tomaro
Secretary of the Planning Commission

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THE PLANNING COMMISSION
JANUARY 20, 2005
7:00 P.M.

1. ROLL CALL: **Sutliff, Brett, O'Donnell, Tripp, DiMichele**

2. MINUTES: 11-18-2004 **amended & approved**

3. AGENDA:

EXECUTIVE SESSION
PLANNERS TO PRESENT IDEAS ABOUT COMPREHENSIVE PLAN & PROVIDE CREDENTIALS REGARDING A MASTER PLAN
EACH PLANNER WILL HAVE ½ HOUR. FIFTEEN MINUTES TO ADDRESS: THE SCOPE OF THE PROJECT, THE TIMETABLE & THE FEE STRUCTURE. FIFTEEN MINUTES FOR Q&A FROM THE PLANNING COMMISSION.

7:00 P.M. DAVID GILMER
7:30 P.M. MARK MAJEWSKI OF NORTHSTAR PLANNING & DESIGN
8:00 P.M. D.B.HARTT

4. OLD BUSINESS:
Buddenhaggen/Dunning plan for cluster housing development inactive; no official notification from them whether they intend to proceed or drop it
Tripp asked Ondrey to prepare new language for home occupation permit to prohibit retail sales. Tonight Ondrey handed out, "Ordinance Amending Section 4.01 (b)(2)(c) So As To Prohibit Beauty & Barber Shops as Home Occupations in Dwelling Units." Confusion among PC with regard to intent. Sutliff, "Take this. (the ordinance) Read it. Maybe we'll discuss it at next month's meeting."

5. NEW BUSINESS: **Next meeting 2-24-05 at 7:30 P.M.**

6. ADJOURN: **9:30 P.M.**

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RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
JANUARY 20, 2005
7:00 p.m.

MEMBERS PRESENT: Chairman Walter Sutliff, Matt Brett, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

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

GUESTS:
-David Gilmer, AICP 6737 Ravenna Rd. P.O. Box 330 Concord Township, Ohio 44077 (440) 354-4784
-Mark Majewski, NorthStar Planning & Design LLC, Heights Rockefeller Bldg. 3091 Mayfield Rd. #212, Cleveland Heights, Ohio 44118 (216) 320-9940
-David Hartt of D.B. Hartt, Inc. Planning & Development Consultants The Crittenden Building, 1382 West Ninth St. Suite # 420, Cleveland, Ohio 44113-1231 (216) 696-0400

Chairman Sutliff called the meeting to order at 7:00 P.m. Discussion whether to go into Executive Session. DiMichele wondered why the need for Executive Session. Ondrey, "Sometimes you go into Executive Session with personnel so that you can freely discuss issues about compensation or anything else that doesn't have to be made public. No one can be hired except in a public meeting. The Executive Session gives you the chance for a little more privacy in the discussion of what the terms might be & what the qualifications might be." Sutliff, "It is my recommendation that we consider this a personnel issue & go into Executive Session. I assume that there is no objection that David (Hocevar), Ned (Foley) & Maggie (Tomaro) be included in this session." Brett, "I move." Tripp, "Second." Roll call. All ayes.

Postpone approval of minutes until conclusion of the Executive Session.

Executive Session

9:05 P.M. tape turned on. Resume meeting. Roll call: DiMichele, Tripp, O'Donnell, Brett, Sutliff. The minutes from 11-18-2004 were amended & approved.

Discussion about what the next step is in regard to the Comprehensive Plan. Ondrey, "I think you've (PC) reached a consensus. The question is whose going to be the contact." Sutliff, "Have we, in fact, reached a consensus? It

seems to me a motion would be in order. This body approves going back to David Hartt asking for a revised scope & proposal to be presented at the next meeting." O'Donnell, "Is consensus majority?" Sutliff, "Yes. Majority."

Brett, "It seems to me that our process should be: to explain to David Hartt that we'd like to expand this, to have David Hartt resubmit his proposal for PC to make sure that is what we want. If that is, PC would make a motion to Council requesting that it approve the funds. Then Council would have to pass an ordinance approving the funds. Then we move forward."

Sutliff, "We could do a hand vote. Do we have consensus on that?" DiMichele, "To get more information from him. That doesn't mean I'm voting for him. I'd like to know what his new prices are." Hands up: Sutliff, Brett, Tripp, DiMichele.

DiMichele, "What exactly are we asking for? A fourth meeting or ask him to include a citizen advisory board?" Brett, "We are asking him to include citizen involvement. He stated that would mean PC along with citizens to provide thoughts on that & a price on that. It would also mean it would be a fourth meeting." DiMichele, "I think that's two separate things. The fourth meeting was just to make a presentation to the residents. That didn't include anything at all about citizen advisory. I think we're looking at a whole other facet." Brett, "His comment was if you want to have this citizen advisory scenario, then you really have to have a fourth meeting." DiMichele, "I don't think that's right. I think he's saying we need to have a fourth meeting if we're going to have a presentation to the citizens. Presenting it to the citizens is different than citizen advisory input."

O'Donnell, "This is what I heard. If we have citizen involvement, then he has to add a fourth meeting in order to make a presentation to the citizenship, which is everybody who wants to come as opposed to the committee of citizens who are going to provide involvement." Brett, "We need to go back to David Hartt & tell him we want citizen involvement & for him to give some definition to that. Our citizens need to be involved in the process. That might be the involvement of a citizen committee in conjunction with this. We want a recommendation in regard to that & associated cost." Sutliff, "Right." Brett, "If David Hartt says we need to add a meeting, that's the scope change he needs to do & associated with that is the price change."

O'Donnell, "Should the Master Plan for the Muggelton property include this 10 acres down here? (points to something) Or is that separate? I don't want what's plan able for the Muggleton property is not also plan able for over here." Tripp, "If you look at the Copley plan, it's titled TJ Young Park. It has four separate sites within it. Although it's centered around this TJ Young, he develops a plan that entails all of the Village owned parcels. It talks about each of these parcels & what the plan is relative to them. He's got five sites & talks about each of them."

Sutliff, "I think the Master Plan should include all the properties." O'Donnell, "Ok. I don't want Muggleton separated out." Sutliff, "If this is too much of a burden, maybe treat the Comprehensive Plan separate from the Master Plan." Ondrey, "Council is looking to have a Master Plan for what's going to happen with, at a minimum, the Muggleton property & maybe all the Village owned properties. The Comprehensive Plan is talking about zoning. I'm leaning toward what Wally (Sutliff) said. To me these are two very different goals. I'm concerned that we're mixing up the intent. The citizens do want great input into the future of the Muggleton Property & the other Village properties. I don't know if you are going to get near the same involvement on your Comprehensive Plan because there is going to be so little change. I'm wondering if you are complicating your life by mixing the two of them up." Sutliff, "You get the public involved on the Muggleton property & these meetings will go on indefinitely." Brett, "I agree. I would like these treated individually. Do we want to do this or this or both? If we do both, they should be kept separate."

O'Donnell, "But the Village owned properties would also be one package." Brett, "That's a good call. I don't think it will have that big of an impact on the price he threw out for a Master Plan. He threw out a number of $2500. to do the Master Plan for the Muggleton property in this kind of format, a little bit more in depth. What that is really saying, you have this property & these other properties. You've identified potentials for them: preserving part of it, all of it, ball fields, cemeteries, walking trails. Consolidating some thought about those is what the Master Plan would be." O'Donnell, "The Comprehensive Plan is the backbone of the zoning." Brett, "Correct." DiMichele, "Who is going to be in charge of the Master Plan? Council?" Brett, "Who would be the main interface with D.B. Hartt if we move forward with them to create the Master Plan? Yes. Council. I don't think PC needs to muddy the water by adding in that projected cost. I think that's a Council cost 100%." Sutliff, "I think that the Master Plan is going to involve some public involvement, no question about that." Brett, "Yes."

OLD BUSINESS:

Tripp, "I read in the newspaper that Buddenhaggen/Ann Dunning cluster housing development is dead." Brett, "They dropped it." Hocevar, "I don't know if it's dead. They all walked away." Ondrey to Tripp, "They never officially announced that they are not interested. They just never came back with anything further."

At the previous meeting, Tripp asked Ondrey to prepare new language for home occupation permit to prohibit retail sales. Tonight Ondrey handed out, "Ordinance Amending Section 4.01 (b)(2)(c) So As To Prohibit Beauty & Barber Shops as Home Occupations in Dwelling Units." Brett to Tripp, "What was your intention? Was it to specifically prohibit beauty & barber shops as home

occupations?" Ondrey, "They'd be allowed in other zones. But, they wouldn't be allowed as home occupations under my proposal." Sutliff to Tripp, "I thought you were upset with selling shampoo there." Tripp, "The door's open for her. (Mrs. Geraci) But, I'd like to close it for everybody else." Sutliff, "You have a problem with someone having a beauty shop in their house." Tripp, "Yes I do." Sutliff to Tripp, "Salesmen's offices, OK?" Tripp, "I don't have a problem with that because they don't do retail sales." Sutliff, "Is it the retail sales that's the issue? Or is it the barber shop or beauty shop that's the issue?" Tripp, "I'll go with both." Sutliff, "Take this. (Ondrey's proposal) Read it. Maybe we'll discuss it at next month's meeting."

NEW BUSINESS:

PC discussed the next meeting. Sutliff decided to have it on February 24, 2005 at 7:30 P.M. because two PC members aren't available on 2-17-05.

There was no further business. The meeting adjourned at 9:30 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

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THE PLANNING COMMISSION
FEBRUARY 24, 2005
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, Tripp, DiMichele**

2. MINUTES: 1-20-05 **Approved as presented**

3. AGENDA:

   1. FORMAL DISCUSSION REGARDING REDEVELOPMENT OF MILBAR PROPERTY, 530 EAST WASHINGTON ST. TO OFFICE/RETAIL. PRESENTATION MADE BY PROPERTY OWNER, JEFF SIMLER & REPS. FROM LOWENSTEIN DURANTE ARCHITECTS WHO HOPE TO GET FINAL DEVELOPMENT APPROVAL TONIGHT. ORIGINALLY APPEARED BEFORE PC ON 11-18-04.
   NOTE: A ZBA HEARING WAS HELD ON 12-21-04. THEY WERE GRANTED: A 37.8% VARIANCE FOR LOT COVERAGE, A NINE-FOOT VARIANCE FROM THE HEIGHT RESTRICTION OF 24' FOR THE RETAIL COMPLEX & A 40' VARIANCE FROM THE HEIGHT REGULATIONS FOR A CUPOLA THAT WILL BE ON THE RESTAURANT
   Tripp, "I move that the South Russell Planning Commission approve the 530 East Washington Street site development. This is condition on:
   (1). Final approval of all aspects & details there of by CT Consultants & South Russell's landscape architect (Knight & Stolar).
   (2). The 18' X 20' parking space is a critical portion of this plan. Therefore, the 180 square feet for parking is required to conform with zoning." DiMichele second. Roll call. All ayes.
   CONDITIONAL FINAL DEVELOPMENT APPROVAL

   2. FORMAL DISCUSSION WITH THE VILLAGE REGARDING A LOT SPLIT FOR THE MUGGLETON PROPERTY, 972 BELL RD.
   No Action

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3. CONTINUE TO DISCUSS COMPREHENSIVE PLAN: D.B. HARTT'S PLANNING SERVICE OPTIONS
Brett, "I make a motion to proceed with Option 2. The motion is contingent on the fact that the two additional public meetings/forums would be to solicit citizen input, to involve citizen input & to make sure it is a two-way discussion. The Muggleton property is just terminology for all Village owned property. Tripp second. Roll call. All ayes. APPROVED

4. REVIEW & DISCUSSS SOLICITOR ONDREY'S ORDINANCE: "Ordinance Amending Section 4.01 (b)(2)(c) So As to Prohibit Beauty & Barber Shops as Home Occupations in Dwelling Units" **DENIED**

4. OLD BUSINESS: **None**

5. NEW BUSINESS: **1). Potential buyers of Muggleton may want a cow farm there. SR has no zoning to limit # of cows permitted. PC may need to revisit zoning about this.**
2). For a third year, the Village is required by the EPA to do a storm water management program. Annually, a report is submitted to the EPA. There may be some ordinances that PC needs to revisit based on the EPA mandate.
3). Prestige Homes submitted a preliminary plan to create a major subdivision on 22 acres at 1561 Bell Rd. PC will defer discussion until the Village receives an application. No action
4). Bell Station, 5196 Chillicothe wants to add 360 square feet. Hocevar wonders if this fits into grand fathered use. Ondrey will review this & let Hocevar know. NOTE: This went before the ZBA on 4-7-05. The request for a variance was denied. A second request for a variance to temporarily house a potting shed on the property was denied.

6. ADJOURN: **9:25 P.M.**
NOTE: NO MEETING IN MARCH. THE NEXT PC MEETING WILL BE APRIL 21, 2005 AT 7:30 P.M.

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RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
FEBRUARY 24, 2005
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Matt Brett, Ike Tripp, Janice DiMichele

OTHER OFFICIALS: David Hocevar, Building Inspector, David Ondrey, Solicitor, Eric Haibach of CT Consultants, Engineer

ABSENT: Kathleen O'Donnell, Ned Foley

GUESTS:
Jeff Simler, property owner of 530 E. Washington St.
Dale Burrier, Cawrse & Assoc. 547 East Washington St. (landscaper for 530 E. Washington St.)
Christopher P. Dewey, Lowenstein Durante Architects, 3109 Mayfield Rd. (here for 530 E. Washington St.)
Matthew Neff, M. Neff Design Group (civil engineer for 530 E. Washington St.)
Barbara Toncheff, 1565 Bell Rd.
Patti Valencic, 1567 Bell Rd.
Katie Knauff, 125 Lakeview Lane, Chagrin Falls High School student

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes from 1-20-2005 were approved as presented.

Formal discussion regarding redevelopment of Milbar property, 530 East Washington Street to office/retail. Presentation made by property owner, Jeff Simler & reps. from Lowenstein Durante Architects who hope to get final development approval tonight. Originally appeared before PC on 11-18-2004.
Note: A ZBA hearing was held on 12-21-04. They were granted: a 37.8% variance for lot coverage, a nine-foot variance from the height restriction of 24' for the retail complex & a 40' variance from the height regulations for a cupola that will be on the restaurant.

Chris Dewey, an architect for Lowenstein Durante, provided an overview. Currently there are three buildings on the property. Two will be demolished.

They will keep one that is 30,000 square feet. They will build 17,000 square feet of retail/restaurant along East Washington Street. They sought three variances December 21, 2004 & were granted all three. They have received preliminary approval from the ABR. Once the construction drawings are complete, they will go before the ABR for final approval. Tonight he brought landscape plans & full civil drawings.

Hocevar, "The parking areas on the new section, the retail center, our zoning requirements are 9'X 20' or 180 square feet. They designate 180 square feet, but they don't designate 9' X 20'. They fall short 18 square feet. They have 9'X 18'. The cars' bumpers will overhang onto the green area by the retail." Dewey, "The reason is, we have these planters here which will dress up the front of the building. By shortening the depth of the parking space, we've allowed room for the planters & the walk of 36", which is an accessible route. If you don't find that acceptable, we'd have to alter the planting areas. There is an eight foot walk in front of the building."

Ondrey, "What is the solution if we say you've got to meet our zoning requirement?" Dewey, "We'd push the green areas back. The landscaped beds would be smaller by two feet. The beds are currently 7 ½'in width. They'd go down to 5 ½'." Ondrey, "If it doesn't comply with our zoning, then PC can't approve it. It's another variance issue."

Sutliff to Dewey, "What's the dimension between the rite-of-way on East Washington & your parking lot?" Dewey, "About 25'." Sutliff, "Can you shift it two feet?" Dewey, "The issue is lot coverage. We actually reduced it from what the ZBA allowed. If we did that, it would put us over that number."

Tripp, "You have an eight foot walkway in front of the building, 7 ½' planter, 36" & then the 9'X18' parking spot." Dewey, "Right." Tripp, "They can make a 5 ½' planter. They can keep their eight foot walkway. They keep 36" & we don't have any issues. They don't have to go back to the ZBA." Hocevar, "Doing this, they'd be ok."

More discussion on parking. Dewey explains it has a look like a boulevard. Dewey, "It's more dramatic. It's a more interesting landscape effect. It's a nice atmosphere." Ondrey, "If it's not meeting our 180' requirement, they have to go to ZBA for a variance." Dewey, "I feel confident that we can review it & come up with a compromise that you indicated to keep our lot coverage under the allowable amount & still allow for the parking without going back to the ZBA."

Hocevar, "The parking for this whole complex is right on the line. They illustrated on the first page of the drawings that they are going to have a seating capacity of 80 people for the restaurant. We are going to put that on the occupancy certificate, not to exceed 80 people for that restaurant. According to the Building Code, he could exceed that. But, I want to make sure it's on the occupancy certificate for the parking regulations in the Village - that they don't

exceed it. I want that brought up & he (Dewey) said he's aware of it." Dewey, "Yes we are."

Hocevar, "The other issue is snow removal. I don't know what they are going to do with the snow." Matt Neff, civil engineer for the project, "There are these large islands along the edges that we are trying to utilize for snow storage." Hocevar, "Normally we send drawings out to our landscape architect (Knight & Stolar), which we haven't done. That could be a contingency on approval."

Eric Haibach of CT Consultants provided a sheet with his comments. (attached to the minutes) Haibach, "One of my concerns was some of the underground utilities. What is your pipe material for the water? Is it going to be copper?" Neff, "The service line is going to be copper." Haibach, "How big?" Neff, "I'm not sure." Haibach, "You've got a heck of a run." Neff, "That's going to be duck let for the hydrant." Haibach, "There is a hydrant?" Neff, "There's going to be a hydrant in the back. That's (pointing to drawing) the duck let line. The size of the service line will be determined by the EPA guys when they find out what the demands of the building are." Haibach, "Is the restaurant going to be served by this copper line as well?" Neff, "One is going to the (?) of this building & the other is into this building. There are three fire hydrants. There is one in an island in the back. There's one up on the street & there's one farther down off the site."

Sutliff, "Is the building going to be sprinkled?" Neff, "No. Our research so far indicates that it does not need to be sprinkled." Hocevar, "If they divide it up the way I think they are going to, they won't need to sprinkle. The restaurant area is less than 5,000 square feet by 100 feet. That's when it becomes an issue, at 5,000 square feet."

Tripp looks at drawing. "I don't find the storm water containment." Neff, "I've had conversations with Ned Foley. As long as we reduce the impervious area from what it is existing - because there was not retention out there - as long as we didn't exceed the impervious area that was there, than storm water management would not be required." Haibach, "Or the controls? Those construction quality controls?" Neff, "We'd have to address that."

Haibach, "Another thing, you've got an 18" existing PVC storm sewer servicing the vast majority of this. The vast majority of the water is flowing this way down the 18" pipe. A little bit is coming out directly under Washington via a separate route. That 18" pipe is discharging into an existing 12" on Washington Street. I don't think it would be hard at all to put a control structure there, maybe with an orifice & emergency overflow, probably where this existing catch basin is now. At least look into it." Neff, "Ok." Haibach, "It seems like you've got a ton of potential onsite storage as it is in that 18" sewer. Clearly, if that's full, it's discharging into the 12" anyhow."

Brett asks for clarification. Haibach, "There's an existing 18" PVC storm sewer that they've got shown on the western border. It shrinks down slightly to a 15" & discharges into a 12" along Washington Street. If in fact, they need that much, that's flowing full. It's impossible to discharge it anyhow. I'm saying, it's a feasible idea to put a man hole – storm control structure – in here at this corner where the existing catch basin is with a certain size orifice, be it 4" or 6", just your standard storm control."

Neff pointing to drawing, "I'd like to bring up one point. This storm sewer here that runs from East Washington into the site & down across here to here, that is an existing sewer. That's the existing storm sewer on site. We're just reutilizing that. So, it's what's there now. It's what's draining a larger area. I don't know if you guys have flooding problems there or not. But, we're just using the exact same sewer that's there today for the redesign of the site."

Sutliff, "You say you have less impervious area." Neff, "Yes. We've increased the green space by 2 or 3%." Brett, "Do you know what the lot coverage is now?" (Milbar) Simler, "I believe it was about 77%." Dewey, "We are currently at 71.6%." (new project)

Brett to Hocevar & Haibach, "That section of East Washington is a problem with storm water." Hocevar, "Absolutely." Haibach, "Before the meeting, Dave (Hocevar) & I were talking – that a 12" further reduces to an 8" downstream." Sutliff, "Usually the covers blow on the manhole." Haibach, "Yes. That's what Mr. Hocevar said. I haven't done any storm water analysis or done any drainage calculation on the site. Just by looking at it, I think that 18" sewer is oversize enough where if you put a restrictor plate in here, you can use that existing sewer for onsite storage. It's a guesstimate on my part without doing any calculations."

Brett to Haibach, "What you are saying is, you just restricted that 18" pipe. The water would back up." Haibach, "It would back up & fill the (?) & slowly, slowly (?)." Brett, "And slow down the flow down into East Washington." Brett to Neff, "Is that acceptable?" Neff, "Before I set this up, I would want to run the calculations to see exactly." Haibach, "To see how much storage we have. If it turns out that it doesn't provide much storage at all, it's economically not worth putting a control structure in."

Neff, "In previous conversations with Ned, we indicated that we wanted to use the existing sewer since we are reducing the impervious areas, increasing the green space. There was no need to get into storage." Brett, "I understand his comment. I'm sure Ned is aware of the flooding issue. We're pointing this out tonight as a good topic for us to consider here."

Sutliff, "Those are existing sanitary connections? You've got one sanitary connection. You've got a new sanitary connection for the restaurant. You've got a new sanitary connection that's going to pick up the back building." Neff, "Yes. We are adding two sanitary connections. We aren't sure exactly how we were going to route the existing one around the building to the back. We don't know what that slope is. We didn't know if we could get the minimum slope & still hit this connection back here. So, it's only an extra 50 feet to run this connection out to the street. We're saving a couple of clean outs. We thought it was cost effective to do that. As far as the one to the restaurant, it's also a shorter run to run this out to the street then back through pavement that we're trying to save, tear that up & then get this back in for the grease trap & tie it in the existing sewer. "

Sutliff, "Is that Chagrin Fall's call? The sanitary?" Hocevar, "Yes." Brett, "Does Chagrin Falls need to approve this for additional tie ins?" Hocevar, "Yes. If there is additional tie ins, it goes to Chagrin Falls. They have to approve it." Brett, "Currently, there would be one." Hocevar, "I don't know." Neff, "There is one tap for the entire site right now, which is like five buildings. We were proposing two new ones. But, I'm assuming the total flow would be comparable. It's a matter of economics. What's the most inexpensive way as far as site work goes to install the sewer that you need?" DiMichele, "You're not increasing the usage, but it will be two connections." Neff, "Correct." Haibach, "Revised alignment." Neff, "Thank you. Yes."

Sutliff to Neff, "Have you been to Chagrin Falls yet on the sanitary sewer?" Simler, "I've had a conversation with the engineer, just a brief conversation, just on capacity. He said there's plenty of capacity for sanitary & water. Chagrin's engineer happens to be CT."

Haibach to Neff, "There should be a standard detail put in the detail section on Pp. 6 about transitional details because you've got (?) paved areas." Neff, "If they aren't in there, we'll add them."

Brett to Ondrey, "If PC grants this tonight, what would we do with our engineer's recommendations? Do all those need to be noted?" Ondrey, "Yes. If you want to give approval, you're going to have to make it conditional upon satisfaction of what our engineer's comments are. We could make it as broad as your approval is contingent upon our engineer's approval."

Haibach, "More specifics: One of the things was the pavement section. It had roughly 4" of asphalt over 3 or 4 stone aggregate base. I know you're using a lot of existing pavement, which is out here at least along the western drive. I don't know what the pavement section is on that. I'm assuming, since it was commercial/industrial, it's a fairly big enough section for that (?). We're going to have to determine that once you begin to soft cut it, whether it's going to hold up or not. But, that west drive is probably going to be the drive that's most heavily used for garbage trucks, deliveries to the retail. You might want to put a

secondary pavement detail in there with a thicker section, rather than a 4". Maybe stick 4" of 301 at least along that heavily used area. That's about all I have."

Sutliff, "What is your schedule on this? Is this something as soon as the weather breaks, you hope to get started?" Neff, "Absolutely." Sutliff, "As far as the existing buildings coming down, have you done environmental studies?" Simler, "The environmentals were done when we purchased the building, a little more than two years ago. We did Phase II. We actually did monitoring wells around the property in three different locations. It all came back good." Sutliff, "Any asbestos to be removed?" Simler, "No."

Brett, "Would we normally get a copy of the plan on demolition? Would we get a copy of the Phase II EPA study?" Simler, "I'd be happy to share it with you. There are no secrets. If you want a copy, I'll get you one." Sutliff, "Sure."

Brett to Ondrey, "They've already gone through the process of coming to us for a preliminary conditional use sort of thing. Then they went to the ZBA for height & lot coverage variances. Specifically, tonight what is it that we're looking at?" Ondrey, "Final development approval. The PC did it, not knowing what the ZBA would do. You'd have one last pass at this to make sure it conformed with our development regulations. All you're going to do is give final approval of this plan. But, you can make it contingent upon some of the issues you've talked about." Brett, "Even though we're going to ask the Village's landscape architect to review this, we might look at things like the landscaping around the edges to make sure other buildings are shielded." Ondrey, " You could tonight. Yes." Brett, "Things we already talked about like where snow would be pushed or where dumpsters go, or how traffic comes in." Ondrey, "Right."

Brett, "The sign, is that something that we're looking at?" Ondrey, "As long as it complies with our zoning, I don't know if you've got a whole lot of say in how that sign is laid out." Hocevar, "What I'd like to do is keep that a separate issue. That has to go in front of the ABR. Zoning has to take a look at it. Let's keep it a separate issue because we don't know the dimensions of the sign right now, the aesthetics. Let's keep that a separate issue."

Tripp, "What about the signs on the buildings?" Hocevar, "Same thing. Each one of those buildings, the tenants have to get a different sign permit, go to ABR & comply with our zoning." Tripp, "But, in general, I wanted to make sure everyone looked at the second page & made sure we all understood exactly how the signs are going to somewhat appear. I understand they go before ABR. Does everybody understand this awning detail that's shown here?" Simler, "We met with the ABR & spent two meetings talking about those awnings as well as signage." Brett, "You've gone before our ABR twice. Does it make sense to give an update?" Simler, "They approved the preliminary plan. When the plans are complete, we'll go back for the final. The hot topic was those awnings. There's a store in Chagrin Falls called Cottonwood. We are kind of copying that awning.

It has less maintenance than the canvas awning that we originally proposed. This is going to last longer, look nicer for a longer period of time & require less maintenance." Dewey, "It'll have a metal frame of course." Some PC members don't have Pp. 2 showing an awning. Tripp, "The sign is flat along the front of the building. There will be a non canvas type awning." Dewey, "That's correct."

Sutliff asked Hocevar about lighting. Hocevar, "They submitted a parking lot lighting plan. It looks good to me. A professional company designed the lighting. They meet our requirements for our pole lights." Sutliff, "The fixtures won't be offensive to neighbors." Hocevar, "I don't think so." Dewey refers to plans. "These darker areas are light fixtures. These are pole lights, the high lights up in the air. Each one of these numbers represents the foot-candles, the amount of light at that location. You can imagine that the higher foot-candles are closer to the light fixture & as you get further away, it becomes less & less. One technique used along property boundaries is for those to have cut offs or they are shielded. So, you're not having light spilling onto your neighbor's property. This shows, along the perimeter, the light levels are at the lowest where they should be. In the other areas where you need to focus the light, that's where they are high."

Brett to Haibach, "From CT's standpoint, the way that the entrances come in to this, any issue with East Washington that you see?" Haibach, "The North west is an existing entrance now." Neff, "The other entrance, we're relocating about 30'-40' to the east. (pointing to drawing) This is the entrance we are reusing. This one came in here & we want to slide it down here (30'-40' east) so it lines up with the long driveway. It's not a big deal for (?) traffic. But, if you wanted to get a fire engine back there, you want to have a nice alignment here." Brett, "Any driveways across from that, that we need to be conscious of?" Hocevar, "I don't think so." Neff, "There's one across the street in between the two curb cuts. But, I don't think it's an issue." Haibach, "And by moving that lower drive farther to the east, they've even increased the space between those two drives, which is always a desirable thing. You don't want two drives backed up to each other."

No anchor restaurant yet. Simler hasn't aggressively marketed it, still designing it.

Tripp, "I move that the South Russell Planning Commission approve the 530 East Washington Street site development. This is condition on:
(1). Final approval of all aspects & details there of by CT Consultants & South Russell's landscape architect (Knight & Stolar).
(2). The 18'X20' parking space is a critical portion of this plan. Therefore, the 180 square feet for parking is required to conform with zoning."
DiMichele second. Roll call. All ayes. CONDITIONAL FINAL DEVELOPMENT APPROVAL

Ondrey, "We do have the ability to talk about a performance bond to assure that paving, grating, landscaping, storm drainage & other improvements shall conform. I don't know that we've done that on other private developments like when Burns built his buildings. We've got the power. But, I don't know if we exercised it in this kind of setting before. The performance bond would step in, in the event that somehow the project fell apart & we've got an unfinished project sitting there." Sutliff, "Have we done that?" Hocevar, "Not on a commercial building. Construction deposits are going to be somewhat high on this project. We have that leverage once it started, if there were a problem. Contractors will all be bonded." Ondrey, "I think we did it where we had public improvements going in. Sidewalks & streets are more important to us." PC decided against including a performance bond as part of the motion.

Brett, "Could you take us through the outdoor dining area?" Dewey, pointing to the drawings, "This is the entrance to the restaurant area. This will be a paved surface; area for table & chairs. There will be a fence to retain this area & also an immediate egress out. In the case of a fire or an emergency, people aren't required to go back through the restaurant to get out. They'd have direct access to the rest of the property." Brett, "What does that count towards?" Hocevar, "We're not going to count it because of the reason that he explained. They're going to have direct access. So, we won't count that as seating area. It's just part of the restaurant. It's limited use in the summer. It's not going to be in the winter." DiMichele, "Eighty seats plus the patio." Hocevar, "No. It's 80 seats including." Sutliff, "What do they do in the summer time? They've got seats out there. Do they close down seats inside?" Hocevar, "Yes. They've got an occupancy load to maintain. That fire department is going to enforce that."

Tripp, "You did get the height. There's no issues with the fire department relative to the cupola & the like?" Simler, "I'm not aware of any." Hocevar, "These plans were submitted to the fire department. They looked them over. They had some concerns about the turning radius in the driveway. They corrected them. I talked to the fire department this afternoon. The fire department is happy with them, our fire department prevention officer (SR) & the Chagrin Fire department."

Brett asked about the next step. Hocevar, "They need to get the final drawings submitted to our office for interior alterations & final approval from ABR, the engineer & landscape architect's approval."

PC members commented on how well the project is progressing. Simler thinks they may break ground in May or June 2005.

NOTE: Hocevar said not to stamp these plans; wait for final drawings. Ok.

Informal discussion with the Village regarding a lot split for the Muggleton property at 972 Bell Rd.

Brett provided an overview. "Near the end of 2004, the Village went into an agreement with the Chagrin River Land Conservancy to partner for the Muggleton farm. The Land Conservancy acquired the rights to the whole thing, 103 acres. The Village made an agreement with the Land Conservancy to take 86 acres. The Village couldn't afford all of the 103 acres. The Conservancy owns the 17 acres, which has the house & outbuildings."

Brett, "The Village had committed to have the lot split done. We would take on that task. A surveyor has done the work that the Village requested. There are talks of someone purchasing the 17 acres & perhaps more property. The reason to hold tight is that there is no reason to go through this process twice if the Village is going to sell them some additional property. It doesn't make sense to split it, and then split it again. The Village isn't going to consider this until there's an offer on the table. How much property? Which chunk of property? What dollar amount are we talking about? If nothing occurs, we'll need to move forward & bring it to PC." **No Action.**

Continue to discuss Comprehensive Plan:

Brett met with David Hartt after the last meeting. Brett, "I shared with him the sentiments of the PC. Some of the concerns were that we might want more resident involvement. Are we talking about a citizen group or public meetings?"

Brett asked for a couple of options. Refer to sheet titled, "Village of SR Planning Service Options". Brett, "Option 1 is what he presented to us (1-20-05). Option 2 is the same as 1, but a couple of things kicked in. The Muggleton property evaluation is a Master Plan. Would that encompass all of the Village's properties i.e. property to the south of Village Hall, property on the other side of 306? The answer is yes. Also within Option 2, is the opportunity to have two additional public meetings. Option 3 includes all of Option 2 & adds a citizen's committee. Option 4: Instead of PC being the group that runs with the Comprehensive Plan & the Master Use Plan, to segment those with PC running with the Comprehensive Plan & Council running with the Master Plan. David Hartt's philosophy is, when you separate those out it adds a fair amount of time & a fair amount of complexity to it."

Sutliff, "At the last meeting – his Option 2- with two additional public meetings- I thought we talked about one public meeting." Tripp, "We talked about one." Sutliff, "Maybe he feels if we're going to get public input, that we need two meetings." Brett, "If PC wanted to move forward with this, we need to indicate to Council this is what we want to do. Council would need to pass an ordinance approving the funds. Then we'd move forward."

Brett, "If we were interested in Option 2 & we said we only want to commit to one additional public meeting & have another one as an option, I think David Hartt would be agreeable to that. I also made a copy of our Council meeting minutes (1-24-05). Under committee reports, Kathy O'Donnell gave the PC report. We brought up a ballpark figure of $20,000 to get Council's take. The reaction from Council was favorable. There was no formal action on it."

DiMichele, "Basically we're looking at doing the Comprehensive Plan without citizen input; a meeting to them, but no input. The input part would be used for the Master Plan not on the Comprehensive Plan." Brett, "That's Option 2." DiMichele, "Looking at the Council minutes, 'Morrison asked if the Master Plan is where we would ask for citizen input. O'Donnell said, that is right.'" DiMichele, "That's how we distinguished them. The Comprehensive Plan, that we are responsible for, does not have a citizen input component. It would have a reporting to the citizens, but not a citizen input component. Option 1, is that what we're looking at? And Option 2, are we in agreement, that's the way we want to approach this?"

Brett, "In Option 2, there would not be a citizen committee. The PC, Council & a number of residents come together & work through the whole process. A public meeting is held where information is presented & reaction is solicited." DiMichele, "You've expanded it. You said Option 2 would be PC, Council & some residents." Brett, "Sorry. What I'm saying is Option 3 is where you pull in a citizens committee. A citizens committee is PC, Council & pulling in residents. Option 2 is not doing that, but working through the Comprehensive Plan & the Master Plan with Council & PC. Then having two public meetings when this information is presented to our residents. Then feedback."

Brett, "If you want my recommendation, I think Option 2 is most in line with the things we've talked about. Having our residents involved in the process to the extent that information as we gathered it is provided to them & opportunity for them to provide feedback, is the appropriate way to do that. The citizen committee is a little bit more than what I think we're prepared for. I'd advise against that. If PC wants to move forward, I make the recommendation that we consider Option 2."

DiMichele, "I thought that our original idea was that we were going to concentrate on the Comprehensive Plan & not be involved with the Master Plan. That was a Council Project." Brett, "That was the original premise. What David Hartt is saying is, if that's what the Village wants to do, then he'd be looking to

going to have two meetings with the public to tell them everything about the Comprehensive Plan & the Master Plan. I thought we had two animals, totally distinct. PC is doing the Comprehensive Plan. Council is doing the Master Plan. I have no problem with Council & PC doing the Comprehensive Plan. Master Plan, I think you have to have people input. As a citizen, I'm going to complain that I'm not going to have input into it. A formal meeting to them is different than asking for their input."

Sutliff, "You're leaning toward Option 4." DiMichele, "I'm leaning toward Option 2 for the Comprehensive Plan & let Council do what they want to do with the Master Plan. The Master Plan is not a PC project." Sutliff, "The more I look at this, (PC minutes from 1-05) what we discussed, call it Option 1A. That was the Comprehensive Plan with at least one public meeting to get the public input. We did in fact treat the Master Plan as a totally separate project. If you carry these figures through, we're in the $18,000 range & Council has to decide what to do with the Master Plan."

Brett, "I do think they are different things. I see a lot of tie-ins in doing them together. It's more efficient. As a resident, I'd say if the Village is going to undertake both projects to separate them out & to spend more money, you haven't used my tax money in the best way." DiMichele, "And if you put together a Master Plan & decide how the land is going to be used & you're not going to think citizen input on it, I don't think you're using the tax payers money wisely." Brett, "I do think Option 2 solicits resident input. I absolutely believe that. Why it is different from Option 3 is that it is in the structure of how we get there. Option 3, all the way through the process, we have a select group which would be PC, Council & just call it 5-10 residents. You're going to get some flavor of our residents. I would absolutely not feel comfortable stopping there. You absolutely have to have the public meeting. Without that, either way you go is a mistake. I think the way you get residential feedback is by having those public meetings."

DiMichele, "As long as it is an open, two way street & not a presentation of here is what we've done. That's how I was envisioning David Hartt's meeting. Let's have a meeting & tell people what we've done. That, to me, is not fair. The Master Plan has to have citizen input." Tripp, "The issue is if we were to recommend Option 2, we would specify that the public meetings are forums by which we can communicate to & we receive from & we use that input into the development of the Comprehensive Plan & Master Plan. That will be done with Council's input & Planning Commission's input. Right?" DiMichele agrees. Brett, "Yes." Sutliff, "He (Hartt) does spell them out as forums. I consider forums as we're not just telling folks what we're doing."

Sutliff, "So there is no misunderstanding, under Option 2, it doesn't just include the Muggleton property. It includes the other Village owned properties." Brett, "Right."

Brett, **"I make a motion to proceed with Option 2." Tripp second.** Sutliff, "Should there be a stipulation, that a misunderstanding on David Hartt's part, that the public meetings/forums not be information meetings? In fact, we will get input from the public at these?" Tripp, "I accept the amendment." Brett, **"The motion is contingent on the fact that the two additional public meetings/forums would be to solicit citizen input, to involve citizen input & to make sure it is a two-way discussion."** DiMichele, **"The Muggleton property is just terminology for all Village owned property." Tripp agrees.**

Brett to Ondrey, "What would we be passing here?" Ondrey, "A recommendation to Council that you accept Option 2 from David Hartt based on the conditions stated. Then Council would need to pass an ordinance."
Roll call. All ayes. Approved

Review & discuss Solicitor Ondrey's ordinance: "Ordinance Amending Section 4.01 (b)(2)(c) So As to Prohibit Beauty & Barber Shops as Home Occupations in Dwelling Units"

Tripp, **"I move that the Planning Commission approve the Ordinance Amending Section 4.01 (b)(2)(c) So As to Prohibit Beauty & Barber Shops as Home Occupations in Dwelling Units."** DiMichele second.
Discussion: Brett, "Are we being selective with this?" Sutliff, "I think we are & I'm going to vote against it." Tripp, "I think we are being entirely fair because if you read the way the section was that was being repealed, you are still allowing the fact that home occupations are limited to those uses that are generally service-oriented such as architects, engineers, attorneys, sales reps, insurance agents as encompassed in the definition of limited offices as set forth in Section 2.01 (60) of the Code. Beauty & barber shops will not be permitted as home occupations."

Tripp continues, "Further, Mr. Chairman, I would like to remind the PC that many ordinances of the community of South Russell, including Bramble Farms Housing Association, which we're in - where this lady has put her beauty shop - have ordinances directly prohibiting beauty & barber shops in the area. Now if we're not going to pass something to support the Kensington Green's Homeowner's Association, The Bramble Farms Homeowner's Association, The Emerald Lakes Home Owner's Association, then I think we are shirking our duties as members of the PC. Something that's already in their ordinances, they are having difficulty..." Sutliff, "You mean The Homeowner's Association." Tripp, "Exactly. If I had been at the meeting, I would have alerted you & I would have hoped the PC would have voted it down."

DiMichele, "Just because the Homeowner's Associations decide to have tighter rules & regulations, why does it have to be general to everybody? Just because Bramble Farms doesn't want it, somebody out on 306, with no neighbors for two miles, wants to have a beauty shop in there home. I don't see why we

have to do something generally. It's up to the Homeowner's Association if they want to put those types of restrictions. Then they have to enforce them." Sutliff, "I agree." Tripp, "Creeping commercialism. We're trying to prohibit creeping commercialism in the community." Sutliff, "If Bramble Farms Homeowner's Association said she can't have a beauty shop, it's up to Bramble Farms to enforce that." Tripp, "We've tried. We have two instances of things that are going on right now that we're working on. Liens have been filed. Letters have been written. Lawyers have been hired."

Sutliff, "We've got a motion & a second. Any further discussion?"
Roll call. DiMichele No, Tripp Yes, Sutliff No, Brett No. DENIED.

OLD BUSINESS: None

NEW BUSINESS:

1). Brett refers to potential buyers of Muggleton property, 972 Bell Rd. They may have cattle. South Russell has nothing in its zoning about cattle. He thinks this is something PC might want to consider. Currently zoning deals with horses. For the first 2½ acres, one horse is allowed. For every additional ½ acre, there can be another horse. If there were 12 ½ acres, there would be 21 horses. Brett, "I think as PC moves forward with the Comprehensive Plan, these are things that we would discover about our zoning & address. The zoning code that is in place is something to be revisited." Hocevar, "The only thing we limit is horses & we do not permit swine."

DiMichele, "Can we wait for the Comprehensive Plan? If they bought it, would they be grand fathered in?" Brett, "If they were to buy in the very near future, yes. If someone has a cow farm & it's contingent on them having additional property, we have leverage there. I think we would have the ability to put some restrictions on that in a deed restriction or conservation easement."

2). Brett, "For the third year, the Village is under a requirement from the EPA to do a storm water management program. Annually, we submit a report in regards to storm water & pollution. Kyle Dreyfuss-Wells discussed Riparian setbacks a year ago. She also launched the Comprehensive Plan idea. There may be some ordinances we need to revisit based on this EPA mandate. There may be language on erosion control, Riparian setbacks & polluting streams that may need to be changed. To change the ordinance, there isn't a deadline. What we'd say in the report to the EPA is that it is a task that we will take on within the first half of the year. Currently, the Building Commissioner, CT & the Chagrin River Watershed Partnership are reviewing it."

3). Hocevar: Plans were submitted by Prestige Homes for a preliminary review of 22 acres located at 1561Bell Road. They plan to build a major subdivision. This parcel is located on the east side of the Village. Monique Plociak owns it. Each home would have three or four acres. There are water sensitivity issues. The engineer has not seen the plans yet. Hocevar, "It meets our zoning. The engineer has to review it for the street improvements, storm water, concrete base, curbs. It would be a dedicated street. The Village would take on maintenance i.e. snow removal. It's a 60' rite-of-way. It's probably a 20' road with the rite-of-way on each side. The rite-of-way would be one foot off the property line. There will be a 10' utility easement down the other side."

Hocevar to Ondrey, "For the water sensitivity, if they brought a hydrologist in to pretest the water, they can go back to our regular zoning. Correct?" Ondrey, "Correct." Hocevar, "If a hydrologist comes in & says they can do that on two acres of land, it's ok. The egress may be a hazard." Sutliff asked if there would be septic & well." Hocevar, "They'd have to get an ok from the Health Department."

Sutliff, "We don't like this. But, what can we do to stop them?" Ondrey, "If it conforms to zoning, you can't normally stop them without a legitimate basis."

Next step: They will formally submit plans. Nothing for PC to do now. DiMichele, "Are there other lots along Bell where this can occur?" Brett, "All of those are deep, yes & if someone bought up parcels & put them together."

Patti Valencic, 1567 Bell Road. She purchased the back 8½ acres 1½ years ago on the east side of the property discussed. Valencic, "I was told there wasn't enough width to put in a development. The most it would be is a private road with two or three homes. I'm concerned with privacy, which will be gone if that goes in. I will be looking at headlights coming & going constantly out my window. I bought this land to enjoy my livestock, my animals. I've lived in South Russell for over 20 years. To have this be put into a neighborhood, my whole side yard is somebody's front yard. The other thing, it devalues my property to have that road within 20' of my property line. If someone goes off that road, hits my fence, my horses, that's an issue. The water is an issue. Septics. There are a lot of issues here at stake. I know we passed the perk test. There's standing water in our front yard where our septic is. We're constantly switching things over. But, it doesn't percolate like it should. To have eight homes on a wet woods back there…"

Sutliff, "Those are the issues the engineer, the health department & the hydrologist will have to deal with before anything like this can go ahead. This is a piece of property that if it meets zoning, I'm not sure legally how we can say, no you can't do it because we don't want houses there."

Barbara Toncheff, 1565 Bell Road. She is one driveway away from the property in question. Toncheff, "Why do those homes have to have a 75' setback

from the road, but we get 20' along all of our property? That says to me, they are worried more about those homes than our homes. There is my house, a driveway & that property. Where it's supposed to bend over to the right, what if they decide –whether it's the weather or the driver- to go straight? They go right into the back of my home. That's a safety issue. When they plow snow, we get a 10' pile of snow right on the perimeter. Where does it go when it melts? I've got standing water right where they've got that road bend. I'm going to be flooded. My well is right behind my house, next to my driveway. There are so many issues."

Toncheff, "When you come to South Russell & look at the website, what do you have? You have a picture of a pond, open land, beautiful homes. A street with homes on one side is not conducive, especially when the homes surrounding it are ranches. They are going to stick out like sore thumbs aesthetically. That looks like a street in Solon. She (Monique Plociak) wanted our property. Pat Hrovak refused to sell to them. What precedent are they setting? Go to South Russell because even if you can't purchase the whole development, we can cram 10 pounds of potatoes into a five-pound sack anyway. I have 2½ acres. It's not going to be so nice when I'm surrounded by moving traffic. I've got her driveway. I've got Bell & then I have a new road. I have no backyard anymore. I am surrounded by moving vehicles."

Valencic, "This is so important to us. We don't want to just take a chance. We want to be proactive. We want to voice our concerns. I have put in over $600,000 onto this property. What's it going to be worth with a road the entire 1,800 feet next to me?" Tripp, "Seek the advice of counsel." Brett, "We need to understand what things we can have an impact on. We'll take those seriously." Sutliff, "The plans haven't been submitted. If & when they make formal application, then these are the issues we're going to have to deal with." To Ondrey, "Do you have any advice?" Ondrey, "No. I think we ought to defer further discussion until we get an application." **No action**

4). Bell Station at 5196 Chillicothe Rd. Hocevar explained that the gas station wants to put an addition of 360 square feet for walk-in coolers. It already exceeds the 35% lot coverage. They will need to come before the ZBA & PC. To Ondrey, "Does it fit into expanding a grand fathered use? That's a B-2 use that doesn't have retail." Ondrey will review this & let Hocevar know what steps need to be taken.

NOTE: On April 7, 2005, the ZBA denied two variance requests from the Bell Station. One was to temporarily house a potting shed that is to be raffled off on May 7, 2005. This is a Burton/Middlefield Rotary Club project. The proceeds go to the Geauga County Sheriff Dept. to purchase defibrillators. The second request was for an addition of 360 square feet to the building.

The next meeting is scheduled for April 21, 2005 at 7:30 P.M. There was no further business. The meeting adjourned at 9:25 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

Memorandum

To: **South Russell Planning Commission**

From: **Eric Haibach**

Subject: ***530 East Washington Street***

Date: **02/24/05**

I have reviewed the site development plans as submitted by the mNEFF design group and have the following comments:

The water service connection to the office building is an exceptionally long run. What size is the connection?

What size is the water connection to the retail building? Should the restaurant have a direct connection for water service?

What provisions have been made for fire protection? A fire line and on-site hydrant should be considered.

Pipe materials for sanitary and water connections should be noted.

A trench bedding detail should be included in the plans. Bedding and backfill over pipes and conduits within paved areas should be premium material to the top of trench.

There are no post construction stormwater quality BMP's represented on the plan.

The existing 18" PVC storm sewer along the western sideline discharges into an existing 12" storm sewer in the Washington St. right of way. The possibility of stormwater detention within the on site storm sewer should be investigated.

(2.5B) The bituminous pavement section as shown in the details should be thicker in high traffic areas such as the western driveway which is subject to higher axle loads from delivery and garbage trucks.

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Pc 2-24-05

CT Consultants
engineers | architects | planners

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

Street Commissioner reported that last Friday Chagrin Falls had a water main break and a blast was put on South Russell's website. Street Commissioner read an email from a Kensington Green resident who was appreciative to know that such a notification system is in place and works.

Binder said that he noticed that the Village trucks at times do not have their signs on them. Street Commissioner said that when it is so cold and there is icing on the doors, the magnetic signs will not stick.

SOLICITOR'S REPORT: Solicitor referred to the tax amnesty issue and explained that a memo came from Geauga County Auditor Tracy Jemison advising the Village of changes in state law regarding tax amnesty for tax exempt properties. Solicitor said that Council must act by February 15, 2005 to file an objection. Mayor asked the Finance Committee to look into this.

COMMITTEE REPORTS: Butz-Voss, A. Lechman and Morrison did not give a committee report.

Dishong reported that the Human Resources Committee met with Council members and Department Heads prior to this meeting.

Dishong reported that the Mayor would meet with the new Safety Committee on Wednesday evening at 6:15 p.m.

Dishong reported that the Street Committee recommends the purchase of a new Dell computer for the Street Commissioner. Mayor explained that the current computer is unable to access the data from the water study that was created by CT Consultants. Dishong stated that the computer is not in the budget, but the expenditure would be paid out of equipment. Dishong made a motion to purchase the Dell computer for the Street Commissioner, not to exceed $900, seconded by Butz-Voss. Roll call – ayes, all. Motion carried.

COUNCIL MIN. 1-24-05

O'Donnell reported that the Planning Board met on January 20 and interviewed the three applicants who applied to do the Master Plan for the Village. O'Donnell said that the fee structures range from $12,000 to $32,000, which depends largely upon the amount of input from citizens the Village requests. O'Donnell said that the cost to do both plans would be around $20,000. O'Donnell advised that the Comprehensive Plan would include the history of South Russell Village ordinances, the zoning regulations, infrastructure, etc. and the Master Plan would include the properties that the Village own and what could be planned for those properties. Morrison asked if the Master Plan is where we would ask for citizen input. O'Donnell said that is right. Morrison stated that the Comprehensive Plan is a protective measure to know that our ordinances and zoning are adequate. Mayor distributed examples of a Comprehensive Plan and a Master Plan. Mayor explained that the Comprehensive Plan is documentation that supports zoning and provides details of why it is the way it is. Mayor said that the Master Plan would look at the existing properties that are owned by the Village. Mayor said that it makes sense to

From Brotto
PC 2-24-05
over

have the planner, who does the Comprehensive Plan also do the Master Plan, although we do have the ability to do one or the other. Dishong said that he looks at the Comprehensive Plan as a protective measure and after spending 2 million dollars on the Muggleton property there needs to be a Master Plan. A. Lechman asked the Solicitor if the Comprehensive Plan is necessary. Solicitor said that municipalities are not required by law to have a Comprehensive Plan but they do provide extra background and support when you do have to defend your zoning. A. Lechman said that a Master Plan is a good idea when you buy a large chunk of land, but there is hardly any land left and asked why does the Village need a Comprehensive Plan. Mayor said that the projected number for accomplishing both the Comprehensive Plan and the Master Plan would be about $20,000. A. Lechman said that he is not a fan, but he is the minority. Butz-Voss said that this is really important. Binder said that he thinks it will be money well spent.

O'Donnell said that the Rules Committee is scheduled to meet this Friday January 28 at 9 a.m. O'Donnell distributed a booklet about Parliamentary Procedure to Mayor and Council to review and asked if there is anything Council wants to include, please call her.

Binder reported that a new utility van has been budgeted for the Building Department in 2005. Building Commissioner said that the 1999 Ford Explorer has 66,000 miles and is in need of $2,000 in repairs. Binder said that the Building Department recommends that the Building Commissioner advertise for bids with the option of the 1999 Ford Explorer as a trade-in. Binder reported that $22,500 has been budgeted. A. Lechman made a motion to authorize the Clerk to advertise for bids for a new 2005 utility van for the Building Department, seconded by Dishong. Roll call – ayes, all. Motion carried.

Binder reported that there are some old computers in the Building Department and asked how do we dispose of them. Mayor said that in the past the computers have been wiped clean and then they are available to Village employees through a silent auction.

Binder said that the Public Utilities Committee has started to talk to all the vendors and met with Alltel. Binder said that the committee is asking them what they can do for the Village as far as bundling wireless service, MDT's, landlines etc. Binder reported that he also talked with Data Voice on what the Village can do with regards to voiceover. Binder said that Chris Lockhart of Bentleyville Village is getting communities together to look at these issues regarding telecommunications, including cable, wireless, telephone, internet access, etc. Mayor reported that the Chagrin Valley Inter-Governmental Council is meeting at South Russell Village Hall on April 16 at 9:30 a.m. Mayor explained that this group has discussed the concept of regionalism, such as pulling together resources.

ORDINANCES/RESOLUTIONS: Clerk gave second reading on an ordinance authorizing the Mayor and Clerk to enter into an agreement with CT Consultants, Inc. for Engineering Services for 2005 and 2006.

BILLS LIST: O'Donnell made a motion to approve the bills to be paid January 31, 2005, seconded by Binder. Roll call – ayes, all. Motion carried.

February 18, 2005

Village of South Russell
Planning Service Options

Description	Option 1 Comprehensive Plan per 11/29/04 Proposal	Option 2 11/29/04 Proposal plus Muggleton Property evaluation and 2 additional public meetings	Option 3 Option 2 using a citizen's committee as a "client group" rather than Planning Commission/ Council	Option 4 Separating the Comprehensive Plan and the Muggleton studies
Basic Comprehensive Plan with 3 review meetings	$14,000	$14,000	$14,000	$14,000
2 additional public meetings/forums		$4,000	$4,000	$4,000
Manage the expanded CAC as client group			$2,500	-----
Muggleton Property Evaluation		$3,000	$3,000	$4,500
Muggleton Study – 3 meetings with "Focus Group" – includes meeting time, preparation and materials				$6,500
TOTAL	$14,000	$21,000	$23,500	$29,000

2-24-05

From Brett to PC 2-24-05

D.B.HARTT inc.
planning and development consultants

1561 Bell

Developer backs out of South Russell plan

By SUE REID

Christopher Brown, director of land development for Prestige Homes, said Monday that he is disappointed in having to back out of a proposed housing development in South Russell.

Earlier this year, Mr. Brown presented a preliminary plat for an eight-lot subdivision on the northeastern end of Bell Road to the village's planning commission.

With homes planned on narrow lots and on just one side of the street, it was the first development of its kind proposed for the village, Building Commissioner David Hocevar said.

The developer was asked to return to the board with proof that there is sufficient groundwater to justify two two-acre lots at the rear of the subdivision. While the 22-acre parcel is zoned for two acres, the rear two lots are on a water-sensitivity map, which increases zoning to three acres on one of them and four acres on the other.

Mr. Brown said the development cannot proceed, because on-site septic systems on three of the proposed eight lots could not be installed. "Due to some soil conditions and the classifications of the soils, we would not be able to install on-site septic systems on three of the lots," he said.

"The soils map itself for Geauga County didn't really suggest that the soils would be non-conducive to the septic system. But upon further investigation with a soil scientist, it was found that the lots just weren't big enough to put a house and a septic system."

Mr. Brown said the project would have to conform to all the standards from the Geauga County Health Department.

"Obviously, we're disappointed," he said, "and it's just something you don't commonly run into, but there's always problems when you're trying to put in a development."

Mr. Brown said that, based on the village's request, the developer had drilled the wells but did not get to the testing point. "We're not positive that that would have come out acceptable," he said.

The subdivision, which was to be named Carrington Woods, would have included homes of 3,500 square feet and larger, Mr. Brown said.

Realtor Monique C. Ploziak owns the parcel.

"It's always better to know up front before you go ahead and build the streets," Mr. Brown said.

South Russell Mayor Matthew E. Brett said he does not look at this as a "victory for the village. As we've said from early on, there would be a bunch of challenges to this. We've got to let these things go through the process before we get too far down any given path, because it may not happen at all.

"That's the lesson to be learned here," he said.

Pepper Pike man fined for back-yard tow truck

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elitegym.com
H1072805

Comprehensive PLAN

Prestige Homes Development on 1561 Bue Rd.

Letters to the Editor

Bowling for dollars

Here we go again. It appears that our tax-dollar-paid planner David Hartt has stubborn designs on developing the 22-acre bowling-alley lot that Prestige homes walked away from, regardless of our zoning, and seems to press the issue with one obvious goal in mind.

Gee, a member of the Home Builders Association, could anyone wonder why he is so adamant about developing this beautiful horse property in the Chagrin Falls School District? Or did he gloss over the villagers and their wants? Why such focus on this particular parcel?

I find it also curious that he chose the words with regards to our historic zoning: "While it's defensible, there's always potential to change zoning." Or how about: "As an incentive, allowing arrangement of units at a slightly higher density."

An incentive for whom? The horse owner neighbors or outside greedy developers?

Most likely, words our Moreland Hills neighbors do not want to hear as they fight their zoning battle with a developer.

Our precious zoning is defensible only if we do not let Mr. Hartt convince our officials to change it. It will not be cost efficient for any developer to put a dedicated road through unless all eight lots are usable. That's why Prestige Homes walked away.

Therefore, Mr. Hartt's song and dance about another land configuration appears to be self serving to greedy developers at best.

I don't know about you, but I didn't just fall off of the back of a turnip truck, and I, for one, am not willing to believe that, just because there is a beautiful piece of mature-treed property, we must mandatorily slap some sort of development on it. If it is done with this property, other developers will cry discrimination if you don't do it for them!

www.sunnews.com Page A5

THE HERALD SUN HS CV WG Thursday, August 11, 2005

Why won't planner give up on this development?

To the editor: 1561 Bue with a developer.

Here we go again. It appears that our tax dollar paid planner David B. Hartt has stubborn designs on developing the 22-acre bowling alley lot that Prestige Homes walked away from regardless of our zoning and seems to press the issue with one obvious goal in mind.

Gee, a member of the Home Builders Association — could anyone wonder why he is so adamant about developing this beautiful horse property in the Chagrin Falls School District? Or, did he gloss over the villagers and their wants? Why such focus on this particular parcel?

I find it also curious that he chose the words with regard to our historic zoning "While it's defensible, there's always potential to change zoning," or how about "as an incentive, allowing arrangement of units at a slightly higher density," he said. An incentive for whom? The horse-owner neighbors or outside greedy developers? Most likely words our Moreland Hills neighbors do not want to hear as they fight their zoning battle

Our precious zoning is defensible only if we do not let Hartt convince our officials to change it. It will not be cost efficient for any developer to put a dedicated road through unless all eight lots are usable — that's why Prestige Homes walked away. Therefore, Hartt's song and dance about another land configuration appears to be self-serving to greedy developers at best.

I don't know about others, but I didn't just fall off the back of a turnip truck and I, for one, am not willing to believe that just because there is a beautiful piece of mature treed property we must mandatorily slap some sort of development on it. If it is done with this property, other developers will cry discrimination if they don't it for them.

Does anybody remember the story about the Trojan horse? He's coming to your neighborhood soon and using your tax dollars to pay for him.

Barbara Glepko Toncheff
South Russell

4-15-05

To: PC
From: Maggie Tomaro

Greetings!

The next PC meeting is scheduled for Thursday, April 21, 2005 at 7:30 P.M. There are two items on the agenda:

Chris Brown of Prestige Homes 8-2006 backing out of proposed Housing development in JR.

1). Formal discussion & Development Review with Prestige Homes regarding 22 acres located at 1561 Bell Rd. The property is owned by Monique Plociak. The intention is to have a major subdivision. It will be called Carrington Woods.

2). Formal discussion with the Village about a lot split at the Muggleton property, 972 Bell Rd.

Enclosed is a copy of the minutes from the PC meeting on 2-24-05. Please call me if you are unable to attend. 338-1807. Thanks

Maggie

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

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

THE PLANNING COMMISSION
APRIL 21, 2005
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, O'Donnell, DiMichele**

2. MINUTES: 2-24-05 **Amended & approved**

3. AGENDA:

   PC WILL CONSIDER A PRELIMINARY PLAT SUBMITTED BY PRESTIGE HOMES REGARDING 22 ACRES LOCATED AT 1561 BELL ROAD. THE PROPERTY IS OWNED BY MONIQUE PLOCIAK. THE INTENTION IS TO HAVE A MAJOR SUBDIVISION WITH EIGHT HOMES. IT WILL BE CALLED CARRINGTON WOODS. **NO ACTION**

   FORMAL DISCUSSION WITH THE VILLAGE ABOUT A LOT SPLIT AT THE MUGGLETON PROPERTY, 972 BELL ROAD **Brett, "I move that PC approve the lot split as presented based on the contingency of obtaining the County Sanitary Engineer's approval & the Solicitor's approval." DiMichele second. Roll call. All ayes. CONDITIONAL APPROVAL. Note: Chairman Sutliff, the Solicitor & the PC secretary did not sign the plan tonight per the solicitor's recommendation. PC secretary signed off May 13,05 per Hocevar's recommendation.**

4. OLD BUSINESS: **DiMichele referred to Council minutes that were attached to the PC minutes of 2-24-05. She noticed that computers were to be replaced in the Building Dept. She works at the Geauga County Jobs & Family Services. Their goal is provide each youth in the program with a computer. She'd like this program to be considered for any future computers that are going to be discarded.**

5. NEW BUSINESS: **Next PC meeting: May 19, 2005 at 7:30 P.M.**

   May 25, 2005 at 7:30 P.M. a public meeting with PC & Council to review the information that D.B. Hartt has put together to date for the Comprehensive Plan & the Master Use Plan.

6. ADJOURN: **9:10 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
APRIL 21, 2005
7:30 p.m.

MEMBERS PRESENT: Chairman Walter Sutliff, Matt Brett, Kathleen O'Donnell, Janice DiMichele

OTHER OFFICIALS: David Hocevar, Building Inspector, David Ondrey, Solicitor, Erich Haibach of CT Consultants, Engineer

ABSENT: Ike Tripp

GUESTS:
Richard Plociak, 22300 Canterbury Lane, Shaker Heights, 44122
John P. Krissinger, 92 Maple Hill Dr. (440) 338-8037
Flor Argheta-Gomes, 1545 Bell Rd.
Chris Brown, Prestige Homes, 17 W. Streetsboro St. Hudson, 44236
Richard Diedrich, 88 Maple Hill Dr.
Chas Warren, 96 Maple Hill Dr.
Guy Speed, 107 Maple Hill Dr.
Mr. & Mrs. Nicholas Toncheff, 1565 Bell Rd.
Mrs. Patti Valencic, 1567 Bell Rd.
Joe Ferguson, 108 Maple Hill Dr.
Ron Smith, 108 maple Hill Dr.
Sue Reid, The Chagrin Valley Times, 525 E. Washington St.
Akos Harmat, 72 Maple Hill Dr.
Teri & Ted Kruse, 1508 Bell Rd. (440) 338-1528

Chairman Sutliff called the meeting to order at 7:33 P.M. The minutes from 2-24-05 were amended & approved.

Planning Commission will consider a preliminary plat submitted by Prestige Homes regarding 22 acres located at 1561 Bell Rd. The property is owned by Monique Plociak. The intention is to have a major subdivision with eight homes. It will be called Carrington Woods.

Ondrey explained the procedure when a preliminary plat is received. PC reviews the preliminary plat application & refers it to Council for

approval/disapproval. It comes back to the PC, who has 30 days, to act on it. There is no clock at the moment.

Prestige Homes has been in the home building business for 26 years. The company is located in Hudson, Ohio. The company built every home in the Woods of Wembly in Bainbridge. Currently, they are building in Aurora, & have done off site building on other people's lots in Geauga County.

Chris Brown of Prestige Homes explained the proposed project. They are the developer & homebuilder for the new subdivision. It is a parcel of 21½ acres, proposing eight sublots, current zoning is R-1-C, which is two acres minimum lot size. There will be well & septic services. There is a water sensitivity zone. The property is bordered on the west by the Gomes' (1545 Bell) & beyond them is the Maple Hill subdivision. On the north is a subdivision called Hunter's Woods located in Russell Township. On the east is the Valencic's (1567 Bell) & the Toncheff's (1565 Bell). Bell Road is to the south. Due to the narrowness of the property, homes can't be built on both sides of the street, which is called Carrington Lane. There is an existing house & garage on the property. During construction, these will be used to store construction materials. Then, these will be raised. The area will be green space.

SITE: Brown, "Sublot 1is open. It was a pasture. Sublots 5-8 have more mature trees. We intend to save as many trees as possible. There will be open space that is landscaped, a Homeowner's Association, who will be responsible for landscaping along the road up front."

OBSTACLES: Brown, "The water sensitivity issue, I have contacted hydrogeologist, Norm Eckstein. He's come up with a proposal to drill three wells on sublots 3,4 & 5 right in the middle of the proposed subdivision. Then extensive monitoring over the first one day to see how many gallons per minute comes out. Then a consistent monitoring over a 24- hour period to see what the water table does as far as declining & see if there's enough water there to support that. That's how we plan to deal with the water sensitivity issue. After that's finished, Mr. Eckstein will prepare a report & his recommendations. Mr. Eckstein will also be designing the wells."

Brown, "As far as the septic systems, we've contracted with Mr. Jim Finchham. He's a soil scientist specialist, very well known in Geauga County with the placement of septic systems. He's going to come in, take a look at the soil, the topography, do some test flow locations after our surveyor stakes out the approximate areas of those. Mr. Finchham will review that, do his test flows accordingly, make his recommendation. He designs & will install the systems for us. We also contracted with Jim Ayers from Ayers Well Drilling in Kirtland. He's worked probably 20 years with Mr. Eckstein. He's going to do the well drilling."

Brown, "To go along with the water sensitivity issue & the soil placement of the septic system, the soil being able to handle the septic systems, in doing our engineering, we've contracted with Lesser Binder & Associates. They've done quite a bit of work in Geauga County. They've already been in contact with Ned Foley. In all of our projects, we are concerned about drainage issues once we put the homes in. We will be working closely with the Geauga County Engineer & CT Consultants to do the best we can to retain all our surface water runoff on the site. Our engineer went out & looked at the property, did some elevations, (?) pipes & topographic elevations. There was a previous plan provided that I took a look at. My concern was with site distance along Bell Road. They did a site survey. That's why the street has been moved over from the first plans that some of you may have seen. It's moved over so we can get the proper site distances in both the east & west directions. Lesser Binder & Associates did the site survey."

Brown, "The last of our concerns, but clearly not the least, is maintaining the privacy along the property lines to the east & the west, even the north. It's a narrow lot, with the street, the house footprint, primary & secondary systems, the two-acre lots, it's pretty much full. We are going to attempt to do some sort of landscaping buffering along the west & the east sides to maintain the privacy of not only the future home owners, but for the people to the east & west."

Brown showed a poster with styles of homes that may be built in Carrington Woods. The have 30 base plans. People modify as they see fit. DiMichele asked how big the houses would be. Brown, "The footprint shown on this preliminary plat is 90' in length by 70' in depth. Most of our homes aren't that big. I wanted to go to the possible maximum size for illustration purposes." O'Donnell asked the square footage. Brown, "The square footage would probably start at 3,500 square feet & go up from there."

Brown, "Basically, what I am asking for tonight is approval of my preliminary plat. I understand it's going to be contingent approval based on several contingencies, not only the drainage study, but the soil scientist's recommendation. Also the water sensitivity issue has to be resolved. I would like a chance to talk to adjacent property owners to see what their concerns are & to see if we can work together to try to figure out a scenario that would work for both parties."

Sutliff, "According to the subdivision regs. the length of a cul-de-sac, are we ok?" Hocevar, "2,500 max." Brown, "We are at 2,408.16." Haibach, "Open space for two-acre lots is 2% minimum. They are showing 7.6%."

DiMichele to Hocevar, "What do you think the chances are for the water & the septic & all that? I'm trying to find some way that he's not going to get all these approvals because I know they have all the zoning on their side. I think it's horrible for our area. Is there any chance, this is not going to fly?" Hocevar, "I can't answer that. Our subdivision regulations are very strict. They have to comply with all of them to get our engineer's approval. They also have to

comply with our landscape architect for any buffering that goes in. They have to comply with the County Board of Health for the septic systems. They have to comply with our hydrogeologist for the water sensitivity. They have a bunch of obstacles & that's what I told the gentleman who represented Prestige Homes."

DiMichele to Haibach, "How do you feel about the septic & water in that area? Is it questionable?" Haibach, "It would only be a guess at this point. As unlikely as it seems, every thing as far as the preliminary plat, seems to fit in there & meets your subdivision regulations. There is nothing in your subdivision regulations that says you have to have houses on both sides of the street. One of the things I'm concerned about, & at this point have no idea, how they are going to address the storm water runoff." To Brown, "I tried speaking with Mike Binder (Prestige Homes' engineer) a couple of times this week & was unable to reach him. You don't have a whole lot of topographic relief on this site. Let's say you put a detention pond in the open space. You may have enough open space to detain the runoff water that you need. But, at this point, you really don't have an outlet. The stream flows through the property, but it's not a deep stream. The pond most likely will be deeper than the stream." Brown, "That's one of those obstacles that I mentioned. We'll address that if it's addressable through the engineer." Haibach, "It's going to have to be looked at really closely on your guy's part because I'm not seeing a clear solution to where you are going to outlet your storm water to."

Gomes (1545 Bell Rd.) "Where does the water that comes out of the septic tank go?"

Haibach, "Another thing is that 10' buffer strip to the far east of the property, who owns that?" Brown, "That'll be part of the Home Owner's Association. Our plan is to put some sort of buffering there." Haibach, "Is your plan to turn it over to the Village as a rite-of-way?" Brown, "No." Haibach, "What about including the possibility of an interconnect? I know that the subdivision to the west, there is no chance of interconnecting because it's built up. However, to the east of the subdivision that you are proposing, there are quite a few of those long lots. Who's to say that someone else won't come along & do the same thing that you are? Maybe that's something you need to look at in your layout. Maybe putting an interconnect or at least leave an easement to the rite-of way open to the east for a potential future interconnect because speaking for the Village, I don't think they want a whole lot of long cul-de-sacs- coming off Bell Road one after another." Brown, "That's definitely something I'll have our engineer talk to you about." Haibach, "That's all I have to say about it. Right now, my biggest concern is the drainage."

O'Donnell, "Are we doing some sort of lot averaging here? I was under the impression that the back of this property was zoned for three acres." Hocevar, "Right, under water sensitivity. That's why the gentleman mentioned the hydro-geologist. He's got to prove that he can build a house on two acres. Our water

sensitivity overlays our zoning map." O'Donnell, "In at least one or two prior developments, we did lot averaging. I didn't know if that is what we're doing here." Brown, "Not in this particular case. The underlying zoning is two acres. The water sensitivity study overlays on top of that. What that is, was a recommendation when the water sensitivity study was done, saying there may be a problem back here as far as a water supply or a water source. So, we'll make these lots bigger as not to put a strain on the water table. That's why I contacted Mr. Eckstein to do some studies & well monitoring in there."

O'Donnell, "When is this going to happen?" Brown, "At this point, what I'm looking for is preliminary plat approval so I can start doing these things. Unless I receive preliminary plat approval, which to my understanding is just making sure that the eight lots meet the criteria for South Russell zoning, we get into quite an extensive study expense, which I know is not a concern of you. We have to go to another step, which would be doing all these tests, staking all the locations of the proposed houses, septic systems, have the soil scientists come out to do test holes. It's quite extensive." O'Donnell, "So you don't want to spend the money until you know." Brown, "We don't have a problem spending the money if everything currently meets the zoning & we would get approval. It's nice to go in & say ok we've met all the zoning criteria. Now let's go in & take it to the next step. With all these obstacles, it's not like once we get preliminary plat approval, I'm going to be on the next meeting agenda for a final plat approval & we'll be building houses two weeks from now. This is going to be a long process."

DiMichele, "Do you already own the property?" Brown, "No. We have an agreement with Mr. & Mrs. Plociak." Brett comments that he's heard good things about Prestige Homes. Brett, "This design, I'm not thrilled with. Not thrilled with the fact that you've got a street that goes down & you've just got homes to the one side. I am concerned about that. Obviously, we have a number of homeowners who are right around this property on either side who are concerned about the water, the water supply, the water runoff, the drainage, the whole nine yards. I need you to know the concept of this, I'm not thrilled with."

Brett to Hocevar, "From a zoning aspect, how does this fit?" Hocevar, "Except for the two rear lots, where the water sensitivity overlays it, it fits. They are showing that the houses are on two-acre lots & it's not zoned for that. That's the part that doesn't fit, lots 7 & 8." Brett, "How can we consider giving any kind of approval because it doesn't meet the criteria? In order for it to meet that criteria, you'd have to have those water studies done. Correct?" Hocevar, "Or a condition that it will be done or it's a no go." Ondrey, "That's what the developer is asking for. They recognize that it doesn't meet the current zoning as far as the lots that are in the water sensitivity zone. What they are saying is would you approve it condition? And then they'll go out & prove it to you that they have

sufficient water supply. You don't have to buy into that. That's what the proposal is." Brown, "Or it may not meet the water supply. Or maybe there's no way to engineer it as far as water runoff or all these other obstacles. Maybe something will come up that this property cannot be developed. But, what I'm asking for is a chance to look into it & try. Obviously, it's not aesthetically pleasing to have lots on one side of the street. But, I'm very confident we can do some kind of buffering to make it look very nice."

Brett, "Can we talk about the studies? The drilling of the test wells, why would you drill wells on lots 3, 4 & 5 when the water sensitivity is toward the back?" Brown, "That's a question for Mr. Eckstein. When I met with him, that's where he said we had to drill the wells. He would drill them right in the middle of the subdivision." Brett to Hocevar, "Does that make sense?" Hocevar, "It doesn't make sense to me. But, evidently, it does for Mr. Eckstein. They have been in contact with him. Jim Mears has called my office, said he's been in contact with Mr. Eckstein. And I don't think they are going to drill wells where they aren't supposed to. I can only assume they are not going to. Mr. Eckstein is going to watch it very close."

DiMichele, "If it comes back that those two back lots don't meet the two-acres, is that still a viable project for you to go to three acres back there & eliminate one house?" Brown, "If we don't meet because of the water sensitivity issue – I'm as concerned as everybody else about the water- I'm certainly not going to build a house back there & I can't service it with water. As far as making it economically feasible, at this point, I don't know if it would be or not."

Sutliff, "These test wells that he told you what lots to drill on, did he tell you are they going into the Berea? Or are they going into the Sharon? Did he want you to stagger the depths of them?" Brown, "He said they were going to go down into a certain depth into a water table. Some may be shallow. Some may be deeper. He showed me two samples of borings. South Russell is kind of strange in that you have a test well right out front here that's producing upwards of 130 gallons a minute. Then 300' up the street, you're down to three gallons per minute. That's exactly why he suggested we do these studies to see what we get. If I get a well that's got three gallons per minute, I'm not going to build a house on that lot & we'll end up loosing a lot. That's where it comes in, is it economically feasible to continue?"

Sutliff, "Was there a written report done on the traffic study, on site lines & so forth?" Brown, "There was a report that my engineer is finishing. It's not completed. But, I can forward that to you." Sutliff, "I assume the police department will get a copy of that." Hocevar, "We require them to lay out the driveway where they want & the police will look at it."

O'Donnell, "Can we express our concern to Dr. Eckstein about the location of those three wells? It just doesn't make sense with the sensitivity in the back of this area not to have a test well back there. Does it to you?"

Brown "When I met with him, I wasn't in a position to argue with him. He said this is what we should do."

Sutliff to Hocevar, "Can you touch base with him & ask?" Hocevar, "I sure can." DiMichele, "Can someone explain the definition of water sensitivity?" Haibach, "There's not enough water." Sutliff to Hocevar, "So Dave, you'll touch base with Dr. Eckstein, raise that question. I think it's a very good question." O'Donnell, "If they were going for a community well, I could understand what you're saying. But, not with these back lots being sensitive. I don't understand his thought process." Brown, "When the water sensitivity was done, I don't know what reasoning there was on this particular parcel to make this a three-acre lot & 100' away make that a four-acre lot." O'Donnell, "Based on the work he's done & he said three acres, we need to know."

Brett, "In regard to that 10' wide landscaped buffer, my concern is that's not very wide. You said you're willing to work with the homeowners. Is that part of what you're willing to work with? Maybe widening that? So that it's greater than 10'? So that it's a larger buffer? I'm sure that those property owners to the east would be concerned that there's not a whole lot of buffering that you can do in a 10' patch." Brown, "That is my ultimate hope to talk to the neighbors to the east. Like you said, 10' is pretty much nothing if you want to look at it that way. My hope was & I will discuss that privately with them to be able to maybe widen that area, which would obviously have to go on their property. Do some sort of mounds, plant pine trees, which we've done before in other situations." Sutliff, "But it would involve their property." Brown, "Right." Sutliff, "It would involve their property as opposed to your lots would become smaller." Brown, "Right." DiMichele, "There's no way you could build anything on those little hills that's going to be high enough to hide those houses from view." Brown, "I've had a lot of success in Richfield doing the same thing." O'Donnell, "Is your house hidden from your neighbor? Mine isn't." DiMichele, "No. But, if you suddenly had a street of 10 houses staring at you…"

Brett to Hocevar, "What else are we considering tonight? You already spoke to the fact that the back two lots don't meet zoning. Is there anything else that doesn't meet zoning?" Hocevar, "No."

Ondrey to Haibach, "We have one requirement that the local street & the intersection can't be within 100' of each other. I don't know what the distance is between this intersection & the Maple Hill Drive." Haibach, "1,600'." Ondrey, "Under our open space requirements for subdivisions, one requirement is they have to be at least 25' from any dwelling & include 20,000 square feet of useable area. Does the open space proposed meet the 20,000 square feet?" Haibach, "One acre is 43,560 square feet. They've got a single open space of 1½ acres." Ondrey, "So they are ok on that & I assume they are not within 25' of neighboring dwellings." Haibach, (I couldn't hear the response.)

Brett, "I'm not sure that if it passes that test from Norm Eckstein that you'd be able to do this. Or if it doesn't that you might drop down one home & do seven. It sounds to me that no matter how this board feels, you have the ability to do it. In regard to that, I want to make sure that we do everything we can to try to protect the homeowners from Maple Hill that are also concerned about this & throughout the whole Village that this fits in & doesn't stick out."

OPEN TO THE PUBLIC FOR QUESTIONS:

John Krissinger (92 Maple Hill Dr.) "I am a retired engineer from General Electric. I've worked on installing corporate plants. Please don't interrupt me until I'm done & then you can fire at me at will."

"Five major issues: The first one is that the average well in the Maple Hill area is only 85'. You're going to do three test wells. I helped put factories in. The only way to get a correct test if you are going to put a building in is to put eight wells in where they are going to be placed. Put them on full draw down & look what happens to the strata underneath.

I don't mean this disrespectfully, but the city has mucked a couple of them mostly on the east side. We've had trouble with sewers that stopped before they get to our district. You've got a major problem there with only 85' wells. Then you have maximum draw down & you're looking at $500,000 to $1,000,000 houses.

The second thing with wells of only 85' & you're going to have eight major septic systems there, is the leaching issue down to the water strata of the fecal matter into the wells. That's major & it's going to be tougher if you put eight decent wells in & put them on full draw down & then look at the draw down on the water level.

Third: Your storm runoff will be exacerbated by your mounds. You have to be careful when you put your mounds in & where the water stream is to people on both sides of you.

Fourth: While you're building your section, the next people on the east builds a section, what happens to the water draw down then?

Fifth: I have not heard anything from the city. What kind of contingency plans do you have? Suppose he does this all in good will, walks away & trouble starts. Are you prepared to supply us water from the city of Cleveland? Or are you prepared to handle drainage, which stopped at Bell Meadow instead of going on up to us the last time?

So, you've got the water problem, the septic problem. You need all these wells on full draw down & then a good measuring system to look at the strata. You've got the storm runoff on the lots. You've got the potential for what's going to happen to the people to the east of you when they develop. You're only

operating now with wells that are 85' & on full draw down. We've had some problems from an engineering standpoint. In the summertime, guys have gone to each other's house & said don't sprinkle. I can see a drop in the pressure below 40 pounds, which is when my pressure tank kicks in. Mine runs from 40 to 60, which is typical of a square deed pressure regulator on our pumping systems, which most people have. In respect to Chris, (Brown) I don't think it's as easy as you pass off. I think there's some high risk because of the shallow wells & the shallow strata."

Sutliff to Krissinger, "When you referred to the 85' wells, are you referring to the wells in the Maple Hill area?" Krissinger, "Yes I am. That's typical. Some may go 90', but they are not the second strata wells of 135' to165'." Sutliff, "I know in the last several subdivisions, Dr. Eckstein has staggered the wells. Quite a few of them have gone 150' to 200' plus." Krissinger, "As long as you don't draw mine down, you want to go 200' down & you can hit another strata. That's questionable. I've never seen anything on the second or third strata."

Patti Valencic (1567 Bell Rd.) "I live to the east & I've been there 1½ years. We have a failing septic already. From day one, it's been failing because the water sits on the surface. About every six months, you're supposed to turn your channels. My husband's out there almost on a weekly basis trying to turn the channels. When we go to the builder, he says everything was done according to Hoyle. It's the way it's supposed to be. We have odors from it. We have stagnate water. Our neighbors in front of us have a fairly new, two-year old septic system. It runs across our driveway. So, we spent $5,000 on drain tile to eliminate that runoff from their septic. We also have had to put drain tile all up & down our driveway & in our pasture to eliminate standing water. We might as well be planting grass on rock. That's how hard the clay soil is."

Valencic, "We have three people in our home. It's a four bedroom septic. Three people use it. That's it. It's not heavily used. For these massive homes to have huge septic fields, I'm afraid, not only are we going to have odors, but we're going to have runoff into our shallow wells. I would hope that if this plan went through, that the township would make these wells be as deep as possible to protect the quality of our water & to protect everybody else's water in the area." Krissinger, "We need a contingency plan. They can't make it as deep as they want because you have to hit the water strata. He's limited to 85'. There may be water at 135'. I wasn't aware of that. I'm not sure. You can't just stop a well wherever you'd like."

Valencic, "I will have to look at the road & the homes. This is my dream property. I've waited a long time to do what I've done back there. I have a beautiful parcel, beautiful pastures. I don't own the land. It's not my property. I don't have the privilege of saying what would happen to that woods. I know

somebody is going to buy it someday. I would hope it could be marketed for one or two individuals & not a half of a neighborhood. Our property values are going to suffer because we will have traffic. We will have headlights. I don't see how you could build a mound on 10'. If you dropped a few buckets of snow, I would be flooded. That's how flat & impermeable the soils are. Anything you do over there with water or mounds is going to directly effect me, short of putting drain tiles & ditches. I would think you'd have to go to a lot of expense to prevent water from coming on to my property just like I've gone to a lot of expense to keep it from standing. Mine gets pushed down into the culvert. I've taken it as far away as I can without putting it on other people's property."

Valencic, "There are a lot of hurdles. Personally, it makes me sick to think that I'd be looking at a road instead of somebody else's backyard next to mine. That's 1,800 feet of cleared land that I have on the side of the yard that now would be headlights at night. If this went through & I sure hope it doesn't, I would have to have some assurance that we would have some kind of screening & protect us (?) of drainage."

Krissinger, "I want to reemphasize the contingency plan. Nobody addressed that. The city contingency plan when he walks away & things go to hell." Brown, "We understand there's a lot of hurdles & believe me we want to be as sensitive as we can be. When we first looked at the property & Dave (Hocevar) can vouch for me, I was looking to bring in the street over along the western property line. But, in doing so, I had no way to retain any sort of water or drainage from the neighboring properties because every thing sloped down to that swale. That's the reason we had to switch back to the one side. We will do our outmost best to work with you & try to come up with something if this plan is approved. There are a lot of hurdles."

Barbara Toncheff (1565 Bell Rd.) Her property is next to the new road. The Valencic's are behind her property. Toncheff, "Did you give any consideration that's moving traffic, with no speed limit? I go in my horse pasture behind my barn, we've got moving traffic in both directions. What do you think that will do to the value of our property? We will be a peninsula with Bell Road front, with a total driveway 2½ acres long, 750' long & with a drag strip to the western side. What do you think you'd think if you were standing on my property thinking about purchasing it & you see headlights coming in both directions right along the property line? Have you given that any thought at all?"

Brown, "To the traffic situation? We can perform a traffic study. But, with one lot here, with the drainage & eight homes along here, it's not like we're putting in a super highway." Toncheff, "It doesn't make any difference. If you're a potential buyer & you're standing at the back half of my property & you see headlights coming & going from both directions, you're not going to think about anything. You're just going to say, this is nice, I'm standing in a meridian. I'm not buying 2½ acres when there's absolutely no privacy. My kid's ball rolls to

the right, he can be hit by a car. If it rolls to the left, he can get hit by a car. Ten feet is insufficient. If it's not done right, it shouldn't be done at all. You haven't given consideration because 10' isn't enough. You're squeezing 10 pounds of potatoes into a five-pound sack. You know it."

Nick Toncheff (1565 Bell Rd.) "I just want to know if my well goes dry & it has happened up the street - Todd Kruse on Lucky Bell Rd. What happens when he's done, these people move in, they start drawing down the water, my well runs dry? Who's paying for my well to be drilled deeper? Who's going to supply me with water? Who's going to supply water to all the neighbors? That's a big concern." Terry Kruse (1508 Bell Rd.) "Most of the people on Lucky Bell had to put new wells in, at their own expense. Those are 2½ to 3-acre lots on Lucky Bell compared to the people on Maple Hill that just have one acre. Their wells are not that deep. It should be a very large concern for people on Maple Hill."

Flor Gomes (1545 Bell Rd.) "I am west of the development. I pretty much have the same concerns as everyone else. I just want to go on record that my concern is the supply of water, whether or not we're going to have enough water for all of us. And if my well goes dry, who is going to pay for me to have more water? Who is going to drill & pay for that? Who is going to bring the water to me? The quality of water; if something sinks into that well, who is going to pay for cleaning that up? In terms of quality, I'm also concerned about the taste & the smell of the water. Pretty much what does the city have in mind in terms of reimbursement if something goes wrong with our wells? My other concern is the septic tanks. I'm not knowledgeable of the terms that you used about the water that comes out of the septic tank. I'm concerned where is it going to go on my property? Is it going to contaminate my well? My soil? Who's going to pay for taking care of all of that?" O'Donnell to Gomes, "Do you have horses on your property also?" Gomes, "No. But, we're planning to buy this summer. We're planning to buy two horses for our children. We definitely are concerned about that."

Gomes, "One of the things that bothered me as well is, last summer a nice gentleman came & offered us money for our land. I told him that we weren't selling. He said to me, you will not be able to sell this property once we build on this side because nobody would want to buy it. Now I can see why he was saying that. If that drainage goes into my property, nobody is going to want to buy it. They are all going to think it's contaminated. I am now concerned, should I plant my vegetables like I always do? Should I take my dogs out for a walk? This is really going to change our lives completely. I think that you all should consider this before this goes ahead."

Sutliff to Ondrey, "We keep hearing the contingency plan & the liability issues. We've retained Eckstein for years, who is our expert on well waters, hydrology issues. I believe the County regulates the septic systems. Can you address that issue as far as a contingency plan if there is such a thing?" Ondrey, "There's no responsibility for that. If the property is zoned for a certain minimum acreage, there is an assumption already in place in that zoning that it's adequate to handle septic & wells. The only difference in this one is that we have this water sensitivity zone, which is going to require some amount of investigation to make sure that two-acres could extend all the way back. Other than that, the developer has the right, under our zoning, to develop in accordance with our minimum acreage. There's no responsibility or liability for the Village if in fact wells are affected or septics. Remember the septics, that's the Health Department of the County. The idea is, under today's regulations, they are entirely on site. There is no drainage off the property. There are sometimes variances granted to special types of septic systems, but that is one of the reviews that can take place before you even decide what to do about the preliminary plat. You can get some feedback from the Health department whether they foresee any problems on this."

Valencic, "I have a question about zoning. Are you saying if they find water back there, it automatically becomes two acres? It's no longer four & three back there? Or would there have to be a hearing to change the zoning from what it is to two acres?" Ondrey, "No there doesn't have to be a hearing. Under our zoning, it's three acres in the back unless the developer is able to demonstrate to the satisfaction of the PC & our hydrogeologist that there's adequate water supply to allow it to go to the two acres in the back."

Mrs. Toncheff, "It's four acres according to the initial plan." PC members, "It's three acres." Valencic, "To the north, right over the line is Russell. Everything there is three acres. I'd say look to our neighbors. Why is it three acres there? We're only at two." Ondrey, "We're above two in the rear until they can demonstrate that they have adequate water supply. It's not a done deal that it's going to go to two acres. They have to demonstrate & everybody should know, Dr. Norm Eckstein works for the Village. He wasn't hired by Prestige Homes to do this study. This is somebody who we've retained for 15-20 years. He's very familiar with the aquifers in the Village & the studies. It's somebody we've traditionally relied upon to give us advice whether or not there's adequate water, or what problems particular wells might create or what aquifers should they go on. He's a professor at Kent State & he's a renowned national expert in hydrogeology."

Valencic, "There is that intermittent stream, low area, that is on lots 3, 4 & 5. Who is going to be responsible for keeping that patent to make sure we don't get flooded up stream? That water continues to flow out of the woods to the east of us, through our property & continues down. If that is on someone's private property, what's going to stop them from doing something to back it up?

Who is going to come by periodically & make sure that it doesn't get backed upped?" Brown, "In this case, it's a swale basically that picks up water starting just above your pasture & cutting down through the site. We've put in our deed restrictions that on sublot 4 & sublot 5, there's a drainage way, which we strip back from any structures or anything placed in that drainage way. It has to be kept open. That's basically for the benefit of our homeowners & you because that's a legal (?). They go out there & put a concrete wall across the stream & everything backs up. They are not supposed to do that." Sutliff, "That'll all be part of the storm management plan, which is going to be a major stumbling block here. Those are the issues that have to be addressed."

Krissinger, "A fine point. He's (Ondrey) correct. The city can't be sued. But, now there's a fine line in the law & you may want to consult with the corporate attorney for the city. Now that you've been made aware of the issues, you can personally be sued on inadvertent poor judgment." Ondrey, "I respectfully disagree with you sir." Krissinger, "Ok. Well, we'll see."

Valencic, "The 10' buffer to the east of the road, are you leaving any of the existing trees or are they all coming down?" Brown, "We'll leave all the existing trees that we possibly can within that 10'. But, as the mayor brought out, 10' is not a large area. That's why I wanted to get with you basically out of the public sector here, to talk about what we can possibly do. When you put in your pasture, you cleared right up to the property line. So, basically from our 10' to where your fence is, approximately 25'-30' off the property line, it's open. We plan on saving as much vegetation as we possibly can." Valencic, "I'm also concerned if you put a road within a few feet of an existing 50-year old tree, what's going to happen to that tree? When it starts to break apart & comes down on my property, who is responsible?" Brown, "Then we are responsible for any dead trees that fall." Mrs. Toncheff, "For how long?" Brown, "After we are completely built up, then the HOA becomes involved."

Sutliff, "Who would want the honor of writing our list of contingencies?" Ondrey, "Do you want to do it that way as opposed to waiting until these issues are addressed? You don't have to go forward. That's your call. Certainly, we can set conditions if that's what you want to do. It is approved condition upon X, Y, Z. But, you don't have to do it that way." Sutliff, "What direction do we give Prestige Homes?" Ondrey, "I think that you are entitled, if you want, to give the direction that you can't approve it until you are satisfied that, in fact, the two-acre zoning can be met. That's an issue that won't be resolved until the water studies are done. That's certainly the biggest one. These other matters are really more often addressed in the improvement plans such as drainage & things of that nature. You're not compelled to vote tonight."

Sutliff, "So, the direction that we could give Prestige Homes is that obviously they'd have to move forward at their own risk as far as this water study to determine what, in fact, the zoning is & how it relates to sublots 7& 8." Ondrey, "Yes. The plan presented to you doesn't currently match our zoning. That's the reality. It can be changed, but that's contingent upon the satisfaction of the water study. Plus, I would want to say to you, you have the right, under the preliminary plat, to get the County Health Department to comment on it regarding the septic. I don't think that has occurred. In fact, what we say on the preliminary plat is that the S-2 Form is to be completed by the developer, Health Department or sanitary engineer. I haven't seen the S-2, but I'm guessing the Health Department hasn't signed off on it." Sutliff, "Has the information been submitted to them?" Hocevar, "I don't know." Brown, "The information other than what Jim Finchham has provided, really they haven't done anything."

O'Donnell, "Are we going to list contingencies or not?" Ondrey, "That's under debate now. Do you want to make a motion & vote on approval contingent upon X, Y, & Z? Or do you want to say, we won't make a motion until we are satisfied that you completed the water study, the Health Department review?" O'Donnell, "The site survey is approved. We want the police department to check the site." Ondrey, "that's true. That's another issue that you may want to get more input in before you vote." O'Donnell, "Isn't there a percolation study that is supposed to be done?" Brown, "That's by the Health Department."

Sutliff, "It sounds to me like we are putting all these contingencies together. My inclination is that we not go any further tonight until you (Brown) can establish that, in fact, sublots 7 & 8 meet the zoning. To do that, the water sensitivity becomes the issue." Brett, "I agree." DiMichele, "I don't want to vote on any approval when it doesn't meet zoning."

Brown, "With all do respect, I think it does meet zoning. The underlying zoning is two-acre minimum with a certain amount of lot frontage, streets, water, well & septic systems. It's being a little unfair. It's asking me to buy a car without even looking at it or test-driving it. Any test that we do from here on out will essentially mean going in to do a water sensitivity study. I have to get a drilling rig to do that. I have to clear trees so the drilling rig can get back to that area. I really don't want to go to that point in disturbing the land & find out that ok I'm not sure starting off if we can do our development. And then getting the tests results back & saying we definitely can't do our tests results." (I think he meant to say: we definitely can't do our development) Brown, "I guess I need a direction & that's what I'm asking for in asking for approval contingent upon all these things. It's basically what you are giving me now from what I can fathom."

Sutliff, "Right now the burden is on you to prove that, in fact, you are in compliance with the zoning. From what I'm hearing right now, the ground sensitivity on the rear of the property- that main issue, the two acres- that really is

the question. So, I think a good starting point is you prove to us first that complies with our zoning. The other issues, certainly when you look at the legalities of it & so forth, I think the sense is, we can not deprive you from developing this property. Obviously, you know the concerns: the storm issues, traffic & stuff like that. To me, the starting point is let's prove that the property meets our zoning. And to do that, you're going to have to establish the water sensitivity issue." Brown, "Ok. But, I was just making the statement that because there is a water sensitivity issue in the back – which makes a 3 & 4- acre parcel, maybe I misunderstood Dave (Hocevar) when he talked. I thought that was kind of an overlay. And really, what I assumed that would be, is a suggestion from a study that was performed by Mr. Eckstein. The underlying zoning basically was two acre minimum lot site."

Ondrey, "We literally changed the zoning by this overlay district." Brown, "Ok. I wasn't aware." Ondrey, "You're at a bigger lot size in that district unless you can demonstrate & then you can drop back down to two. That's how it works." Brown, "Maybe it would be feasible…" Sutliff, "You're going to have to do that water study one way or another." Brown, "Right. I just wanted, I guess, a decision from the commission saying, yes based on these contingencies, this does meet our zoning. That's basically all I was looking for right now. It wasn't giving me permission to do the development or anything." Sutliff, "If you need one big contingency, I think that big contingency is, if you can prove to us that is two-acre zoning, then we go to the next step." O'Donnell, "South Russell Village currently says three acres back there." PC members, "Three & four." O'Donnell, "That's it. If you're requesting two-acre zoning & looking for our approval, we have to have the proof."

Ondrey to Brown, "I would ask the question so we could hear your explanation. There's been some criticism of the 10' buffer as being on the thin side. What inhibits you? What are the problems that are created if you swing the road even a bit further to the west?" Brown, "I would love to. It's simply that we wouldn't have the lot depth to meet the zoning & get the house, well & septic system in duplication area on there." Ondrey, "I see. You have them all at the minimum now."

Sutliff, "Is the board in concurrence with that?" DiMichele, "I am." Brett, "I think so. I think that is the logical step." Brown, "Right now all that is requested of me is (trading ?)out the water sensitivity." Sutliff, "Let's resolve the zoning issue & then we go to the next step." Ondrey, "Also but in fairness on our S-2 form, there's a place for the Health Department to sign. That preliminary review really needs…" Brown, "That's what I was going for. I get the water sensitivity issue completed. Everything turns out, hopefully, ok for my sake. And then I come back in & it's the water sensitivity issue is ok, but we don't have

Health Department approval & then it's a long drawn out…" Sutliff, "I think those are the two important points. As far as the storm water management, you know if this becomes a reality, you're going to have to do that anyway." Brown, "Right." Sutliff, "I guess why spend money right now? Let's resolve the big picture first." Brown, "Ok."

Ondrey, "We, in the meantime, may want to ask our police department to check out any site distance problems where the proposed intersection is. Just to give some feedback when they (Prestige Homes) are ready to come in." Brown, "I can coordinate with Dave (Hocevar) on that & have my engineer come out & do what staking is required." Ondrey, "Thank you." Brown, "Thank you everyone." **No Action.**

Formal discussion with the Village about a lot split at the Muggleton property, 972 Bell Rd.

Brett, "In the fall of 2004, the Village went into a purchase agreement with The Chagrin River Land Conservancy to acquire the Muggleton Farm. Part of the agreement is the Village would end up with 86 acres of the 103 acres. The Land Conservancy would own 17 acres that they would market."

Brett, "What you'll see on the plan is parcel A has been carved out. Parcel A has the home & the outbuildings. That parcel is 17.2 acres; 16.5 to the rite-of-way. This fits in with the design the Council & the Chagrin River Land Conservancy reached. I would ask that PC look to approve the lot split, approximately 17 acres, parcel A."

DiMichele asked if there is a buyer for Parcel A. Brett, "The last time we talked, there was a rumor there might be a couple of potential buyers. Those buyers could still be out there. They haven't brought anything forward. Since no one has come forward with a real offer yet, it makes sense to get this done now. If someone does come forward with an offer that the Village would entertain, then we can consider splitting off other property."

(pointing to the drawing) Sutliff, "Would it make sense to split this parcel off right now too?" Brett, "The question is the Bainbridge section. The answer is the Village is going to go through the Master Use study. The Village may be in a position that we need to split off an additional part of this property in order to pay for it. I think we need to go through the process to see what other funding sources are available. What would someone offer for any portion of it? At this point, it makes sense to leave the 86 acres."

Sutliff, "Just looking at this Kitchell property- of course Ed is not living anymore- that's totally landlocked." Brett, "Yes." O'Donnell, "Are they agreeable?" Brett, "I don't know." Sutliff, "The other interesting thing, would he consider doing a land swap? He takes this so we're all in South Russell." Brett,

"I think there's potentially a number of different options." O'Donnell, "That would be more viable for him. He'd have access on Washington Street."

Hocevar to Ondrey, "Under our subdivision regulations, we've got to take this out & get this recorded. Are we jumping ahead? If PC approves it, are we ok to go ahead & get the engineer's off ice to sign off on it, our solicitor to sign off? Are we ahead of the game by having PC, engineer & solicitor – can we go in this sequence?" Ondrey, "They could pass it contingent upon the approval of all the necessary signatures."

DiMichele, "How much is the property listed for?" Brett, "It was listed for $925,000. I believe they were going to drop that to $890,000." O'Donnell, "There's an ad in today's paper for $925,000."

Brett, "I move that Planning Commission approve the lot split as presented based on the contingency of obtaining the County Sanitary Engineer's approval & the Solicitor's approval." DiMichele second. Roll call. All ayes. CONDITIONAL APPROVAL.
(Note: Chairman Sutliff, the Solicitor & the PC secretary did not sign the plan per Solicitor Ondrey's recommendation.) Note: The PC secretary signed of on 5-13-05 per Hocevar's recommendation.

OLD BUSINESS:

DiMichele referred to Council minutes attached to the PC minutes of 2-24-05. "There was talk of older computers from the Building Department. I just want to make a comment. If there are ever any more computers like that, I work at The Geauga County Jobs & Family Services with the youth. They are trying to get a computer in the home of every youth in the program. We're taking computers from companies & organizations who are donating them. If you ever have any more computers, you may want to look to Geauga County Jobs & Family Services to get them in the homes of the youths in the program."

NEW BUSINESS:

Next PC meeting: 5-19-05 at 7:30 P.M.

Comprehensive Plan: Brett, "The Council moved forward to accept proposal, option II, based on Planning Commission's recommendation to ask DB Hartt to do a Comprehensive Plan & Master Use Study for the Muggleton property & other Village owned properties. David Hartt has put together a schedule. Over six months, there will be a series of different meetings. One that involves both the PC & Council is set for May 25, 2005 at 7:30 P.M. It would be a public meeting. The purpose is to review the information that DB Hartt has put together to date. Hopefully, as many members of the PC can attend that meeting as possible."

plans submitted tonight, is something good for David Hartt to see & understand what's being desired to be built in the Village. We've got a list of information that's gone down to David Hartt. Part of that is: our zoning code, subdivision regs, zoning map, info. about Muggleton, sensitivity map, any plans that were brought into PC & the Building Dept for future development, the two cemetery studies, history of the Village, recently submitted plans i.e. Milbar proposal, the Bell road lot split of three or four lots. That was an informal presentation that didn't go anywhere. We want to submit that as something that was presented.

DiMichele, "What about the condos/cluster homes at this corner?" Brett, "That's another one. We've connected DB Hartt with CT to go through things like: the sewer districts, what's on city water, the storm water study that we've done, anything that gives their firm an understanding & a history of the Village. If there's something that you think of, that falls outside of that, bring it to the Village Hall & give it to Nancy Gallagher."

There was no further business. The meeting adjourned at 9:10P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

5-13-05

To: PC
From: Maggie Tomaro

Greetings!

The PC meeting set for Thursday, May 19, 2005 is cancelled. There was nothing on the agenda. The next PC meeting will be on Thursday, June 16, 2005 at 7:30 P.M. Please put this date on your calendar.

Enclosed is a copy of the minutes from the PC meeting on 4-21-05.

Comprehensive Plan & Master Use Study: May 25, 2005 at 7:30 P.M. there is a public meeting with PC & Council to review the information that D.B. Hartt has put together to date. Ike Tripp will not be available. If you cannot attend the meeting, please let Nancy Gallagher know at 338 –7843. Thanks.

Maggie

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

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

THE PLANNING COMMISSION
JUNE 16, 2005
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, O'Donnell, Tripp, DiMichele**

2. MINUTES: 4-21-05 **amended & approved**

3. AGENDA:

FORMAL DISCUSSION WITH THE CLEVELAND CLINIC, 551 EAST WASHINGTON STREET. THE CLINIC HOPES TO ERECT A FENCE AROUND A GENERATOR. FENCE TO BE 8'X 45'6" BOARD ON BOARD. DISAPPROVED BY THE BUILDING DEPT. ON 5-18-05 BECAUSE PROPOSED FENCE IS 8' TALL. PERMITTED HEIGHT IS 6'. FORWARDED TO PC FOR APPROVAL OF TWO ADDITIONAL FEET. **APPROVED**

4. OLD BUSINESS:

Prestige Homes project at 1561 Bell to proceed. On June 20th they will begin to drill test wells.

Brett explained that the Village asked Dr. Eckstein for two opinions. The Village has contracted with the USGS (United States Geological Society). He wants to know how valuable that is to the Village. Secondly, if Muggleton is left the way it is, what should the Village expect in so far as water recharge.

Brett said they discussed a gas well that is proposed on the Smith property, 1572 Bell Rd. Dr. Eckstein gave advice about that.
Note: Mike Smith appeared before the PC on 11-18-2004 to discuss a lot split for this property.
According to Brett, House Bill 278 removed any local control of gas wells & gave all control to The Ohio Department of Natural Resources.

Milbar property, 530 East Washington St. is considering a drive through window in the back as part of the strip center. Maybe coffee will be sold. Hocevar told Jeff Simler it's up to PC. Aside from that, Mr. Simler is going to be moving forward quite a bit now.

5. NEW BUSINESS: **NEXT MEETING: JULY 21, 2005 AT 7:30 P.M. New tenant at Chag Town. They have obstacles to overcome with the fire department before they can open.**

   Kensington Green meadow management plan. It was a two-year plan. It expires in July 2005.

6. ADJOURN: **7:50 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
JUNE 16, 2005
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Matt Brett, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

OTHER OFFICIALS: David Hocevar, Building Inspector, Gerard Flynn, Solicitor from Thrasher, Dinsmore & Dolan

ABSENT: Ned Foley, Engineer

GUESTS:
Lyle Saraney, 551 East Washington St. (Clev. Clinic)
Gregg Heilman, 5105 Chillicothe Rd.

Chairman Sutliff called the meeting to order at 7:30 P.m. The minutes from 4-21-05 were amended & approved.

Formal discussion with the Cleveland Clinic, 551 East Washington ST. The Clinic hopes to erect a fence around a generator. Fence to be 8'X45'6" board on board. Disapproved by the Building Dept on 5-18-05 because proposed fence if 8' tall. Permitted height is 6'. Forwarded to PC for approval of two additional feet.

"I am Lyle Saraney & we are requesting a variance on the height restriction. We would like to put an 8' fence around our generator. The generator stands 5' tall. The thing we are trying to protect is a shut off switch & anybody could walk up & shut it off. If that was shut off, the generator wouldn't work. The natural gas with propane shutoff valves are adjacent to the generator. We want to protect them. Neighborhood kids play in there, sled ride. A 6' fence wouldn't keep the kids out if they wanted to get over it."

Sutliff, "Is that a new generator on the north side of the building?" Saraney, "Brand new generator." DiMichele, "Does the old one have a sensor on it?" Saraney, "The old one was indoors & the exhaust came out the wall."

DiMichele, "Is the fence visible from any residential house?" Saraney, "In the winter time it would be. The distance from the generator to the property line is about 250'. I didn't measure to the closest home, but I'm guessing between 75' & 100' to the closest home. The generator isn't very noisy. It produces some noise."

Sutliff, "Literally, nobody would see that fence back there." Saraney, "It'll be a board on board fence. We're going to stain it or paint it brown. I don't think you'll see it. It's less than 50' of fence." Sutliff, "I think it's a security issue. Kids still can get over a 6' fence." Hocevar, "I think it's a good idea. I've seen the generator. I was there when they installed it. It does definitely need some protection. You're not going to see it. Six feet isn't going to do it."

Brett, "I'd like to make a motion that we approve the request for an eight-foot fence." Second. Tripp. Roll call. All ayes. APPROVED

Mr. Saraney will apply for a permit from the Building Department.

OLD BUSINESS:

Status of Prestige Home Project at 1561 Bell Road. "Hocevar, "They will begin drilling test wells on Monday, June 20th.

Sutliff left a meeting early where Dr. Eckstein was present. Sutliff, "How did that meeting end up?" Brett, "We asked Dr. Eckstein for two things. One is, the Village has had a contract with the USGS (United States Geological Society.) We asked him to give an opinion on how valuable that is to the Village. Number two, to give an opinion on the Muggleton Farm & what to expect if it is left as it is, as far as water recharge. He's going to send those opinions."

Brett, "We also talked about a gas well. He gave advice on that. It is located almost across the street from where Prestige Homes will build. (Smith property1572 Bell Rd.)

Tripp, "It's really close to where the land conservancy is." Hocevar, "Yes. Next door." Tripp, "She doesn't have enough land." Hocevar, "Yes she does." Tripp, "There's a state drilling reg. that says you've got to have X number of acres." Hocevar, "All you need is the land & a well that's built less than 4,000 feet. She's got 20 acres of land & they are going to drill 3,950 feet." Brett, "If they go further than that, then they can pool the surrounding neighbors. Everyone has already signed off on that excluding one resident. If he doesn't sign, they can go probably in another direction & get what they need. If that doesn't work, the way that the permitting process works now, they don't really need him. They can go to the Ohio Department of Natural Resources. The story is that's a pretty easy process to just push it through. We've lost our power."

Tripp, "There's a small bit of power that you do have. I know this because the neighbor to the south of us in Bainbridge drilled a gas well. I got to know personally the people with the DNR & the oil & gas well inspector. I dragged his sorry you-know-what up here every week. They had to do a number of things that they weren't going to do. The squeaky wheel gets the grease with that group. They say they are supposed to have a locked gate & they leave it open, they get cited. They are supposed to have a port-a-potty for their men. They better have it. They better line their mud pit. The Village has lost a lot of power, but the way the state government is run, you potentially still can (?)."

Tripp, "A guy like our Building Inspector can go out there, call that guy & he drives up & he stays on. I did it. The well is the exact number of feet it had to be away from our property line. I got all the people; we got water samples out of our wells before they drilled, so we had proof of what we had. If the neighbors don't do that, they are crazy." Hocevar, "The neighbors are family."

Sutliff, "This goes back to the early 80's when we did our oil & gas ordinances. We spent years on this. Is that a moot point? Is our ordinance, regulation, zoning a moot point?" Flynn, "I don't know. I've only read in the newspaper what's going on. I couldn't give an official, legal opinion. The state now has a full set of regulations that you need to go by. I don't know if these are still valid or if there are any gaps in the state regulations." Sutliff, "It's not like the fire codes. The state has a fire code. But, villages & municipalities can always take it one step further." Flynn, "I would have to look to see if any of this applies."

Brett to Sutliff, "David Hocevar has information if you want it. House Bill 278 removed any local control & gave all control to the Ohio Department of Natural Resources." Hocevar, "He's correct (Tripp). He said we can monitor what they are doing as far as what the regulations are. Talking to Bainbridge, they said they threw their regulations in the garbage."

Brett to Tripp, "What Dr. Eckstein shared with us was, he referred to it as a blind pit. One of the things to push for –it may not be a requirement- but to push for is for them to use steel tubs as opposed to plastic. The reason is that if the plastic tears (?) The metal, they actually truck off." Tripp, "Yes. They can use metal tanks. Most everybody just digs a pit, puts a plastic liner in it. They solidify the contents of the pit & cover it over. This is a shallow well."

O'Donnell, "Dr. Eckstein told us the only thing we can do is to be familiar with the regs & make sure they comply in every possible way." Sutliff, "Are we familiar with the regs?" Hocevar, "Yes. I've got the whole thing, the breakdown. They are pretty simple. Smith hasn't started to do anything yet. He will call me next week. I talked to a driller, Joe Haas, who lives in Bainbridge on Auburn Road. He's going to start drilling. He will call me one week in advance to let him know where to put the rig."

Brett, "They have 22 acres. There's another six that she owns & another…" Sutliff, "They came here for that lot split." Hocevar, "It's coming back too." O'Donnell, "The lot split was never finalized." Hocevar, "I talked to Michael & he said we're coming back for the lot split. We're still splitting the land. I said how is that going to effect your (?)? He said we've already signed up. We all own adjoining properties. We all own the land. We are 20 acres. It's all family. It's his son, another son & the daughter who already signed to ODNR as part of this pool to go ahead & drill."

Tripp, "The only reason he didn't split it was because we told him we wanted him to get a survey. Right?" Hocevar, "He said the survey is done. The pins are in. He just wants to verify the pin locations. He's coming back to PC." Tripp, "He got his survey done so he could do his gas well."

Sutliff, "That's a moot point. They could have had the lot split & still could've collectively gotten together." Tripp, "How many other 20 acre sites are there in the Village?" Brett, "Muggleton. If you piece a couple of the lots in the northeast corner together, you could form 20 acres. You don't have to have 20. You have to pool 20." Hocevar, "They could drill a well on an acre of land."

DiMichele wondered what was going on with the Milbar property, 530 East Washington St. Hocevar, "They asked me on Tuesday what PC might think of a drive through window as part of the strip center. It might be Arabica or Starbucks with a drive up window in the back. I said it's totally up to PC. If you don't change anything with the location, if your ingress & egress is ok, let the PC know. It's not a big obstacle. He's going to be moving forward quite a bit now. Today he's supposed to get the bank's ok. He lost a big tenant who was going to take over the whole corner."

Tripp, "What's the sign there that says Americon Homes?" Brett, "Jeff Simler owns the property & he is also a partner of Sandy Krulak. Together they own Americon Homes, which is a residential home builder." Hocevar, "They took those signs down & have new ones up. They are squared away."

NEW BUSINESS:

Chag Town, 504 East Washington Street, has a new tenant. Tom Long owns the property. There will be some minor renovations. They have some obstacles with the fire department. They didn't pass the firehood test. They have to put a whole new fire suppression system in. The two guys who are going to take it over own Grovewood Tavern, 17105 Grovewood Ave. in Cleveland."

Tripp, "Did you notice Kensington Green's lawn is growing again? Is everyone satisfied with that?" O'Donnell, "They cut it eight or nine days ago. They had ignored it or forgotten about it." Hocevar, "Mark Porter said the landscaper had a different crew out there. They didn't cut what they were supposed to cut. They went by last year's agreement. Mark told me last night, he assured me, that was going to be all taken care of. They'll come back & it'll be manicured the way the rest is. They have to come in front of PC again in July."

Brett, "I thought what David Ondrey shared with us at Council was that this was a two-year deal. After two years, it goes away. If they don't come back, it goes away." O'Donnell, "We also discussed the fact that it is not our responsibility to remind them that the time is up." Hocevar, "I would assume you're right." Brett asked Hocevar, "Just make sure. Would you take a look at that?" Hocevar, "Yes."

Next meeting is July 21, 2005 at 7:30 P.M.

There was no additional business. The meeting adjourned at 7:50 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

August 11, 2005

To: PC
From: Maggie Tomaro

Greetings!

The next PC meeting is scheduled for Thursday, August 18, 2005 at 7:30 P.M.

The agenda:
(1). Mark Porter of Kensington Green will discuss the meadow management program. Bring the books that were distributed to you two years ago when the program went into effect. (ATTACHED IS COPY OF PC MIN. 7-17-2003)

(2). Formal discussion with Doris Smith, 1572 Bell Road, about a lot split.

FYI: There will be a public meeting on Wednesday, August, 31,2005 at 6:30 P.M. Gurney School. D.B. Hartt will continue to address the Comprehensive Plan.

Encolsed is a copy of the minutes from the last PC meeting on 6-16-2005. If you cannot attend the meeting on the 18th please call & leave a message at Village Hall. 338-7843. Thanks.

Drilling options discussed

By SUE REID

Further discussion took place before South Russell Council regarding plans for a gas well to be drilled in the village and the recourse residents may have regarding possible odors from it.

Councilman John Dishong said he has been doing some research on the topic and learned that odors can result from the drilling and until the well is capped.

State Rep. Matthew J. Dolan, R-Russell, who attended the South Russell meeting, said drillers must designate a manager at the Ohio Department of Natural Resources for the project.

The first gas well to be installed in the village since the Ohio Legislature usurped local regulations late last year is planned at the eastern end of Bell Road.

Building Commissioner David Hocevar said last week that his office has received a copy of a permit application made through the ODNR by David R. Hill Inc. for drilling.

In regards to odor, village Solicitor David Ondrey said, "I would expect that there are complaint procedures that could be filed through the ODNR." Private residents and the village could pursue a nuisance complaint, he said.

"You're entitled to not be subject to offensive noises and smells or other kinds of violations on a regular basis," he said. "If it's short term, then you're probably not going to make a valid claim. If it would linger, you certainly could pursue it then.

"If it's a temporary annoyance or irritation, unless it's threatening health and safety, it would be a difficult claim to pursue."

Mr. Ondrey said he is not aware of any specific proposals to reverse Ohio House Bill 278, which took away local communities' ability to control gas- and oil-well drilling within their boundaries. Prior to its passage, South Russell had strict regulations on all such drilling in the village.

"As long as there is a natural-resource crisis in this country with oil and natural gas, there will be a lot of resistance to restricting these activities, unless there's a track record of abuse," Mr. Ondrey said.

Mr. Dolan said a proposal he has "floating around" is that "if a community is going to share in the risk" of gas- and oil-well drilling, "they should also share the benefits." Money from the process also should go to the local school systems, he said.

CVT
8-4-05
PP16
1572 Bell Rd.
Smith property
Considering
gas well

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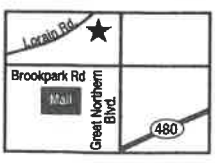

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Dan McDermott
14957 Sperry Road
Novelty, Ohio 44072
440-338-5759

Dear Board of Trustees;

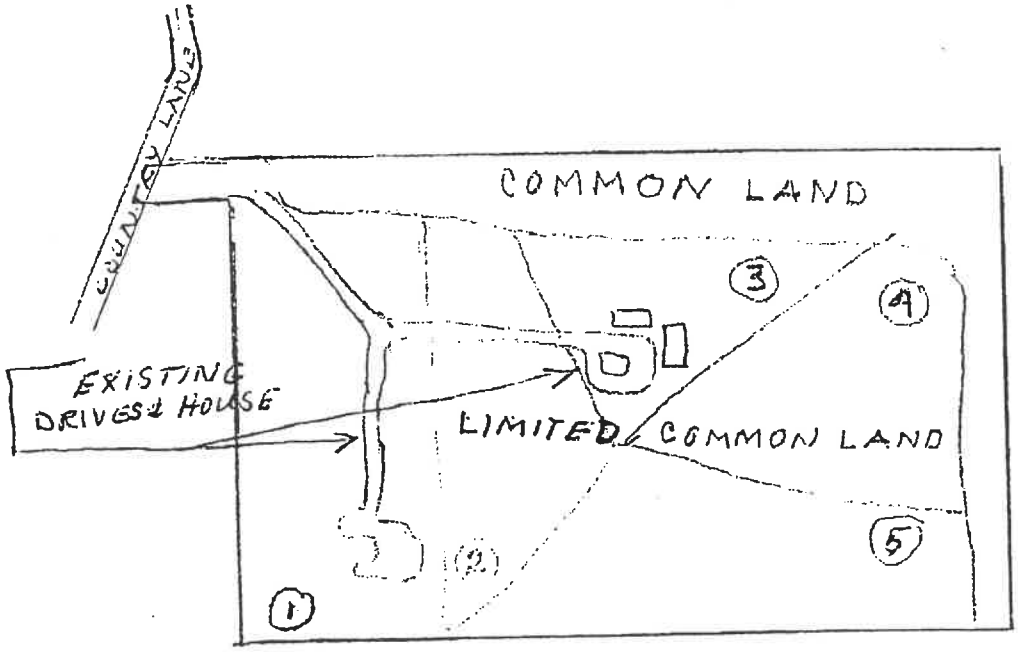
January 11, 2002

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"

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

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Comprehensive Planning

CDFS-1269-99

Land Use Series

John B. Conglose
Community Economic Development Agent
Huron County
Ohio State University Extension

Introduction

An old saying amongst those in the planning profession is that if you fail to plan, in reality what you are doing is planning to fail. Communities are always facing this dilemma. If the community you work, play, and live in does not have a plan for its future, what ultimately may happen is that the community will fail to adapt to change. The community will fail to take advantage of opportunities.

The concept of comprehensive planning is very much related to the economic prosperity of communities. A comprehensive plan can be used as a tool to plan for the future growth or decline of a local community. Most importantly, it can be used as a tool to address the constant change and evolution of a community. Comprehensive plans are sometimes referred to as land-use plans, because in many cases they are dealing with issues related to the appropriate uses of land. In many cases, comprehensive plans are prepared to address compatibility issues between various uses of land, management and preservation of natural resources, identification and preservation of historically significant lands and structures, and adequate planning for infrastructure needs. In other instances, comprehensive plans are utilized to address issues related to schools, recreation, and housing.

History of Comprehensive Planning

The issue of comprehensive planning in the United States has been addressed since the birth of the country. The original Williamsburg was one of the first highly successful products of an attempt to create a land-use plan in the colonies. In 1699, Williamsburg was laid out under the most detailed piece of town-planning legislation adopted in the English Colonies up to that point. Williamsburg reflected what is referred to as "axial planning," which means that it is formal, yet not pompous.[1] Many consider the modern phase of American City Planning dated to the Columbian Exposition of 1893. The modern era of planning for growth and development began, however, in 1900, when, at an annual meeting of the American Institute of Architects in Washington, D.C., several papers were presented dealing with the beautification of government buildings in the capital. This resulted in the appointment of a committee responsible for the work of preparing a plan for the District of

Columbia's park system. A final plan for the District Park System was completed in 1901. The impression left from this final plan was shared with many cities and villages throughout the country. Public improvement groups in these communities were created and became devoted to applying a new gospel of planning in communities. This early concept of this process was referred to as the "City Beautiful Movement." This movement established two aspects of the local comprehensive planning process that are still in use today -- the professional consultant in the field of comprehensive land-use planning and the planning commission, many of which are in existence in communities all across the country. The City Beautiful Movement was the beginning of what is more commonly referred to today as "Comprehensive Planning." [2]

What Is a Comprehensive Plan?

Comprehensive planning is an attempt to establish guidelines for the future growth of a community. The term comprehensive means exactly what it says. It should be a comprehensive or all-inclusive approach at addressing the issue of the future growth of a community. A comprehensive plan is the document that is the final product from the efforts of this process. The document is official in nature, meaning that some form of local government should adopt it into local law. The document should then be used as a policy guide to decisions about the development of the community.

According to William I. Goodman, a well-known author on the subject of comprehensive planning, the key principle in the concept of the comprehensive plan is that it is an instrument to be used by those leaders in a community who establish the policies and make the decisions regarding physical development. According to Goodman, there are six basic requirements which the plan document should fulfill:

1. The plan should be comprehensive.
2. The plan should be long-range.
3. The plan should be general.
4. The plan should focus on physical development.
5. The plan should relate physical design proposals to community goals and social and economic policies.
6. The plan should be first a policy instrument, and only second a technical instrument.[3]

Goodman goes on to say that there are six basic requirements to the procedure for creating a comprehensive plan:

1. There should be only one official comprehensive plan.
2. The plan should be formally adopted by the legislative body.
3. There should be a lengthy period of public debate prior to adoption.
4. The plan should be available and understandable to the public.
5. The plan should be formulated so as to capitalize on its educational potential.[4]

What Is Included Within a Comprehensive Plan?

The elements of a comprehensive plan can vary from community to community. In most cases though, the plan consists of a study of existing conditions and a discussion of future trends, goals, and objectives. Land-use patterns, housing conditions, population, roadways, and other infrastructure are usually the principle elements that are studied.

In some cases, educational facilities along with recreation and other government facilities are reviewed. Social service facilities can also be discussed. Comprehensive plans deal with the land-use related issues relevant to each of these topics.

The Comprehensive Planning Process

A comprehensive plan should be a vision of what a community is to be in the future. The process of developing this plan should be a community-wide effort. All interest groups should have a part in determining what this vision should be. Goals and objectives should be developed along with a time frame for implementation. The contents of a comprehensive plan can vary from community to community but in most cases, it should consist of the following elements: land use -- both existing and future; demographics -- existing and projected; housing; infrastructure; education; recreation; and thoroughfares. The first phase of the process consists of collecting all available data on these topics. A citizens participation process should also be developed. After analyzing all existing data and taking input from the citizenry into consideration, goals and objectives can then be developed.

Getting Organized

any work begins on the comprehensive plan, a leader should be appointed to coordinate this project. A committee ld also be appointed to provide direction to the person or persons held responsible for developing the plan. A popular nario is to have the county commissioners or village (city) council appoint the committee and assign the task of leading ne process to an administrative department head or consultant.

Data Collection

One of the first steps in the comprehensive planning process is to collect data on existing conditions. The data that is to be collected should relate to each of the elements that will make up the plan. For example, obtaining existing zoning maps or existing land-use maps that have been developed in the past can be a starting point for reviewing current land-use information. If this information is not available, then a survey of the existing uses of land may have to be conducted. A classification system must then be developed that identifies the various types of land use that are in existence. Typically, existing land uses can be identified as falling into three major categories – residential, commercial, or industrial. Additional categories can include recreation/open space, agricultural, and government. You can then break down each of the three or more categories into other classifications within each category. For example, you can have multi-family (meaning more than one unit) and single family as two classifications within the residential land-use category. The industrial land-use category can be divided into heavy industrial classifications or light industrial classifications. Each parcel of land within the community should be classified and identified on a map with a specific classification.

If housing is an element of the comprehensive plan, data must also be collected regarding existing housing in the community. Information pertaining to conditions, age, number of units, whether or not each unit has adequate plumbing and kitchen facilities, whether the unit is owner- or renter-occupied could be relevant information. Most of this data could be obtained from available U.S. Census Bureau information. This is also true for collecting data related to the demographics of the community population. However, a more detailed house- by-house survey may also be desired.

If a study of transportation is going to be part of the comprehensive plan, then a review of the existing roadway system in the community can be conducted. This can be initiated by reviewing existing maps of the community. As part of the transportation element, a review of current transportation services can also be included.

Various types of data collection can be used, depending upon what elements are to be included in the comprehensive plan. It is important to remember that most information is readily available through a number of sources.

Analyzing Data

Once all of the data has been collected, the next step in the comprehensive planning process is to analyze the data. The coordinator and committee should take time to study data that has been collected in each of the various categories. The data should be analyzed for trends or other types of significant points. Upon thorough review and analysis, the next step in the process is to come up with goals and objectives.

Goal Setting

The comprehensive plan should conclude with a set of recommendations established by the committee. The recommendations should be in the form of goals and objectives. The objectives should consist of strategies to address each of the goals that have been established.

Citizen Participation

Throughout the entire comprehensive planning process, citizen input should be obtained.

After all, the comprehensive plan is a document for the community. The citizens of the community should have a say as to what their community should be like in the future. There are a number of ways to obtain citizen input. A series of open forums or public meetings is a good way to obtain public comment. News releases explaining what is being worked on and inviting written comments are other ways to obtain input from the public. Many communities include a citizen survey as part of the comprehensive planning process and incorporate the results into the body of the plan. Citizen input helps to determine the goals and objectives of the plan.

Conclusion

In 1972 President Nixon appointed a Citizen's Advisory Committee on Environmental Quality. This committee established a task force to study land use and urban growth. The task force consisted of prominent people at the time, including Lawrence S. Rockefeller from the famous Rockefeller family and Mayor Pete Wilson from the city of San Diego, California. Other appointees were experts on various subjects from the academic, legal, banking, land development, and conservation communities. A nine-month study was funded by a grant from the Rockefeller Brothers Fund. A final report was published entitled *The Use of Land: A Citizen's Policy Guide to Urban Growth.* A major conclusion of this study and ensuing report was that land is a basic resource on which human activity ultimately depends. Planning its wise use is considered to be the best tool to aid citizens to guide growth toward achieving economic benefits and protecting environmental quality.[5] This conclusion is still true 27 years later. Comprehensive planning is a tool that citizens can use to achieve this goal.

Where to Get More Information About Comprehensive Land-Use Planning

American Planning Association, 122 South Michigan Avenue Suite 1600, Chicago, IL 60603, 312-431-9100, fax 312-431-9985. www.planning.org.

Ohio Planning Conference, 129 South Third Street Suite 510, Columbus, OH 43215-7100, 614-221-4349.

Ohio State University Extension, Community Development, 700 Ackerman Road Suite 235, Columbus, OH 43202-1578, 614-292-8436. http://www-comdev.ag.ohio-state.edu/.

References

Principles and Practices of Urban Planning. 1968. William I. Goodman, Ed., and Eric C. Fruend, Assoc. Ed. Chicago, Ill. International City Managers Association.

How Will America Grow? A Citizen Guide to Land-Use Planning. 1976. Citizens Advisory Committee on Environmental Quality. Washington, D.C.

The Practice of Local Government Planning. 2nd. Ed. 1988. Frank S. So and Judith Getzels, Eds. Chicago, Ill. International City/County Management Association.

The Small Town Planning Handbook. 2nd. Ed. 1995. Thomas L. Daniels, John W. Keller, and Mark B. Lapping. Chicago, Ill. American Planning Association Press.

[1] William I. Goodman, Ed., and Eric C. Fruend, Assoc. Ed. *Principles and Practices of Urban Planning.* Chicago, Ill. International City Managers Association. 1968. p. 1.

[2] Ibid.

[3] Ibid.

[4] Ibid.

[5] Citizens Advisory Committee on Environmental Quality. *How Will America Grow? A Citizen Guide to Land-Use Planning.* Washington, D.C. April 1976.

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Keith L. Smith, Associate Vice President for Ag. Adm. and Director, OSU Extension.

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PLANNING COMMISSION
WORK SESSION: COMPREHENSIVE PLAN
MAY 3, 2004
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Matt Brett, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

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

GUESTS:
David Hartt, Planner of D.B. Hartt, Inc. 1382 West Ninth St., Suite 420, Cleveland, Ohio 44113 (216) 696-0400
Brian R. Morrison, Council member, 20 Woodside

Chairman Sutliff called the work session to order at 7:34P.M. No minutes to review & approve. Tonight's agenda: Learn about & discuss Comprehensive Plan. What is it? How important is it for South Russell? What is the process to develop a CP? The cost?

David Hartt worked as a planner & consultant in Cleveland for 10 years. In 1979 he opened D.B. Hartt, Planning & Development Consultants. He works with communities to help formulate Comprehensive Plans, do zoning work - either write the regulations, devise the regulations or serve as community planner to review plans that are submitted by the private sector- evaluate their compliance. And he does neighborhood commercial revitalization studies. He also works with the private sector to help them to develop a piece of land & secure the necessary approvals. About 2/3 of his work is public & 1/3 is private.

Hartt met the Mayor at the Chagrin Valley intergovernmental meeting where he made a presentation. The thrust of the presentation was about the Shemo case of Mayfield Heights & how it affects communities as to how to go about planning & zoning. Hartt, "The quick answer is not much, except be careful." That case is still subject to financial settlement.

Hartt, "Simply stated, a Comprehensive Plan is a community's policy guide. It can have where it wants to be & how it wants to get there. The deficiencies in achieving those objectives are mid-course corrections that you need to go through to get where you want to be. It can be simple, a land use & zoning document primarily. Or it can be truly a CP that gets into facilities, capital improvement programs, storm water management & all kinds of things that go beyond this. It is the basic policy framework for land use & zoning."

Hartt, "It's basically the policy guide that a community has set forth that says, here's where we want to go & here's how we're going to get there. Here are the reasons why we are not in sync with where we want to go. It changes no laws. It doesn't change any property rights that the property owner has. It is used by a community to make decisions. Depending upon how elaborate or comprehensive the plan is, it's helping you guide zoning decisions, land use decisions, development decisions. Or it's helping you guide capital improvement programming, new facilities planning or administrative action depending on how complex & large the community is. Those administrative actions are probably not applicable in South Russell. One example would be, if you want economic development so you need an economic development coordinator because you want to promote that type of development."

Hartt, "I liken the plan to if you are preparing architectural drawings. It's the concept drawings. It's the basic blueprint to provide guidance to develop the contract documents. A Comprehensive Plan, the contract document, is the zoning regulations for one or the contract documents are your capital improvement programming. Or the contract documents are facility planning for a new city hall, rec. center & tennis courts. As you move from the CP to the contract documents or changing the zoning, things could shift. The CP is a guide. As you get into detailed evaluations, you may discover some things & decide you don't want to implement it exactly as it was outlined in the CP because you have found with the detailed investigation that there are some flaws or something that you don't like. It's a guide, but it's not so rigid that it doesn't allow you to make some departures."

Hartt, "You don't have to have a CP. There is no obligation in Ohio to have a CP. The township law is that if you have a rationally created zoning map that is your CP. I assume, to a certain degree, that same policy applies to cities & villages. Many communities don't have a CP. The communities with a simpler land use pattern that is fairly well established probably are less likely to have a CP. Communities with more complex land use patterns may have a CP. It's not related to size. There are some small communities that have them. There are some small communities that don't. There are some large communities that have them. There are some large communities that don't. Even totally built communities – more & more – are developing CP because as they get older, they are getting a little nervous. Whether it's the older homes or the older commercial areas, they are nervous about the ability of those facilities to remain competitive in the market place. This is true especially in Northeast Ohio where we continue to build & build & build. The size of the market place doesn't really increase all that much. It's pretty flat. We continue to have more supply & we start to worry about what's going to happen with the older stuff. It's not just for certain communities. It can be for basically any community."

Hartt, "I know you're sorting out whether you need a CP. I'm not here to do a hard sell & tell you you've got to have it. One of the things that has promoted communities to give more thought about Comprehensive Plans is the Shemo case. It did not change the latitude or the discretion or the criteria that a community uses to make zoning decisions. You still have the same public purpose & the economic use of the property; the two prongs for determining whether zoning is reasonable. What it did say is, 'Don't screw around.' If somebody has zoning that is unconstitutional & they bring it to your attention, don't just sit there & say, 'No' & throw it to the courts. That clearly is an irrational decision. You know darn well the zoning wasn't appropriate. What Shemo has said, 'You are going to pay. If the property is unreasonably zoned & it's pointed out to you, if you hassle us & continue to act unreasonably, we're going to come after you for the damages caused by the delay once we brought it to your attention.'"

Shemo background: Hartt, "Wolf, Goldfarb & Shemo were the agents for the property owner in Mayfield Heights. The property behind Best Buys - where Costco is located- is the property involved in the Shemo case. Originally this property was zoned single family. It is a triangular shaped piece of property abutting 271 & north of the Mayfield Road commercial area. I was a witness for Mayfield Heights, a losing cause. The triangular parcel was protruding north of the commercial area into the residential area. It was about 25 acres, zoned single family. It was the same density as the single family homes to the west of the property. The property owner initially asked for apartments. They went right to court. They didn't try to go through the legislative process, saying, 'We knew it was futile.' The trial was in 1994. In court, they said that the single-family zoning was unconstitutional. The city rezoned it to a townhouse district. I had thought that was a reasonable classification for the property. Mid stream, the applicant switched gears & didn't want to build townhouses. They changed their complaint & asked for commercial zoning. It went to the Supreme Court of Ohio a couple of times. During the process, the property owner asked for the dedication of the old streets. I think that was the straw that broke the camel's back. The city said, 'No. We're going to deny the dedication of the streets.' That was sticking it to the court. The court said, 'You have overly hassled us. You haven't been reasonable. You lost on the merits of the zoning issue whether it should be commercial or stay residential. You continued to hassle us all the way. Now we are going to make you pay from the time the court ruled it was commercial to the time you finally got off your (? missed the word) & built on the property.' That's about an eight-year period. Now they are in court to determine the cost value in that eight year time period. The range is up to 8 to 10 million dollars."

Sutliff, "How would the existence of a CP helped Mayfield Heights?" Hartt, "We don't know because we don't know if the community was going to act rational or still try to stick it to the property owner & play hard ball." Sutliff, "If there had been a CP, would the results be the same?" Hartt, "I can't tell you." Tripp, reading from, Presentation to the Village of South Russell, 5-3-04 "Pp. 6 Mayfield Heights, Mayfield Village; you've helped them prepare a CP. So, they have a plan?" Hartt, "Mayfield Height's CP is still going through the process of adoption. They did not have it in 1993. The plan that was in effect in 1993 goes back to 1976." Sutliff, "Was that a CP or was that zoning?" Hartt, "That was a CP." O'Donnell, "Was Best Buys & the Baymont Inn part of this?" Hart, "They were already up, commercially zoned."

Hartt, "This is not a precedent setting land use decision. If you had the same facts & tried it in another court at a different time, with a different judge & different attorneys, I think the city could have won. I don't think this says anything about changing the location criteria for residential, changing the location criteria for commercial or how we lay out our land use pattern. I think this is a strange one from the land use decision. What the precedent setting is though - be careful. Not only do you loose the land use issue, you loose the financial. It hasn't changed the structure or the discretion. It just says when somebody points out to you that there may be some unconstitutional lands or a property owner wants to change the zoning, you have to evaluate it more speedily, more responsibly & not be so cavalier & say, 'No. We don't want to change.'"

Hartt, "There are- I'm not saying this applies to South Russell- lots from unconstitutionally zoned land in the region. There was still a lot in Mayfield Heights. They have one- acre zoning that remains surrounded by other stuff. It doesn't make sense to hold the line on one-acre zoning when it's surrounded by offices, commercial, apartments & those things. The one-acre zoning is the odd one out. It doesn't make sense to adhere to it any longer. There are older industrial areas in the region that aren't suitable for industry anymore. They were zoned for industrial purposes in the 1940's & 1950's when zoning was first created. The community said we want our tax base. They put industrial in the best location at the time. But, the road patterns have changed dramatically. The use of railroads has changed dramatically. We've got poorly zoned industrial land around this region that's not suitable for industrial purposes anymore. If you try to say, you're not going to allow that to go back to residential because you don't want the kids, the schools, you've got a problem."

Hartt, "Shemo is not saying, you've got to zone all that land now to make it constitutional. It's saying, when someone points it out to you, be prepared to make the adjustment. Listen to their case. Agree there are changing land use patterns. Something that had been reasonably zoned 20 years ago, even five years ago, might not be reasonable now."

Ondrey, "The Shemo case started in Cuyahoga County at the Court of Common Pleas & went up through the Court of Appeals to The Ohio Supreme Court. I agree with David (Hartt). The real problem was that it went to The Ohio Supreme Court. That affirmed the appellate court's decision that the property was not zoned properly with instructions to the city to rezone it in a fashion that would make it useable. The problem was that the city of Mayfield Heights, for another 4-5 years, dragged it out with silliness about dedication of streets, and took a lot of steps to continue to thwart this proposed development. I think that is what The Supreme Court ultimately reacted to. You cannot treat developers like this. You cannot drag it out this long. You have to act a lot faster."

Sutliff, "If they would have had a CP, how would this have changed the situation?" Hartt, "It may not have. If I were doing the plan for Mayfield Heights, I would have left that residential. The difference is the stars were aligned with this particular judge, attorneys to loose this original land use decision. One of the things that was against us, the express lanes were under construction. You could see the impacts. The impacts were coming out of the dump trucks, the back hoes & the steam shovels of all this additional traffic."

Hartt, "Shemo is saying, there are two ways for communities to get around Shemo. One is create a CP & identify those sites yourself that aren't constitutionally zoned & be prepared to do something about it. Secondly, wait for a property owner to point it out to you. Act responsibly & don't do what Mayfield Heights did by dilly dallying & wash your hands of it."

Hartt, "You don't have to do a CP. But, a CP helps you identify those places where you are at risk." Hartt showed two Comprehensive Plans: one for Mantua & one for Willoughby Hills. Hartt, "Willoughby Hills' was finished in 2003. Willoughby Hills has a history of Comprehensive Plans. This is the fourth one they've done since the 1970's. They wanted this plan to be done because they were tired of going to court. They wanted a basis to identify those sites that were zoned & couldn't expect those properties to be developed reasonably under the current zoning."

Ondrey, "A CP gives a community one more reason to attempt to explain what the zoning is. If it makes no economic sense, it doesn't necessarily save the zoning. It gives the community an argument to make. If you don't have any long range vision for a town, that's where I think it can come back to hurt a community that doesn't have one."

Sutliff, "How often do Comprehensive Plans change?" Hartt, "We've just completed the update of three plans. One was five years old. One was seven years old & the other was about seven years old. We did not do the whole thing over again. We are working through a process with the Planning Commission & preparing an addendum to the plans. The addendum is a matrix of the policies in the existing plan & a reassessment, an audit, by the Planning Commission to ask are these policies still valid? Or are they valid with conditions? If there are

conditions, then we put into the comment section of the matrix, what the conditions are. We've suggested that communities adopt that. Updated Comprehensive Plans is the old plan plus the matrix which is a lot more simple."

Sutliff, "What happens on that update? Does that involve zoning changes?" Hartt, "When you complete the CP- I'm talking about more complicated communities like Willoughby Hills – we identified several changes: text changes, map changes. The CP was adopted. None of the zoning changes have been made. Some of the recommendations in the CP may be changed as a result of that update. Typically, you don't implement all the recommendations in the CP. It doesn't happen because you've decided you don't want it, political resistance to it, community resistance. Some communities will implement ½ of the loaf & some communities will implement one slice because it's too difficult to get there. It varies. Usually, there's a disconnect between what the plan says & the zoning limitations."

Sutliff, "What takes precedence? What happens if the CP visualizes something that's not in the zoning code & it's not consistent with the zoning code? For example, take property here on 306. If the CP said the B-2 district ought to go 500 yards to the south & yet our zoning maintains R-2 zoning." Hartt, "Nothing. You say we didn't change the zoning. But, a property owner comes in & says, we want this property to be zoned B-2 & the CP says it ought to be zoned B-2. I would like to flip that around & say, the CP says it ought to be cluster housing. The property owner says we want to expand the B-2. You say, 'No. We've gone through a process. We evaluated the options. We went through this learning process. We think the cluster housing meets the community's objectives & still gives you reasonable developing rights to the property.' Now you're using it to your advantage & saying no. No offices. No retail. We've gone through this process. We're acknowledging that the whatever acre zoning is unreasonable on that property. But, we've set the parameter of what we'll accept as a reasonable fabrication. There may be several reasonable classifications. All you do is choose one of them."

Tripp refers to the objectives in the Mantua CP. Tripp, "You also have implementation strategies where you go through & recommend zoning text amendments & map changes. You have a procedure that a community can follow to develop a public consensus that can have the effect hopefully, to minimize in the future, potential issues of the Shemo case." O'Donnell, "The 271 corridor has housing on each side of that. The courts choose to ignore that?" Hartt, "I pointed out all that in my testimony."

Brett, "In this process, we are evaluating, what is this? How would it benefit South Russell? If we were to take on this task, what would we do about it? We're very early in this whole process."

O'Donnell, "Why would a CP have made a difference in this (Shemo) situation?" DiMichele, "He said it wouldn't have. They had a CP." Tripp, "This may be an anomaly relative to comprehensive planning because of the plaintiffs, the attorneys & the way Mayfield Heights treated the people. If it had been a different situation, maybe the CP would have created the rationale & this thing wouldn't have gone forward." Hart, "That's a very valid point. They had the plan & if they weren't trying to play catch up, always trying to stay up with the developer & the attorneys…"

Tripp, "Basically, a CP could be a proactive audit of your capacities of the land use. You find where you have these islands of potential illegal zoning & you proactively develop a plan so that if a developer wants to put a 10-story building on the corner…" Hartt, "It's also related to some quality issues that don't affect the basic zoning map pattern. For instance, South Russell wants to preserve its rural ness. What is that? Some people say one-acre zoning is rural. Some say, one-acre is very rural. Let's go beyond what the zoning is & ask, what are those characteristics that we really want? Are we achieving them? Are there some better ways to achieve these? One is, what would happen if someone wanted to redevelop the commercial at the corner? Would you like the outcome? Does it have the qualities i.e. landscape, setbacks, mounding & character of the building, right use mixes in the zoning district & things like that? You can get to the detail aspect of quality control as well as land use issues."

Hartt, "Willoughby Hills was dealing with the Lohman Plaza area. How do we make that area competitive? Can we make it more of a community center? So, it has less parking in front. Perhaps we allow more intensity of development to help it achieve investment rather than less. They were looking at quality of development in those areas that were already zoned commercial, shifting the usage somewhat, looking at a step down as you get closer to the residential properties, looking at heights. Those are all planning issues that are a basis for changing the zoning. If you have quality one-acre zoning & somebody puts in a 4,000 square foot garage in their backyard, is that the same rural quality that South Russell is looking for?" O'Donnell, "Could you call those spots endangered?" Hartt, "I don't know. The plan is looking at outcomes. What could happen if nothing changes & will we like it?"

Hartt, "The process: First, doing a CP, it's not the consultants plan. You have choices. Our job is to tell you the implications of the alternatives you are considering, how to get there & tell you the jeopardy of trying to get there. The choices that you may have south of the commercial; do you want it commercial, offices, cluster, keep it the way it is? One of them may be unreasonable. Three may be acceptable. We sort through the alternatives with you. Some communities, like Willoughby Hills & Mantua, we suggest a creation of a broad base citizens committee to deliberately represent the diverse cross section of

community interests. All the possible community perspectives are represented in the process. You don't have to be that elaborate in South Russell. You may, yourselves, come up with a preliminary blue print. I don't think there's going to be a lot of choice areas in South Russell. There's going to be few. I think the plan here is to record what you know you want, what you have & identify any areas at risk. You might do a plan that's developed in draft form by the Planning Commission then you air it to the public. You can get through faster that way."

Sutliff, "Does Village Council adopt the CP?" Hartt, "My understanding is that it becomes a official document of the community when it's approved by the Planning Commission & can be approved by Council, which gives it more standing." Ondrey, "I've never looked at how to adopt a CP. I would bow to David (Hartt). I can certainly check that." Hartt, "It's not an ordinance. It's an approved policy guide."

Brett, "What's the benefit to the Village? If we were to move forward, what are the steps? Timing? Price? Involvement? Process?" Hartt, "The benefit is you doing your assessment, your audit & figuring out that you want to be more than what you are now. Figure out the qualities that are getting you there & figure out the qualities that you don't like that already exist. Figure out where you want to go & what the issues are that are preventing you from getting there. Here's where you are. Here's where you want to be. There's a gap. What do you need to do to close that gap?"

Hart, "If tax base is an issue, you do things to shift from a residential to a nonresidential tax base. You want to look at the outcome if nothing changes. What is the capacity for development? It may not be much different than what it is now. Look at the land. Look at the zoning. Look at it in terms of redevelopment if something happens to the commercial or residential. Are people using their residential properties to the extent that they can? If not, would you like it, if they do?"

Hartt, "Brecksville is very concerned about the action of properties because people aren't using the envelope they are entitled to. But, we like it because the houses are smaller than they are permitted to be. All of a sudden, people are building to the allowable limits. Pepper Pike has the same problem. We don't like the allowable limits anymore. The character issues, the scale of the buildings, have dramatically changed. That is the assessment stage. What do you want to be? Where do you want to be? What are the issues? What happens if you don't make mid-course corrections? Would you be closer to achieving your objectives? Or would you be farther away? Look at it – worse case. That's the basic methodology of figuring out what the policies are & strategies are to get to where you want to go. If you do it with the Planning Commission or with a broad base citizen participation process, we like to say the process won't last more than 8-10 months. In South Russell, you could cut it down to half that & get a document that is suitable for adoption."

Cost: Tripp, "You have to establish the scope, objectives, time line of the work." Hartt, "And the citizens review process. Willoughby Hills was $45,000. Chagrin Falls Township wants to record their policies, holding things in place. They want to have the rationale to accept things just the way they are. They are spending $4,500."

Sutliff, "Is there a downside to having a CP?" Hartt, "The downside is that you make a statement & latter you don't mean it. If you say, you should expand the B-2 & the policy says that, if you don't mean it, than you'd better be careful. You've said something that can be used against you. Communities are better off with it than the risk associated without.

DiMichele, "Before I joined the commission, I know they spent lots of time redoing the zoning. It sounds like the Planning Commission did what he (Hartt) is describing." Ondrey, "It was much more of a text review than the big picture."

O'Donnell, "You struck a chord with me when you said somebody could come in like the Shemo's with a valid challenge to the zoning. That can happen on the corner here (Bell & 306)." Tripp, "The way the CP is outlined provides the Village with options & alternatives. They are outlined already. In Mantua, it talked about a transitional plan that showed existing zoning relative to farm & how it could be transitioned if that farm were developed first. And if a residential area, next door, were defined, it showed three kinds of permeations."

Tripp, "So, people do view this as an audit really. Audits are used to find shortcomings, address them, establish corrective action & go forward. Looking at it every 5-7 years is continuous improvement. That shows good faith if somebody goes to court. We had a program. We've continually worked to improve & be aware of what's transforming. The audit is a good term for a community like South Russell. You know there's not going to be major shifts in our land use patterns. We're trying to record & rationalize the basic patterns & find flaws in your ability to maintain it. That's why the audit works."

Tripp, "In Rootstown, I'd never call it an audit. They were addressing fundamental issues whether they wanted to provide for increased economic development opportunities. The answer is yes. If they designated land for industrial use, they are going to have to find some locations that will be least disruptive which, they did as part of the plan. That was a fundamental shift from land use."

Tripp, "Audit is a good term for South Russell. If you engage in the process, you'd be wrestling with, what is rural? What are the characteristics? Is it just lot size? If we have one-acre lots, we're home free & we've achieved our objectives. Is there more to it?" Brett, "Every year for several years, Council has done a strategic planning session. One of the things is the review of the mission statement. Council spent a fair amount of time discussing it. One thing was the Village should maintain its rural character. What does that mean? It's not just

that we have one-acre lots. Also, there is not a lot of traffic, some green space & a feeling that it's open. It's a feeling. That's more than just zoning."

Brett, "I think this is a tough issue & there's a couple reasons for it. There's a lot of unknown to this. It's an intangible. Zoning is black & white. Even as we describe the plan itself, there's a sense of, what is it? How do we get there? What's the benefit? It's one of those things that isn't coming right at us. If someone acquired a large chunk of property & wanted to challenge our zoning, that's something coming at us. This is one that, if we don't move on it today, it's not a big deal- could be tomorrow. Reasons to do it: I think it's a map to the future. It says what the Planning Commission is looking forward on. Our zoning code is very good. I don't think we have holes in it. This gives us direction for the future. It documents the past. It gives definition to why we have the zoning code that's in place. What's the history/rationale behind it? It's proactive. That's the Shemo stuff coming through. It's a learning experience. The way I learn more about the Village is getting involved with issues. This is a big one for the Planning Commission, for department heads for Council to continue to learn about the Village."

Brett, "The challenges: Cost, but we're not there yet. Lack of need- I'm not sure if we know one way or the other. It could position us into something we don't want. As we review where we're at with our zoning & this CP, we could discover we need to make change. It may be a change that we didn't want. We shouldn't run from that. We should face that. At some point, somebody's going to point that stuff out to us. This is a big investment time wise from this board, department heads, the planner and our solicitor. It feels like there's a big payoff."

O'Donnell to Hartt, "You represented Mr. Meyer when he was trying to change our zoning. Why did you think you could challenge us on that? What did we not have in place? What should we have done to prevent the challenge?" Hartt, "That site was disadvantaged compared to other sites to be used for similar purposes like the one-acre lot size & get reasonable yield use of the property. That was the question. I did make an argument that the property wasn't marketable for one-acre lots given its location criteria compared to other sites in the area. I would also say, it probably didn't have to go to office zoning to secure that property. That gets into planning options. Mr. Meyer wanted office zoning. So, I went to bat for the office zoning. To cure the problem, you could probably have gone to high density residential. Orientate the limits away from the commercial & the street & still give reasonable yield to the property. There are a lot of cases where single-family zoning can't be marketed & sold & cluster housing – at quite the higher density- can. That's because the market place uses the surrounding environment very differently when you live in a cluster home or a townhouse than you do if you live in a single family home. The demographics of the buyer are different & the expectations when you buy in those projects are

different than when you buy a single- family lot with the swing set & the tree house. You can build more housing i.e. townhouses, in a distressed area than for single family's. But, you can build single family homes."

Hart, "Cedar Road in Pepper Pike, there was one-acre zoning. The area is impacted by office development in Mayfield Heights, townhouses on the north side & widening of Cedar Road. Rather than waiting for a property owner to ask for offices on the south side of Cedar, the city rezoned it to townhouses. That's the reasonable cure. We don't have to go to the higher request. Let's be proactive & do it."

Tripp, "It's not only an audit, but it's also being proactive to allow the Village to confirm our mission statement for the maintenance of our rural appearance. Behind every mission statement, what's the rationale? The CP provides that rationale."

Sutliff, "How can you get more specific on the cost?" Hartt, "The key variable is what kind of process would it be? Whether it would be the Planning Commission through a series of meetings or whether it would be a larger citizens group, there's a fixed cost. Educating knowledge of community & background information is required if you dealt with a large citizens committee rather than you folks."

Ondrey, "South Russell's Council has made passing comments about this. They know you're reviewing the issue. In general, the communities that we have represented at the firm, nobody had a CP at the time we represented them. Middlefield Village now does. We're no longer there."

Ondrey, "It's clear that many communities can get away without them. In the decision to have one or not, the better focus is on are you going to get something out of the process as opposed to worrying about are you able to defend zoning challenges in the future? It's not the final definitive answer on that. It's an arrow in the quiver, which we didn't have in the Meyer's case. It was brought to the attention of the Zoning Board that we didn't have the ability to say your CP calls for single family residential in this area."

Ondrey, "I'm hearing a great benefit in just a review of the rationale. This is a relatively simple Village with very little pressure for additional development because you're so built out already. You've got just a couple parcels remaining at issue & a couple small commercial issues. You ought to be interested that Chagrin Falls Township is looking at it from the standpoint of let's find a way to utilize the zoning to preserve what we have. We like it & we don't want to see substantial changes. Having an expert review, if that makes sense, whether you're being realistic in certain areas on active parcels, that's a beneficial long range effect for you."

Tripp, "There may be different land use: the starter home, the big family home, the empty nester home & how people progress through a community. What group should be there? In South Russell, there are a few plots left to be developed, one substantial (Muggleton). It may sell someday & then we may end up with a new casting director & the zoning might get challenged." O'Donnell, With the progression of homes & then cemetery." Tripp, "It is kind of important. People who live in the community wish to be buried in the community. It needs to be looked at. Who wrote this Q&A?" Brett, "Kyle Dreyfuss-Wells of the Chagrin Watershed Partners."

Sutliff to Hartt, "If you could provide us with a ballpark on two things? What do you think the range is? What is the best process for us? From there Planning Commission needs to indicate to Council that it wants to take this task on. Council would need to approve funds to do it." Hartt," Price: you can leave it up to others to determine what the price should be or you can dictate the price yourself. In this situation, it might be better to say here's what we want to spend. Come up with a proposal for that amount of money. Then we're forced into carving out a process that's within your budget. You can decide if you like the process or not. It might mean attending this meeting on May 3 & you wrestle with some issues & we come back in July. The variation & the cost depend on our participation in the process." Brett, "Not only would there be a cost for a planner, we need to take into consideration our engineer's time, our solicitor's time. We need to be aware of all of this."

O'Donnell, "Would the process be, your firm assigns one of the people identified in the back of the book? Would we be working with & through the expertise of these people?" Hartt, "On that list, you'd be getting Kristin Hopkins or Jeanette Corlett."

Brett, "Are we going through the right process? Do you have any recommendations?" Hartt, "I think you ought to do it as a in house development of the document. When you have issues you want to take to the community, you do so rather than have a broad base process. You'll get there faster. Because it's simple patterns & there is going to be relatively little change, you'd get a lot farther faster if you keep it."

O'Donnell, "Is it legal to start that we want to continue to exist forever as a Village?" Hartt, "Sure. I don't see why not." O'Donnell, "Everything would follow from there that we plan accordingly?" Hartt, "Yes. We're updating a CP for Orange. One of the principles in an earlier plan & it still is, that we made sure it doesn't go above 5,000 people."

Hartt showed his drawings, left copies of Comprehensive Plans for Willoughby Hills & Mantua & left. A copy of Russell Township's CP is at South Russell's Village Hall also.

Foley, "I've been through a number of Comprehensive Plans. The emphasis in most of those cases has been to carve out where one would want industrial/commercial development. The economy of land use was far more dominating an issue than it may be here. Things here are fairly built out. The process will clearly be different here. My history with these, the pressure is to try & develop a means to an end where there is a considerable amount of developable land. How do you want that done? How can you achieve that not only with zoning, investment in the infrastructure & roads? It was much more complicated. Even with our township one, there is a great differential of land use from north to south. It was really important to define where we could see economic development to support other things we wanted to accomplish."

Foley, "That's not the objective here. You've got some commercial, but your planning is behind you. The character is not a function of what else occurs. You've got the ability to fine-tune it. I liked what he (Hartt) said. I never thought about it quite like that. When we talked before, I said I was not sure if there's a need for it. Interestingly, he talked about Willoughby Hills. We do some work for Willoughby Hills. The other side of that dynamic, there's a massive project to bring sewers to that community. Prior to planning that, he went through to set the stage for the impact of this next capital investment that they are making. They needed to have the road map in order to properly undertake a project of that magnitude. One thing leads to another."

Hocevar, "I agree with Ned. To get a CP to preserve the corner across the street is the wrong idea. I think you have to look at the complete picture."

The next meeting is May 20, 04 at 7:30 P.M. Agenda: temporary sign ordinance & how it compares to surrounding communities, Mr. Buddenhaggen is coming to present a plan for his property on 306.

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

SUMMARY OF THE PLANNING COMMISSION
JUNE 2, 2004
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, Tripp, DiMichele**

2. MINUTES: 3-18-04 & 5-3-04 **amended & approved**

3. GUESTS:

   INFORMAL DISCUSSION WITH MR. BUDDENHAGEN OF 5185 CHILLICOTHE ROAD REGARDING A PROPOSAL TO BUILD TOWNHOUSES ON HIS PROPERTY
   16 units on 3.71 acres. Zoned: commercial & residential. No action

   REVIEW SOUTH RUSSELL'S TEMPORARY SIGN ORDINANCE & COMPARE IT TO NEIGHBORING COMMUNITIES
   Ondrey will prepare a proposal for amendments to the Zoning ordinances relative to temporary signage

   CONTINUE TO DISCUSS COMPREHENSIVE PLAN

4. OLD BUSINESS:
   Kensington Green; not mowing according to plan. Hocevar talked to HOA president, Mark Porter. He sent a letter today to mow it within five days or the Village will & bill Kensington Green.

5. NEW BUSINESS: NEXT MEETING: **June 24, 04 at 7:30 P.M. if Ondrey has a draft ready pertaining to temporary signs. Will also continue to discuss CP & Dunning/Buddenhagen proposal**
   -Cutting down of lilacs on 306: a safety issue & too over grown to transplant

6. ADJOURN: **9:25 P.M.**

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FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
JUNE 2, 2004
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Matt Brett, Ike Tripp, Janice DiMichele

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

ABSENT: Kathleen O'Donnell

GUESTS:
Ann Dunning, Architect, 62 Morningside Dr.
E.T. Moroney, 1412 Bell Rd.
Bob & Donna Buddenhagen, 5185 Chillicothe Rd.

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes from 3-18-04 & 5-3-04 were amended & approved.

Informal discussion with Mr. Buddenhagen of 5185 Chillicothe Road regarding a proposal to build townhouses on his property

Architect, Ann Dunning spoke for the Buddenhagen's & explained the project. She introduced Bob & Donna Buddenhagen & Bud Moroney, a resident, who may be interested in buying a unit. The Buddenhagen's own 3.71 acres on Chillicothe, just north of Bell Road. There is a house & barn currently on the property. They've lived there 35 years. Part of the property is zoned commercial & part is residential. The proposal is for 16 units – cluster housing. Dunning, "It's a really great idea for South Russell. More than that, it's doable." Bruce Thomas, a developer, is involved with the project, but not available to attend the meeting tonight.

Dunning had boards showing the architecture & what it would look like with mature trees. Dunning, "We have turned water well logs from four homes on Chillicothe into Dave (Hocevar) for review. They are all very very good. That's one of the first concerns in a development like this. What's the water going to be? The well logs indicate they are getting 20-30 gallons per minute. When I talked to Mr. Eckstein in April, he indicated that a development like this would require, per house, 200 gallons per day. When you multiply this out, it seems like a possibility. Certainly, he would be consulted as to exactly how we would get the water & what the system would be."

Dunning, "I've looked at the zoning code & I can't find anything that relates the way I think it should relate. I think we need to write something, add something or do something. We want to be part of that, but I think that's your major responsibility to guide us through that."

Dunning, "One of the things that makes a decision as to how many units we have is, what are they going to cost? We have Manor Brook & other high-class developments in the community. We also feel that there are people who want to sell their property & have a place here. Or you could have your mother near you. I've done six mothers-in-law, fathers-in-law suites in the past year. We are concerned. Where do our older people go? How many units we do & what it cost is all tied together."

Dunning, "I have 16 units. As an architect, I can see probably there's too many & I also see that my units are getting a little bigger than they need to be. The sizes we're working with now are 2,000 square feet. Bell Tower condominiums are 3,000 – 3,500 square feet per unit. We're talking about a footprint including a garage at 2,000 square feet & maybe some space upstairs; 600-700 square feet on the second floor. We're trying to stay down to a smaller size not a luxury type unit."

Dunning, "Neighborhood impact: I've been involved in housing forever & have 2,500 units of multiple housing all over the country. So, I'm not a new comer on this. One of the planning issues is what is the buffer zone between commercial & residential? This is an ideal type of development for this property that's a little commercial & a little residential. It can be made to look extremely residential. It buys up that land –whatever the commercial development - between the two properties that are commercial on the corner & the house that is on the north side of Bob (Buddenhagen). The neighborhood impact would be very good for you. We're looking at 32 cars a day or twice a day. We were looking at a business having 40 cars. It could have been 40 cars an hour the way that was set up. It's really reducing the traffic & use of that area."

Dunning, "We need to be concerned how they look, how they fit into the neighborhood & if they are truly accepted as part of South Russell. We shouldn't feel like we are having outsiders come in to throw up these units just because it is a commercial venture. It should be something we as a group could work on & manage. One of the things we see across the country is a Dell Web type of development that takes over the community. They tell you what it is you are going to do for them. You think you can withstand all that & it's possible, but they are pretty formidable. They are in Streetsboro & Strongsville. It wouldn't be impossible to say this is a great market. This is a great place for housing. There would be a lot of pushing & shoving. Hopefully, you will look on us more favorably because we live here & we want to live here."

Sutliff referred to boards labeled, "Existing Conditions". There are two parcels. Buddenhagen, "The one parcel my house sits on is 1.52 acres. The rest, 2.19 acres, is residential." The entire piece is 3.71 acres; total area is 644 feet. From Buddenhagen's house back to Mr. Martien's line (1229 Bell Rd.) is 402 feet & is zoned B-2.

Ondrey defines informal discussion. "It's designed as a chance for a perspective developer, homeowner to discuss & find out your (PC) reactions to their proposal. There is no voting. It's a chance to have a discussion & get feedback."

Sutliff to Hocevar, "There must be 1000 questions i.e. density to our minimum square footage for a single family home." Hocevar, "I don't know if you want to rezone this piece of property or go for variances or set up a cluster type development." Ondrey, "They understand under current zoning, none of this is possible. Therefore, they are looking for a reaction. If you think this type of development is attractive & appropriate for South Russell then they want to work with you to potentially change the zoning." Dunning, "Absolutely." Ondrey, "They can always make a formal request to rezone. You could have a public hearing. You could vote on it. It would go to Council after your action. I sense they are looking to not force a decision yet. They want to find out, do you like it? Don't you like it? What would you want to change?" Dunning, "Absolutely. That's the way Bob & I started. We talked to Bruce about it. We have no reason to go to court & fight you to the death to get this done. We all want to work & make this a South Russell project."

Ondrey, "I have not analyzed this. Whether or not any of this is doable the way they proposed it or is this going to take the creation of a new zoning district that we don't have, or we rezone it to one of our other existing zones - multi-family of some sort - I don't know."

Tripp, "When we look at the zoning map, the three properties: the corner property, the Kidd property next door & Buddenhagen property, are they all within Business, B-3?" Ondrey, "B-2, but only approximately ½ of that southern most lot." DiMichele, "Is there any intent to bring the Kidd property into this?" Dunning, "We thought it would be better to stand on our own & make this presentation. If other people at some point in time decide to join in with us that would be considered. But, that's not our responsibility."

Sutliff, "Earlier in the week I added 1.52 acres & 3.71 & got 5.23. My initial reaction was how are we possibly going to fit 16 units on five acres. Now I see we only have 3.71 acres." Dunning, "Can I show you something on these boards? Let's start with the densest. This is a little over three acres. There are 25 units. Manor Brook is one unit per acre. Across from Chagrin Pet & Garden is 10 units per acre. I propose the first 100 feet would be trees & a road back. From there on, would be houses. Four units per acre is a very small number of units when you're planning more than one per acre." Dunning showed a photo of a

house she worked on in Chagrin Falls. Dunning, "It's a tight site. The house is 2,300 square feet. I want you to get a picture in your mind." Sutliff, "Does that include the second floor?" Dunning, "Yes." Sutliff, So these houses would be ½ that size." Dunning, "No. They'd be 2,000 square feet on the first floor & 500-600 square feet on the second floor. We'd have a two car garage."

Tripp, "I'm looking at the map that shows all 16 units. I'm wondering where the storm water containment system is." Dunning, "The engineer hasn't looked at this yet. No engineering has been done. Even the placement on this map, according to the topo, indicates we have fairly good land back there for this. There are huge trees. A couple of them are dead. We have to save some of those. The next step would be to get into the engineering & check out the storm drainage."

Brett, "The total square footage per unit is what?" Dunning, "The footprint is 2,000 square feet & on the second floor we might get 600-650, depending on how we develop it. Or we may not develop a second floor." Brett, "16 units at 2,000 square feet, 32,000 square feet. You would need to add in the second floor for lot coverage. The road area is 26,000, which brings you to 35% lot coverage. You have the allowable lot coverage as 36%. Is there any reason for 36 instead 35?" Dunning, "No." Brett, "It should be 35%." Dunning, "Those are the limitations. If we have to go with 2,000 square feet; is this a unit that is buildable & livable?"

DiMichele, "Our existing multi-family, what's the density that we allow?" Hocevar, "Still the same. 35% lot coverage." Tripp, "So we just do it on lot coverage rather than unit per acre?" Hocevar, "They are both an issue. There's a lot of issues: minimum square footage of the dwelling, density, lot coverage, private road, public road, different setbacks than what we have in any other development." Tripp, "They're showing a 100' setback from the road." Hocevar, "You're loosing the common area. I don't know if there are any variances that wouldn't be needed unless this was rezoned. If they submitted this, they'd have to jump through every issue in our zoning."

Sutliff, "If we didn't cram these in here, what would be a realistic number of units? Certainly less than 16 units speaking for myself." Dunning, "I would say down to 14. It depends when it's laid out where the common area is & I maintain the 30' setback the entire way around. It would be green area. In some communities, that's livable. I think there's a give & take. We might be down to 12 units. Certainly, when we get down to 1 & 2 houses back there, we go through some of the same pain of getting the zoning arranged or variances & things for only two houses. That's Bob's other choice to sell the lot into parcels of 1, 2 & 3 & develop three houses. It certainly doesn't maximize his potential. The front end is business & backing that to residential development is a consideration."

Brett, "It's an interesting application for the property. The thought of over four units per acre certainly is a concern to me. That seems like a big number. I'd be concerned about the water, drainage & traffic. You mentioned 40 cars if it were a business. This would be less. But, traffic being not that far from Bell is a concern. There are some real challenges to it. It doesn't mean that I'm against the concept. At 16 units, I probably would be." Dunning, "I came up with that & never changed it. I left it at that to see what happens. I think you're also used to projects that have the final engineering. This is the basic beginning of an idea. They are not detailed in any shape or form. In my experience, it's a doable project." Brett, "Conceptually, as far as an idea goes, I think it's interesting. It has challenges & some are substantial: the water, drainage & traffic. And setting a precedent, this would be a pretty big shift in the Village."

DiMichele, "Would there be any chance that the people on 306 would want to sell off the back of their lots & still have enough to maintain the regulations?" Hocevar, "It's zoned one acre. Some of the houses have 1 ½ acres, 1.6." DiMichele, "So they couldn't sell the back." Sutliff, "They could." Dunning, "It would be hard to get setbacks. We could talk to the people on the corner & the next house." DiMichele, "I think it's going to be isolated & an eyesore there. If we are going to do this, I'm looking at, let's do it bigger & take that next house."

Tripp, "If you look at unit type one duplex, it shows an optional second floor with 650 square feet. It shows an attic over the garage, a bedroom, office & bath. That's 650 square feet?" Dunning, "Uh-huh." Tripp, "The garage is 440 square feet, the first floor, 1560 square feet. When you add all that up, it's 2,650 square feet, not including the basement." Dunning, "Right. Again, my calculations are on the footprint." Tripp to Mr. Moroney, "You've seen unit one. This is something you would consider living in?" Moroney, "This is the first time I've seen any part of this. I'd have to do a lot of thinking & looking before…" Sutliff, "If you took the porch on unit 8, what's the distance between the porch on unit 8 & the porch on unit 9?" Dunning, "One inch equals 20'. So, this is about 30'." Sutliff, "Thirty feet away." Dunning, "Units 8 & 9 are 40' away."

Sutliff to Ondrey, "Take us one more time through rezoning." Ondrey, "A property owner can make a formal request. They make a $1,000. deposit. They would propose what they actually want for the zoning with the dimensions, name. Or they may take one of our current zones & ask you to rezone this R such & such. The PC can initiate a rezoning effort & likewise Council can initiate it. Whoever initiates it, once it's formally underway, then the PC has the option to hold a public hearing on the question. Ultimately, whether you have a public hearing or not, there is a vote. If it's approved, it goes to Council where Council has the ability to modify or reject it or approve it. They have to have a public hearing." Sutliff, "PC isn't obligated to have a public hearing, but Council is."

Ondrey, "Yes. You don't have to initiate anything. Then it's up to the property owner whether they want to push it further or not. Because of the higher density than what you have anywhere else in the village, I think the concept here is try & create lower costs, smaller units that you may or may not think is beneficial to your population here for older folks who are looking for something or starter families. As I hear Ann, I think that's what they think is attractive about the concept." Dunning, "Uh-huh."

Tripp, "Do we have any zoning that comes close to this?" Hocevar, "Not when you take out the common area. No. No matter where we stood, common area & one- acre density. Kensington Green, Manor Brook, it's all common area. That would be the big difference. If you took the density away, it fits somewhere into what you've got at Emerald Lakes." Tripp, "It's only close to Emerald Lakes II without the common ground." Hocevar, "Right. They still have one- acre density in Emerald Lakes II. It might be ½ acre common area, each home." Tripp, "If you're doing a per square foot calculation, what would they normally have in green space in this 3.71 acres?" Hocevar, "Green space? 65%. Lot coverage, 35%".

Ondrey to Hocevar, "What would the common area requirement be for instance in the Emerald Lakes area?" Hocevar, "One acre per dwelling. They may take ¼ acre, build a house on it, but they still have ¾ of an acre in common area." DiMichele, "Even with that kind of zoning, this property would only support three houses." Hocevar, "Correct."

Dunning, "You have the boards. Think about it. Anytime you want to talk with us we're more than willing to come back again. The fact that we have not gotten any business organization as to how we're going to put this together, how we're going to build the units, we're trying to keep Bob's money in his pocket before he has to go much further. We need at least a positive before we can...." DiMichele, "If you stick to the 16 units, what kind of price range are you looking at?" Dunning, "We'd like to be between $200,000 & $300,000. The units in Chagrin (Bell Tower) are going for $350,000-$400,000." Sutliff, "I don't think they sold any." Dunning, "They sold two. I'm on the Architectural Board in Chagrin Falls & we've gotten a big rap for how bad that development looks. The big rap should be to the Planning & Zoning Board because they determine how many units per acre should be on that piece of property. I'm very sensitive to what you're saying. You need to think about it & I need to think about it." Sutliff, "The zoning board determined there should be that many units there? I find that hard to believe. Who pushed for that density? The developer?" Dunning, "I'm sure it's the developer. But, the zoning board fed the density." Sutliff, "That's what I'm concerned about here." Dunning, "I am to. I don't doubt that at all."

Tripp, "You have not given any consideration as to whether this will be a condo board or how this will be set up in terms of units, the common area?"

Dunning, "We've talked about the individual pieces of property. It could be condominiums. There are a number of examples that we certainly could use. Bruce has the most experience. That's one of the next steps we'd be getting into."

Brett, "For lot coverage, we take into account the total square footage." Hocevar, "First floor & second floor, not the basement." Dunning, "I know that. But, on the other hand, that is what I was trying to see. Is this feasible? In fact, if that's what we need to go back to, that's what we'll go back to."

Sutliff asked Foley what his concerns are. Foley, "Drainage, which is obviously a great (?). And as you get into the site, you're going to deal with things like visitor parking, emergency access & lighting." Sutliff, "There's sanitary sewer on 306. What is the capacity of McFarland? Would Geauga County give you 16 connections?" Foley, "At this point, I would assume they would. We're getting ready for opening bids on expanding McFarland. I would think there's capacity there. I don't think that's an issue. I'm not quite sure of elevation & whether there's a drop on this property. I don't think plant capacity is an issue. As you lay out the site, things that jump out at me are: what are you going to need in terms of area to serve issues like access, storage & refuse? Obviously, I don't know if you're facing the need for an emergency access."

Tripp, "Has there been any assessment of the surrounding neighbors as to this type of development?" Dunning, "Have we asked any of them? No." DiMichele, "I wouldn't want to be the one to tell the colonial on 306 that they're going to be surrounded by condos." Dunning, "I think you have to look at it more positive than that. I like trees & I would certainly not want it to look like it was overpowering that piece of property."

Sutliff, "It's an interesting concept. I think there's a need for something like this in the Village. It's just too dense." Tripp, "It's just too dense. I have concern about the neighbors. What are they going to feel & other people who live here in South Russell? Look at the plan & all the issues that go with it."

Sutliff to Dunning, "Give us a chance to think about it & you think about it & perhaps in a month or so, we can reconvene. Maybe we can come up with…" Dunning, "I don't think we're in a position to do engineering on it yet. I'm disappointed that Bruce isn't here because he'd have some of the answers because of his experience with the properties he's developed. He's a conscientious developer & South Russell knows that. He won't be involved with it long if we don't do it right."

Brett, "If this were to come together, what would the time line be?" Dunning, "A year for plans & engineering. Maybe start fall 2005. That's pretty aggressive. If we talk about the zoning issues, if we start now & start to understand, I would think by the end of the year, we would have some sort of real direction as to what we have to do with the zoning."

Sutliff to Moroney, "Bud, you've been on Council. You've sat on this board. What's your reaction?" Moroney, "I agree with you. The density would be a big problem & the neighbors."

Review South Russell' temporary sign ordinance & compare it to neighboring communities

Sutliff, "What's brought this about? Is there a problem?" Brett, "Councilman, Jack Binder's concerns are: the application procedure, time limits or the lack of time limits, size restrictions, the type of signs, placement & location restrictions, nature of sign i.e. real estate vs. grand opening, temporary signs limited to business district & the limit of the number of signs in one area at a time. What's driving this for Jack is that he has a business on East Washington Street. From time to time, a fair amount of signs pop up. He brought it up at Council & directed it to PC."

Tripp, "One of his issues is temporary signs. Look at the handout. Pp. 54, B-1, B-2, Business District, point (e). Temporary Signs. This specifically delineates the temporary signs in the business district. There's further delineation on Pp. 46, #4. Additionally, Pp. 60, point (e) under I1 district is another issue pertaining to temporary signs." Tripp, "Included on Pp. 46, #4 is a caveat that the Zoning Inspector can step in on the whole issue of temporary signs."

Brett to Hocevar, "Can you explain the packet we received?" Hocevar, "We're trying to compare South Russell with Chagrin Falls & Bainbridge with regards to the Temporary Sign Ordinance. If you take Charter One, (1194 Bell Rd.) they can put a temporary banner up. Come & get a permit for 60 days. Take it down the next day, come right back in, get a permit again & hang it for another 60 days. They are doing it right now. They have the same banner there for years & years & years." Sutliff, "They are getting a permit every 60 days?" Hocevar, "They know because there is no regulation to how long they can keep them up."

Brett to Hocevar, "The three pages of your packet labeled, Pp. 54, Pp.46 & Pp.60 is South Russell. Chagrin Falls temporary sign ordinance is labeled, 1143.13 & is two pages long. Bainbridge is the last page of your packet." Hocevar, "Right."

Tripp did a comparison of the three communities ordinances. Tripp, "Bainbridge, point #5 deals with a very specific announcement. Basically, what it says is you could put up a banner to announce it. You get 37 days. You can't come in & get a new permit & put it up again." Hocevar, "Right." Brett, "I think that is one of the things Jack Binder's bringing up. The issue that David (Hocevar) presented is that a business can put up a temporary banner. In essence, it's up there & it's going to stay there as long as they take out a permit."

DiMichele, "Pp. 54 (e) Temporary Signs, South Russell. It says there, banners shall not be permitted. (Ord. 2001-19) So, none of them should have banners, no matter what." Hocevar, "In the case of East Washington Street, or any other ones, they don't consider them banners. They consider them temporary signs. The ones on East Washington are like real estate signs. They are 2'X 2', 2'X 3', 2' X 4' signs. Two for one burger today." DiMichele, "Charter One, those are banners." Hocevar, "That's actually a temporary sign." DiMichele, "What would a banner be?" Hocevar, "A banner, when I started here, was considered those glittery things, the type with flags."

Tripp, "Dr. Schmahl has had one out here on this little house (5203 Chillicothe Rd.) for how long? Does she get a permit every 60 days?" Hocevar, "She hasn't. No. The point is, she would. They will. You tell them that, they will continue to do it. I'm not saying I'm for or against putting time limitations on it. But, you have to look at the Village as an overall picture & say is this something I want to see on this building for the next 12 months?"

Sutliff to Hocevar, "You mentioned 2'X2' signs." Hocevar, "They are popping up all over East Washington." Sutliff, "Do they need a permit? Is that a temporary sign?" Hocevar, "They do. They come in our office & get a permit. At the end of 60 days, we write them a letter to take the sign down. They come right back to the office & get another permit." Tripp, "How much is a permit?" Hocevar, "Down on East Washington Street, $25." DiMichele, "Maybe we should raise the price & encourage the signs."

Sutliff to Ondrey, "You know the intent here & that's not our intent. You ought to be able to come up with some language by the next meeting so we can review it with the idea of changing it." Ondrey, "If I come up with that kind of language, I'm concerned they could monkey with it still. If I say, you can't repeat some sign you just had, they may make minor alterations. I'm wondering if you want, a business cannot have more that one or two temporary signs in a 12 month period? So, David (Hocevar) has the ability to say, 'You've exceeded it.' They have to think through, how important is this to me because I'm only going to be allowed to do this once or twice a year." Tripp, "Make the price such that they really do think about it before they do it." Ondrey, "That's up to you guys. Whatever is charged has to have some reasonable basis. Could you raise it? Yes. If the only abuse is not about size, not about colors, but they are constantly being rotated, I think we can cure that relatively easily."

Ondrey, "I ask you, how often do you think a business ought to be allowed a temporary sign in the course of a year?" Brett, "We don't want to limit business. That's not the intention. What we don't want to do is have a temporary sign that turns into a permanent sign." Sutliff, "Like this one across the street. (Charter One)." Brett, "That's a good example. The reason for that, it just doesn't look good."

Hocevar, "Another thing you want to consider on East Washington is the industrial parkway. You've got Gottschalk owning the front entrance to that. (200 Industrial Parkway) He will gladly give all his tenants the use of that for temporary signs. He's got a lot of buildings back there, small storage places & the lawn mower shop. J& B Moore puts a sign up. D.W Bootlegger puts a sign up. I think that's where Jack Binder is seeing the signs. There's got to be a way to control the signs from 50 businesses on a 50'X200' strip at his entranceway. We take them down all the time down there. It's something you want to keep in mind. If we are going to limit it to one business, you're still going to have a whole bunch of signs there."

Brett to Hocevar, "Do you think we have any issue with the 20% of display window area? Do the people who put up signs now, do they fit into it?" Hocevar, "Yes, basically. We still go by temporary signs in window signs at 20%. You go by the total square feet of your building frontage. If you want to get technical, you go with the building frontage. There's a provision in the code, Mr. Lechman's Building, (1188 Bell Rd.) he's got entrances from our main street & from that parking lot. You can take a portion of that building on the side – it's not so much frontage – which increases that dramatically. That's a whole different issue. That's not something that's abused. But, that's a unique situation with the way that building is designed."

DiMichele, "I consider that a banner. And I consider the ones at Charter One banners." Brett, "Would it make sense for us to clarify what a banner is?" Ondrey, "Yes. Definitely. We can do that." Hocevar, "There might be an easy way to do that by eliminating a rope held display. Something, they'd have to have a frame around, something they couldn't hang from ropes." Tripp, "You want to have a sale. You don't want to spend a fortune on a frame. Then you are creating hardship & we don't want to do that. If you look at Bainbridge, they are allowed to do openings & institutional events & display the sign for 37 days. It's got to be removed 7 days after it. And they can't get a permits to add up year after year. That should take care of the whole thing. As for these 2'X2' signs, I don't know what to do with those except go down & take them away." Brett, "Do we address those?" Hocevar, "We don't because we consider them temporary signs. We call & tell them come & get a permit. They do. Actually, it's a function they are trying to promote." Brett, "Like the farmer's market. We put out two of those little signs."

Ondrey, "We now have a little bit of a drift as to what Jack Binder's complaints are & some of David's observations. Do you want to restrict the number of them? Do you want to restrict that they can't put substantially the same sign up over & over?" Hocevar to Ondrey, "I think you had the right idea when you said, the time limit on the signs & do something with the banners.

It's 30 days & it's not more than three times annually or whatever the number is we might decide on. You can do it & within certain parameters. The sign Dr. Schmahl has, that's got to be bigger than 20% of the window area." Sutliff, "Do they still come in & get a permit?" Hocevar, "I don't believe so Wally." Sutliff, "You should have them take that down." Hocevar, "Usually, it's upon complaints. No one ever complained until I heard it tonight." Tripp, "Consider a complaint has been registered." Hocevar, "Signs do not exceed 20% of the display window area…" Sutliff, "Take Sal's Place. Only 20% of his window can be covered?" Hocevar, "That's correct. That's another issue. We can push it. The man is screaming for business. You're right. That comes under it. Not only Sal's, go right down to Augie's & all the rest of them."

Brett, "We are trying to limit signs without restricting business." DiMichele, "Should part of this include consequences if they are up longer & not removed at the end of 30 days? Like $10. a day?" Ondrey, "Sure. We can impose those kinds of provisions. The real problem is enforcement. It is expensive for the Village to take them to court. Most municipal judges & magistrates are slow to impose fines even when they know somebody's abusing it." DiMichele, "What kind of leverage do we have so people understand we mean at the end of 30 days?" Ondrey, "I guarantee we already have a penalty provision in there. They are subject to a certain penalty per day while the violation goes on. It's difficult to enforce."

Brett, "In regard to yard signs, that fits into the 20%?" Hocevar, "No. Pp. 53. Section 5.06 Sign Regulations (B-1) (B-2) (B-3), Building frontage determines maximum sign area. Window signs are a different thing. If Sal wanted to put up a two for one hot dog deal in his window, you could say no more than 20%." Brett, "If Sal wanted a yard sign…" Hocevar, "No. He's done because of the signage there. They are maxed out on their signage." Sutliff, "He could come in & get a temporary sign permit." Hocevar, "Not if it exceeds the square footage of what they've got on the buildings over there."

Sutliff, "When we calculate temporary signs, we still take into consideration that formula?" Hocevar, "Yes. What else do we go by?" Sutliff, "The free checking sign is within the sign formula? They've got to be maxed out." Hocevar, "They're maxed out." Sutliff, "Without the banner." Hocevar, "No. They've got some room left." Tripp, "If you look at their actual sign, it's smaller than most of the signs around." Tomaro, "They've got two signs. They've got a yard sign & a building sign plus two banners." Hocevar, "Is the intention, if you exceed your square footage allowable, then you're not allowed to put a temporary sign at all?" Sutliff, "That's the question I'm asking you. Is that the way you've been interpreting it?" Hocevar, "That's the way we usually do it. You take Lechman's building, he's got enough frontage to put that temporary sign where it is at now & leave it & get permits & permits & permits. He can leave it up." Sutliff, "Under the new ordinance, or tweaking this, we can solve that

problem of him coming back every 30 days to get the permit." Hocevar, "Correct." Sutliff, "I'm speaking now of the free checking signs." Hocevar, "The free checking got orders to take them down. We sent them a letter. We're done with them." Sutliff, "It seems to me between their permanent signs & temporary signs, that exceeds what they are allowed to have." Hocevar, "Let's take that building. What do you think it is? 70 square feet of frontage? Maybe between 50 & 70 square feet of sign area."

Ondrey, "Is what you want, that folks can have temporary signs even if maxed out on their signage limitations so long as they don't exceed the 20% window in the one district & as long as we solve this keep it up all the time issue? I thought that's how it worked. You calculate their wall sign & stay within dimensions according to our code. Then, if somebody comes in & says, I want a temporary sign, I assumed that meant they were now exceeding…" Hocevar, "Yes. You're right. If you wanted to limit it to allowable square footage, the only one allowed to do it would be Lechman." Sutliff, "When you get a temporary sign, it's over & above what the allowable calculation is."
Ondrey will prepare options for the temporary sign ordinance by the July meeting.

Continue to discuss Comprehensive Plan

Brett has not talked to David Hartt. He has talked informally to members of Council about a CP. Brett, "I think the idea is compelling to them." Sutliff, "Do we request a proposal from David Hartt? Brett, "I thought that David Hartt's last comment that the Village has an option to put this out & say that you want this project done at X dollars is a compelling idea. That seems to fit a lot of the different applications we are looking at. I see a value. I'm not sure of the exact number, somewhere between $5,000 & $10,000. I would be interested in moving forward & putting together the parameters of what we're looking for. If we want to move forward, the steps would be to define what we're talking about then go to Council, ask them to approve us at a dollar amount that would not exceed $10,000."

Sutliff, "My only thought is going to David Hartt & asking for a proposal, I believe you get what you pay for. If we say, don't spend any more than $8,000 & to do a decent job is a $15,000 job, we're going to get a half baked $8,000 job." Tripp, "Mr. Hartt did say, give us a price & we will tell you what we can do. He can also say & for this amount, I will do this, this & this. To me looking at community size & what others have spent, I think $10,000 for South Russell isn't enough for what he can potentially do for us. I think we won't get what South Russell truly needs for only $10,000." Sutliff, "I don't know that. But, I'd like David Hartt to tell us that. If we send him a request for a proposal & see what it is."

Tripp, "We can't send an RFQ out & say we want to spend $10,000." Sutliff, "No. We say we want you to draw up a CP. How much? If he says, it's $18,000 & we say we only want you to spend $8,000, we're wasting the money." Ondrey, "I think you could – to David Hartt & two or three other planners with reputations – say South Russell has established a budget of X amount of dollars. For that amount, please tell us what you would accomplish to enable us to enact a CP. I think what he was saying was depending on the cost that you are willing to pay, would help him determine the extent of any public meetings he'd be willing to attend & to monitor. You might get a hungry planner to say here's what I'm going to do for $10,000. It's going to be twice as comprehensive as what David Hartt would suggest."

DiMichele, "Wasn't Chagrin Township doing it for $4,500 & was given a plan to keep things the same?" Brett, "That is different. They had already done a lot of work within the township." Tripp, "Plus, the township only has 50 families." Foley, "I think what he was proposing in that comment; to what extent is the PC willing to invest time? How much do you want to do collectively that he can guide you? If you were willing to put more hours in to do some of the leg work, some of the thinking, what he would do is keep everyone on track i.e. you can't do that, don't go in that direction."

Brett, "Taking the cost out for a second, is this something PC wants to tackle?" DiMichele, "I'm the hesitant one. But, I know everyone wants to. I'm still cheap. I'm having a tough time with it." Sutliff, "I'm not completely convinced yet that we have to spend the money."

Tripp, "My opinion is that the crux of this process is the development of a CP that will act as an audit of what we have in place. You all are familiar with your businesses. You get an annual audit of your business every year to ensure you made money or lost money. I think any good businessperson has an audit whether it's on your taxes, your environmental liabilities, your employment opportunities or employment law. This is the only way we can gauge that you have a rigorous, effective process by which we instituted our zoning regulations & are willing to follow our zoning regulations. As a PC, being representative of 4,000 people in South Russell, we have to consider 4,000 people & what kind of place they want to live in. I believe the time has come for South Russell to step up & fund the development of this CP because I think it will be a rigorous audit & provide an excellent framework for us in the future in terms of whatever we will face. Maybe another Mr. Meyer will take an option on the property next door."

Sutliff, "What bearing does the CP have on the Buddenhagen case?" Tripp, "I think one of the things Ned (Foley) mentioned the last time. When you do a CP, you're stepping back & looking at it from a 50,000' level. What we have to be concerned with is the residential & maintenance of the high quality neighborhoods that we have in South Russell; continued development of the value

of those neighborhoods. The money being spent is an audit to ensure we are doing it correctly now & in the future. It's an audit of our mission. If we define our mission as South Russell is a high quality place for 4,000 people to live in a rural type environment with green space, then that's what we're doing."

Sutliff, "You don't think our zoning code does that?" Tripp, "I'm simply saying the zoning code that we spent all that time on, is a verb age kind of line by line analysis. What this would be is a dynamic, resident & individual owner & collective group of people auditing & monitoring the process."

Sutliff to Brett, "Have you spoken to Kathy about this?" Brett, "I have." Tripp, "She's not here. Maybe we ought to defer the conversation until the next time when she is here. Allow people more time to give consideration to the thoughts that have been expressed. It is a lot of money & we have to really think about it."

Brett to Sutliff, "Your suggestion earlier…" Sutliff, "Send out a request for a proposal. Send it to a lot of people & maybe even I'll buy your idea David (Ondrey). We have $10,000. What can you do for us? I am just reluctant to go to one person & say, 'We have $10,000 to spend' & it's a $15,000 job & we get a half baked proposal."

Ondrey, "The PC has the ability to send out a request for proposals. I'd rather you not do it until you've got Council's blessing & the number on it. So you're not leading the planners on. PC could come up with a recommendation that you would like Council to approve or not. If you've got the concept of sending out a request for proposal, we the PC, put that together, what that exact recommendation is & go to Council. We say this is what the PC voted on & wants to do. But, we don't want to do it without your ok." Tripp, "I ask we hold off development of that until we have input from Ms. O'Donnell." Sutliff, "I agree." DiMichele, "Absolutely." Table this & put on the agenda for the next meeting.

OLD BUSINESS:

Tripp, "It appears Kensington Green's nonmowed area has expanded. In fact, it now includes an area in front of the fence that adjoins Bell Road. When I looked at the map, it wasn't supposed to be like that. Have they been put on notice?" Hocevar, "Yes they have, as of today. The Mayor & I discussed the minutes (PC 7-17-2003). I called Mr. Porter. (Mark Porter, HOA President) I let him know about the agreement they had with Council. Mr. Porter did not agree readily. He said, 'You're right. I have to cut the grass.' He wanted to check with his landscaper. He wanted to review Council's minutes. Today, after I researched it, I did send Mr. Porter a letter. He's got five days to cut his grass."

Tripp, "I noticed the cattails have been cut. They did a good job with that & let everything else go to hell." Hocevar, "I sent one to Paw Paw Lake also. They are in violation. Rumor has it, Paw Paw Lake is going to come before PC or Council & ask for the same thing that Kensington got, which would probably fit in their requirements."

Sutliff, "Was Mr. Porter belligerent with you?" Hocevar, "Somewhat." Sutliff, "I thought he was involved with that plan." Brett, "He was. He questioned what we did. It says right here (PC minutes, 7-17-2003) (#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.' His take was different than that. We went back & said it's pretty straightforward. He has five days to cut it or we cut it & bill them."

NEW BUSINESS:

DiMichele saw something in the local newspaper & asked who decided to cut down the lilacs along the walk across the street. Brett, "That was a decision made a couple of years ago after acquiring the property based on safety. We did look into trying to move them, but so close to the road, so overgrown, it was not possible.

Next meeting: June 24, 2004 at 7:30 P.m. if Ondrey has a draft ready pertaining to temporary signs. Will continue to discuss CP

Tripp asked if they would talk about Dunning's project on the 24th. Brett, "I don't think we have to." Sutliff, "It's an informal discussion. There's no action. They got a sense of how we felt. I think the ball is in their court." Ondrey, "I don't know where the ball is. If you guys see this as going nowhere, the sooner you tell them, the better off everybody is. If you think it's got promise in a modified form, they are looking for feedback. We're not obligated to give them feedback that soon. My impression is that they are not coming back to us until they hear what you think of the whole concept."

Tripp, "Put it on the agenda for the next meeting & we'll deal with it when Kathy's here. I feel it's only fair for all the members of the PC to mediate on this." Sutliff, "What are your thoughts on this? I thought I made my feelings clear that not a bad concept. But, no way 16 units on 3 ½ acres."

DiMichele, "I think it's a great concept. What I'm really concerned about is changing zoning & resident's around it, who bought those homes, live there next to residential property & suddenly, change it on them. If there weren't people around them at all…" Sutliff, "It's no secret, this board has been very sensitive about rezoning. In my 15-18 years, I think we've only done it once."

DiMichele, "But then I was thinking about what Mr. Hartt said about the Shemo property in Mayfield Heights. Is this one of those situations where if we don't say that sounds great, are we going to be called on the carpet?" Ondrey, "I don't think that's equivalent. With the Shemo property, the owner was saying, it's zoned residential, I can't use it as residential. It's surrounded by freeway & retail. I can't use it for what it is zoned. These folks aren't saying they can't use it how it is zoned. What they are saying is, there's a better use for it that would benefit them & the Village. They want to know, do you see it their way or not? I don't think we have a Shemo problem at all with this. If you decline, I don't see that as an issue."

Brett, "I don't think we're on any time issue at all. It was informal. If it were a formal discussion, then we might be. I think we're all on the same page. Conceptually, an interesting idea. 4.3 units per acre is more than a lot. The other issue, when she mentioned they require 200 gallons per day, that doesn't sound right." Foley, "The actual usage is 266 gallons. 400 is used for design purposes. 266 is an actual number that can be documented. It doesn't take into account loss & infiltration. But, in terms of actual water uses, that's a number that can be documented." Brett, "The supply & drainage issues." Ondrey, "But you've got to remember, they are trying to see it in the long run. You may like it better than commercial development."

Sutliff, "The board sentiment was summed up by Bud Moroney. He was introduced as the first buyer. By the time he left, he was, 'I don't know if I'm going to move in there.'" Hocevar, "Their thoughts are maybe we can go to 14 or 13 units."

There was no further business. The meeting adjourned at 9:25 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

SUMMARY OF THE PLANNING COMMISSION
JULY 15, 2004
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, O'Donnell, Tripp, DiMichele**

2. MINUTES: 6-2-04 **amended &approved**

3. GUESTS:

CONTINUATION OF INFORMAL DISCUSSION WITH MR. BUDDENHAGEN OF 5185 CHILLICOTHE ROAD REGARDING A PROPOSAL TO BUILD 16 TOWNHOUSES ON HIS PROPERTY, 3.71 ACRES **No action**

REVIEW & DISCUSS DAVID ONDREY'S TEMPORARY SIGN ORDINANCE OPTIONS **Hocevar will make up examples of different sign sizes for the PC to review. Ondrey will make changes to the proposed Temp. Sign Ordinance & bring them to the next meeting**

DISCUSS ZBA'S CONCERNS ABOUT SIGN ORDINANCE; REFER TO LETTER DATED 7-12-04 FROM BRUCE BARTTER, CHAIRMAN OF THE ZBA **Brett will prepare a response for the ZBA**

CONTINUE TO DISCUSS COMPREHENSIVE PLAN **Tripp, "I make a motion that PC send out a request for quotations (RFQ) to planning & development consultants. That list to be developed by a small group of PC members & assisted by members of Council if they desire. We develop the criteria that we want the quote to be based on." O'Donnell second. Roll call. All ayes. APPROVED**
Brett, "I'd like to introduce a motion to South Russell Council that the Planning Commission is moving forward with a Comprehensive Plan. It is in the process of determining scope & prices." Tripp second. Roll call. All ayes. APPROVED
Brett & Tripp will draw up the RFQ.

4. OLD BUSINESS:

KATHY O'DONNELL REQUESTS TO HEAR THE TAPE FROM THE PC MEETING OF 7-17-03. KENSINGTON GREEN'S PLAN REGARDING MOWING, SPECIFICALLY "TWO WIDTH PASS"
Pp.3. TOP OF PAGE. PARAGRAPH STARTS WITH:
SUTLIFF, "We're talking about everything north of the split rail fence…"
(ON TAPE 8.4A TO 10.9A)
Letter to be sent from Chairman Sutliff to Kensington Green expressing dissatisfaction with maintenance of prairie plan & reminding Kensington Green that the trial period expires 7-2005

5. NEW BUSINESS: **NEXT MEETING: 8-19-04 AT 7:30 P.M.**

6. ADJOURN: **9:40 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
JULY 15, 2004
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Matt Brett, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

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

GUESTS:
Bob & Donna Buddenhagen, 5185 Chillicothe Rd.
Ann Dunning, Architect, 62 Morning Side Dr.
Sue Reid, Reporter, Chagrin Valley Times

Chairman Sutliff called the meeting to order at 7:30 P.m. The minutes from the 6-2-04 meeting were amended & approved.

Continuation of informal discussion with Mr. Buddenhagen of 5185 Chillicothe Road regarding a proposal to build 16 townhouses on his property, 3.71 acres

Bruce Thomas was not available tonight. It was asked if they'd given any more thought as to how this could be scaled back from 16 units. Dunning is concerned about density. "Dunning, "We don't have any problem with taking many looks at how many units are supposed to be on the site. We have to make sure they are viable. I have a moral goal that I think this should be affordable housing. That makes it harder to pull it around with the amenities. To back up is expected."

Sutliff, "If you went with 35% lot coverage & lot coverage is the footprint plus the second floor area, plus the paved surfaces & you stuck within the 35%, did you recalculate this in terms of how many units you could come up with?" Dunning, "No. I didn't. I put a second floor. I don't know yet if we're going to have a second floor."

Sutliff, "What's the break even point for you? Does eight units make the project…" Dunning, "We did not do our homework. We're waiting for Bruce Thomas. What we needed before we kept moving on – doing all sorts of designs- we need to have an idea that it would be considered. Whatever you suggest, we're going to listen to & try to incorporate."

Sutliff, "My opinion hasn't changed since our last meeting. I have a serious problem with density, with the 16 units." DiMichele, "I don't know what level I feel comfortable with it. If you go down to what our zoning is, it is three that's allowed. Between three & 16, at what point do we feel comfortable? Anything above three is a drastic change for our zoning. I'm having trouble being comfortable with any of the numbers. I think the concept is great." Dunning, "That would be encouraging to us, to continue with more schemes, bring some dollars to this. Our idea was we'd show this to you often so we did have input."

Tripp, "One of the issues, when you look at the zoning map of the whole village & you compare this area to the other areas which are primarily residential with 4,000+ people & you look at the green space & the rural nature of the area, then you look at 3.71 acres. Comparatively, it's really a small plot of land. You look at the number of units that you propose, it's critical of the euphemism: square peg, round hole. It don't fit. The issues of: access, traffic, how trash is going to be handled, and government. Is it going to be a condo organization, a co-op, individually owned units? I think we need a lot more information. We want to go from A to Z. We need to see what B, C, D etc. looks like before we can say, yes that looks pretty doable. We could see a reason for that."

Brett, "I echo what the rest of you said. I will also share that we put a couple of drawings out at Council & I think Council had the same reaction. In regards to concept, there are some compelling things to the concept. As far as 16 units, so far everyone has backed away from that. Another concern: water. It's the village's & Planning Commission's obligation to give some indication. It's certainly less than 16. How much less? I think it's their (Budenhagen/Dunning) (unintelligible) to come back with that. We had discussions with different residents, the same sort of feeling. Two individuals were against the whole concept. The rest, 20 or 30, conceptually, it's a decent idea. Lot coverage wise, that's a concern."

Sutliff, "Is a rezoning of this property, the only mechanism that would handle this type of development?" Ondrey, "It is the most practical way to do it. A landowner is always entitled to ask for a variance saying they can't use it as it is currently zoned. They would present a plan to the ZBA. That's dependent on the landowner being able to demonstrate that the current zoning doesn't work at all. The better method is to go through a rezoning process." DiMichele, "Would a whole new zoning class have to be created?" Ondrey, "Yes, since none of our current zoning gets them close to what they would like. The only way a development of this proposed density could ever work is to create an entirely new zone for it."

Sutliff, "Would that zone just include those 3.71 acres?" Ondrey, "That's your call." Tripp, "What precedent would that set?" Ondrey, "I never worry too much about precedent. If you rezone, that's a legislative decision. Just because

you find a compelling political reason to do it in one area, doesn't compel you to have to do it in other areas. The danger would be if you rezone a parcel or parcels, on a relatively small size to higher density that gives adjacent property owners other arguments to make for variances. All of a sudden they can't use their property as single family residential quite as easily. From that stand point, there's a ripple effect."

Tripp, "The other houses with elongated properties along Bell Street could have the same idea. They'd all sell them. They'd all come & say we ought to be able to do the same thing." Ondrey, "Right. But, again just because you determined to rezone some parcels, there always has to be a dividing line in every zoning scheme of things. It doesn't mean you have to rezone anything near by."

Ondrey, "The other thing we have to think through, I don't think there's a lot of danger here. In rezoning, there's always the concern about spot zoning. It is when you rezone a small unit of parcels & isolate it from the bigger picture around it. Because we're adjacent to commercial as well as residential, you probably don't have the same issues for spot zoning in this one. It at least bears discussion."

DiMichele, "Would there be a new classification for the buffer zone?" Ondrey, "Exactly. That's how you can often justify these types of new zones. There may be some tension between the residential area & commercial area. This is a transitional use for it."

Dunning, "Bob (Buddenhagen) was approached by the neighbor to the north, Mr. Ettinger (Richard, 5173 Chillicothe Rd.) who has his property up for sale. It goes all the way back. It leaves the one new house in a horse shoe shape. We didn't look into it. Is that something that could follow along if this develops? Or, does that have to be a separate proposal?" Ondrey, "If the PC decided we like this kind of zone, this kind of high density residential use, they could theoretically, expand it into adjacent properties. Of course, the property owners would be notified. There would have to be a public hearing. Ultimately, it's PC & Council's call as to where to draw the line on the zones. You've (PC) got a wide-open range of options. But first you have to decide if it's a use that you want in this particular area at this particular time."

Tripp to Brett, "You said there were 20 or 30 constituents from the community that expressed concerns." Brett, "At the farmer's market, it seemed to be the topic. I would classify them all the same. The first comment was, 'That's a lot, 16 units.' As the conversation continued, 'But the idea of cluster homes in that area, not a bad one.' 'Traffic, it's already congested'."

Tripp, "One of the things Ned talked about last time was that McFarland has the capacity. If you look at Manor Brook, they've got wells, common wells supplying the water system. In a high-density area like this, water levels are going to be definitely something of a concern as to how that is going to be

serviced. I recognize Mr. Buddenhagen doesn't want to spend money on engineering, drainage & all those calculations. These are pertinent issues."

Brett to Dunning/Buddenhagen, "Is this the feedback that you are looking for? I agree with you (Tripp). I personally have concern over those same exact issues: water supply, water drainage, traffic. How would this be governed? What we are comfortable saying is that we are uncomfortable with the level of 16. That's a high number. We are not in a position to say this number would be acceptable." Dunning, "At this point Bob & I have taken the risk. Now we have to get deeper pockets to say this looks like a viable project. We want to take it through."

Dunning, "I have an article for all of you to read regarding the zoning & making cities & villages more segregate. There are suburbs with great big lots & never the smaller housing. It's something the state planner is looking at in so far as how we change some of this. How do communities look at changing some zoning? You've got your comprehensive plan that you're talking about. To me, that's the greatest tool for how this village should continue on. If people participate in that & make something out of it, I think you'll find some really wonderful things happening. The green pieces out there can stay green. This is the blessing of using tighter, denser houses. They don't take up all of the land."

Dunning, "I think we'll be coming back with plans that show you different things. We'll go step by step as far as how much engineering we can get & keep you appraised of it. I know there's a process. We have to apply & go through proper rezoning & we don't want to side step that. But again, we'd like some feedback from you without having to go through a real formal presentation. I'd hate to see that we get all the way down the road & you say you don't like that now."

DiMichele, "If you could tell us what the minimum is to make this a viable project, then we know what number we have to get used to or have to dig our heels in. We might consider eight. You say 12. Those are different concepts for us. Right now, we want three & you're at 16. We have to find some place in between that." Dunning, "It's easy to see in Chagrin that there are eight units per acre & nobody likes them. They aren't selling. (Bell Tower) It was just not done right in a number of ways: planning, zoning & architecturally. It isn't compatible with the way we want to live. I took a look at Manor Brook. If you take one of those little individual pods & close in the land around it, that's how I see this looking. That will be the direction I go. I appreciate the time you've taken." Sutliff, "Perhaps we'll see you next month or in a few months." Dunning, "As soon as possible."

Review & discuss David Ondrey's Temporary Sign Ordinance options

DiMichele, "Are temporary signs above what they are allowed? Or, once they get to the maximum size, they aren't allowed to have temporary signs?" Ondrey, "My understanding is that you are already maxed out on your signs. You're still allowed a temporary sign as long as it doesn't exceed 20% of the display window." Hocevar, "I agree with that."

Ondrey provided a handout to all PC members. 1. For the B-1, B-2 District, amend Section 5.06.2.e as follows: Ondrey, "In the B-1, B-2 district, I suggested two different options. The first one limited it to no more than three times a year. You can change that & a minimum of 30 days of separation for the signs due to the problem of rotating. As soon as one temporary permit expires, they get the next one. I didn't see a problem with the 20%. It actually is kind of clear. They can get additional signage in addition to what's permanent as long as they don't exceed the 20% of the display window area. That predates all of us."

Ondrey, "The second option was to not allow a temporary sign for 120 days; four months for any temporary sign which is essentially the same in content & style. I wrote, 'The purpose of this provision is to discourage the practice of temporary signage being used on a quasi-permanent basis.' As I look back at the minutes, there was also discussion about the entrance area to Gottschalk Industrial Park. (200 Industrial Parkway). I don't know if this solves any of those particular problems. To that extent, it may need more work on it."

Tripp, "So this permits business to have one time or twice a year, a special sale or announcement or product roll out without affecting their permanent signs." Sutliff, "Option 1. You'd be able to have a temporary sign a maximum of three times a year, not exceeding 60 days." Ondrey, "And you couldn't do those right in a row. They'd have to have 30 days in between each one."

DiMichele, "A temporary sign could be up 60 days." Ondrey, "Yes. That's the current regulation now, 60 days." DiMichele, "To me a temporary sign is a 'Grand Opening', 'Special this Weekend'. You don't have a special activity or grand opening for two months. 60 days is an extremely long time." O'Donnell agrees. DiMichele, "Seven to 14 days is much more in line with what we're trying to use this for: for impact. If you've got a sign up for 60 days, nobody's paying attention anymore. It's part of the landscape." Brett, I agree with your first point. I wouldn't go with that tight of a time frame. I would accept 45 days." O'Donnell, "I thought 30 max."

Brett to Ondrey, "The last sentence of Option 2 is exactly what we're talking about. 'The purpose of this provision is to discourage the practice of temporary signage being used on a quasi-permanent basis & to limit the privilege of a temporary sign to its intended relatively brief period of time.' We don't want temporary signs becoming permanent signs. We still want to give local business the ability to do some sort of promotion or temporary advertising." Ondrey, "I

put it in that paragraph because if you go that way, that's going to put a judgment call into the zoning inspector's hands. He's going to have to look & say is that the same sign we've been looking at recently? Or is it almost the same? What we're trying to do is stop this quasi-permanent signage."

O'Donnell, "What Janice said is true. After a certain period of time, you don't see it anymore. For example, the flags were up since Memorial Day. I didn't even notice that Darrell had taken them down." Ondrey, "You've got 60 days now. My guess is local business would say 60 days is what they need. That's where you may generate some controversy." O'Donnell, "If they are having a sale that last 60 days, it's not a sale anymore. That's almost standard price if it lasts 60 days."

Sutliff, "Where are these signs?" Hocevar, "Along East Washington, across the street, the shopping center. The bank is notorious: 'Free Checking'." Brett, "The bank having a promotion for free checking, the fact that they could put something up for 45 days or 30 days, I don't have an issue with that. What I do have an issue with is that they'd put that sign up & then there's more signage & it becomes regular signage. That is not what it was intended for. I'd still go with 30 or 45. Businesses are not going to outsmart this." DiMichele, "They are now. They come in every time…" Tripp, "That's only because they don't have any time separation. We have it in there now that they can have a temporary sign for 60 days. I don't think that's unreasonable that the business community asks for that. I also don't think it's unreasonable for the PC to say you're only going to be able to do it three times a year with 30 days, 60 days or 120 days of separation. It just doesn't become a permanent thing like the sign at Dr. Schmahl's old building (5203 Chillicothe Rd.) It's still in the front of the old building. No permit." Hocevar, "They got notice to take it away. It's still there."

Sutliff, "Getting back to the 'Free Checking' sign & the 20% factor, did that comply with 20%?" Hocevar, "We had a little problem with that. That was in our zoning a long time, that 20% window area. It pertained to the stores across the street. If you put 20% of the building frontage area, 20% over the maximum sign limitations, the windows are (unintelligible)". Sutliff, "What does 20% window area mean? Is it just the windows facing Bell Street?" Hocevar, "I don't know. It never made sense to me."

Brett, "How do other communities define how much you could have?" Hocevar, "On a temporary sign, basically what we're doing, 20% over maximum sign area." Sutliff, "I personally find a big temporary sign much more offensive then a small temporary sign. That 'Free Checking' sign is too big." Hocevar, "You could never put that up there if you had 20% of the building. The window area, how are you going to tell Mr. Lechman 20% of the windows? He has no windows. It doesn't make any sense. If you went by frontage area, it would be more realistic to a smaller sign; 1/5 of the side of the building."

Tripp, "We did a comparison chart: Chagrin Falls, Bainbridge & South Russell. Chagrin Falls has specifically a definition for 'Business Window Signs'. The window area is measured & shows everything that is pertinent to deciding what is a window area." Hocevar, "Chagrin Falls is primarily all windowed stores. That's not what we have out here." Tripp, "The windowed stores we have is just the little strip mall." Hocevar, "That's right. They are minimal. I get calls once a year to put out a little banner outside the right-of-way for hot dogs & coffee. That shopping center is not a big problem. It's the bank, the Bell Station, East Washington Street."

Brett, "Couldn't we just define the maximum for a temporary sign?" Sutliff, "I think we should. I don't think 20% of the window display area makes any sense." Brett, "For example, it couldn't be more than 10 square feet, which would be 2'X5'. Or if it's a yard sign, you'd include both sides." Sutliff, "I think that makes a lot of sense. I think it's cut & dry. You're allowed X number of square feet."

Brett to Hocevar, "Do you have an idea how big the sign is on Lechman's building? Would you say that it's 10' in length?" Hocevar, "Easy." Brett, "And that's more than one foot in height?" Hocevar, "Right. I don't think it's there anymore. I think it's down." O'Donnell, "Is it in compliance with the current temporary sign ordinance?" Hocevar, "I told him to take it down because it's too big."

Sutliff, "What's a reasonable quantity for a temporary sign?" Hocevar, "Maybe we ought to look at 20% with this building frontage of permitted maximum sign area. If you were allowed a 75 square foot sign, you'd have to be 70' off the road for that. The closer you are to the road, the smaller the sign will be. Take 20% of 20, it's a small sign. I think 20% is decreasing the size of the temporary signs drastically." Sutliff, "Is there an objection to making it X square feet?" DiMichele, "The hard part is you've got such a variety of sizes of places who want to use it. If Milbar wants to put up an open house sign, it's not fair to hold them to the same constraints that a little office would have."

PC refers to Bainbridge's temporary sign ordinance. Signs are allowed 37 days & must be taken down. Ondrey to Hocevar, "What if you peg it to whatever signage they are currently allowed & couldn't exceed that amount by 20%?" Hocevar, "That's what I'm saying. Their maximum allowed signage & 20% or 10% over that." Ondrey, "So the folks with the larger buildings are allowed more signage. When they do a temporary sign, they are going to get a bigger sign if based on percentage."

Hocevar, "If you want for the next time, I'll take a little spin & take some measurements & show you examples of different buildings in the village & how big the sign is going to be. If we go 20%, it might be too much. 10% might be just fine. Do you want to do that?" Sutliff, "Ok."

Brett, "Whatever we end up with should be very clear & definable. If you say 20% of window, is that window in front or is it that total windows?" DiMichele, "Some buildings are on corners…" Hocevar, "We've got that. That's understood." Tripp, "That's how Lechman got away with the banner. He's got two frontages." Hocevar, "Which you're allowed, 20%." Sutliff to Hocevar, "I think it would be helpful for the next meeting if you could get us…" Hocevar, "I'll put that together. I think you'd get a better idea before we jump into something. That 20% was actuality something in our zoning about corner lots; building lots on corners. That might be where you picked up this 20%. The Bell Station, he faces two streets. He gets 20% increase on the sign area to put on one side that faces the streets."

Sutliff, "Back on Option 1 & Option 2, does anyone have strong feelings on those? I'm hearing 60 days is probably too long." DiMichele, "I'm at 14. Matt's at 45." Sutliff, "Would 30 be reasonable?" O'Donnell, "Chagrin has 10 days." DiMichele, "I would increase the number of times a year somebody could do it, if it were there only 14 days per event. Special events don't go 30 days." O'Donnell, "Free Checking could be a 30 day thing. However, 'Free Checking' there (at Charter One) is not an event. It's an ongoing thing. They always have free checking. That's a whole different thing. They are advertising on their building for an item that is available every day of the week all year long."

Tripp, "We allow 60 days. The pendulum has to swing. But to go from 60 to 14 is way too far." DiMichele, "You've twisted my arm to 30." Sutliff, "I think 30 days is reasonable." Brett, "30 it is." (for options1& 2)

Sutliff, "What are your thoughts on option 1 & option 2? My feeling is option 1 is very clear once we come up with signage size." O'Donnell, "If we're talking Comprehensive Plan, option 2 is closer to the purpose of the CP because we are spelling out why we are doing this." Sutliff, "There's no reason why you couldn't put that last sentence of option 2 into option 1." Brett, "I like that last sentence being moved up to option 1. The sentence is, 'The purpose of this provision is to discourage the practice of temporary signage being used on a quasi-permanent basis & to limit the privilege of a temporary sign to its intended relatively brief period of time.' DiMichele, "Move the sentence up to option 1 & change the 60 days to 30." Sutliff, "And come to some sort of agreement on the size. That will be decided at the next meeting."

2. For the Residential District, amend Section 4.08.4 to read as follows: Ondrey, "We didn't have any issues about temporary signs in the residential area, so I didn't change it." Sutliff to Ondrey, "For the residential district, you're proposing no change." Ondrey, "It's now in the plural. I changed it to singular - sign." O'Donnell, "In my neighborhood I have put up signs for the Bloodmobile. I've put one up at each entrance. That's two signs. So, now I can only have one sign up?" Ondrey, "If we change it the way I suggested."

Sutliff, "What about real estate signs? That's a temporary sign." Ondrey, "That's handled totally separately. That's not considered a temporary sign." DiMichele, "Do we want to put a time limit on the residential ones?" Ondrey, "It doesn't have any time limit now." Sutliff, "It says 'permitted by the Zoning Inspector for a specified period'." O'Donnell, "I don't think we should put that on his shoulders." Tripp, "Not to exceed 14 days." Brett, "The purpose of this sign is if you are having a garage sale or community event. I don't think we have an issue." DiMichele, "Not to exceed 14 days." O'Donnell, "How about 5 or 7?" Brett, "14 is fine."

Ondrey, "Do you want to leave it plural or make it singular?" Tripp, "If you look at signs such as the Bloodmobile sign, you have multiple signs up." O'Donnell, "Most of the developments in South Russell have two entrances. Most people use one & not the other. When you have two entrances, I think it's reasonable to put one up at each area." DiMichele, "Let's leave it. We'll make it plural & add the words, not to exceed 14 days."

3. For the I-1 District, amend Section 6.06.2.e to read as follows:
Ondrey, "For the industrial district, I gave it the same options as B-1 & B-2."

4. Amend Chapter 2 "Definitions" Section 2.01 (119) to read as follows:
Ondrey, "I decided that we need to change the definition of a temporary sign. We do have a definition now. I changed it so that a banner is now one of the allowed temporary signs." Sutliff, "Can we define a banner? Is there a definition for a banner?" Ondrey, "I couldn't find one. I couldn't find anyone to say, this is what a banner is. I did look in the Geauga County Law Library under several different zoning texts. What I did gather is that temporary signs are a routine problem in a lot of communities. Most of them do include banners as an allowed temporary sign. We're saying it's a 'display constructed of cloth, canvas, cardboard, paper, fabric, wallboard or other temporary materials'. But then we specifically exclude 'pennants, streamers, flags, floodlights, spotlights & other similar devices or displays.'"

DiMichele, "What about those lighted sign boards like over at the gas station? What do they fall under?" Hocevar, "That's according to the sign regulations. That's a wall sign. It's part of his wall sign. It's too big. He's thinking of taking it down." Sutliff to Hocevar, "You made a comment that mobile signs are not permitted. Is that spelled out?" Hocevar, "I believe it is." Brett, "After 'spotlights, & other similar devices or displays' add and mobile displays shall not be permitted as temporary signs."

Discuss ZBA's concerns about sign ordinance: refer to letter dated 7-12-04 from Bruce Bartter, Chairman of the ZBA

Jim Pascoe of the Bell Station appeared before the ZBA on June 23, 04. He requested a 10.33 square foot variance for a sign over the maximum sign dimensions permitted. It is the illuminated wall sign that faces Chillicothe Road. During the meeting, someone read from the zoning code. It directs anyone who requests a sign that goes beyond 36 square feet to go before the PC. The ZBA referred Mr. Pascoe to the PC.

The ZBA had questions. Bruce Bartter prepared the letter asking for clarification from the Planning Commission. PC read letter. Question #1: What is frontage? Hocevar, "Pp. 5, definitions, #10. Part of the definition reads, 'Main structures permitted in business & industrial districts having frontage on a secondary street may include 20% of the length of the façade facing the principle street as building frontage'. I think that's what he had questions about. The Bell Station has 306 & Bell. They can take 20% of their sign area on Bell Road & include it on their sign area on 306."

Ondrey, "The zoning inspector makes the initial interpretations of the zoning code. If somebody doesn't like it, they can appeal to the ZBA & they have the power of interpretation. In this case, they are confused. What is frontage? David (Hocevar) is pointing out the definition. The issue for the PC is if you don't think paragraph 10 adequately explains this, because of the issues of what is secondary, what's principle, then it's your call to rewrite it & make it more clear. It's not a question of, what do you think it currently says? It's a question of, do you think it adequately explains it? Do we think we want to clean up Paragraph 10?"

Tripp, "In terms of the building, the front of the building, the door opens to the front on Chillicothe Road." Ondrey, "I would say, what is the secondary street? You'd look at what is the major thoroughfare. 306 is a state highway. I would consider Bell to be secondary to Chillicothe." Sutliff, "Would you do it by the address?" Ondrey, "I wouldn't. It says secondary street. To me that says that you're looking at some hierarchy of what's the more important street. I don't think where the front door is, is supposed to make a difference on determining that."

Brett to Hocevar, "How did you interpret that?" Hocevar, "The same way David did. This came about because there was confusion about the mathematics for the signage. They couldn't understand why he was allowed the sign. They've got some legitimate questions. They deserve some answers."

Question #2: What about the signs on top of the pumps? Hocevar, "This is something we never do. What about MasterCard stickers on windows? Where do we draw the line?" Ondrey, "The decision whether those kinds of signs are

included with the calculations of total square footage is the zoning inspector's job. David is saying he doesn't count that stuff. The issue for you is, do you agree? If you don't, you're going to have to write some zoning legislation to include it. The Planning Commission's job is not to say if you agree with David. It's to say, do we want signs on top of gasoline pumps included in sign calculations?" O'Donnell, "He could decide to someday to make those signs a little bigger."

Brett to Hocevar, "How did you interpret #2?" Hocevar, "We never counted it as part of signage." Brett, "Do you have a question on it?" Hocevar, "I think it's realistic. I think it only pertains to the Bell Station." Brett, "Are you aware of other communities? Do they have anything like this?" Hocevar, "Probably Mayfield Heights. They won't allow you to advertise the price of gas."

Ondrey, "You as quasi-legislatures may think because of the way gas stations market their stuff, maybe there is too much signage. On the other hand, you get into the practical problem of how are they going to operate without all of that?" Tripp, He's got to have warning signs: caution, do not breathe the vapors, no smoking, no cell phone use. You're going to see more safety regulations at gas stations."

Brett, "In regard to that gas station, I don't see anything out of the norm excluding that sign in reference is big." Sutliff, "We'll leave it up to our zoning inspector." PC agrees.

Questions #3: Is there a limit on the number of wall signs? Hocevar, "Not as long as they fit under the square footage, they can have all they want." Sutliff, "Who will respond to the ZBA?" Hocevar, "I will." Brett, "David (Hocevar) & I will prepare a response because it's addressed to me."

O'Donnell, "Somewhere in your response to the ZBA, over the years we've had difficulty with the ZBA giving variances because they felt sorry for them. The reason to grant a variance is because of hardship. You should point that out to them." Ondrey, "That's not the only justification anymore for a variance. That's for a use variance. A lot of these people come in with side yard, front yard variances. That's now not a hardship test. That's a practical difficulties test. It's heavily dependent upon, is it a change to the neighborhood?"

Ondrey, "In defense of the zoning board, what happens in a lot of these cases is, someone says I want to build an addition to the house. It's going to be 10' closer to the line. If those neighbors don't come out & say it bothers them & if it's not a huge variance in the first place, those are legal, appropriate reasons to grant variances. They don't have to show hardship." O'Donnell, "I'm offended by that. A lot of people I know would not come in because they would be concerned about establishing bad relationships with the neighbor by coming in & standing up in front of them & saying, I don't like your plan. Right away you have an adversarial relationship. We created the zoning code, the setbacks after

enormous hours of work. To get rid of them because a person doesn't show up..." Ondrey, "According to the Ohio Supreme Court, it's a substantial detriment. They don't say, is it something out of the ordinary? The zoning board has to find a substantial detriment in order to justify denying it. They have to show, will it substantially alter the neighborhood? Sometimes when you're talking about a three or four foot side yard variance, it's real tough to say that that's going to be a huge problem for the neighborhood. I recognize a lot of time & effort is spent in writing those regulations."

Ondrey, "The zoning board doesn't let them just say, we want a bigger family room. So, therefore give us a variance. It's often because, let's say, the location of trees or a mound or the design of their current house, so they can make rooflines match. There is usually an initial reason as to why they need to get closer to that side yard. Once they justify that, if there isn't evidence from either neighbors or the zoning boards own interpretation that they've really substantially changed the neighborhood, then those property owners have met the practical difficulties test & they are entitled to those variances. That's what the Supreme Court has said."

Continue to discuss Comprehensive Plan

Brett, "I think the general feeling of Council is supportive. It would depend on the dollar amount that we would request." Sutliff, "Are we all in agreement that a recommendation to Council be made to proceed with a request for proposal?" Tripp, " At the last meeting, there was discussion over how much money should be spent. We want to find out if the money is available, if this is something Council supports." DiMichele, "There was still one member who wasn't 100% sure if the money should be spent."

O'Donnell, "I have expressed my opinion to Council in terms that we, the PC, felt there was merit to the idea of a Comprehensive Plan. We were led to believe from Mr. Hartt that we could draw up the parameters ourselves; that we could specify what we wanted & how far we wanted them to go. My question is, who is going to make those decisions? Is it going to be a joint committee of Council members & PC members? How would we set the parameters; get input on how comprehensive we want this to be?"

Brett, "We have two directions we can go if we want to move forward. One would be to indicate to Council that the PC wants to move forward. Would Council fund it? Two, I did talk to David Hartt. He suggested that we send out a request for qualifications. We indicate that the village is interested in a CP & would meet with a number of consultants. We'd ask what approach they'd take & their cost. That's a professional service so we don't have to get bids & we

(unintelligible) it less than $15,000. I'm ok with either approach. I'd like to see this board move forward with this."

Brett, "The first step is a letter for request of qualifications. Who would develop the scope? I would like to be involved." Tripp, "Are you saying we have Council's blessing?" Brett, "No. I'm not suggesting a request for quotation, but a request for qualifications. A letter would say the village is considering a CP. Please share with us your expertise & interest in the project." Sutliff, "What would be wrong with asking for quotations now?" Ondrey, "You don't have authority to spend money so the most you can do is ask for qualifications. I don't want some planner misled into thinking we already have the ability to go ahead with this project."

O'Donnell, "We don't have the parameters. We're not interested in a $150,000 project." Brett, "If PC is ready to move forward & take on the task of a CP, then defining the parameters is the next step. If PC isn't ready, it doesn't make sense to define the scope."

Tripp, "I make a motion that PC send out a request for quotations (RFQ) to planning & developments consultants. That list to be developed by a small group of Planning Commission members & assisted by members of Council if they desire. We develop the criteria that we want the quote to based on."

Discussion: O'Donnell, "Are you eliminating the step of sending out a letter for qualifications?" Tripp, "I am." Sutliff, "My concern is that Council gives us $8,000. The job comes in at $15,000. Why not get a quotation now & see how much it's going to cost?" Tripp, " I believe when we give them the RFQ, we say here's our base & here's the alternates that we want. It's like a Chinese menu. Choose some from column A & some from column B & then we have the number. Then we'll know exactly what we are going to get."

Ondrey, "Council doesn't have to authorize your going out & seeking information. That's all you are doing." Brett, "If we were to do a RFQ & because this is a professional service, we can still negotiate it & go with who we want to go with." Ondrey, "Right." Sutliff, "Is the majority of Council in favor of going forward with this?" Brett, "That's my feeling. Yes." Sutliff, "As far as drawing up the RFQ, who's going to handle it?" Brett, "I would volunteer myself & Ike Tripp." Tripp, "Let Matt & I develop the scope. We'll bring it back to the next PC meeting for your input. Then, we'll move forward." Ondrey, "When you send out the request, put in background information. South Russell is a village with a population of such & such. It consists of so many square miles. It has a zoning code, which has residential & commercial zones. Give them some background."

Tripp's motion. O'Donnell second. Roll call. All ayes. APPROVED

Brett, "Would it make sense for the PC to introduce a resolution that we are looking to move forward with it? It would give Council a heads up so it can begin to consider it." Ondrey, "That is not legally required. That's a public relations decision. If you'd like to present to Council, here's what PC formally adopted by motion, resolution or call. The desire of the PC was to have a CP created with the first step being the exploration of potential candidates as planners & cost."

Brett, "I'd like to introduce a motion to South Russell Council that the Planning Commission is moving forward with the Comprehensive Plan. It is in the process of determining scope & prices." Tripp second. Roll call. All ayes. APPROVED

OLD BUSINESS:

Kathy O'Donnell requests to hear the tape from the PC meeting on 7-17-03. Kensington Green's plan regarding mowing, specifically "two width pass" Pp. 3, top of the page. The paragraph starts with: Sutliff, "We're talking about everything north of the split rail fence..." (On tape, 8.4A to 10.9A)

PC read Pp.3. O'Donnell, "I think the key word is mow instead of bush hog." Brett, "I would say they've mowed it." O'Donnell, "I don't think a mower cuts grass like that. It says in here (min. 7-17-03), they would continue to maintain it the way it has been maintained. That's not the way it was maintained. It had been mowed between the fence & the ditch."

Tripp, "There's a distinct difference between rough cut & being mowed. From the South Russell line at the police station to the entrance of Kensington Green & from that entrance to a group of Pine trees is mowed about 2 ½". From then on was where they are letting it go wild. Last year it was mowed with a mower. This year they let it go. We sent the letter & they mowed it with basically a brush hog, a heavy-duty mower. It's not mowed at 2 ½". They finally mowed the area next to the retention pond which, under this plan they are called upon to do. They also cut down the cattails. The mowing that they are doing is not as well manicured as it was before." Brett, "I don't know if that's because they are using a different machine. Is there a difference between their entrance & the section you just described?" Tripp & O'Donnell, "Absolutely."

Brett, "My take on that is because they let it grow to 18" & they are continually chopping it up." Hocevar, "I had many discussions with Mr. Porter & he explained that they have a different landscape crew in there. His intention is to comply. It's going to take some time for him to bring the grass that wasn't cut back to conformance. If we have a problem with the way it looks, he'd be glad to take care of it."

O'Donnell, "Today is the 15th of July. Mark Porter has accomplished exactly what he planned to do; BS his way through the whole thing. So, they end up having what they wanted in the beginning, tall grass. If he's trying to convince us that he's going to fix it & make it look like the rest of the grass looks, when is he going to do that? He did what he did because your (Hocevar) letter went out on the 5th of July. Today is the 15th of July & it hasn't been touched since then."

Brett, "Does that area not look as good as the other areas? Absolutely. Am I frustrated with it? Certainly. Do I think now, he's violating an ordinance? No. I don't think so. If he does not cut the area, we have to enforce our ordinance pertaining to grass cutting & we look to amend the ordinance that we gave them on the prairie."

Tripp, "This is a two year experiment. These people are doing nothing but earning ill will. If they think they are going to come back to the PC & have us accept what it presently is, they are living in never never land." Hocevar, "He's cut that grass two or three times since we had the issue of high grass. He's trying to manicure that lawn to the best he can as high as it is & try to bring it down. He's come a long way since the 12"-14" grass." Brett, "We don't have anything that says you have to cut your grass in a certain way. You have to bag or rake it. You have to cut it when it exceeds 8". He's in compliance. Our zoning inspector worked aggressively to get it cut. They didn't cut the two swipes behind the fence. They have done that. Does it look like the entranceway? No. It doesn't."

O'Donnell, "I don't think Kensington Green/Mr. Porter have acted in good faith. They have made us push them to do the work. I don't consider that in compliance with the ordinance." Brett, "They stopped cutting the grass before the prairie ordinance went into effect. Did that two-year period start when they stopped cutting the grass? Or did it start when the ordinance was passed?" Ondrey, "The two year period started when we passed the legislation, the July 17, 2003 meeting when we adopted their plan."

Brett to Ondrey, "PC could recommend that we amend the ordinance." Ondrey, "Yes. You play no official role. You could make a recommendation to Council. Perhaps a letter, memorializing to them how your expectations aren't being met with the current arrangement after what you felt were significant concessions to allow this experiment is very disappointing. Remind them the trial period ends in July 2005. If you encounter the same problems with this mowed area next year, it's your current feeling, that the likelihood of an extension of the landscape plan would be diminished if you don't see improvement."

DiMichele asked if the HOA by-laws have been amended. That has been done. Sutliff feels a letter is in order. A letter will be prepared & Sutliff, as the Chairman, will sign & send it.

New Business: Next meeting is August 19, 2004 at 7:30 P.M.

There was no further business. The meeting adjourned at 9:40 P.M

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

12 July 2004

Dear Mayor Brett and the members of the Planning Board:

Reference: the June 23 ZBA meeting

One item on the agenda was a request for variance by James Pascoe of the Bell Station. This was required for a sign 10.33 Sq. Ft. Over the maximum dimensions permitted.

In our review of this matter, the Board found the Zoning Code coverage in 5.06 confusing regarding sign restrictions. Some examples:

Reference is made to "All signs defined in Chapter 2, ... The "Design & Size chart refers to total sign area. 5.06 3. a. and b. covers wall and projection signs. Dave Hocevar indicates that the chart applies just to "wall or face signs".

Also, under "Design and Size", "In no event shall any single sign exceed 36 square feet, unless approved by the Planning Commission.... This statement seemed to say that Jim Pascoe's first request for this "variance" should go to Planning, and if refused, appeal to the ZBA. On advice from the Solicitor, the ZBA thus bowed out at this point and referred Jim to Planning.

Some other board questions:

1. What is frontage when on a corner? pp.5 dy.10
2. What about the signs on top of the pumps?
3. Is there a limit on the number of wall signs?

Some clarification on the above would be of assistance to the ZBA members.

Thank you,

Bruce R. Bartter
Chair, ZBA

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

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

THE PLANNING COMMISSION
AUGUST 19, 2004
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, O'Donnell, Tripp, DiMichele**

2. MINUTES: JULY 15, 2004 **amended & approved**

3. AGENDA:

   CONTINUE TO DISCUSS TEMPORARY SIGN ORDINANCE
   Brett made a motion to recommend approval by Council of the revised Temporary Sign Ordinance. O'Donnell second. Roll call. All ayes. APPROVED

   CONTINUE TO DISCUSS COMPREHENSIVE PLAN
   Form labeled "Statement of Qualifications Process" handed out. Foley to send letter to planners & ask for response by 9-13-04. PC to review them at next PC meeting.

4. OLD BUSINESS: **Kensington Green mowing is under control**

5. NEW BUSINESS: **Next meeting: 9-16-04 at 7:30 P.M.**
   Emerald Lakes II: Some residents want to buy common property. HOA decision. Village not to incur any expense

6. ADJOURN: **8:12 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 19, 2004
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Matt Brett, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

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

-

GUESTS: None

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes from the July 15, 2004 meeting were amended & approved.

Continue to discuss Temporary Sign Ordinance

Ondrey revised the Temporary Sign Ordinance to include changes made by the PC on 7-15-2004. Still to be determined for B-1, B-2 district: to use "does not to exceed twenty percent (20%) of the display window area" or go with a determined square footage for all temporary signs.

Discussion. Hocevar, "I think we ought to come up with a square footage sign. If they want to go for a variance, let them go for a variance. Keep it up a certain amount of days, give them square footage & that's it." He thinks 14 square feet is reasonable for a temporary sign. O'Donnell, " 2'X5' or 2'X7'." Hocevar, "That's plenty." Tripp, "A temporary sign does not exceed 14 square feet." Ondrey, "14 square feet permitted on each side." O'Donnell, "A maximum of one 14 square feet, two-sided sign." Brett, "The ordinance already stipulates only one temporary sign is allowed." Ondrey, "Permitted to a maximum size of 14 square feet; two sides permitted." Delete from ordinance, "does not exceed twenty percent (20%) of the display window area." PC agrees.

Residential District, Temporary Signs: No size limitation or how many are permitted in current definition. Current definition allows sign to be displayed for 14 days. Discussion. The number & size has never been a problem. Hocevar, "Fourteen days might be stretching it. Why do you need a sign in a residential yard for 14 days? I say seven."

Garage sale signs on poles are not permitted. Darrell Johnson takes them down. Brett, "What commonly occurs is that they go up on Friday late afternoon after the service department is gone."

Brett to Hocevar, "They don't have to obtain a permit for residential temporary signs." Hocevar, "I never push that issue." Tripp, "The change in residential is seven days from 14." PC agrees.

I-1 District, Temporary Signs: Sutliff, "The industrial district is the same as the business district." Ondrey, "Yes. Fourteen square feet allowed, two-sided sign." Delete: "does not exceed twenty percent (20%) of the display window area."

Definition, Temporary Sign: Ondrey, "The definition in general was broadened to include banner as an allowed temporary sign. Mobile signs are added as not permitted."

Brett made a motion to recommend approval by Council of the revised Temporary Sign Ordinance. O'Donnell second. Roll call. All ayes. APPROVED.

Continue to discuss Comprehensive Plan

Brett handed out a form labeled, "Statement of Qualifications Process". Foley hammered out details of the statement. Brett explained that a subgroup of the PC would meet with the potential firms.

Sutliff, "#5, Enter into an agreement; obviously, that would be Council entering into an agreement not us." Brett, "Yes." Sutliff, "#1, letter or legal ad; the law doesn't require that we take public bids on this." Ondrey, "No. It's not required."

Foley, "#3, Meet with firms. As a group you would select that short list much as you did with David Hartt. It's not so much a negotiation as it is a meeting to determine…" O'Donnell, "To get a feel for them." Foley, "Right. Then once you have two or three, a group or a few of you would meet to carve out the dollars & cents & other issues." There are not a lot of firms. Foley came up with three names.

DiMichele, "Would we consider local universities & the graduate students doing this as an urban planning master's degree program?" Tripp, "We don't want to wait two years for the results." Brett, "If we touch base with some of the surrounding communities & see who they've used & what Ned has come up with, my guess is we'll get six or eight."

Sutliff, "Ike & Matt can get the list & then let us meet with the final two or three. Who will be drafting the letter requesting the statement of qualifications?" Ned will draft the letter & send it out by next week. Ondrey, "No need for a newspaper add if there are only six or eight." Sutliff, "Is it reasonable to request a response so we can look at them at next month's meeting?" Foley, "Sure."

Ned will request a response by 9-13-04. Brett, "Council passed a motion endorsing the idea of moving forward with a Comprehensive Plan."

OLD BUSINESS:

Architect, Ann Dunning & Mr. Buddenhagen choose not to be on the agenda tonight.

Kensington Green: Hocevar reported that the mowing is under control.

NEW BUSINESS:

Hocevar to Ondrey, "Emerald Lakes II; I was asked by the property owners to see what the possibilities were of each property owner buying some of the common land." Ondrey, "It would be complicated." O'Donnell, "Our zoning regulations require them to have common property."

Hocevar, "They want to buy just some of it. People who live on Alderwood have a 50' strip in their front yard that's common property which means anybody could walk through their front yard." O'Donnell, "I have heard from people who live in Emerald Lakes. There's supposed to be a strip around the exterior. Many people who back up to the woods have cut down trees & extended it so it's perceived to be part of their yard with no authorization to do that."

Hocevar to Ondrey, "I don't know if that's our problem." Ondrey, "No. It's not. That's common area. People who live in that subdivision can walk all over it. It's the HOA who should be stopping that if they don't like it."

O'Donnell, "Remember that man who went to Country Estates & complained about the water. The land he talked about wasn't his." Hocevar, "That's right. It was common property."

Sutliff, "If they want to buy common property, who do they buy it from?" Ondrey, "The Association." Brett, "We would incur a great deal of expense if homeowners wanted to buy a chunk of property. There'd be legal, research…" Ondrey, "There'd have to be a vacation of the current plat & a release from all the other homeowners that they are OK with somebody buying…" Tripp, "What's in it for us?" Ondrey, "A lot of headaches. If they were offering to pay your attorney fees & engineering fees to make sure it's done right- My legal advice is anything is possible. It would be an extremely cumbersome, expensive process that would take approval of this body." O'Donnell, "And no expense to us. Just say no."

The next meeting will be on 9-16-04 at 7:30 P.M. There was no further business. The meeting adjourned at 8:12 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

THE PLANNING COMMISSION
NOVEMBER 18, 2004
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, O'Donnell, Tripp, DiMichele**

2. MINUTES: 8-19-04 **Approved as presented**

3. AGENDA:

   1. INFORMAL DISCUSSION WITH MIKE SMITH, 1572 BELL REGARDING A LOT SPLIT. **No Action**

   2. FORMAL DISCUSSION WITH MARY LOU GERACI, 1466 BELL ROAD. SHE HOPES TO SELL HAIR CARE PRODUCTS TO CLIENTS. NO ADVERTISING. PC GRANTED HER A BUSINESS OCCUPANCY PERMIT TO CUT HAIR AT HER HOME ON 9-19-01. **DiMichele moved to allow the retail sale of hair care products at this location to customers who are being serviced there. Second by O'Donnell. Roll call. DiMichele Yes, Tripp No, O'Donnell Yes, Sutliff Yes, Brett No. CONDITIONAL APPROVAL**

   3. FORMAL DISCUSSION REGARDING REDEVELOPMENT OF MILBAR BUILDING, 530 EAST WASHINGTON STREET TO OFFICE/RETAIL. PROPERTY OWNERS: JEFF SIMLER & SANDY KRULAK. PRESENTATION MADE BY JEFF ETTORRE OF AMERI-CON HOMES & BRADLEY BECK OF LOWENSTEIN DURANTE ARCHITECTS **Brett made a motion to give conditional development approval. Conditions: 1. Get ZBA approval of variance on lot coverage. 2.They have to come back to PC for final development approval. Tripp second. Roll call. All ayes. CONDITIONAL APPROVAL**

   4. CONTINUE TO DISCUSS COMPREHENSIVE PLAN
      Contact the three planners who responded to PC request for qualifications. 1). D.B Hartt, 2). NorthStar Planning & Design, 3). David F. Gilmer. Ask each to attend next PC meeting. Their presentation is to be 15 minutes. Focus on: scope, timetable & fee structure. Then 15 minutes for Q&A from PC. Meeting will start at 7:00 P.M. & allow ½ hour for each presenter.

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

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

4. OLD BUSINESS:

KENSINGTON GREEN LAND MANAGEMENT PLAN: LETTERS:
7-20-04, LETTER TO MARK PORTER OF KENSINGTON GREEN FROM CHAIRMAN WALTER SUTLIFF
8-30-04, LETTER TO WALTER SUTLIFF FROM BOARD MEMBERS OF KENSINGTON GREEN
10-28-04, COPY OF LETTER TO MARK PORTER FROM STANLEY STINE, CLEVELAND MUSEUM OF NATURAL HISTORY
Brett reported that Mark Porter came to Council. He presented the letter Dr. Stine wrote. "It was relatively well received by Council." Sutliff, " I assume no further action is required by this board other than to keep our eye on it." Brett, "Yes."

5. NEW BUSINESS: **Tripp asked Ondrey to prepare new language for home occupation permit to prohibit retail sales. Ondrey agreed.**

6. ADJOURN: **9:00P.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 18,2004
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Matt Brett, Kathleen O'Donnell, Ike Tripp, Janice DiMichele

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

GUESTS: Mike Smith, 1572 Bell
Mary Lou Geraci, 1466 Bell
Bradley Beck, Lowenstein Durante Architects, (216) 932-1890;ext. 106
Justin Fliegel, Lowenstein Durante Architects
Paul Ettorre, Development Director for Ameri-Con Homes
Mary Beth Wolfe, Chagrin Valley Chamber of Commerce

Chairman Sutliff called the meeting to order at 7:30 PM. The minuets from 8-19-04 were approved as presented.

Informal Discussion with Mike Smith, 1572 Bell Rd. regarding a lot split.

Mike Smith handed out drawings for PC to review. He explained that there are 28 acres. The property is next door to Don Plzak (1600 Bell Rd.) and goes back to the Bainbridge line. There is a creek and 2 lakes. Mike's mother lives in the home on the property. They hope to divide the property among the three children. There will be four parcels, three new lots.

Mike's mom's house will be on 2.5 acres. The other three parcels will be 8.5 acres. Mike wonders if there will be a problem with frontage. He is required to have 150 feet frontage at the building line. He intends to have 180 feet. His sister's parcel would have 180 feet. Smith, "To get the driveways in, we have to split the street to 50 feet. Is that enough room?" Hocevar, "He's got plenty of room. What he gave to Planning Commission complies with our zoning. This is an informal discussion. He's going to have to get a survey, and bring it back to us for a formal opinion. They still have to meet the side yard set backs, the rear yard setbacks. The lots are divided so they are buildable lots." Tripp, "They are basically two flag lots." Hocevar, "Right." Tripp, "They will have a common driveway." Hocevar, "He can have separate driveways if he wants. The frontage is determined at the building line. The zoning is 2.5 acres minimum. He meets that requirement. If he builds it at the 150 feet setback requirement, he'll meet that requirement. It's not a water sensitivity zone."

O'Donnell, "The brother (Al) could end up with two houses on the property." Hocevar, "No. It's one lot. He'd have to come back before you to subdivide that to have another house on that."

Mike hopes to build his house in the spring. His sister may or may not build a house. She may give the property to one of her sons.

Ondrey, "We are running into the minor subdivision requirements because three new lots are going to be created. 'A minor subdivision is the subdivision of a parcel which abuts an existing public street which does not involve the opening, widening or extension of the street or does not include more than five lots after the original parcel has been completely subdivided.' If that's correct, it's a minor subdivision. There's an application. It gets referred to the engineer. It gets placed on the agenda for the next meeting. The engineer has to certify his findings. Then the commission takes action at the meeting to approve it or not. It's a lot like a lot split, but it's a little more detailed. The drawings have to conform to our requirements."

Sutliff, "So you'd get a survey." Smith, "I just wanted to see if this would work before I spend six grand on a survey." Sutliff, "It certainly sounds like it will work."

Brett to Hocevar, "The way this is drawn out, would it go through?" Hocevar, "I think everything applies that I see here. If he wants to build a house, he still has to submit a site plan to the South Russell Village. Our engineer has to approve each individual lot. Planning Commission will approve the overall picture."

Ondrey to Sutliff, "If you wanted to, you could ask the health department to review and comment on the proposed minor subdivision. I assume that in some cases septics are possible on lots. Here, I don't know if you have the same concerns."

O'Donnell to Smith, (pointing to drawing) "Is there a possibility that your brother or his children want to build back here some day?" Smith, "It's a possibility." Hocevar, "Behind Al's house? He'd have to come back to Planning Commission. He'd have to subdivide that lot." O'Donnell, "Mike and his sister have decided that this is going to be a driveway. This gentleman has six acres behind his house." Hocevar, "He'd still have to come back to Planning Commission and replat this whole thing. He'd have to start at step one and do the whole thing over."

Sutliff, "This is informal. We don't take any action other than indicate to Mike that we see no obstacles."

Tripp, "I just want clarification. His brother Al could not come back on this long narrow lot without going to Planning Commission and getting a lot split to build something back here." Hocevar, "That's right. And he has to get the ok by the Board of Health before we issue any building permits for septic systems. He could divide this whole thing up & the Board of Health say, ' I'm not going to give you the ok.' So we can't issue a permit. I don't think that is going to happen."

Sutliff asks Planning Commission if they have any problems. Nobody has any problems. **No Action.**

FORMAL DISCUSSION WITH MARY LOU GERACI, 1466 BELL ROAD. SHE HOPES TO SELL HAIR CARE PRODUCTS TO CLIENTS. NO ADVERTISING. PC GRANTED HER A BUSINESS OCCUPANCY PERMIT TO CUT HAIR AT HER HOME ON 9-19-01

Mary Lou Geraci explained that on 9-19-01 she was issued a home occupancy permit for a hair salon. Retail sales of hair care products were prohibited. She has no employees. This is a one-person operation. She requests to sell hair care products only to her customers: shampoo, gels, hair spray, conditioner etc. There would be no advertising. She works about 3.5 days a week and estimates she has about 12 customers a week. No walk ins. Customers ask to purchase the products she uses.

Geraci, "If I delivered it to them like Avon, Mary Kay products, Amway & Shakley, it would be more convenient for me to have them be able to take it with them. I'd have to get a vender's license. I'd be tax exempt. They'd purchase just the line I use in the salon." She's tax exempt because the customer pays the sales tax. Geraci, "There are a few clients who have left. It's been a detriment to me because they want to purchase where they are serviced. They go elsewhere. I'm not a full service salon. It's just me."

DiMichele, "You're not going to sell just for retail?" Geraci, "No, I don't advertise. I don't want anyone coming to my house that I don't know. I'm leery of advertising and having people come to my home. I'm cautious." Tripp, "Who would deliver these products?" Geraci, "As of now Fed-Ex comes with my products. I am getting a Fed-Ex on occasion; probably once every two months for my supplies: perm, shampoo, conditioner and color. I get one truck and I drive to a supply company."

Sutliff, "If Kathy O'Donnell stopped, could she buy shampoo?" Geraci, "If I'm not servicing her, if I'm not cutting her hair or doing some service for her, probably not. It's for the clients I service. They ask. I use a nice line called Back Bar."

Sutliff, "This is a gray area because I don't think retail sales is permitted in home occupation." Ondrey, "It's personal service. In one set of our code, one of the personal services is defined in the business section as beauty shops. We don't say anything specifically about retail in home occupation. You have to ask yourselves, in a typical course of someone operating a salon, do they do this- sell retail as a convenience for their customers? If you don't think it's unusual, it doesn't fall outside the definition."

Brett(reviewing minutes from 9-19-2001) "There was a question posed if she would be selling anything. She answered no. I'm curious if anyone recalls why that was brought up then?" O'Donnell, "Because of the personal service issue and then Mayor Young was very concerned." Hocevar, "Under home occupation regulations, it states anything sold or offered for sale shall be limited to that resulting from the conduct of the

business. At that time, Mrs. Geraci said that she didn't want to sell any retail products. So, we put it as a stipulation on the zoning permit. When I talked to David Ondrey about it, he said bring it back to Planning Commission to override that and get it to be sold. Since that business was started, Mrs. Geraci has complied with the health department regulations and the building code regulations. She got her sign ok'd. For what it's worth, she did comply with everything we asked her to and I have not yet got a complaint about her establishment."

O'Donnell, "One of the (former) mayor's concerns at the time was, it was going to open the door to others of this type of business. Has that happened?" Hocevar, "No. It hasn't happened." Ondrey, "We have established that that is a permissible home operation in our definition." O'Donnell, "Anyone who got involved with that would have to come to here." Ondrey, "Yes."

Brett, "It seems like a minor issue, but it does feel like we are opening the door in light of what you read David. Things that could be sold are things that could be provided by that business. This is an exception to that. It starts to open the door. What other things could be done there?" Mrs. Geraci, "I was trying to find information on Shakley. There's a resident in Paw Paw Lake that had a Shakley sign on their mailbox selling Shakley products. I was one of their customers. I was wondering if they came to you? How they were able to? They had boxes and boxes of product." Shakley is a vitamin sold out of homes, like Mary Kay products, which are sold out of homes. "They would probably sell a lot more than I personally do." O'Donnell, "Does the Shakley person have a sign on their mailbox now?" Geraci, "They did. They recently moved. They were here for years." Hocevar, "I never saw it. They never had a permit."

Sutliff to Hocevar, "Could you reread the quote you just read?" Hocevar, "Anything sold or offered for sale shall be limited to that resulting from the conduct of the home occupation." Sutliff, "Selling shampoo or conditioner and so forth, seems to me would comply with that." Hocevar, "Right. At the time, Planning Commission just wanted on the zoning permit that there were no retail sales. So we made that stipulation. When I talked to Mr. Ondrey about it, he said bring her back to Planning Commission. They made the last decision not to sell. They are going to have to make the decision to allow her to sell it." Ondrey, "Mrs. Geraci offered it last time. She wasn't interested in retail sales. The board made it a condition. I agree with you, (Sutliff) I don't think it violates the definition under home occupation. It is rising from the conduct of the salon."

DiMichele, "I wasn't on the board when this first started. I understand the hesitation. Some salons have boutiques & sell clothes and jewelry. I think they just wanted to make sure that kind of thing didn't get started. Selling shampoo is fine." Hocevar, "She's limited to the square footage for home occupation. She's maxed. To put anything additional in there would be tough to do. We did the occupation inspection. We did the building inspection, which changed the room over to a salon. She had all the permits up."

Tripp, "I 'm concerned we're on a slipping slope. Personal service. Now we're going to have sales." O'Donnell, "I'm concerned that this would take us closer to opening the door; Mayor Young was concerned about barber shops. If we take this step, it makes it now easier for a barbershop to open. He sells the products too. I don't know."

Brett, "It seems like it was a condition that the Planning Commission phrased. It was brought up before and had concern that it was put as a stipulation when it was granted. I have a concern about going against what the Planning Commission did just a couple years ago."

Mrs. Geraci, "That is why I waited two years. Everything was working well for the Village and myself. There hadn't been complaints. A year ago I wanted to be here and asking. I wanted to see that everything was working properly."

Ondrey, "Remember part of the difficulty was the ambiguity of what did we permit or what we did not permit as home occupation and as a personal service. If you felt there is a risk that this type of use might be repeated in other home occupations, you have the ability to legislate it out. You can't legislate her out because she'd be grand fathered. If you are concerned there might be more, you can control in a different fashion."

DiMichele, "If she sells her property does it go to a new owner?" Ondrey, "No. The new individual would have to apply for home occupation. That wouldn't be grand fathered. She's stuck now. Without your approval it can't be changed."

O'Donnell, "The line of products you want to sell, how many different items would that include?" Geraci, "Probably five or six. Gel, shampoos, mouse, hair spray, conditioners."

DiMichele, "I move to allow the retail sale of hair care products at this location to customers who are being serviced there." Second by Kathy O'Donnell. Roll call. DiMichele, yes. Tripp, no. O'Donnell, yes. Sutliff, yes. Brett, no. Conditional Approval.

Tripp asked Ondrey about new legislation so that other home service permits for retail sales could be denied in the future. Ondrey, "The best place to put it is in the home occupation section, which is in the residential section. If you want to specifically exclude this kind of thing or barbershops for example as a home occupation, I would amend the zoning. You make a recommendation to Council."

Tripp, "I recommend that Council draw up recommended language to amend our zoning section of residential home use license to ensure that we are not forced with this type of situation again." Sutliff, "Is that a motion? If that's a form of a motion, I'm not going to vote for it." Ondrey, "The normal course is that we have some language amending the section of the zoning code that is applicable that you vote on. If it passes, it goes on to Council for their review. Ike, if you want to bring this up, we could look at the language, come up with specific language that you want and at the next meeting Planning Commission could vote on it if you introduced it as a motion at that time." Tripp, "That's what I'd like to do." Tripp to Ondrey, "You'll prepare the recommended language?" Ondrey, "Yes."

FORMAL DISCUSSION REGARDING REDEVELOPMENT OF MILBAR BUILDING, 530 EAST WASHINGTON STREET TO OFFICE/RETAIL. PROPERTY OWNERS: JEFF SIMLER & SANDY KRULAK. PRESENTATION MADE BY JEFF ETTORREE OF AMERI-CON HOMES & BRADLEY BECK OF LOWENSTEIN DURANTE ARCHITECTS

Preliminary site development plan handed out to PC. Paul Ettorre, Development Director with Ameri-Con Homes spoke on behalf of property owners: Jeff Simler & Sandy Krulak, who were not available for the meeting.

Ettorre tells history of property. "Jack Bares owned the property & operated Milbar since the 1960's. Over time, he expanded the buildings by tacking onto the existing facility. There are three separate structures. In the 1980's, Mr. Bares retired & leased the property to his daughter. It was Stride Tools. They were cutters for Sears & Craftsman."

Ettorre, "Jeff Simler & Sandy Krulak purchased the 4.75 acres at the end of 2002. The lease was to expire now in 2004. At the time they purchased the property, there was a five- year option extension. It was expected the tenant would go with the extension. They were notified this year by the tenant that the facility is obsolete. They had three separate locations: distribution in Chicago, another location in North East Ohio & this one. They decided to consolidate & build in Solon. They are moving everything to that facility."

Ettorre, "Several industrial brokers came to the site (530 E. Washington) to determine options for the property. The facility is obsolete for current light industrial uses: no freeway access close to the property & the property is cut up into pieces reflecting 20 years of expansion. They don't want the property to become a hulking empty facility. The vision is that they'd look at office & small boutique- retail."

Brad Beck of Lowenstein Durante architects explained the project. Beck identified problematic things: the buildings were built at different times, building C was built most recently, 1989. That one is worth keeping. The other two buildings are to be removed. Beck, "These buildings cause problems with the setbacks. In two of the areas, they are not meeting the setbacks required for light industrial use. The parking requirement for light industrial use is not being met now. It is 44 cars short of what is required. The building coverage is not met. It's exceeding building coverage by 3.4%. Industrial requires 30%. The building coverage is 33.4%. That's just the building coverage. It doesn't include hardscape."

Beck, "By removing the two buildings, we are now complying with the code in terms of the setback requirements. We are 76' off of this (pointing to a drawing). We are 110' or 130' off the back line. We are meeting all of the setback requirements now. The parking requirements based on the use are now met exactly. There are 199 that are required by code. That's how many we can fit into this lot. The building coverage is now 22.7%. We have significantly reduced the amount of building coverage that's on the

site now. It is complying with the code now. As a business use, it would be 25% & we are at 2.5% below that."

Beck, "From East Washington Street, there's two ways to access the property. Both of these would carry all the way around the back. There's a loop. The front area is parallel with the street & houses the retail & a restaurant. These are small enough to be boutique style retail. The back area has an existing building that we will renovate & turn into office spaces. There are several leasing options for that. It will stay two floors. It could be 12 offices. It also could be six offices. We'd end up putting some fire stairs."

Beck, "Elevations: We consider the East Washington Street elevation sort of retail; a traditional look to it. This is the interior elevation of the office space where we would update the façade so it is a little more contemporary." Sutliff, (refers to drawing with retail building) "What is the red material?" Beck, "On the retail area? It's brick."

DiMichele, "Have you done any exploring about interest in a restaurant or retail there?" Ettorre, "No. We're not going to until there's consensus with the municipality & these folks are comfortable with our vision."

Beck shows pictures of other projects his office has done. Beck, "The zoning code allows for 35% of the building & hardscape - the pavement. Currently, about 75% of the site is building or hardscape. With parking requirements, we've dropped it to 72.8%. We've reduced it. We're hoping we can get approval contingent upon the ZBA approval." O'Donnell, "With the number of parking places?" Beck, "We meet the building coverage. So, it's the parking spaces that brings us over the requirements." Sutliff, "This is public water servicing this. This isn't well water. Is that right?" Ettorre, "That's correct." Sutliff, "The sewer is there also."

Brett to Hocevar, "What is it that the PC would be looking at for what's being proposed here?" Hocevar, "They would still have to go to the ZBA for lot coverage. There are 100' setbacks. We take that from the rite-of-way. I don't know if that's where you figured that from." Beck, "It's 107 feet from the rite-of-way."

Ondrey to Brett, "Anytime we have a commercial or industrial proposal, our code requires development approval. Look at Pp.16 & Pp.17 of the zoning code. (3.04 DEVELOPMENT APPROVAL) The review standards are wide open. '(e) 1.That the proposed development is harmonious with the Subdivision Regulations, if applicable. Well it doesn't sound like it's something to worry about. (2). That it will not adversely affect neighboring properties. (3). That the plan of the development provides for integrated & harmonious design of buildings & structures & for adequate & properly arranged facilities for internal traffic circulation, off-street parking & loading, landscaping & such other features & facilities that make the project attractive & efficient from the standpoint of the applicant as well as from the standpoint of the adjoining or surrounding, existing or potential developments.' You are also supposed to be considering whether there's an adequate water supply. That doesn't seem to be an issue here. That's it for your development review."

Ondrey, "You are trying to figure out, do you like the way it is laid out? Does it make sense? Does it offend neighboring properties? Does the traffic pattern work? You don't have the ability to approve it completely because they are not going to be able to meet the lot coverage requirements. The best you can do is approval contingent upon ZBA approval. Do you want to give your opinion now & say yes it works & send them onto the ZBA? Or you could say, go to the ZBA first. Make sure you can get your variance & then we'll talk about it. It's easier for applicants to know where you stand before they go through the expense & time of the zoning board."

Tripp, "We've had complaints from the zoning board on this very subject. We've approved something & sent it over & they don't quite understand what we've approved. So if we send it over there first & say you've got to deal with the lot coverage issue before we say whether or not we're going to approve it..." Ondrey, "You have the right to do that. The difficulty becomes, let's say they approve it & then it comes back to you & you don't like something else. Now everybody's rearranging & they are trying to meet different requirements."

Tripp, "How many parking spaces are on this lot now?" Beck, "186." Tripp, "What's the lot coverage now?" Beck, "Now, 74.6%." O'Donnell, "It needs to be ..." Beck, "35% & that includes the hard surfaces." Ondrey, "You can look at it, if you don't like it for some reason, you may say, we would not recommend that under any circumstances. You may have your rationale for it. You can discuss it. You can consider it. But, you can't give approval." Tripp, "I was just trying to get a comparison. What is the lot coverage now? How many spaces are there? Right now there are 186 covering 74% with three buildings. You're talking about 199 spaces with 72.8%. Right?" Beck, "Uh-huh." Tripp, "Where are your storm water containment basins?" Ettorre, "TBD. We have to have civil engineering take a hard look at that."

Sutliff to Foley, "What do they do now with their storm water?" Foley, "I don't know." Sutliff, "Use the storm sewer on Washington Street?" Foley, "Probably." Tripp, "It was built before the on site detention was required. Would you anticipate in those offices that they'd strictly be offices? They would not be office/condominiums where one part is devoted to manufacturing be that truck docks & the like? It would only be offices." Ettorre, "No manufacturing." Hocevar, "It's I-B2, I-B1. It's split industrial businesses."

DiMichele, "Does the property have to be rezoned?" Hocevar, "No." O'Donnell, "The office building's entrance front side would be on what we call the back side of the building?" Ettorre, "Correct. There are side entrances along either end."

Comments: DiMichele, "I would love to see something like this. Otherwise, we're going to have this big, ugly building sitting there empty. I don't see any industrial use coming in & taking over this space. Maybe it's time to say, do we really want another industry to come in there?" Ettorre, "There's high peaks & valleys in employment. The average number over the last several years is 140 jobs. Many of those

jobs are middle to low pay scale for manufacturing. We feel the office can get pretty close & back up to those kinds of numbers at higher paying jobs." Brett, "140. Was that the number Stride Tools had at its peak?" Ettorre, "No that is not at its peak. That is typical-average, separate from the peaks & valleys." DiMichele, "So we're looking at some tax base vs. no tax base. Milbar's been there. It's not anymore. We have to look at something new. This looks beautiful. But, I'm concerned with 72% coverage. That's something we drilled into people. 35% is our limit. We haven't been too willing to budge. It's not like we are close. That worries me. I'd love to see a concept like this go in."

O'Donnell, "If you were to go ahead, when would you plan to go ahead?" Ettorre, "Our goal is to break ground in the spring. We feel urgency. We want to see this eyesore come down & become brand new as soon as possible. We felt it would be critical for us to come to Planning first & ensure there was some level of comfort & ensure that the ZBA understands that this body was comfortable with the direction & was happy with what they are seeing in the redevelopment plan, contingent upon the important coverage issues. It's all in the name of trying to move forward & get rid of this eyesore. It's going to be completely vacant in the next 30 days."

O'Donnell, "If you get a go ahead & you begin in the spring, when will it be completed?" Ettorre, "One of the reasons we picked Lowenstein Durante is that they have quite a bit of experience of taking old industrial space & rehabbing it for a modern kind of office. The retail is obviously where the time will be. At this point, I see no reason why we could not have the retail facility up & open for business by the end of next year."

O'Donnell to Hocevar, "If they were to have the office completed, but not the retail space, would they be allowed to start filling that space? Or do the have to have everything completed?" Hocevar, "If that building is done, they can occupy it alone, unless you stipulate different." O'Donnell, "I think it's a great idea."

Tripp, "I've asked my questions." Sutliff, "It's a great use of this property as opposed to another industrial facility in there. It makes a lot of sense." Brett, "I like what you've put together compared to what's there. If you asked my opinion, are we lacking office space or retail currently in this area of the Village, I would have guessed not. What's driven you to this concept?" Ettorre, "Realizing that we'd have to redevelop & have to look at impact to the immediate area. Light industrial is just a non-starter. The replacement usage, it made total sense to stick with the surrounding community."

Ettorre, "What we do in a case like this is commission a quick market study. We work very often with a firm out of Columbus to do a quick study of comps in the area to give us an idea of how to market it. We believe in South Russell. We never would have purchased the property if we didn't believe in the area. We know if we reduce the impact to the immediate area & blend in, we feel it's a win-win strategy for us & the township."

Brett, "Do we consider the impact that would have on the neighboring sites i.e. with the restaurants? There are several restaurants there now. Will that take away from the restaurants? The same with retail?" Ondrey, "I don't think you can legitimately make a decision to protect existing businesses. Are there exceptions? Maybe you could conceive of that. You can legitimately ask, is it offensive to adjacent properties? Is it too close to lines? Is it too domineering? Is it too ugly? I don't think you could say you're not going to look favorably on one project because you're worried it might hurt existing business."

O'Donnell, "What is the square footage in the office building, both floors?" Ettorre, "Proposed retail would be 16,890 square feet. Central warehouse factory facility, 30,000 square feet." O'Donnell, "So the office is 15,000 each floor?" Ettorre, "Yes."

Brett, "Would it come back to PC?" Sutliff, "For the final review, it would come back. Utilities." Hocevar, "I would think you'd take another look at it for final review. To see the final concept of the buildings & if you like the way it looks. The whole scheme would have to go to ABR." Ondrey, "You would condition your approval on that. I don't know if necessarily that would automatically happen. Normally, you get through development review & if you vote on it & approve it, then they go onto these other entities. Because it's a preliminary look & we don't know what the ZBA is going to do, I don't think it would be unreasonable for you to say you need to see it after ZBA either approves it or if they disapprove it, end of story."

Tripp, "That way, we would be able to see the retention basin issue addressed. How it's going to be shielded? The landscaping? Ettorre, "Our landscape architect engineer is our neighbor, Craig Cawrse & Associates." (547 East Washington St.) Sutliff, "This plan automatically has to come back to us." Ondrey, "You need to say we need for the final…"

Tripp, "Can you site other developments that you've done?" Justin Fliegel of Lowenstein Durante, "Highland South is in Westlake. There was an existing warehouse building, light industrial. The interior got rehabbed into offices for a computer software company. Ad Pro was an office/condo that was off I 271 near Beachwood. They ended up moving it to Solon into an office park that was there. That was a light industrial brick building that was in rough shape. It was originally used for car repairs. (Shows photo of it) We were really able to take the building & turn it around. They love the space. We've done a lot of new office buildings too." Tripp, "It's not split block. You added brick face." Fliegel, "In Ad Pro, it was. In both of them we kept the existing. We did minor modifications to the exterior in those cases."

DiMichele, "I hope they can figure out some way to do this. It's way over the 35%. If you look at something coming in new at a vacant piece of ground, we'd be hard pressed to go past the 35. But here, we've got installation that is already past that & we're pulling back from what is already there. I hope we can figure out some way to do this or we're going to have a big, empty building."

Beck, "The building that we are keeping, right now it is currently one floor with a couple of mezzanines. That's where these second story windows are. That's how we are going to keep it. It's going to be one floor. That footprint is 30,000 feet. There may be mezzanine spaces within those office areas. For the most part, it will be one, two-story office space with mezzanine. I'm sorry I misled you on that before. (Pp. 7 of these minutes, second paragraph: Beck, "From East Washington Street, there's two ways… & Pp. 10, second paragraph: O'Donnell, "What is the square footage in the office building, both floors?")

Sutliff, "The footprint is 30,000 square feet." DiMichele, "Not two levels with 15,000 square feet." Beck, "Right." Brett, "That would change your percentage. Correct?" Beck, "No. I ran the percentage that way. I misled you when you asked me if it was going to stay two stories." Brett, "So your percentage includes all of the office building being the whole first floor plus…" Beck, "It might change the parking spaces required if the tenant wants to come in & add the mezzanine as extra office space." Brett, "If you add mezzanine space, that would count toward your lot coverage." Beck, "No. The parking spaces would, but the mezzanine wouldn't because it's part of the coverage already." Tripp, "You're in South Russell. The second floor counts." Beck, "Ok." Brett to Hocevar, "Could you address that?" Hocevar, "That's correct. If they aren't counting in mezzanine as per square footage, they should. It would change the lot coverage." Beck, "Ok."

Sutliff introduces Mary Beth Wolfe. She is the Executive Director of the Chagrin Valley Chamber of Commerce. Sutliff, "The interest of merchants in Chagrin is her expertise. Any comments?" Wolfe, "The timing was unbelievable because I was discussing with one of your members about what was going to happen over there. I think it's a terrific idea. I think it's great use of the space. There could be some serious conversations about tenants. From an economic standpoint & retail & office standpoint, it's all good. The owner's of the property have been very pro-active. The property isn't vacant yet. They already have a plan. That's something we don't necessarily see in the valley."

Ondrey, "You make a motion to give conditional development approval. Conditions: 1. Get ZBA approval of variance on lot coverage. 2. They have to come back to PC for final development approval." Brett made the motion. Tripp second. Roll Call. All ayes. CONDITIONAL APPROVAL

Continue to discuss Comprehensive Plan

Three proposals-Statement of Qualifications- were sent to South Russell from planners: D.B. Hartt, David Gilmer & Mark Majewski of NorthStar Planning & Design. PC members received the materials & have had the opportunity to review them.

PC discussed the next step in order to proceed with the development of a Comprehensive Plan. The secretary is to: **Contact the three planners who responded to PC request for qualifications. 1). D.B. Hartt, 2). Mark Majewski of NorthStar**

Planning & Design, 3). David Gilmer. Ask each to attend the next PC meeting. Their presentation is to be 15 minutes. Focus on: scope, timetable & fee structure. Then 15 minutes for Q&A from PC. Meeting will start at 7:00 P.M. & allow ½ hour for each presenter.

OLD BUSINESS:

Kensington Green Land Management Plan:
Letters: 7-20-04, letter to Mark Porter of Kensington Green from Chairman Walter Sutliff
8-30-04, letter to Walter Sutliff from Board members of Kensington Green
10-28-04, copy of letter to Mark Porter from Stanley Stine, Cleveland Museum of Natural History

Sutliff to Hocevar, "How have they been doing?" Hocevar, "Ok in my opinion. They came before Council." Brett, "Mark Porter did come before Council. He presented the letter he received from Dr. Stine of The Natural History Museum. It was relatively well received by Council." Sutliff, "I assume no further action is required by this board other than to keep our eye on it." Brett, "Yes."

NEW BUSINESS:

Tripp asked Ondrey to prepare new language for home occupation permit to prohibit retail sales. Ondrey agreed.

The next meeting will be on December 16, 2004. If the planners are able to attend, it will begin at 7:00 P.M. If they aren't coming to the meeting, it will begin at 7:30 P.M. There was no further business. The meeting adjourned at 9:00 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

Request for Qualifications
August 27th, 2004

The Village of South Russell is seeking Statements of Qualifications from qualified professional planning firms to assist the Village Planning Commission with the development of a comprehensive plan.

Services that are envisioned to be provided include:

- consultation with the Planning Commission relating to plan objectives and needs
- attendance at planning commission meetings, public input hearings, and council meetings
- recommendations on areas of potential development
- recommendations on zoning regulation needs and/or changes
- Identify zoning map amendments

Time Frame July 1, 2005

Interested firms shall include the following information with the submittal:

- Firm history/overview and experience and familiarity with the project area;
- Professional background and previous experience of each person of your firm;
- similar project experience and any other unique or relevant project experience;
- capability of the firm including a brief outline of intended approach;
- references

Submittals will be accepted at the Mayor's office, 5205 Chillicothe Road, South Russell, Ohio 44022 until 4:00 PM September 15, 2004. Questions should be directed to Mayor Matthew Brett at (440) 440.338.7843. Please provide six(6) copies of the submittal for use by the Commission.

The Village web site is www.southrussell.com

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

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

October 18, 2004

D.B. Hartt, Inc. 216-696-0400
Planning & Development Consultants
The Crittenden Building, 1382 West Ninth St. Suite 420
Cleveland, Ohio 44113-1231

Dear Mr. David B. Hartt,

The South Russell Planning Commission received your Statement of Qualifications to assist the PC with the development of a comprehensive plan. Due to scheduling conflicts, the Planning Commission has not met since August.

The next Planning Commission meeting is scheduled for Thursday, November 18, 2004. At that time, PC members will review the materials you forwarded to us.

The intent of this correspondence is to thank you for your interest & to inform you that the Planning Commission has not made a decision to contract with any planning firm to date.

Sincerely,

Maggie Tomaro

Maggie Tomaro
Secretary of the Planning Commission

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

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

October 18, 2004

NorthStar Planning & Design LLC 216 - 320 - 9940
Heights Rockefeller Bldg., 3091 Mayfield Rd. #212
Cleveland Heights, Ohio 44118

Dear Mr. Mark A. Majewski,

The South Russell Planning Commission received your Statement of Qualifications to assist the PC with the development of a comprehensive plan. Due to scheduling conflicts, the Planning Commission has not met since August.

The next Planning Commission meeting is scheduled for Thursday, November 18, 2004. At that time, PC members will review the materials you forwarded to us.

The intent of this correspondence is to thank you for your interest & to inform you that the Planning Commission has not made a decision to contract with any planning firm to date.

Sincerely,

Maggie Tomaro
Secretary of the Planning Commission

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

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

October 18, 2004

David F. Gilmer, AICP
6737 Ravenna Road, PO Box 330
Concord Township, Ohio 44077

1-440-354-4784

Dear Mr. David F. Gilmer,

The South Russell Planning Commission received your Statement of Qualifications to assist the PC with the development of a comprehensive plan. Due to scheduling conflicts, the Planning Commission has not met since August.

The next Planning Commission meeting is scheduled for Thursday, November 18, 2004. At that time, PC members will review the materials you forwarded to us.

The intent of this correspondence is to thank you for your interest & to inform you that the Planning Commission has not made a decision to contract with any planning firm to date.

Sincerely,

Maggie Tomaro

Maggie Tomaro
Secretary of the Planning Commission

Maggie

RECORD OF PROCEEDINGS
JOINT COUNCIL AND PLANNING COMMISSION MEETING
MONDAY AUGUST 1, 2005 – 6:30 P.M.
MAYOR MATTHEW E. BRETT PRESIDING

COUNCIL MEMBERS PRESENT: Binder, Butz-Voss, A. Lechman, Morrison and O'Donnell

PLANNING COMMISSION MEMBERS PRESENT: Mayor Brett, Council Rep O'Donnell, Sutliff, Tripp and DiMichele

OFFICIALS PRESENT: Solicitor Ondrey, Building Commissioner Hocevar, Treasurer Lechman and Clerk Gallagher

GUESTS: David Hartt and Stuart Friedman, D.B. Hartt, Inc.; Marshall Kidd, Patricia and James Eden, Chillicothe Road; Tina Kidd, Chagrin Blvd., Laura and Jim Flaiz, Leaview Lane; Florence Olson, Daisy Lane; Sue Reid, CVT

Mayor Brett called the Regular Council Meeting to order and led the Pledge of Allegiance to the Flag. Clerk Gallagher read the roll. Councilman Dishong was absent. Mayor advised that Councilmen A. Lechman and Binder would be late to the meeting. Mayor introduced the Village officials who were also present. Mayor stated that this session is designed for Planning Commission and Council to ask questions and to review the work that D.B. Hartt, Inc. has done on the Comprehensive Plan and the Master Use Plan.

David Hartt stated that this meeting is one of the scheduled meetings according to the contract D.B. Hartt, Inc. has with the Village. Mr. Hartt said that the first round of meetings has been held and at that time they presented their understanding of the basic background information and trends as they are in the Village. Mr. Stuart Friedman of D.B. Hartt, Inc distributed the Draft Comprehensive Plan to Village officials. Mr. Hartt said that they compiled what they believed to be the Village goals and the issues or impediments that there may be to achieve those goals. Mr. Hartt reported that they then presented some alternative ways of addressing those goals. Mr. Hartt said that there are two parts of the comprehensive planning process; one is the general land use plan for the entire Village and the second is the use plan for the Village owned properties. Mr. Hartt reported that the background issues, goals and alternatives for both of those were presented to Council and Planning Commission on May 25, 2005 and to the public on June 15, 2005. Mr. Hartt reminded the officials that D.B. Hartt, Inc. was retained in part to throw out some alternatives, recognizing that they are only D.B. Hartt's ideas and it is the Village's plan and the officials are to choose among the alternatives. Mr. Hartt said that they might throw out some ideas that are unpopular, but that is part of the process to make sure there are a wide range of options to consider. Mr. Hartt said that they have sorted through what was presented at the public meeting and the reaction to what was presented from both the previous joint Council and Planning Commission meeting and

the public meeting. Mr. Hartt said that he is now presenting the draft plan, which is "your plan." Mr. Hartt said that the officials should look at it as something D.B. Hartt, Inc. is recommending but you have to decide if it is acceptable to you as a community; it is ultimately "your plan." Mr. Hartt said that based on the last two meetings they are trying to come closer to what reflects the community's views. Mr. Hartt said that they still have some questions and some issues and they are now focusing in on the issues.

Mr. Hartt said that the Village has the capacity under current zoning for another 79 or so units in the community, assuming all the vacant land as it is now is developed. Mr. Hartt said that the build out is known as "shoe horn capacity" assuming every privately owned land is developed to its allowable capacity. Mr. Hartt said that the goals have been modified a little bit and they still have some questions. Mr. Hartt said that he does not think there is any issue on maintaining the prevailing, existing Village character, although there was some discussion as to what the character is. Mr. Hartt said that whether it is rural or semi-rural is not important and regardless of how you perceive it, the character is what it is and that is the character you want to preserve. Mr. Hartt said that it is basically saying, "let's keep the lid on development to the maximum extent possible." Mr. Hartt said that it is further reflected in the second goal, which is to minimize future development along Chillicothe Road. Mr. Hartt said that the third goal is still a big question mark and recalled that the last time they said continue to utilize flexibility, it was brought to their attention that some of the flexibility that was used was to due to some court's ruling. Mr. Hartt said that the wording has been changed and questioned if it is a public policy to utilize flexibility in terms of the application of the zoning regulations, in particular with the vacant land at the northeast portion of the Village. Mr. Hartt said that the fourth goal is whether the Village wants to take some steps regulatory as well as the development guidelines to help create a more cohesive character, regardless of the intensity of development. Mr. Hartt said that they are not advocating an increase in intensity of development, but questioned if the Village wants to keep some kind of cohesive character at Bell and Chillicothe Roads so that there is some sense of place, sense of community.

Mr. Hartt said that the issue areas are unchanged from the last time. Mr. Hartt questioned that if in the northeast quadrant of the Village there should be any modification to the zoning or development standards as well as along Chillicothe Road and East Washington Street. Mr. Hartt said that those were the only things they have identified that the Village needs to look at. Mr. Hartt questioned if the Village should permit flexibility in the layout in the northeast quadrant and if the zoning along Chillicothe is defensible. Mr. Hartt said that as they said before, they believe it is, but perhaps you could look at a residential transition at the northeast corner of Chillicothe Road. Mr. Hartt asked if there is a cohesive unified Village center and should the Village strive to increase the tax revenue along East Washington Street. Mr. Hartt said that basically they took the goals and turned them into some issues and questions that still need to be resolved.

Mr. Hartt said that basically in the northeast quadrant in terms of achieving the Village goals, there are three options available. Mr. Hartt said that one is to maintain the zoning as it is and the second is to allow more flexible arrangement of the permitted uses. Mr.

Hartt said that the Village could use this to be absolutely assured that the units, even though they are presented in a development in a more flexible way or arranged in a more flexible way, there are no more than the units already permitted under the standard zoning. Mr. Hartt said that the other option is as an incentive and if you believe the flexibility is working for community character and for the protection of residential property, then modify the Zoning Code to permit flexible arrangement with some increase in the density. Mr. Hartt said that based on discussion at the prior meetings, they are not trying to advocate development of this property or the increased development of this property. Mr. Hartt stated that they are saying this is the one area, which remains a substantial amount of vacant land and therefore, what is the policy of the Village if and when it is to be developed.

Mr. Hartt said that the Village might want to create adequate transition between the areas along Chillicothe Road and their feeling is that the zoning as it is, is defensible. Mr. Hartt pointed out that you have transitional development potential on three of the quadrants, which reduces the stark juxtaposition between commercial and residential and protects the residential. Mr. Hartt said that the northeast quadrant does not have that stark boundary line. Mr. Hartt said that although it is defensible, there is always pressure to change the zoning in those locations, so the question is do you want to put in a transitional development zone in that location.

Mr. Hartt said that perhaps the Village should consider the creation of cohesive site development policies and then with respect to the economic development look at modifying or increasing the development of that little area on East Washington Street. Mr. Hartt said that it would not do much in terms of increasing economic development but to the extent that it is important to that part of town because it has different characteristics and could be entitled to increased development and intensity without undermining the objectives of the Village.

Mr. Hartt said that the implementation is to do something with the zoning in the northeast quadrant of the Village, modify the development standards for the East Washington Street area, create a new cluster residential district in the northeast quadrant of Chillicothe Road and create architectural guidelines for the Village core. Planning Commission member DiMichele said that you are giving us some option on the northeast corner of Chillicothe Road of multi-unit dwellings instead of creating a limited business district for that area. Building Commissioner Hocevar said that is a B-4 district. DiMichele asked why not create a similar district over there, why does the only option have to be the multi-unit. Mr. Hartt said that it could, but he thinks there is a clearer transition between the commercial and the higher density 1 acre residential than the retail, limited retail or limited business district. Mr. Hartt said that this is a more middle ground and gives you more protection, but they could look into that.

Mayor referred to the northeast quadrant of the Village and commented that what you are presenting are the three different options and the reason that is an issue is because what exists in that quadrant are long and what is defined as bowling alley type lots. Mayor said that the Village has been faced with one proposal that is either formally or

informally now pulled off the table. Mayor said that he is sure that everyone is aware that Prestige Homes proposed a subdivision with eight homes and they were to go through a series of water tests and other requirements. Building Commissioner said that he talked with Chris Brown of Prestige Homes who said that they went back on the deal because the makeup of the soil composition was not suitable for septic tanks on three of the lots. Building Commissioner said that the composition of the soil did not pass the perk tests on three of the lots. Mayor said that they filed a formal application, so do they have to submit a formal withdrawal. Building Commissioner said that he would expect a letter from Prestige Homes. Mayor said that it appears that they are pulling this off the table, but we could be faced with the scenario of a development with a road going down one side and homes on one side. Mayor said that if we keep the zoning with what is there, the chance is that the Village would be right back into that situation sometime in the near future, 1-5 years. Mayor said that he is not in favor of keeping the existing zoning as it is, but the key word to him is flexible arrangement. Mr. Hartt said that the fundamental question related to this area is how many units is that land entitled to under the current zoning and part of it is what the water perk testing says. Mr. Hartt said that even though these developers may have decided to withdraw their application because they were not going to get 2-acre lots the entire length of the road and instead of 8 units, they were only going to get 5, someone else could come back with another view on that. Mr. Hartt said that the concern is that even though this developer walked, another developer might come in on this land or another land and say a one-sided road is economically feasible or come in with a different land configuration and do a similar type of development. Mr. Hartt said that the flexibility is saying once we determine how many units a given land area is entitled to, recognizing the water, allowance for roads, etc., the Village would accept those units to be put on the land with a more flexible arrangement. Mr. Hartt said that you still would have utility issues and septic and water permits to obtain, there would still be a lot of hurdles, but the tools would be in place. Mr. Hartt said that adjacent property owners would be better protected because the natural resources would be protected and the road could be more flexibly placed.

Planning Commission member Tripp referred to page 8 of the handout and said that most of the land in the northeast quadrant consists of approximately 127 acres of vacant land on separately owned parcels and asked what if this land were to be consolidated. Mr. Hartt said that you could not preclude the possibility that it could eventually be under one ownership. Mr. Hartt said that all the occupied parcels could stay, no one is asking them to move and it is certainly possible over time that as development parcels become more precious, that they could be assembled. Tripp said that we have seen this happen where someone has a 20-acre parcel and is taking that very narrow loophole and drilling a gas well in our community. Tripp said that the same thing could happen in this area where someone could put the whole thing together and have enough room for 3 or 4 gas wells. Mr. Hartt said that it is possible over time that the existing property owners sell the entire parcel and the new buyer has a different expectation of that back land. Mayor said that his take on this is that no one wants to see that developed or wants to change that density. Mayor said that with this proposed development we had no control over where the road went. Mayor said that if flexibility would give the property owner the ability to do for example, cluster homes back there, then we could control the buffers and the setbacks

without changing the density, he would be in favor of that. Mayor said that the water issues would be in existence no matter what. DiMichele said that if we go to flexibility, would that be just resurrecting the whole issue on that lot; it would just put the houses closer and the 3 lots that did not pass the test would become their community land. Butz-Voss said that it would be the same density but only 8 houses. Mayor said that he does not know what flexibility is or what it necessarily means. Mayor said that if the trade off puts us in a position to have control over where the road is or where the buffers are and what they are, it puts us in a better position. Mayor said that someone else could come back and do that same scenario and say we can financially put in 7 homes instead of 8, we are back to the same issues with the road going down the one side. O'Donnell asked if the Village ever got a diagnosis on the water on that property. Building Commissioner said that the developer got the okay on the water, although we did not receive anything from Dr. Eckstein. Planning Commission member Sutliff asked what is the possibility of the eastern portion of the Village becoming a part of the sewer system and then the septic issue becomes a moot point. Mayor said that some point in time sewers would be out there. Butz-Voss said that she wants to make sure that the Village density stays the same and if sewers come in and with flexibility and that sort of thing, it should be written in stone. Butz-Voss said that flexibility is when you give someone this and you do that for someone else, this is where other communities have gotten into trouble. Butz-Voss said that the Village has never had those problems because we have it set in stone; we do not re-zone. Butz-Voss said that with flexibility the Village should say exactly what we would do and what we would not do. Mayor said that he agrees. Mr. Hartt said that if sewers were possible, then it is even more important to allow the flexibility to preserve the current density.

Councilmen A. Lechman and Binder arrived at the meeting.

Mayor said that he definitely believes with what Butz-Voss said and he hopes that the Village would clearly and definitely define what that flexibility is and we are not at that stage. Mr. Hartt said that any regulation that permits flexibility should be developed and designed and would not be adopted by Council and Planning Commission unless it gives you certainties that there are no more units on that property that would be permitted under the current zoning. Mr. Hartt said that there are two ways, one is to say that we know what the lot sizes are going to be and to a certain degree that is a question mark as we have variables about utilities, ground water and well water. Mr. Hartt said that you would determine with certainty what the lot sizes would be, then add to that lot size with an allowance for roads and come up with a statistical and neutral yield for the property. Mr. Hartt said that another way to do it is to say that you have to come up with a yield plan for the property under the current zoning. Mr. Hartt said that once you agree upon the yield plan, that is the number of the units you are entitled to. Mr. Hartt said that the problem with the yield plan option is you put the developer through the hoops to determine what the yield is and they may turn around and say, "this is too much work and I am not going to build it this way." Mr. Hartt explained that the developer is going to come in and lay out the property and go through enough due diligence based on utilities, based on zoning, based on septic perk tests and well water availability, and then you and the applicant agree under the current zoning, the number of units the developer can get on

this property. Mr. Hartt said that based on that determination, then there would be the ability for the property owner to more flexibly place those units on the site subject to certain design, spacing and buffering requirements. Mr. Hartt said that in return for the flexibility the property owner has agreed to go through more scrutiny by the community in terms of the property owner gets flexibility, but we also get more flexibility in terms of judging the quality of this development. Mr. Hartt said that you are not taking any development rights away, the property owner still has the right to develop the property under the current zoning, but would work with the Village to come up with better alternatives. Mr. Hartt said that you would have a little more control in making sure the development is acceptable to the Village. Mayor asked if the Village could create that so that we have more power, more control in regards to where the roads go and buffers go. Mr. Hartt said absolutely, that is the purpose. Mayor asked if that was compelling to anyone else. DiMichele said that it is not to her not at this time. DiMichele said that we are looking at a situation where if you go back to the original goals of keeping the Village the way it is, you are making it easier for developers to develop those properties. DiMichele said that right now our current zoning is not letting that property become developed and now you are looking to make flexibility. DiMichele said that those developers will be right back as soon as the zoning is passed to put all those homes up front and keep the land vacant in the back. Mayor said that he is not sure that he agrees. Mayor said that the issue is that someone could come in and if we had more control over how a road is located and the buffers and setbacks, then he thinks that would be more pleasing to the neighbors. Mayor said that you would not use more water if it is the same density so to the Village it would seem we would be in a better situation, that is what he is proposing. Mr. Hartt said that this is the fundamental question, if you believe the zoning now in place is going to serve to prevent the development on the property, then it is a different issue on this flexibility issue. Mr. Hartt said that you take the position that this property will be developed at sometime in the future, like it or not, then the question is are we better able to manage the development through this kind of flexibility. DiMichele said that right now we at a very crucial point because we do not have a development and what you are talking about, then we will have a development. Binder said that we almost did and if it were not for the water issue, we may have had a development that was clearly defensible because of our zoning, but was not necessarily desirable. Binder said that this may have been an opportunity where flexibility may have enabled us to steer the development into a compromise and more amenable to the neighbors and the Village. Binder said that in this case if it were not for the water issue, zoning may not have been our best friend.

O'Donnell said that she believes the Village should be working with the landowners to enable them to develop their property, if that is what they want to do. O'Donnell said that she does not think we should be working to prevent them from making use of the piece of land they own. O'Donnell said that the Village has used flexibility in two developments that worked out beautifully and we have huge hurdles ahead of us. O'Donnell said that there is a lot of merit in this issue of flexibility and we have to keep an open mind for it. Butz-Voss said that she agrees that the Village could not prevent people from developing their land.

Sutliff asked Solicitor Ondrey if sewers do go in at the eastern end of the Village at some point in time, how defensible is 2 or 3 acre zoning out there. Solicitor said that as long as you have a ground water issue that supports your zoning, it would be defensible. Solicitor said that if sewers went in out there that would be one less justification for that part of the zoning. Solicitor said that he could not say that courts have said that once you have sewers you cannot also have fairly large lots, but it is one less thing that can be argued.

A.Lechman referred to the third strategy to allow flexible arrangement of units at a slightly higher density as an incentive for property owners to use conservation development alternatives and asked what does that mean. Solicitor said that instead of 8 homes, the developer might be permitted to put in 11 or 12 homes, but they would have to put in more open space. A. Lechman said that they could seek those with variances anyway. Mr. Hartt said absolutely. Mayor said that would be on a per case basis and it seems more in line with what the Village would want.

Mayor said that he would not want to do anything that would encourage development more than what there is now and he would not want to prevent anyone from doing something with their property. Mayor said that with flexibility the Village would be in some sort of control in these situations and we are not now. DiMichele said that she does not have a lot of confidence on this extra control that we would be getting, instead of having houses all the way down the lot, there would be 8 houses right up front right next to the residences that are already there. DiMichele said that this control is a very lucid thing and she feels like the Village would be opening a pandora's box. Mr. Hartt asked if it would help to have some planning examples for the public forum, which shows the standard subdivision versus flexible arrangement. Tripp said that it would be a good idea. Mayor said that it makes a lot of sense, as long as we are careful to explain that these are solely examples.

Binder said that with the demographic changes that are occurring with more and more people wanting to stay where they are, their housing needs are different. Binder said that they are downsizing and do not need a big yard and the Village does not offer much in regard to older people who would like to stay in South Russell. Binder said that the flexibility addresses that issue to some regard and we should not lose sight of that. O'Donnell said that Manor Brook subdivision is a prime example of that kind of planning and those places are so desirable, they are not on the market two or three days and are sold quickly. Binder said that it is a great alternative. Mayor said that Council and Planning Commission, although not unanimous, appear to be in favor of a flexible arrangement. O'Donnell said that the Village is willing to consider it.

Mr. Hartt referred to the northeast quadrant on Chillicothe Road which has the sharpest demarcation line between commercial and residential and said that it goes back to a zoning transition policy and a housing policy. Mayor asked if there is a reason that it only considers the Buddenhagen property. Mr. Hartt said that it came up at the public forum that it needs to go east on Bell Road as well. Mayor said that if it is solely the Buddenhagen property and we are talking about making it cluster homes, without

changing the density, he does not think that gets us very far. Mr. Hartt said that they have suggested 3 or so units per acre. Mayor said that the Buddenhagen property wanted 16 units on just over 4 acres and the density was 3.8 per acre. O'Donnell said that was the original request. Mayor said that the Planning Commission thought that 12 units were not doable. Mayor said that there are a lot of feelings, but from a fair amount of residents, they felt that it was compelling because they could stay in the Village in a place that was more fitting to them. Mayor said that on the other side of it was these units were really crammed in there and asked if there is a middle ground. Mayor said that he does not know if that really accomplishes that much and asked if it makes sense to expand that area. Butz-Voss said that she certainly did not want anything looking like the cluster housing in the Tanglewood Subdivision across from Haskins Road; they are really pushed in there.

Tripp said that we are not here to adopt what has been put forward as a plan, Mr. Hartt has given us some scenarios and has given us some options. Tripp said that we are going to consider those options, debate them fully and come up with the best options. Tripp said that he does not believe that 3 or more units per acre is viable and he will argue vehemently for that to not happen. A.Lechman said that even though we may have good intentions for providing a place for our older citizens to live, we will probably be accused of doing it for greed; some people may see this as a way for us to increase our tax dollars. A.Lechman said that this has happened before with the proposed development; we were accused of being hard up for money to allow this development with the street on one side. A.Lechman said that there is this feeling out there that we are looking for every single dollar and one way to do that is to increase development. A.Lechman said that when you mention increased density, people will automatically turn around and say the Village is trying to raise revenue and we have to be very careful with that. A.Lechman said that obviously we have a goal in mind, but that may not be what people are willing to conclude.

Mayor asked in regard to the properties going north on Chillicothe which include the properties owned by the Edens , the Kidds and Buddenhagens, and are zoned B-2 limited business, cluster homes would not fit under the current zoning. Mr. Hartt said that was right. Mayor said that he wondered if that would be advantageous and it might be a more compelling use for that corner. Mayor said that this topic came up at Planning Commission when the proposal for the Buddenhagen property came up; if they were to put in cluster homes, perhaps it would be more esthetically pleasing and fit in a little bit better. Mayor said that this might be a consideration. A.Lechman said that the alternative would be to put office spaces there and asked which is preferred offices or homes. A.Lechman said that there were probably advantages and disadvantages with both. Butz-Voss said that if they had that whole piece for cluster homes, then it could be more like Manor Brook. O'Donnell asked how many acres would there be in that whole group. Mr. Hartt said that you could assume 7 acres. O'Donnell asked if this included Martien's property. Mr. Hartt said yes, it does. Mayor said that it was just a suggestion. Mr. Hartt said that you would be doing it for land use reasons as well as housing reasons. Mayor said that with regards to the Buddenhagen property, he would hate to see 10 or 12 cluster homes on that parcel and then another 10-12 on the next parcel that do not fit and

then another 10-12 on the next parcel that do not fit. Mayor said that maybe this is a good idea to consider.

Mr. Hartt said that they started out with the full gamut of possibilities for the Village owned land and looked at it at from needs versus wants, location and character applications and funding options. Mr. Hartt said that they threw out the full range of issues that ought to be considered by the Village, do you need it, do you want it, is it provided by others, etc. Mr. Hartt said that they presented the full range of options to the public forum and it was pretty clear that the overwhelming consensus was to really narrow down the development options on the Muggleton property. Mr. Hartt said that it seems the Village objectives are to protect the Muggleton farm in a natural state, create passive and recreational opportunities that minimize conflicts with the natural area, develop a cemetery and develop active park and recreation facilities in the area along Chillicothe Road. Mr. Hartt said that it seems to be clearly stated in the public forum that there should be virtually no development on the Muggleton property. Mr. Hartt asked if no development included some type of informal sports, minimal allowance for pull off parking and trails and picnic areas on impervious surfaces. Binder said that many people do not really know that the Muggleton property goes all the way through to East Washington Street. Binder said that the Muggleton property is not the same from East Washington Street to Bell Road and is comprised of several different set-ups. Mr. Hartt said that on the Bainbridge portion they suggested limited, more formal ballfields and parking on impervious surfaces.

Mr. Hartt said that the preferred concept for a Village cemetery is on the southwest quadrant of Chillicothe Road and then if there were going to be other active recreation facilities, if needed, they would be on the southeast quadrant of Chillicothe Road. Mr. Hartt said that the cemetery is placed in a location that serves as a transitional boundary. Mr. Hartt said that if you put the cemetery on the southeast side of Chillicothe Road, you would be limiting your long-term flexibility to meet recreational needs or expansion of the Village facilities that may occur. Mr. Hartt said that in terms of funding the Muggleton property, selling land would be the last resort. Mr. Hartt said that if you are to sell land, they would suggest selling the Bainbridge portion of the Muggleton property first and then the wetland area on the southwest quadrant of Chillicothe Road. Morrison said that another suggestion is to sell the wetland area in exchange for wetland mitigation. Tripp said that the Village could make that area the wetland bank and sell some rights. Tripp said that you would have a very passive use of land and much more animal and wildlife there next to a cemetery, which is very passive too. A. Lechman said that the same suggestion came up with regard to the property on the western end of the Village and asked what kind of money could be generated from doing that. A.Lechman said that we would be selling land to raise a decent amount of money. Mayor said that he does not remember the dollar amount that was quoted. Mr. Hartt said that he can call someone to find out. Mr. Hartt said that this area might be too small and may not be worth it for someone to create the wetland and get enough money back. Mr. Hartt said that the wetland property just north of the proposed cemetery is only 3-4 acres and the property at the west end of the Village is 2.5 acres. Tripp said that the Chagrin River Land Conservancy could tell you what they are now getting. Tripp said that it was

between $27,500-$29,000 an acre. Tripp said that the Village hydrogeologist would happily recommend this for increasing the amount of water recharge for the area, as well as the Natural History Museum, which is supporting the green space in Kensington Green with the non-mowing and that it would increase wildlife. Tripp said that this is a win-win situation for everybody.

Mayor said that it makes sense to show the image of the Muggleton property and photos from Bell and East Washington. Binder said that the photo does not show the topography though.

Mayor said that there are two components, the Comprehensive Plan and the Master Use Plan and asked what would be made available to the residents at the public session. Mr. Hartt said that there would be a handout for each of these subject areas – the issues, the goals and the specific suggested policy recommendations for both the plans. Binder asked if there was a way to make this accessible through the Village website. Mr. Hartt said sure. Binder said that he would like a copy before the meeting to review it. Mr. Friedman asked that the Village publicize that the handout would be available on the Village website. Mayor said that the Comprehensive Plan is 12 pages and he would like all 12 pages be given to the residents as it gives a pretty good background on the purpose and methodology, the location and history, the population and housing, etc. Mayor referred to the Master Use Plan and said that a financial overview should be included to show where are we today; what is still owed on the property, what resources we have to apply to it and what other things have been identified. Mayor said that it makes sense to say we do not own this property free and clear right now and if you apply all the money in the Special Land and Building Fund, we are still minus $700,000, if we do not get outside funding. Mayor said that it makes sense to identify some of those other resources and we have to make sure we have painted the right picture. Mayor said that although we have done a good job of positioning the Village where it is today, we still have a long way to go. Mayor said that if we do not get any outside funding, we have to make some decisions of selling some property. A.Lechman said that one of the requests was for us to identify properties that we would sell, which ones we would recommend to sell. Binder said that the properties we are most likely to sell are the properties that would generate the least amount of money due to the limitations on the use of those properties. A.Lechman said that Mr. Hartt suggested selling the property across Chillicothe as B-2. Mayor said that the Village is in control of that property and may look to rezone it. Mr. Hartt said that with the protection of the cemetery, you could also go to cluster housing or a non-residential classification. A.Lechman said that there are some serious water issues in there. Tripp said that the property just south of the B-2 property has a lot of wetland problems, a lot of issues for any developer and there is a prime need right now for wetland mitigation banks in Geauga County. Tripp said that there is a court case right now to determine if you can develop land in Geauga County and buy a mitigation bank down in Cambridge and they are saying no, they would like it to be in Geauga County. Solicitor said that he does not know if there is such a case but he does know there is a controversy over that issue. Mr. Hartt said that even if this property does not yield as much as the property next to the Village Hall, he thinks there are compelling reasons not

to give up this land as you have to maintain a certain amount of flexibility for future Village use.

Mayor said that #4 of the Development Policies on page 12 refers to the business district on East Washington Street and he does not think that increasing the lot coverage ratio and modifying parking and sign regulations would get the Village very far and would not have a large impact. Binder asked where is the hidden value. Mr. Hartt said that part of this was prompted by the proposal by Craig Cawrse for additional building in return for giving some land back for an easement. Mr. Hartt said that he does not know if there are any other cases, but on one hand there is a fairness issue and a lot of those buildings in that area are over 35% now, particularly on the south side. Mr. Hartt said that in terms of dollars to the Village, it is not going to be that significant. Mr. Hartt questioned that as little as it might be, is it viewed as different from the rest of the Village and does it do any harm to give it a little more flexibility. Mayor said that he would rather focus on the other things. O'Donnell asked what would be the attitude if Mr. Cawrse came back to the Village. O'Donnell said that she would have given him the ability to do what he wanted to do. Sutliff said that it was the Zoning Board of Appeals (ZBA) that turned him down, not the Planning Commission. O'Donnell said that if we would have had the ability to give it to him and he would not have had to go to ZBA, that would have been a good thing. Treasurer Lechman asked if spot zoning was a good thing now. O'Donnell said no, that is not what she is saying but Mr. Hartt suggested that we address this issue over there because the property across the street is way more than 35% now. O'Donnell said that she does not feel the Village was really fair to Mr. Cawrse and she felt very badly about the decision. O'Donnell stated that she does not agree with spot zoning. Mr. Hartt said that many of the communities in Geauga County have similar restrictions on coverage limitation but the Village restrictions are a little more restrictive because you count each floor area in calculating the coverage and is actually yielding less than 35% of the site for buildings and parking. Mr. Hartt said that his belief is many of the communities in Geauga County that have this provision it is the ground floor or the footprint, parking and hard surfaces that are subject to the limitation. Binder asked what is the history behind that and why do we count the second floor as part of the lot coverage. Treasurer said that it is to restrict development of commercial property, that is the only reason, that is the only logical reason. Treasurer said that the Village has historically been against development of commercial property and now evidently we are against the development of residential property. O'Donnell asked the Building Commissioner if the back portion of the Cawrse property is zoned residential as well. Building Commissioner said that the back part is zoned residential. Mayor said that he agrees with O'Donnell's position, but he does not know why the ZBA did not approve it and he was surprised by their decision. Mayor said that he does not know if that fits into what we are doing, he thinks it is a different sort of exception. Mayor said that there is a potential for us to look at easing up on signage or something in the business district that would stimulate business or keep business to drive revenues. O'Donnell said that we should make every effort to keep the businesses that are here, those that are successful and who want to stay here; we should work it out so they can stay here instead of packing up and going somewhere else because they need more space. O'Donnell said that the Village zoning does not let them do it. DiMichele said that it has to be part of the

Comprehensive Plan; that is what we are looking at. Mayor asked that of the businesses there on East Washington Street, excluding the Cawrse property, have we been approached by any of those businesses. Mayor said that Milbar came to the Village and we made a decision on that. Tripp said that we talked a lot about the 35% lot coverage and flexibility was offered so that he could do what he did. Tripp said that he changed some parking and we changed our view. Tripp said that the biggest issue is if you want to prevent businesses from leaving, we have to address this 35% lot coverage that includes the second floor. Sutliff said that he agreed. Tripp said that if you do that for B-1 business and light industrial and B-2 limited business areas, then they have the freedom to expand. Tripp said that they could put a second floor on their building and have more space. Tripp said that then they would not have the incentive or the need to move someplace else. Tripp said that we would get the tax revenue and all that goes with it. O'Donnell said that it is important to keep our business people happy. O'Donnell said that we do not have a big business district, but some of the businesses have been here for a minimum of thirty years, maybe forty, and why would we try to make it difficult for them to stay here. Mayor said that he does not know that we are. Mayor said that excluding those two scenarios (Cawrse and Milbar) he does not know if anyone else who is trying to push their footprint out. Binder said that he works in this area and these are neighbors who work there, they make their living here. Tripp said that these business people want to be here, they do not want to drive to downtown Cleveland. Sutliff asked if there is any other community who defines lot coverage the way the Village does. Mr. Hartt said that he does not know of any, but that does not say that there are not some. Mr. Hartt said that the restriction is mostly for environmental purposes and including the second floor in the calculation does not have any impact on the character. Mayor said that he is not opposed to the idea, but he does not know if it is going to help anybody. Mayor asked the Building Commissioner if there has been any other businesses looking to push out the footprint. Building Commissioner said no. Mayor said that he absolutely 100% agrees with the sentiment to help businesses, but he is not sure that is going to do it. Mayor said that there might be other things we could do to help them, perhaps signage. A. Lechman said that people are getting around it by putting up little temporary signs out by the road. O'Donnell said that she does not see any signage issue. A. Lechman said that we had a big issue with this about a year ago, where there were signs out by East Washington Street. Tripp said that the problem was that the signs were not temporary. A. Lechman said that they wanted to draw attention to their businesses. A. Lechman said that he agrees with the Mayor and he thinks we are talking about a whole different issue here, how to help businesses along East Washington Street. Binder said that if it is something archaic and serves no purpose, perhaps we should change it, as it would be the right thing to do. Binder said that he agrees with the Mayor and he does not know if it would have any immediate impact on any of the existing businesses, but he would venture to guess that it would have impact down the road. DiMichele said that we are also looking at the northeast quadrant on Chillicothe Road because down the road it might have an impact. O'Donnell said that supposing one or two of those businesses that are in what used to be homes decided to leave and someone came along and bought out those homes, we would have a new problem on our hands. Butz-Voss said that we could not foresee every possible situation. O'Donnell said that she thinks it is worth the time

and effort and we should give it its due and if we can make it better for businesses, it should be looked at.

Mayor referred to #3 of the Development Policies on page 12 which is to consider the creation of architectural design guideline for the Village core to enhance an overall sense of community and asked if Mr. Hartt is suggesting a certain type of signage for everyone to have. Mr. Hartt said that it is not just signs but building criteria design, it could be landscaping and other kinds of site features, such as light poles, fencing or those types of things. Mr. Hartt said that the main thing is that virtually every community wants to have a center identity point, a place that they can say is their center. Mr. Hartt said that you create that by design continuity that transcends all the property around it and in this case a lot of it is Village property, so you have some sort of control. A.Lechman questioned if the residents really want us to have a center to benefit them and is it worth the effort to put together a center of the Village. A.Lechman said that honestly, most of the residents head to Chagrin Falls and he does not know if it is worth all the effort and potential expense to put together and try to create a center if the residents really do not want one. DiMichele said that there is really no center here at the Village Hall and at the corner of Bell and Chillicothe are we really going to tell the gas station what color of petunias they have to plant. O'Donnell said that she does not think we adequately know what the residents want on that issue, we have never asked them. O'Donnell said that as a Council member she has talked for twenty years about improving what is perceived as the center of the Village and little things have been done, but we have not taken any major steps. O'Donnell said that she thinks it would be a good thing as many residents tell others that they live in Chagrin Falls when she knows and they know they live in South Russell. A. Lechman said that is what he is saying, maybe they do not really care for us to be working very hard to create an identity. O'Donnell stated that we need to increase awareness. Binder said that what O'Donnell is saying is that we have done little things over time and he thinks what we are talking about is developing a set of principles to make sure the little things we do over time are taking us in a common direction. Binder said that this should be part of a bigger plan and he thinks it should be more of a guiding principle that as we move forward and things change on these four corners we can do things that are consistent. O'Donnell said that we have talked for years about re-doing the signs at the entrances to the Village, those signs were created twenty years ago. Mayor said that it is a good topic, but he does not think it gets us very far down the path right now. DiMichele said that it might be interesting to see what kind of comments we get on this at the public meeting.

Mayor said that the public session is scheduled for August 31 at Gurney Elementary School in the gym at 6:30 p.m. Mayor said that at the last meeting about 80 people attended. Mayor reported that there is to be an article in the newsletter and ads in the newspapers. Mayor said that he expects more people to attend this meeting, probably 125-150 people. Mayor said that this session is for the public and there will be a time for public comments. DiMichele asked if we would be breaking into small groups. Mr. Hartt said that this time he would split the groups into 4 groups and have 2 groups deal with the Comprehensive Plan and the other 2 groups deal with the Master Use Plan. A. Lechman asked if the residents would be able to choose which group to be in. Mr. Hartt

said yes. Mr. Hartt said that the other approach is to talk about the Comprehensive Plan in the general core and then break up into smaller groups and talk about the Master Use Plan. DiMichele said that she does not know if we need to break into small groups as we would just be bringing in new ideas again. Mayor said that he would like to use the cards again for questions and comments. O'Donnell asked what happens to the people who come to this meeting and did not attend the first meeting and they want to talk about what was talked about at the first meeting. Dr. Hartt said that could happen. Tripp said that with the agenda and points clearly indicated and the cards for submission of questions, we should be able to get adequate feedback from the constituents in the community. Binder asked if questions could be submitted via the Village website. Mr. Hartt said that they are going to be fairly specific about the range of options that we want to comment on and on the Master Use Plan we are being fairly definitive about what the recommendations are. O'Donnell said that she got the impression the meeting structure was going to be pretty specific. Mr. Hartt said that we are going to get the residents' reaction to what we are proposing. O'Donnell said what if they say they were unable to attend the first meeting and now this is what I want to talk about. Mr. Hartt said that would be fine. Mayor said that the meeting is forecasted to be 2-2½ hours and spend about 45 minutes to one hour presenting the information on both plans. Mr. Hartt said that he would like to present the information on the Comprehensive Plan and then have some discussion and then present the information on the Master Use Plan and then discussion. Mayor said that there will probably be maybe 1½ hours for public comment and with that should we limit public comment to 1 minute per person, 2 minutes tops. Mr. Hartt said yes, limit it to 2 minutes.

ADJOURNMENT: There being nothing else on the agenda, Tripp moved to adjourn, seconded by O'Donnell. Roll call – ayes, all. Motion carried.

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

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

SUMMARY OF THE PLANNING COMMISSION MEETING
AUGUST 18, 2005
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, DiMichele**

2. MINUTES: 6-16-05 **amended & approved**

3. AGENDA:

FORMAL DISCUSSION WITH DORIS SMITH, 1572 BELL ROAD REGARDING A MINOR SUBDIVISION. **DiMichele, "I make a motion to approve." Brett second. Roll call. All ayes. APPROVED**

DISCUSSION WITH MARK PORTER OF KENSINGTON GREEN ABOUT THE MEADOW MANAGEMENT PROGRAM. **Brett, "I'd like to make a motion that we do an additional two-year trial period (8-05 to 8-07) for the Kensington Green HOA to accept their land management plan with conditions:**
(1). To clarify areas to be mowed on a regular basis
(2). In the event the mowing does not occur, the trial period could be terminated.
(3). A warning would be given if not mowed. A three-week time period is allowed to correct it. After which if not corrected, PC could pull the plan.
(4). Maintenance of the dry detention basin at three to five year intervals. Repeat of condition #2 of original motion on 7-17-2003
(5). PC is approving another two-year trial period. At the end of the two-year period (8-2007), Kensington Green will be required to seek approval of its plan permanently.
DiMichele second. Roll call. All ayes. CONDITIONAL APPROVAL

4. OLD BUSINESS:
1). Prestige Homes sent a letter to the Building Department & officially withdrew its application to develop 22 acres at 1561 Bell Road.
2). Reminder: a public meeting with D.B. Hartt on 8-31-05 at 6:30 P.M. at Gurney School regarding the Comprehensive Plan & Master Use Plan
3). Council requested a special Council meeting to discuss issues/questions about the CP &MUP. It will be 8-22-05 at 7:30 P.M. D.B. Hartt will not attend the special Council meeting.

5. NEW BUSINESS: **NEXT MEETING: 9-15- 2005 AT 7:30 P.M.**
6. ADJOURN: **8:45 P.M.**

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RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
AUGUST 18, 2005
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, Nancy Gallagher, Clerk

ABSENT: Kathleen O'Donnell, Ike Tripp

GUESTS:
Al Smith, 1572 Bell Rd.
Mark Porter, 29 Annandale Dr. President of the HOA at Kensington Green
Tom Harder, 101 Foxhall

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes from 6-16-2005 were approved.

Formal discussion with Doris Smith, 1572 Bell Road regarding a minor subdivision.

Al Smith, son of Doris Smith, made the presentation on behalf of the family. They want to subdivide the property owned by Doris Smith among her three children. Sublot 1 goes to Michael. It's on the easterly side of the property. Sublot 2 will go to Al's sister & sublot 3 goes to Al. Eventually, these lots will probably go to Doris' grandchildren. Sublot 4 is where Doris resides now.

Foley has reviewed the plans. Foley, "It meets all the regulations. Mathematically, it's correct. No problem." Hocevar, "Ditto."

Brett, "Do you know where the gas well would go?" Smith, "Probably mid-property, sublot 2. For everybody's information, I didn't sign that thing. I was one of the last holdouts on signing on the well. My mom wants that, not for money. She wants a gas well. I was the holdout. My wife & I because where are they going to put the battery & this & that? Where they wanted to put it originally was right up adjacent to the Malik property, on the east side (1584 Bell Rd). I said no way. Mom originally told them to tuck it up in the woods. The wellhead is supposed to be in that vicinity. It's pretty close to sublot 2." Sutliff, "It's pretty much in the middle of the entire property or in the middle of sublot 2." Smith, "Yes, I'd say."

Brett, "I'm glad to hear that you held out. If you don't know, I'm an opponent of it because of what it could potentially mean to the Village. It's a huge concern to me. There's nothing I can do about it." Smith, "I know. That's what my mom wanted. She's the land bearer. Supposedly there's three taps: my sister's property, my mom's property &.. ." Sutliff, "When are they scheduled to do that?" Smith, "We don't know. Ninety days for all the paperwork to be taken of. I haven't heard anything. I'm really not following up on it."

Brett to Hocevar, "Does the location of that gas well have setbacks or lot lines?" Hocevar, "Not from what I'm reading in the application. Everything was set when they identified where the well was to be. It had to be so many feet away from the street, the residence, from the property line. It was determined by the Department of Natural Resources that they are complying with all of it." Sutliff, "What about location of a future house on sublots 1 or 2?" Hocevar, "They still have to put that house where it's in compliance with the gas well. I believe it's 500' from a standing house."

Sutliff to Smith, "Your brother & sister are aware of that?" Smith, "Actually, my sister doesn't care one way or the other. I doubt that she'd do any drilling on that. My brother started this. He's the one that's talking to my mom about this. I came back from Florida & found out about it. If my mom wants it, I'm all for it."

Brett, "There was a proposed development across the street & now its withdrawn. Do we know where the septic system might be for the existing house on sublot 4? What drives that is, across the street, they had issues with basically the same size lots on three of eight lots. Will sublot 4 support a septic system?" Smith, "Sublot 4's septic system is within that property." Brett, "Do you have a schematic of it?" Smith, "I know where it is. That's 100 years old. It goes out the back. It goes to the south."

Brett, "If the split is as they are drawn here, you wouldn't have enough for a road on sublot 1. Would you? You'd have 50'. Is that enough for a road?" Hocevar, "No." Sutliff, "Sublots 1 & 2 could get together." Hocevar, "I don't think that's in a water sensitivity zone. It's only 360' wide. That's a tough one. If they need a right-of-way, that's hard to do."

Brett, "So having a 50' frontage, is that how you'd calculate that for sublot 1 & sublot 2?" Hocevar, "No. Our frontage starts at the building line. It's like a pie-lot; twenty foot in the front of the house. It goes back 200'-300'. It starts at 75'. Wherever they have 130', that's where they can build a house." Ondrey, "But if these are 400 some feet, one line is 465' long & the other one is 415'. So future homes are going to have to go past those. Right?" Hocevar, "Yes." Smith, "If any residences are built on that property, it will be well beyond that. I'm talking a couple, three hundred feet." Ondrey, "It would have to, otherwise you wouldn't meet the sideyard requirements." Hocevar, "465', you'd have to go back to meet the setback requirements."

Ondrey to Hocevar, "Is it possible that someone could build on sublot 2? Would they be able to build a house right up on that line, the rear line of sublot 4? Or would they have to be setback from that line?" Hocevar, "It would have to be setback from that line. We start at the property line. The front setback would have to start at that property line & go back. If sublot 2 wanted to build, they'd have to be set back from sublot 4's property line." Sutliff, "Sublot 2, the front setback is 75.' From Bell Road, we're talking 415' & 75' back from the road." Smith, "I think we own ½ mile back. Sutliff, "Yes. You have plenty of room to put it way back."

DiMichele, "I'm concerned about the same thing we had across the street, a long skinny road." (Prestige Homes Development) Ondrey, "The realistic answer is that's possible, but there has to be a recombination of those lots in order to pull it off. Otherwise, they wouldn't have enough width at the entrance to have a road." Sutliff, "We really can not disapprove this because we don't like what may happen." DiMichele, "I understand."

Ondrey, "I know that in the application process, technically the map we get is supposed to be 50' to an inch. This one is drawn one inch equals 100'. It is off. I don't know if it makes a difference." Sutliff, "Does the County care?" Ondrey, "About that map? No. That's our regulation. Whatever we sign, they are going to record." Sutliff, "Have you seen the legal description?" Ondrey, "No. We wouldn't normally review that."

Hocevar to Sutliff, "That front yard setback is 75'. If you're talking sublot 4, sublot 2, that's 75' from that 262 is where their front line setback would be. 262 on sublot 4, the width of it, you'd have to go 75' from that line to start a house." Sutliff, "Which puts you about 500'." Hocevar, "Exactly. And the regulation is 100' for the nearest residence to the gas well & 50' from the main road. Actually, Al could have put it up near Bell Road." Smith, "We didn't want to do that. That's where they want it. It was going to be right on the property line by the Malik home. I don't want to see it. That's why my mom said, down in the woods, down in the back." Hocevar, "Does your mother own the well? Or is that property leased & somebody owns that well? He owns the well? He's going to give your mother the gas supply?" Smith, "I think so."

MOTION: **DiMichele, "I make a motion to approve." Brett second. Roll call. All ayes. APPROVED**

Hocevar to Ondrey, "On this thing, when they go to file it, we need your signature, my signature, Ned's signature. Do you have a preference if Michael, Al & Carolyn sign first, get it recorded & then we sign it? How do you want to do it?" Ondrey, "It would be better to get their signatures on it & get it done before we sign it."

Brett, "When we do a minor subdivision like this, do we notify the contiguous properties? Is that a requirement?" Ondrey, "No. It's not. I don't believe so." Sutliff, "I thought the original signatures go on a mylar."

Hocevar, "Ten, fifteen years ago, mylar was the thing. Now Ned doesn't feel mylars are…" Foley, "What happens is whatever the County wants to be recorded. I'm not sure. They may want a mylar. We don't make mylars any more." Ondrey, "Our regulations say, 'Following Commission approval of a minor subdivision, the developer shall submit a plat thereof to the Engineer. If the Engineer finds that the plat conforms for the approved subdivision, he shall certify the approval on Form F-1 & the original tracing of the plat. Following recording, the developer shall furnish the Engineer with a duplicate mylar at no cost to the municipality. Commission approval of the minor subdivision shall become void after 120 days if the approved plat has not been recorded by the recorder'."

Ondrey to Smith, "Just so you know, you have 120 days to get this wrapped up or our approval will be void." Hocevar, "The downside of a mylar is that it disintegrates." Foley, "We don't need a mylar. The County may." Recommendation to Smith: talk to the County.

Discussion with Mark Porter of Kensington Green about the meadow management program

10- 28-04, copy of letter from Stanley Stine, Field Botanist, Cleveland Museum of Natural History
Manual: Kensington Green, Land Management Plan, Spring 2002

Tom Harder, treasurer of Kensington Green, was present with Mark Porter, HOA President of Kensington Green. Porter, "I'd like the PC to give us the go ahead to continue the land management plan for the next two years in order to continue the work that's been done naturally over by the detention pond at Kensington Green. Last year I had Stanley Stine from The Cleveland Museum of Natural History come by. I am providing you the report (10-28-04) generated regarding the land management plan after one year in existence. Basically, it's grown to what it's supposed to be according to the naturalist. It's become a much prettier area because of it. When I trounced around with him, a red-shouldered hawk appeared. Apparently, these animals like the detention pond. A while ago, I e-mailed Ned Foley & asked if there were any complaints about water backup on Bell Road from the detention pond. He said he hadn't heard anything recently. That was one of the concerns Council had when the land management plan was approved. It appears that concern has not come to pass. In short, Mr. Stine will be out here in September to do another assessment per the plan. We have to do that every year."

Porter, "We've also modified our Code of regulations to include the land management plan as the PC required. We also have the designated person as a

point of contact, who will be dealing with this. That's the President of the board & that's me right now. And that will be the duty of every successive president. I believe we've complied with what needs to be done in the land management plan with some rocky patches here & there. Overall, we're doing good things back on the detention pond area, which is probably improving the water quality. Certainly it's helping us maintain a rural look on that part of Bell Road."

DiMichele asked if there have been any complaints. Hocevar, "There was a miscommunication between Kensington & their landscapers. But when I did call Mr. Porter, he took care of the situation both times."

Brett, "All things considered, I'd be in favor of doing another two year trial. I would echo what Dave Hocevar said. I think there were some concerns from Council that the area that was agreed to be cut, was being cut. Actually, that it wasn't getting corrected as fast as some people wanted. I recommend, because (a) that was a question & (b) it was an issue, is that we more clearly define the areas that will be cut on a regular basis. That which falls outside the prairie ordinance would be one. Two, because that's an issue, to put in a clause that says if that's an issue again, then that would remove the prairie ordinance. The trial period of the prairie ordinance would cease if we have that issue again."

Porter, "The comment I would make on that is we had Brickman's do our landscaping & that was one issue. We also had some issues on the cul-de-sac where they weren't cutting the grass island. We corrected that problem by threatening to fire them if they didn't comply, which includes the two passes on either side of the fence line. To make sure they do their job, we appointed a Greens Committee to watch them. These folks are retired. So they do watch them. Mike Miller lives on the corner of Kensington Drive, on the circle. He watches them for hours at a time while he does his own yard work. The problem we have, they don't have the same people every year that do the cutting. It would not surprise me if after the snow melts & they do the first cut, they haven't done it again because the people aren't the same year to year. Everybody here has dealt with contractors & had problems with him not having done the job right & you have to bring him back to do it. Mayor, if we could have a period of time to correct that. We cut it every two weeks. If we could have three weeks in order to fix the problem, I think we could do that easily."

Brett, "If they didn't cut it & our Building Commissioner felt it was an issue with an extension of a week, that's outside the norm." Porter, "Yes. If they called me, then we'd take action." Brett, "The intention of it isn't to put you in a position of shame. But, it was the topic of conversation with members of Council & a concern. When I went through this map, I didn't get it. Instead of us going on areas 3,4,5 &6, maybe make a map & make a line. When I look at this map, four doesn't seem to be an area that you normally cut. However, it's listed within our motion that it would be. You always cut this area (pointing to map).

But, area 6 is an area you typically don't cut. We wanted in front of the detention basin cut, which is part of 1A. It would be cleaner if we said, here's the line that needs to be cut. What I would ask for is if you follow your fence line & go 10' to the south of the fence line. The intention is two passes past that with the mower. Whatever the fence line is would be in one line & in front of the dry detention basin. And part of two would also be cut. It seems to me you are doing this on a semi regular basis."

Porter, "I'm not sure about the 1A & if we're cutting that far down." Sutliff, "Yes. 1A, you're cutting from the street to beyond the fence." Brett, "It's not really clear because a good chunk of this 2 is the woods area & you wouldn't cut that." Harder, "We do the ditch area." Brett, "It feels to me that it would be cleaner if we all said follow the fence line because Area 4 doesn't get cut." Porter, "Four was not supposed to get cut." Sutliff, "This area gets cut." Brett, "Yes. Five gets cut." Porter, "Five is the bowl area. That gets cut up above the bowl area & streaming down to the low trees on the left. The back does not get cut."

Brett, "What I'm saying is, your fence line jogs like this (pointing to map). The theory is part of this you cut & part you don't. Why don't we just make this a line so that it's clear & the line would mirror the fence plus 10' to the south?" Porter, "The woods intervene & then on the other side of the woods…" Sutliff, "Isn't there a fence on two? Does the fence come across this piece?" Gallagher, "In front of the woods? I don't think there's a fence in front of the woods." Porter, "The fence line stops in area 2 right where the copper trees are. I don't think there's a fence after that." Sutliff, "Well there's a fence on 1A & you're cutting in front of it & 10' beyond it." Porter, "Yes." Harder, "That's how I've gone through it when I try to explain what to do. We have a contract & it's taken us two years to get them to understand what all is significant."

Brett, (looks at another map) "Maybe this is a better one to look at. This triangle is the detention basin. What I would say is if we can make a line that shoots straight over then, this is your woods & so obviously it wouldn't be cut. I would say the line then, would follow your fence line over here. You refer to this as the bowl area." Sutliff, "Five. And five gets cut." Porter, "Yes. Five gets cut." Brett, "To me what that does is, it says these neighbors shouldn't be affected by this. This area is one of the areas that you did not want to cut." Porter, "Right."

Brett, "In the motion (PC 7-17-03) 'the mowing of the meadow areas, defined as #3, #4 & #6 shall include mowing'." Porter, "Sure, but if you go to Pp. 5 (of the manual) that's where the Management Areas is specified." Ondrey, "It says mowing of the 10' buffer area." Porter, "One to three years." Brett, "That's where there's confusion. If it is every couple of years, why then does it say it has to be cut?" Porter, "We interpret that as 10' on the front side of the fence line through area 4."

Harder, "I've tried to make this as simple as possible for these people. The way that I've gone with this is, between the fence & the road, you will mow; all through here. On this side of the fence, you will take two swipes. That's the 10'." Sutliff, "Correct, plus the bowl area." Harder, "Yes." Sutliff, "What they are doing right now, I think that was the intent of what we wanted." Porter, "We want to continue doing that." Sutliff, "Yes." Brett, "However our Solicitor & Building Commissioner feel that we should write it up, is how we should do it." Hocevar, "Like he said, take the swipe all the way down & leave it like that except for the wooded area." Brett, "Ok." Sutliff, "If we're talking about what's getting cut, we're talking the fence line to the road, 10' to the south plus the bowl area. What you wouldn't cut is the wooded area & the prairie, which is 4 & 6." Porter, "Yes. We'll continue to do that."

Harder, "When I go through the contract again in January, I will try to avoid descriptions of trees." Sutliff, "What was the problem along here? (pointing to the map) Was it a misunderstanding between the HOA & the landscaper? Or he just didn't perform?" Porter, "Our understanding from the Greens Committee is, they called him & they were told he didn't have people who knew what they were doing to cut it the way it had been cut the previous summer." Harder, "What was happening is, I was dealing with the regional manager & it goes down through several layers. For some reason, with the new manager, we couldn't get the information down to the guys doing the mowing."

Continue discussion with Mark Porter of Kensington Green, topic: pipe in detention pond

Brett, "I do have one other request on this. We've been looking at the retention basin. Ned, will you tell me if I'm using the right term? Retention? Or Detention?" Foley, "Generally, detention is dry & retention is a wet pond." Brett, "Part of what we had identified when we did our storm water study was, if we could slow the water as it comes out of the detention or retention basin by putting a smaller outlet pipe. That would slow the water as it comes through here."

Foley, "There is additional capacity in that dry pond that would drain onto Bell Road without creating any problems. The overflow ditch goes around. And quite honestly, if we could restrict the discharge on pipe, allow it to build up during storms, no more than the overflow anyway, that would be a benefit on Bell." Porter, "You're allowing to put a smaller pipe in, through the Village Engineer's office, to have a lower flow out of that detention pond." Foley, "Yes." Brett, "We would have the responsibility of doing that." Foley, "The truth of the matter is, we can eliminate the discharge altogether. There's quite a bit of capacity. It's not a problem. We could restrict that outlet to the point where there's (unintelligible) on Bell."

Sutliff, "Is that typically dry, that basin?" Porter, "Yes." Sutliff, "So if you restrict it, it will remain dry." Foley, "Oh sure." Sutliff, "It will be wet a little bit longer." Foley, "It will collect more water during a storm. The whole system is limited by that discharge …" Sutliff, "Where is that discharge? Is that in the rite-of-way?" Foley, "On the east side of the pond. Actually, it needs some maintenance. We looked at it. There's a depression in the slope & there's a swale on the east side of the pond. And there's a ditch on the pond to the roadway."

Brett to Foley, "Where the pipe comes out, isn't there a little concrete area with the pipe?" Foley, "It's actually a paved gutter all the way through the pond." Sutliff, "Is that on an easement or is that on their property?" Porter, "I think it's an easement." Foley, "The issue is, by doing that we couldn't treat the water inside the pond. For whatever reason, the easement that the Village has is only on the pipe, not on the pond. It would require your permission. If the Village had an easement on the entire pond, it probably would be an issue of, they can deal with it, having that easement."

Porter, "We would have to check with our homeowners who front that section of the pond. We can get back to you on that." Harder, "How much higher are you talking about?" Foley, "I don't remember what the elevation for that overflow is. I think probably very seldom if ever, it gets to that height." Harder to Porter, "I think we went through this once before with letters & people said they didn't want to touch it."

Porter, "You're talking about changing the pipe diameter from what to what?" Foley, "I don't remember Mark. It would slow down the entrance so it would have a slower release rate. Normally the pond would remain dry & function just like it does. It would allow it to hold more water during a storm & release it slower."

Brett, "Why don't we check what size it is right now?" Foley, "It might be15". Part of the problem, it's not detaining anything. There's not a huge amount of flow that gets to that pond." Porter, "The way it is now, the water flow is quite a bit. The way it's grown in, plants are at their maximum height in the last two years. It may be at a point now, where you don't need to do that." Foley, "I doubt that." Brett, "It's probably the same amount of water coming into it. It wouldn't go through it as fast." Foley, "We looked at it before. A concern was the higher grass. That was before I realized that gutter is allowing it to flow through there at a certain rate."

Sutliff, "How are we going to resolve this?" Porter, "We'll touch base with our homeowners that border it. There are five of them. We have an annual meeting in October." Sutliff, "He (Porter) has information to take back to them. By restricting that in a storm, you're going to develop more water in the basin. But, in a matter of 12 hours, it'll be gone." Porter, "They'll want to know what

the rising level will be. They'll need some kind of estimate." Foley, "One thing I recall for sure is that the overflow ditch is in need of repair. It's not uniform grade from the bottom of those trees."

Sutliff to Foley, "Ned, can you give Mark some information in the next week? (to Porter) When is you homeowner's meeting?" Porter, "It's the first week of October. But, we can do it before then because I want to make sure the residents know."

Continue discussion about the meadow management program:

Ondrey to Sutliff, "I heard you talking about another two- year trial period. The complication is that the original ordinance says you can have a trial period up to three years. We've had a two- year one. I think there's at least an argument that the ordinance suggests that you could have one more year of a trial period. I also think if Kensington consents to call it a two-year trial period, we don't have an issue. But, it seems to me without that kind of consent, we get into a fuzzy area. Can we approve another two-year trial period, given the original limitation of the ordinance?" Brett to Porter, "Would you consent to that?" Porter, "We'd much rather make it permanent. But, you're right David. The ordinance says it flat out period. But, I also think the ordinance gives the Village the right to revoke it for good cause."

Ondrey, "You mean even a permanent one?" Porter, "Yes. I think the Village can pull it." Ondrey, "Yes. I think so too. If for instance, we approved a land management plan & you guys ignored it & did something different, I'm certain the Village could take action. What I'm saying is, I think the original concept was someone comes in with a plan & they want it to be a long-term way to manage property. But, we held it back by saying well, up to three years, we'll call it a trial period. We have utilized two years of that. I'm hesitant to say we have the right to impose another two-year trial period. We have the right to impose a one-year trial period. If we wanted to go longer, I think that takes the consent on a trial period of Kensington."

Porter, "Let me ask you this. Has the trial been a success?" Sutliff, "To some, yes & to some, no, I would say." DiMichele, "There's been an awful lot of discussion on it." Sutliff, "Quite honestly, if Kathy O'Donnell were here tonight, she would vote against it. She specifically called me." Brett, "I don't want to speak for Ike, but I think he would too. Or he would voice some very solid concerns. What I'm hearing from you David (Ondrey) is our choices would be: approve a one-year trial, approve a permanent scenario or we could request that we do a two-year trial with your (Porter/Kensington) consent, which is where I'd like to go. I don't want to come back to this every year. I don't think you

(Porter) do either. Given the fact that there's been some feelings that it hasn't worked well, I think that's the fair thing to do."

DiMichele wondered if PC could give them one year. DiMichele, "Things are going smoothly now. Give them another year to try it. There's not a whole lot to do if we give them one more year." Sutliff, "I tend to agree with that. I thought it was a two-year deal & the two years are up right now." Ondrey, "That's true. It's time to say it's successful & we now approve it. It's not a trial anymore. Or we say, we've had these issues. Let's go one more year on a trial period." DiMichele, "Because people have some opinions about this, I'd hate to give permanent approval without them being here." Porter, "We would go with the two-year continuation of the trial period."

DiMichele, "Do we have to have the ordinance changed?" Ondrey, "No. I think that if they consent, it's ok." Porter, "It could also be the argument that two years is up & now it is permanent. I think another two-years to alleviate concern of the PC & Council is a reasonable idea. I like that." Sutliff, "Ok." DiMichele, "Thank you."

Ondrey, "The only other comment I was going to make is rather than saying this is the land management plan, you'll cut along the fence line 10' south & all that. I'd like to see it that we're leaving the land management plan in place because I think it does give some reference, that if we all died tomorrow, somebody else could figure it out from the map of what's 3, what's 4. You might want to say we are approving the trial two-year period with clarifications: that the intent is that it would be mowed along the fence line & describe it. All we're doing then is trying to give additional definition to what we already have in place without scrapping that."

Motion & discussion: Brett, "I'd like to make a motion that we do an additional two-year trial period (8-05 to 8-07) for the Kensington Green HOA to accept their land management plan with conditions: (1). Trial period of two years, (2). With the requirement that an extension be obtained at the end of the two-year period." Ondrey, "So we don't get into an argument, whether it's on or off at the end of two years, it's off unless PC approves it at the end of two years." Brett, (3). "To clarify the areas to be mowed on a regular basis. This would be from the top of the ditch to the fence line plus 10' to the south past the fence line, excluding the wooded area." Ondrey, (4). " In the event that the mowing doesn't occur on a timely basis, that Kensington would be notified & must correct within X amount of days or the trial period could be terminated by PC. In other words, that's the trigger. If you notify them, say in 14 days & it's not corrected, then you could end the trial period."

Porter, "We would need three weeks weather permitting. There's the first mowing & the weather. It may be three weeks before they come back. Three week notification would take care of any problems on the schedule we have."

Brett, "Let me think about that. That would mean if we ran into a problem plus three weeks." Porter, "Right. Dave (Hocevar) would call me or the president. That would start the clock. If they had cut it the day before, they aren't coming back for two weeks. We have time to correct the situation. The three weeks would do it for sure. Two weeks we might get into a time issue."

Sutliff, "If Dave called you up & said you're not in compliance & you say then we have another three weeks?" Porter, "Yes. They come every two weeks." Ondrey, "But he wouldn't be saying you're not in compliance if it had just been cut unless they make a mistake." Porter, "That's what happened last time. They didn't cut it & we got on them. Meanwhile, I got a call from Dave. We need some time to fix the problem. Three weeks seems reasonable. In the early going, they cut it every other week & then it could be weekly during the summer & in the fall. That's the time to fix the problem. Three weeks will do it."

Brett, "I don't want to sound like a stickler. But, the issue in the early spring when the grass is growing like crazy, once they reach that point when it's an issue, it's high. Three more weeks, it's going to be very high." Porter, "Weather conditions may do that. There were warm days in April. It snowed May 1st. They can't actually cut it for a period of time." DiMichele, "I think that three weeks is reasonable." Porter, "I think Dave will back me up on this. After he calls, action is taken." Sutliff to Hocevar, "Is that a true statement?" Hocevar, "That's true." DiMichele, "Then Dave gives them an extra week. They have the option of following up. I think that's reasonable."

Hocevar, "I think the Mayor is looking at the time of three weeks. That grass would really look like hell if they allow it to go that far." Brett, "That's part of what we ran into before. By the time it got corrected, it was so long. Then when it got cut, there were complaints that it looked like a hay field." DiMichele, "We're farther down the road now in terms of what is expected." Porter, "That's true. We will educate coming up to the initial cut. I think that's the key to the solution. Once they cut it, then the next time they come back, they will see what's been cut & will cut it too."

Harder, "To give you an idea, this year when they actually got it cut, that would have been late, by the third cutting by contract. That's how far it went. It started to look like a hayfield. My point is, that was more like six weeks & it was pretty bad. Three weeks, it's not going to look like a hayfield. It is time to really get on what we started earlier than that. It was six weeks when they finally did it." Porter, "We'll solve the problem. We just need a little time to do it." Sutliff, "Ok, so three weeks." DiMichele, "I think three weeks is ok." Brett, "Ok."

Brett, "In the original motion, (7-17-03) '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 Engineer.' I think it makes sense to have that in this motion also." Porter, "That's fine."

Motion:

Brett, "I'd like to make a motion that we do an additional two-year trial period (8-05 to 8-07) for the Kensington Green HOA to accept their land management plan with conditions:
(1). To clarify areas to be mowed on a regular basis
(2). In the event the mowing does not occur, the trial period could be terminated.
(3). A warning would be given if not mowed. A three-week time period is allowed to correct it. After which if not corrected, PC could pull the plan.
(4). Maintenance of the dry detention basin at three to five year intervals. Repeat of condition #2 of the original motion on 7-17-2003
(5). PC is approving another two-year trial period. At the end of the two-year period (8-2007), Kensington Green will be required to seek approval of its plan permanently."
DiMichele second. Roll call. All ayes. CONDITIONAL APPROVAL

Harder, "One thing that is going well with this plan is we now have a prairie in there. We do not have fire cherry's growing & other noxious small trees growing. It seems to be pretty well balanced. When they first started this, I was not involved & I thought here we go with wild apple trees, fire cherry, all kinds of things. The grass in there is well balanced enough, seems to be staying a prairie."

Brett to Foley, "In regard to the pipe for the detention, Ned will you forward that directly to Mr. Porter?" Foley, "Yes."

OLD BUSINESS:

Hocevar reported that Prestige Homes Builders sent a letter to the Building Department & officially withdrew its application to develop 22 acres at 1561 Bell Road.

Reminder: a public meeting with D.B. Hartt on 8-31-05 at 6:30 P.M. at Gurney School regarding the Comprehensive Plan & Master Use Plan. It's the second public meeting.

Council requested a special Council meeting to discuss issues/questions about the CP & MUP. It will be 8-22-05 at 7:30 P.M. D.B. Hartt will not attend the special Council meeting.

NEW BUSINESS: The next PC meeting is set for 9-15-05 at 7:30 P.M.

There was no further business. The meeting adjourned at 8:45 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

RECORD OF PROCEEDINGS
JOINT COUNCIL AND PLANNING COMMISSION MEETING
MONDAY, OCTOBER 3, 2005 – 7:30 P.M.

COUNCIL MEMBERS PRESENT: O'Donnell, Morrison, Dishong

PLANNING COMMISSION MEMBERS PRESENT: Mayor Brett, Council Rep O'Donnell, Tripp, DiMichele

OFFICIALS PRESENT: David Hocevar, Building Inspector, David Ondrey, Solicitor, Maggie Tomaro, Secretary

GUESTS: David Hartt of D.B. Hartt Inc. The Crittenden Building 1382 West Ninth St. #420, Cleveland, Ohio 44113-1231
Sue Reid, Chagrin Valley Times, 525 E. Washington St. SR
Mary Beth Wolf, 19 Daisy Lane
Jim Flaiz, 111 Leaview Lane
Joan Rusek, Sun Newspaper

TEXT: Revised Draft Comprehensive Plan for the Village of South Russell, Ohio September 23, 2005

Mayor Brett called the meeting to order & led the Pledge of Allegiance to the flag. Brett, "The sole business tonight is to go through a final review of the Comprehensive Plan & the Master Use Study. We've gone through a six-month process. We've held a number of meetings with Council & PC along with conducting two public sessions with our residents to obtain their feedback."

Hartt, "We've gone through this using us as a resource group to try to identify issues & possible solutions from our perspective. You have choices & it's up to you to decide what issues, goals, policy & implementation direction you want to take with these items. We have attempted to draft this document as your document to the community. We've tried to capture what the community wishes & the community direction is."

Hartt, "In some cases, we've made a statement that says 'you will' do something because you've accepted that as a policy. Other cases, we aren't sure. So, we've said, 'you will consider' like the improvements to this core area. I think there is still some uncertainty whether it's important to create a community center."

Hartt explained that both the Comprehensive Plan & the Master Use Study have been put together with issues, goals, policies, & implementation strategies. Hartt, "It's a single document & South Russell may want to adopt it as two

separate elements for clarity to the community. Under the contract, this is the last meeting. We discuss it & get further refinement & direction tonight. We will make the changes & get a revised version to you. It's up to you to decide if you want more meetings before it becomes a document that would be approved by the PC. My understanding is if it's approved by the PC, it has official standing as an adopted document of the Village. It has a little more blessing if it's approved by Council. It doesn't have to be approved by Council. That's also true for the land use plan. If it were adopted, then you could start picking off one or more of the implementation measures to pursue whether it's a rezoning recommendation or considering & studying more to determine if you want to pursue some of these items."

Hartt, "Tonight I would start on the policy pages. Other statements of fact or editorial changes that you want to get to us, you can either make a comment or copy that page & fax or e-mail it to us." Dishong wondered if South Russell would receive an electronic copy. Hartt, "You have it. You own it." DiMichele recommended that the final format be two separate documents. DiMichele, "When we started, the Comprehensive Plan was to be a PC project. The Master Use was to be a Council project." Dishong, Brett & O'Donnell agree. Brett, "If one group had challenges with the Comprehensive Plan, there is no reason to hold up the other side of it. If they are two separate entities, it makes it simpler."

Tripp, "Pp. 8 E. GOALS and OBJECTIVES; One of the things in previous drafts was a statement, point #3, making sure that our existing zoning is defensible. Is that something we want to add? That's one of the things that we were working on relative to this." Hartt, "The only reason we took that out is because that was a study goal & it's not a goal now. It's a policy goal, which is part of the future framework because we did it. We've tried to say that in several places. If we haven't said it strongly enough, we should." Tripp, "I think it's important to say this very clearly." Dishong, "That was one of the main reasons we did this."

Ondrey, "It seems to me a Comprehensive Plan is a going forward kind of document that talks about what your goals & assessments are in a general sense for the zoning of the Village. I think it was important to all of you that D.B. Hartt confirm or challenge whether or not our zoning is defensible. I don't see that as a necessary statement in a Comprehensive Plan. What you are really saying is, here's what we are looking for in the future. As long as we know that that is their opinion, however we document that, I don't know that I would necessarily look for it in a Comprehensive Plan. I agree that it was critical to our desire to do this. I just don't know if that's normally a statement you would see in a Comprehensive Plan. It was a goal. But, I don't see how that goal fits in with the statement of here's our plan for the Village from here on out."

Dishong, "The main value I see in that, is we are going to have people on Council that weren't here when this was done. I think it's important that it's there, so they understand this is one of the reasons we did this was to test & reaffirm that. Five years from now, it would be helpful for them to know." Tripp, "Maybe put that in the introduction." Hartt, "Maybe there's a middle ground."

Hartt, "Pp.11 G. DEVELOPMENT POLICIES, #2 the transition areas on the northeast quadrant. There's the term, defensible & there's more defensible. Can you defend it? Can you win it? That's why we continue to highlight this northeast corner & say we can defend the residential zoning along 306. But, there is that one quadrant that has a sharper demarcation line compared to the other three. If you're inclined to do something about it, you improve your chances of defending that next property. We weren't sure what the line of defense would be so we talk about three of them: a. Cluster housing, b. Limited housing, c. More extensive landscaping. That's one way we've said if you agree that something ought to be done to make a smoother transition, you will consider a, b or c."

Brett read #2. **Improve land use transition… *will be considered.***
Brett, "This document is a strategic guide for us to follow. Based on this, if PC or Council felt there was a fourth option, they could certainly consider that as a way to accomplish the objective." Hart, "Absolutely." Brett, "It's not limited to three." Dishong, "It's examples of what could be done." Hartt, "We could even say that."

Brett, "Under #2, it does say '***will be considered'.*** Jump down to #4, it says 'The Village will ***Consider,*** which has a different tone to it. Number 2 says this is something that we've definitely identified as something we are making a commitment to address. The final way that we address it may be that we've reviewed all the options & we feel what's there is adequate. Is that a fair assessment?" Hartt, "Yes."

Brett, "Pp. 11 #1. **Maintain existing zoning in the northeastern corner of the Village.** I pushed that we address this. The consensus of the group was that we felt confident in our existing situation out there. I still feel that I'd like the Village to look at what we can do out there to put us in a position of better control. Even with what it says here, doesn't mean that that can't happen. The strategic guide is saying maintain the existing zoning, the bowling alley lots. I'll still go on the record to say, I think the Village should take this task up. I'm on board with picking off the things that advance us further down the path. I'm ok with not addressing that region now. Long term, this is an item that will come back & we will need to address it."

Tripp, "This is Council's issue. Is that right?" Brett, "It could be either." Tripp, "What's the form to open debate on this issue? I don't think we are leaving ourselves in a very good position. I will tell the members of Council when we were here as a planning committee, when two people came who lived

next door to the bowling alley lot that Monique Plociak owned, (1561 Bell Road) that was going to be built on, they were almost in tears. They said they were going to have five or six homes. There's going to be a parking lot. There's going to be a driveway. Lights are going to sweep across us. There's nothing we can do. This is an issue. I think leaving it this way doesn't give us what we are going to need down the road to combat what potentially can happen out there with a development." Brett, "I agree." Dishong, "I think we're all concerned. The question is, what do we do? There was no clear consensus on that."

Hartt, "My view is reasonably clear. Cluster zoning in that location gives more protection to the existing property owners & more protection for the Village than the standard two-acre zoning. That's what I said before. It's your call."

Brett to Tripp, "The difference would be this document as a guiding document says leave it as it is. If we did not feel comfortable with that, we could change it to ***Consider*** the merits & feasibility of creating some sort of flexibility. I think the word, flexibility is where we get lost in this. Once again, it's a strategic guide. It doesn't mean that in our Zoning Code it has the word flexibility. All it means is that we will examine ways to accomplish the goal."

Hartt, "We run into this in many communities. The whole notion of more flexibility is perceived as more adverse impact. That's the issue. I am confident that more flexibility gives the adjacent property owners & the Village more protection rather than more adversity. You have to overcome the perception.

DiMichele, "The example we just lived through counters everything you just said. Our existing zoning prohibited that development from going in. If we had flexibility, cluster kind of zoning, we would have 10 houses going on that lot." Hartt. "You're absolutely right. I evaluate this under the assumption that the property can & will be developed under the current zoning; not no development vs. some development. That's the fair way to do it. Even though right now the proposal might have been denied & somebody determined that it was not feasible to build it with fewer units. I can't, in good conscience, advise you that that is the outcome three years, five years or 10 years down the road. You have to be looking at it. Something could happen on that property. What's the better alternative when that is likely to occur? You may have put it off for the time being."

Tripp, "Our zoning regs. let them. We couldn't do anything. They could have their long driveway. They could have their bowling alley. The only reason they didn't build it was the first water table & the perc test failed. So they couldn't build six houses. They could build four. They said economically, we can't do it. We dodged a bullet. There was no flexibility under the R-2 rating for us to say, you can't do that. We couldn't do anything to stop them. We said it was a lousy idea. It looked bad."

DiMichele, "How with flexibility & putting all the houses in one scrunched up corner of the lot be any better?" Tripp, "Think different. Maybe a developer would come in & do something like White Tail where he says we have a water problem on part. I'm going to put a community water system out there. What are you going to do? You can't say you can't do that." Dishong, "We agree the issue didn't go away. We bought some time. This merits more research. I think we want to put more flexibility in the language."

Brett, "If you put in the document that The Village will ***Consider*** it, that means we'll evaluate what things can we do to answer your question. Take cluster homes out of it. We look to affect the setbacks. What that gives them is the ability to have a road down the center, but it does a serpentine kind of thing. So the houses can be staggered. It's more of a conventional look. It also would change our setbacks. That's the kind of flexibility I'm considering. It's not that I'm for cluster homes or against them. My knee jerk reaction is it wouldn't be the right alternative out there. I don't like the position that the Village was in. As Mr. Tripp pointed out, that development, if it weren't because of the drainage on a couple of those lots, they could have had that road going down the side. I don't think that's what we want. If we can put ourselves in the position where we have more control & we haven't given something up, something significant, I'm for it."

Tripp, "Look at Pp. 11, point 2. The merits & feasibility … ***will be considered.*** Under point 4, The Village will ***Consider.*** Perhaps, using language like that up at the top under point 1, The Village will ***Consider*** flexible density." To Hartt, "Do you know what I mean David to have parallel language between all of your points? You say will ***Consider*** then have some options. Maybe including modifications of zoning to increase the number of units per acre, which was the third point that you used to have there, but has been eliminated on this draft."

Hartt, "You could say the Village will evaluate whether the existing zoning in the northeast corner ought to be maintained. The next statement is, the Village will only abdicate or recommend any deviation from the existing zoning when it determines that the modification will have no adverse impact blah, blah, blah. Then list two or three options that are here to be considered. The key is if you are doing it, you are making some very specific findings that satisfy you & the community. We have to figure out how to write what those determinations are that have to be satisfied before you're making a change."

Hocevar to Hartt, "Under 1.a. you're talking about the northeastern quadrant flexible arrangement of units. We're talking about keeping the densities the same. This is the question. If we are keeping the densities the same, are you talking about a zoning change for different side yards, rear yards? Because it says you're going to maintain present density, but 'arrangement of units still allows the Village to maintain control of proposed development standards including setbacks'. Are we talking about a zoning change here?" Hartt, "We're talking about a zoning change in some way, shape or form to make this possible.

Otherwise you can't do it except by variances. How the zoning plays out, remains to be seen. The Derby-Date Conservation Development Program advocates conservation development. We're talking about the same thing. If you have 20 acres & your entitled to 10 units, you have the ability to more freely place those units on site in return for the Village getting a plan that demonstrates open space, environmental (unintelligible) & protection of the surrounding property owners. That's a three- pronged test. You build into the regulation the right to consider that subject to a development plan approval acceptable to the Village." Hocevar, "Through zoning changes or variances." Hartt, "Yes through zoning changes. But, You'd write into the code that flexibility. That would be the zoning change."

O'Donnell, "We have done that. Places like Country Estates where it was one acre zoned. The Village agreed to ¾ acre zoning & put the rest of the land into common area. It worked." Hocevar, "That was a zoning change." Dishong, "Are you saying wait till a specific proposal comes & then look for how to be flexible?" O'Donnell, "Yes because every proposal will be different. For example, Kensington Green where there is no conformity in the size of the lots, we made it work because of the way they designed the layout." Dishong, "Your point is zoning is flexible. When you have a proposal, make the modification at that point rather than try to plan ahead." O'Donnell, "Yes."

Hartt, "Obviously, the more the community is built up, the more you can do that. If you do it with a lot of land available for development - if you've given it to one, then the view is you ought to give it to me too."

Brett, "There are two schools of thought. One is in the Comprehensive Plan proactively look at an area & say we see there is a challenge to the way it is now. Therefore, we're going to forecast a change to it vs. waiting until a developer says, I want to do this & then looks for a variance." Hartt, "Do you accept the zoning to allow flexibility? Or do you determine flexibility when a specific request comes in? I think it's better if you intend to use flexibility then build it into the regulations initially rather than amending the code for a specific property or you're going through a variance process. I think that's a little more dangerous & a little more risky, rather than deciding up front what the level of change that you are willing to accept in given areas."

Dishong, "The risk is you're going to get a developer that's not going to work with us. Luckily, most of the examples were folks that were willing to work with us. But, you could get somebody who says this is what I'm doing. That's the main risk to us." O'Donnell, "I'm concerned about telling everybody up front that we're going to be flexible & then it turns out that we aren't flexible. It's easier to say, we'll work with you. I was present on planning board for several of these development creations & we worked successfully with the developers. Everything worked out well. I don't think we have a development in South Russell that is not a good one."

DiMichele, "One of the reasons I thought you didn't put The Village will ***Consider*** that is from the public meetings. I thought the feedback was very strong that they don't want anything changed there." Hartt, "I was asked what my recommendation was. This is reflecting the sentiment of the public & Council based on prior work sessions."

Ondrey, "David's accurate. We sent a message to him & now we're debating it one more time. This issue of flexibility or do you do it on a case by case basis, I tend to agree with David. Somebody's got to have leverage over somebody else in order to pull off the negotiations that we did successfully pull off. Sometimes the developer had leverage because of court cases. Sometimes we had it because they knew if they built according to standards, our market wouldn't be as successful for them if they adjusted with us. You can't always count on those kinds of incidents from development to development. I tend to agree with David. If you're inclined at all, you build in the flexibility ahead of time. You're saying, come up with a better plan than standard conservative subdivision planning & we might be able to work with each other." O'Donnell, "I don't think it's a life or death thing. I think it'll work either way."

Ondrey, "I think John's (Dishong) point is a good one. It doesn't necessarily work if the developer says, I'm not going to fuss. I'm not going to incur all these extra costs for engineering & all this fancy stuff. I don't have to. I can put it in according to your current zoning. The neighbor says that's ugly. We can do nothing about it."

Dishong, "Who does what? The Comprehensive Plan goes to the planning board. This issue is going to take some time; needs some research. Clearly, we're not the only community to face this problem. We need time to research & see what other communities have done."

DiMichele, "At this point should we word this, currently we maintain it. But, in the future, we will look at possibilities." Tripp, "That's what it says. We don't need anymore." Brett to DiMichele, "I see your point. Number 1 on Pp. 11 says, '**Maintain existing zoning in the northeastern corner of the Village'.** I think the thought is the Village might consider, in the future, evaluating existing zoning in the northeastern corner. It's not our number one priority. It might be something to look at in the future."

Tripp, "David had some language & I think it will go to this issue of point two that says ***will be considered.*** It will go to point four; the Village will ***Consider.*** It will be something like that in point one. We will then be able to take up…" Hart, "The Village will evaluate whether the existing zoning in the northeastern corner should be maintained. It will be maintained until the Village has determined that such changes will – then we'll put in some protection of the interests, environment, and adjacent property rights. Then say, the options to be considered, but not limited to, include these two here. (Pp.11, #1. a, b) We might

include a third one that is a much more modest range of flexibility in the subdivision regulations. We did it in Willoughby in the zoning regulations. It was more for hillside protection. It was a very modest level of change. The PC could consider lot width, front yard setback, side yard setback. That case; better managing hillside erosion. In this case, better managing the relationship of houses to adjacent property. That's a third option. The door is open much less wide."

Brett, "Pp. 8 **F. ISSUES,** points 1-4, you really go through the northeast quadrant. Under Pp.11 **G. DEVELOPMENT POLICIES,** those same four items are addressed in corresponding order. But, when you get to Pp. 12 **H. IMPLEMENTATION STRATEGIES,** if we could reference the ones that these are addressing. Number one addresses number two. Number two addresses number two. Could we make it more cohesive? However, we've referenced the northeastern quadrant, do it consistently all the way through the Comprehensive Plan."

Brett, "Secondly, there was a lot more detail on the Village in a previous version. I'd ask that a lot of that be included in both the Comprehensive Plan & Master Use Study." Tripp, "It's here. It's different, but it's here. Some of the maps are different sizes." Hartt, "The range of uses in the Village land plan portion that was a big array, we discarded that because it was just a working tool."

Morrison identifies a spelling error at the top of Pp.12. Change ration to ratio.

PART II-VILLAGE LAND-MASTER USE PLAN (starts on Pp. 13)

Tripp identifies a problem on Pps. 18 & 19. The numbers need to be put in order. Currently: 1,2,5,6,7. Change to: 1-5.

Brett, "Pp. 19, what was #7 & will be #5, **Funding the facilities.** The last sentence, "Funding sources could include… as a last resort, selling of some Village-owned land.' I would strike 'as a last resort' because I don't think it's consistent with what we said before." Dishong, "We never ranked them." Tripp, "On Pp. 23, the reality is there are a number of different things that David Hartt cites as potential sources of funds. It's not limited to the things raised here. (Pp. 19) We could reference, 'Funding sources could include, but not be limited to, grants, tax levies, etc. See Pp. 23 for entire list of options."

Brett to Hartt, "Pp. 23, you made some recommendations if we were to sell property, what property you would recommend that we sell first." Tripp, "The only place it is suggested is Pp. 21, # 2b, **West Side of Chillicothe Road (SR. 306).** There is one sentence. "One possibility includes utilizing the wetlands…could generate some revenue for the Village.' There's no other suggestion that I found." Brett, "We asked David Hartt if we were ever to sell

property, to make some recommendations on what property & what order would make sense. I think it makes sense to put it in there. If you look at the drawing on Pp. 22, the Mezi property (5230 Chillicothe Rd.) would be the first property that the Village would look to sell." Tripp, "That's the wetlands mitigation." Brett, "Yes. You can sell the rights to a stream bank or you can sell the property. Or you can do both." Tripp, "The way to maintain the rural nature & character of the Village is to grant the conservation easement & sell the wetland mitigation. You gain more revenue. You keep it as green space."

Brett, "We asked if we were to sell property, what order would it be." Tripp, "If it's added on Pp. 23, it's just another source of funds." Hartt asked if it were a policy or implementation strategy. Dishong, "It's both. The wetland bank is a strategy for funding & it goes with our strategy of keeping our rural character because it wouldn't be developed." Brett, "I think it goes under implementation strategies." (Pp. 22-23 E).

Brett liked the references. Brett, "Pp. 20, ' *NOTE*: this is not intended as a plan & is used for illustration purposes only.' What I wouldn't want somebody to do is to pick this up & say they already have drawings on what would go there. That is not the intention."

O'Donnell identified an error on Pp.19, **FUNDING the facilities.** Modify the first sentence & remove the word 'be'.

Tripp, "Pp. 19, **Funding the facilities**. Change the last sentence to 'Funding sources could include grants, tax levies' or other examples as shown on Page 23." All agree.

Tripp, "Pp. 23 continuation of **E. IMPLEMENTATION STRATEGIES**, a bullet identifies 'State funds through the Clean Ohio program'. I think it's important to state if Clean Ohio funds are used that no ballfields can be built." Morrison, "That is a very restrictive grant." Tripp, "I think it's important to include this as part of the institutional memory of this document. It was a big point that was brought up at the very end of the last meeting." Brett, "It's awkwardly written. We would have to put a more restrictive easement on a part of that property."

Dishong, "I thought it's not the entire property. If you wanted to put ballfields in a corner, you could still do that." Morrison, "We can fractionalize the Muggleton property using the Clean Ohio program? We can say half the property? Or so many acres?' Dishong, "I don't know the details. I don't think we should make it an absolute statement. Restrictive use is right. Does that eliminate the possibility of ballfields? I don't know. In the area we claim we want money from Clean Ohio, we can't have them." Brett, "If we were to apply for Clean Ohio funds, it would be driven by how much we can apply for. It would be driven by how much of the property we put into a more restrictive easement. For example - don't quote the numbers. If we put 80% of our 86 acres in, then according to the land conservancy, we ought to be able to apply for

upwards of $600,000. It's the bulk of it. If we didn't want to do that & put 60% of the acreage in & maybe apply for $400,000." Dishong, "80% of 87 still leaves enough room to have a few ballfields." Brett, "Yes. But, ballfields could not go on any portion that you put under restrictive use."

Hartt, "Let's reword this whole description & say: In order to be eligible for these funds, a more restrictive use easement must be placed on all or portions of the property to which the funds would be used. This use restriction would also limit ballfields on that portion."

Tripp, "If you look at Pp. 20 (map 7) that red circle, limited ballfields on the other side of the old inner-urban line, there was discussion that maybe that would be a joint development with Bainbridge. That would be where more development would occur & a potential revenue source."

Brett referred to Pp. 23. The bullet that reads, 'Bridge loan from the Chagrin River Loan Conservancy'. Change the word Loan to Land.

Tripp, "P. 23, there's no indication of the hierarchy of the ranking or the like for the funding sources." Brett, "We want the grant first." Tripp, "Good luck. Can you spell Katrina?" O'Donnell, "If we had numbered them, it would give off a different sense. Since they are not numbered & they are bullets, it doesn't have the same connotation." Tripp, "Right. It just gives us a bullet list. It's not numbered so there's no intended hierarchy." Hartt, "Look back at the last sentence on the prior page. (Pp. 22) 'They are listed in priority as follows:' We'll drop that line. Add: Listed as follows:"

Brett to Hartt, "We're going to look for this in two documents: Comprehensive Plan & Master Use Study. Would you walk us through what steps PC & Council would take?" Hartt, "It sounds like the Master Use Plan for the Village property is to go to Council & not PC. That's your call if you're viewing it as a more traditional planning document. For the Comprehensive Plan for the Village, once there is informal consensus on it among all of you, then the PC would consider it in a public forum with a public hearing as to whether it should be adopted as the Comprehensive Plan for the Village. If they do that, it has standing as an official document of the Village. It does not have to be approved by Council. Many communities do have Council approve it by resolution or motion or ordinance, which gives it more standing. It's been designated as the official document by two bodies, not just one. Then, it is up to you to decide how you want to go about evaluating the implementation strategies that are identified, whether you pick them off all at one time or do one at a time."

Brett, "The Master Use Plan goes to Council." Hartt, "That can be adopted by Council as a policy guide. But, then you are treating it in a different vein than the Comprehensive Plan for the Village." Brett, "I know that." Brett to Hartt & Ondrey, "At that point, what does that mean? The plan has been submitted to Council. Council adopts it. They pass a resolution adopting it." Hartt, "It's an official policy statement as a guide that the Village has adopted

whether you are doing one or two of them. It is to be used to consider future actions whether they are actions that have been identified for consideration in the Comprehensive Plan or in response to recommendations or changes submitted by the private sector. You are not bound to follow it. That's the problem with Comprehensive Planning Law in the state of Ohio. But, it should still be used as a guide for you to take action & respond to the proposals that are submitted by the private sector."

Ondrey, "I agree with that. It's a guidepost. The danger arises with them when you have them in place & if you totally don't consider them at all or you vary greatly from them. It might form the basis for somebody to challenge. Why did you do that when your Comprehensive Plan said you were going to do this? You want to not ignore them once they are in place. You want to use them as a guide."

Dishong, "What is the vehicle for adopting this? A resolution? An ordinance?" Ondrey, "With this Use plan, we just want to make a record that this is our official policy & a motion is as good as an ordinance. What I like about ordinances is, it takes more formality. It lends more weight to what you've adopted if you do it that way. You have the readings etc."

Ondrey, "With a Comprehensive Plan, I haven't researched the issue of adopting it. I would respect what David said having gone through this with other communities. My gut reaction would be that it would be necessary for Council to adopt it as an ordinance. I will try to confirm that."

Brett, "With the Comprehensive Plan, that would be directed to PC. PC would pass a resolution to adopt it. It would then go to Council. Council would vote to pass it as an ordinance." Ondrey, "That is my take on it. It's not the same as David said, so I'm going to research it. My perception is that a Comprehensive Plan is in the nature of a zoning ordinance. That's the typical course for a zoning ordinance."

Brett, "It's a guiding document & treated like that. There is no specific, tactical item that is in here. These are things we should use as we are making decisions on what would we do with property. What would we do with zoning?"

Brett, "To do the tactical side, it comes back to PC." Hartt & Ondrey, "It doesn't have to." Ondrey, "If you're talking about the tactile side, adoption of actual zoning ordinances that are in conformity with the Comprehensive Plan, that can arise at either the PC or Council." Hartt, "You can decide if you have some working pieces that you want to consider. You can decide if the focus of that consideration rests with Council or PC. Or you can have joint meetings." Dishong, "If there is any thing to change from a zoning perspective, the planning board is in place to do that. That's what they do."

The final document will be posted on South Russell's website.

Brett to Ondrey, "Anything we're missing with the Comprehensive Plan or Master Use Study?" Ondrey, "It certainly seems to me that you followed a good procedure. Brett asked Ondrey to review the current draft with tonight's changes. Ondrey agreed.

Brett thanked David Hartt & his staff for all their work.

Morrison, "The property on the west end of the Village on Bell does have that stream going through it. I don't know if that's been included in the wetlands mitigation. It was mentioned by Dale." Brett, "We're evaluating that with the Chagrin River Watershed Partners."

ADJOURNMENT: There being nothing else on the agenda, Tripp moved to adjourn, seconded by O'Donnell. Roll call-ayes, all. Motion carried. The meeting adjourned at 8:50 P.M.

Matthew E. Brett, Mayor

Maggie Tomaro, Secretary

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

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

SUMMARY OF THE PLANNING COMMISSION
OCTOBER 20, 2005
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, DiMichele, O'Donnell**

2. MINUTES: PC: 8-18-05 **amended & approved**
PC/COUNCIL: 10-3-05 **approved as presented**

3. AGENDA:

DEVELOPMENT REVIEW FOR A. ALTHANS OF ALTHANS INSURANCE CO. AT 543 EAST WASHINGTON ST. MR. ALTHANS APPEARED BEFORE THE ZBA ON 9-13-05. HE REQUESTED TWO VARAINCES:
1). HE REQUESTED AN 11-FOOT VARIANCE TO ACCOMMODATE FIVE ADDITIONAL PARKING SPACES IN THE FRONT. PROPOSED SIDE SETBACK IS FOUR FEET. REQUIRED SIDE SETBACK IS 15-FEET.
2). HE REQUESTED A VARAINCE FOR AN ADDITIONAL 2.7% FOR LOT COVERAGE. THE PROPOSED LOT COVERAGE IS 73%. THE MAXIMUM PERMITTED IS 35%. CURRENT LOT COVERAGE IS 71%.
MR. ALTHANS WAS GRANTED CONDITIONAL APPROVAL BY THE ZBA. APPROVAL IS CONTINGENT UPON PC DEVELOPMENT REVIEW APPROVAL

Brett, "I make a motion to approve the Althans submittal with a condition. Some screening is to be provided between the Althans property at 543 East Washington Street & Craig Cawrse's property at 547 East Washington Street. The screening is to be approved by the South Russell Building Inspector." DiMichele second. Roll call. All ayes. CONDITIONAL APPROVAL

4. OLD BUSINESS: **Reminder that on 10-3-05, the conclusions were: the PC to undertake the Comprehensive Plan; Master Use Plan to be addressed by the Council. Hopefully, the CP manual will be delivered by the November PC meeting for review**
-Lot split of Smith property at 1572 Bell Road discussed. To date, no drilling has started.
-SR will keep drilling ordinance on the books for now

NEW BUSINESS: **Hocevar, "We're loosing home rule in the Building Department for residential homes." Certified Building Departments have to adopt the Ohio Residential Building Code effective May 2006. Hocevar, "The Residential Building Code for the state of Ohio will not be amended by anyone." O'Donnell recommended that people contact state representatives/senators to prevent this from happening.**

-Next meeting: November 17, 2005 at 7:30 P.M.

-Agenda for next meeting: Development Review Approval for a house located at 7639 East Washington St. Hocevar, "It is a residential home that's zoned commercial. That property has been sold & they are going to turn the house into office space. They are changing just the house, not the zoning. The house was a residential use. Now it will be changed to commercial use as an office. It has to come to PC for development approval."

6. ADJOURN: **8:05 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
OCTOBER 20, 2005
7:30 p.m.

MEMBERS PRESENT: Chairman Walter Sutliff, Matt Brett, Janice DiMichele, Kathleen O'Donnell

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

ABSENT: Ike Tripp

GUESTS: John W. Althans, 1700 Cats Den Road, CF, Ohio

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes of 8-18-05 were amended & approved. The minutes from 10-3-05 of the joint PC/Council meeting were approved as presented.

Development Review for A. Althans of the Althans Insurance Co. at 543 East Washington St. Mr. Arthur Althans appeared before the ZBA on 9-13-05. He requested two variances:
1). He requested an 11-foot variance to accommodate five additional parking spaces in the front. Proposed side setback is four feet. Required side setback is 15-feet.
2). He requested a variance for an additional 2.7% for lot coverage. The proposed lot coverage is 73%. The maximum permitted is 35%. Current lot coverage is 71%.
Mr. Arthur Althans was granted CONDITIONAL APPROVAL. Approval is contingent upon PC development review approval.

8-16-05, notarized letter from Craig Cawrse, 547 East Washington Street, "no objection to granting the variances."

John W. Althans, "The agency was started in 1925. In 1972, we moved out here to Chagrin & bought a home (543 East Washington St.). We have since added three additions to the home. We've got about 14,000 square feet. We employ about 50 people, payroll of a little over $6,000,000. We pay 1%, roughly $60,000, to South Russell & about $8,700 a year in property taxes. We have a vested interest in South Russell. We like being here. It's a great area. I think the corridor where we are located, along 422, people have really fixed up their

buildings, their places of business. It's a successful area. It's nice to be tied into that. We're very happy with the setup that we have."

Althans, "We have parking that handles our associates & employees. However, we get a number of customers & company personnel that comes in during the day. At times we have a little bit of a problem finding a parking space. By adding an additional five spaces for our employees to park in the front area- across from the five spaces we presently have- it's going to handle that really well for us."

Althans, "The drainage in that area, I have a map." Althans to Foley, "Ned, have you taken a look at that?" Foley, "Yes I have." Althans (pointing to the map), "Here's our present parking back here. We have spaces here. This is the area we'd like to get spaces. You can see on the map that has been drawn by Steve Ciciretto, the drainage is down this way & towards the back. In the back area, there is a holding pond for the Cleveland Clinic (551 East Washington St.) That holding pond, there's a stream that goes along here & we drain back into that stream that cuts down here. So, there's decent drainage in the back. Our drainage cuts across & down. There is a stream back there that drains from their holding pond & in the back here a holding basin also catches the water that comes off this parking area & drains back in this area here."

Sutliff, "My recollection is that these were land banked at one time & then you went ahead & put these five in." Althans, "No. We made a proposal to you & you agreed to allow us to do that. We wanted to leave some green space in the front of our place because a lot of the other businesses along here do park in these areas. Here's the parking. You can see a couple of cars here. We kind of like this area. Rather than park right in the front of our area, it messes things up, we're to the left of that as you come in to the right of that."

O'Donnell, "Are those spaces going to be earmarked for company personnel only & not for the employees?" So they won't be occupied?" Althans, "The five spaces we have here normally our company personnel park there because the entrances are in the back area. Even though we have a front door, nobody uses that. There would be additional spaces in the back for people who come in & park in the back." O'Donnell, "My question is employees won't be parking here." Althans, "Yes they probably will. We would prefer them to park in the front & leave spaces in the back so when people come in, the visitors can find a space in the back easily. That's our plan."

Sutliff, (pointing to map) "The end of the parking right here, is this all woods?" Althans, "From there in back, it's woods." Sutliff, "To add spaces back there, you'd be tearing some woods down." Althans, "We can't because you have to stay so far from our property line. We can't go back any further there. We have landscaped along this side & pretty much back here. Right here is where our holding basin is that drains down back into that creek."

Althans, "Cawrse & Associates, to the east, (547 E. Washington) I have a letter from him giving us permission to build within six feet of his property line." DiMichele asked for a copy of the letter for the record.

Sutliff asks Foley if he has any problems with this." Foley, "Not really. Depending on how they grade the spots, there needs to be some grading around this area here. It's not all going to sheet flow across the parking lot. There needs to be some swaling. They're showing, to drain it all this way. If that's what they are going to do, this is going to be up above the ground. So, there's a little area in here. Basically, it needs to be swaled around."

Althans, "Our drainage has a tendency to go from this area, across the front yard & down." Foley, "There's a low area here." Althans, "It's a little bit low. There's a telephone pole right here." Brett, "Is there a drain inlet here?" Foley, "In the road, yes. It's four or five feet deep. I don't know if it's deep enough to come back into it." Sutliff, "So this would all be surface drainage. We wouldn't put any drainage device in here?" Foley, "I would surface drain across here because by the time you would do that, you couldn't really get back into that. There's enough grade that it would go away. Actually, I think we have some options whether you want to do this or tip it the other way & let it go this way. It doesn't make too much difference."

Althans, "We have filled in quite a bit here with plantings. We'd do the same thing in this area over here. Take a look in those pictures, you can hardly see the cars that are parked in there. We've really tried to dress up the place like everybody has. We like being there. It's handy. South Russell is a great place to be."

O'Donnell, "Is there going to be screening?" Althans, "There's a big tree. I think we can keep it hopefully. If you feel we should screen it here, fine. This is grass over here. We have a common property line. We cut a little bit over there. He cuts a little bit. Foley, "I paced it off. It looks to me that you are going to loose that tree." Althans, "Look under the tree. There's a lot of shrubbery that looks like it is part of the tree. Hopefully, we can keep the tree."

Brett to Hocevar, "At the ZBA meeting (9-13-05), wasn't the discussion that the drainage with these five new spots would be minimal? But, it would come towards East Washington Street?" Hocevar, "Correct. Then I talked with Steve Ciciretto & I said I don't think the lay of the land goes toward East Washington. I think it goes the other way. I called Ned & said take a ride out there. Let's make sure there's no detrimental effect to the people on Laurelbrook. There was a Laurelbrook resident at the ZBA. I talked to Ned this afternoon. He sees no consequence at all. It's minimal. I don't see anything happening with it." Foley, "That's low area here. If you wanted to bring some of it this way, you could put an inlet basin & get some of it back & tip it. But, predominant grades…" Althans, "The stream is high. So everything here drains back down to that area."

Brett, "Which way would we rather have water run?" O'Donnell, "Isn't the street the better place?" Brett, "There's a capacity question on the street." Hocevar, "It's tough to get to that street." Sutliff, "I think that storm sewer is overloaded." Hocevar, "Like the Mayor said, they've got a drainage problem anyway." Foley, "I think the impact of these five additional spaces is negligible, meaning you can calculate something. I don't know that you can ever measure…"

Brett to Ondrey, "This went to ZBA for variances. It's come to PC for development review. What direction do we take? What would we consider?" Ondrey, "You have to consider the normal factors for any business development. Is it laid out attractively? What's the impact on the traffic? Is ingress & egress an issue? We're pretty loose on standards for development review. It is a requirement." Althans, "In front of our area luckily, 422 stretches straight each way. So, you have a good view down this way & up this way, which is helpful for traffic pulling out. It's not as though we're on a curve." O'Donnell, "It won't be an impediment." Brett, "If you didn't have these five spots, you're going to still have the same amount of traffic coming in & going out." Althans, "We're not going to have any more people coming in."

Brett to Foley, "Ned, do you see any issues with these five spots?" Foley, "From a traffic standpoint? No. It's not a site distance problem." DiMichele, "It'll just be easier. He's my agent & I know when I have to go there, it's hard to find a place to park."

Brett, "I would be in support of PC moving forward on this. As Mr. Althans indicated, he's been a successful business in the Village, which we support. As you may recall, when we worked through the Comprehensive Plan earlier this year, this area is one that we identified as an area that we may consider to try to help businesses, make sure they were successful & stay. I support this."

Brett, "I make a motion to approve the Althans submittal." O'Donnell, That's right on the property next door; some landscaping to provide a little bit of a buffer." Althans, "That was a requirement when Young was the Mayor here. If you take a look, you can't even see those cars down there. We want to keep our place neat. We've done a good job along with other people. I would be more than happy to work with you to get some ideas & we'll put some stuff in there. I can't guarantee that it'll go in right now because we're getting latter on into the year. I'll guarantee you that that'll be taken care of."

Brett, "When would you do this?" Althans, "We've contacted Joe DiSaro whose done some of our other areas & said if we get permission, could you get started? So, he can probably get started on that maybe within a week or two dependent on if it get's really bad. That would be a possibility. If not, it would have to be next spring."

Sutliff, "Matt's made a motion. To Brett, "Do you want to amend your motion?" Brett, "Yes." Sutliff, **"Put a condition on there that some screening is provided & it is to be approved by Dave."** (Hocevar, Building Department) Althans, "I'll be glad to send you a letter to the effect that we agree with that & yes we'll have somebody do that. We've had Wheeler do some of the other stuff for us. I think he's done a good job."

Brett, "I make a motion to approve the Althans submittal with a condition. Some screening is to be provided between the Althans property at 543 East Washington Street & Craig Cawrse's property at 547 East Washington Street. The screening is to be approved by the South Russell Building Inspector.
DiMichele second. Roll call. All ayes. CONDITIONAL APPROVAL

OLD BUSINESS:

Brett, "To recap, we did have the session on 10-3-05 with David Hartt. The conclusions were that the Master Plan would go to Council. The Comprehensive Plan would come to PC. PC will review it, potentially to adopt. We would expect that by the end of the month." Sutliff, "So that probably will be on the November agenda." Brett, "I would think so."

O'Donnell, "Reading over the minutes (8-18-05) of the Smith's lot split (1572 Bell Rd.), it sure sounds complicated. I wasn't here." Hocevar, "It isn't. It's a very simple lot split." O'Donnell, "They were talking about frontage & a road & septic systems." Hocevar, "It's a very simple lot split. The Board of Health has to approve their septic system. They have 5, 6, 8, 10 acres apiece. I can't remember now. They just took that out to be recorded. It's a pretty simple lot split." O'Donnell, "He's quoted in here as saying the property is ½ mile deep. Then, there were questions, 'Is it going to be too close to the property line?' I thought it sounded complicated. I was going to say you did a good job of sorting it all out. Sounds like there is a little controversy in the family about this well." Hocevar, "I don't think they care." Sutliff, "I think it's over with now." O'Donnell, "Are the papers filed as far as commencement of the drilling?" Hocevar, "No. She hasn't heard anything. Nobody's heard anything. It's at a standstill. The application was applied for & accepted. The driller is holding it up."

Sutliff, "What do we do with our drilling ordinance? We spent a lot of time on it. Do we just leave that on the books?" Ondrey, "Some day we have to confront it. There's a pending case challenging the new legislation. We may as well sit tight until we see how that turns out."

O'Donnell, "Spent a lot of time, that's an understatement. As I was driving up here tonight, I was thinking this could be my last Planning Board meeting & I got to thinking back to all the stuff that we've done here: creating the Building Department, hiring David & his predecessors. That was time consuming. We spent a couple of years creating that ordinance to create the Building Department. The oil & gas well drilling, we traveled around. Ann Malmquist had us driving all over kingdom come for a year looking at sites & discussing brine. I never wanted to see or hear the word brine again. A lot of things have happened here & then the state of Ohio wiped out oil & gas well (?). They are trying to wipe out our Building Department with our regulations. What's happening to our ability to govern ourselves?"

NEW BUSINESS:

Hocevar, "We're loosing home rule in the Building Departments for residential homes." O'Donnell, "They are setting up standards that are way lower than ours." Hocevar, "No amendments to the Residential Building Code after May 2006." O'Donnell, "I think it's very sad. I think we ought to write a letter to our reps & senators to tell them that we don't think what they are doing is the right thing. That's part of our reason to exist as a Village, so we can govern ourselves & set up regulations."

Ondrey, "To be fair, the industries are saying this is such a complicated & more sophisticated world. The industry lobbyists are convincing the legislatures that in fairness to the businesses, they need uniform rules & regulations so they aren't subjected from community to community to different regulations that they can't meet or that are very expensive to try to comply with. I think that's what is driving this homogenization of regulations throughout the state. It's a more complicated world & business says you want to help us cut our costs, than let's make uniform rules."

DiMichele, "What kind of impact is it going to have on us?" Hocevar, "What David said is true. But, they want to build a house in South Russell like they do in Southern Ohio, which is not up to our standards. Foundation walls, our standards are higher than what they are proposing. Our standards are for 12" block. They are proposing 8" block. They are bringing the standard up from Southern Ohio, California. We have a little different snow load up here. Footer drains, that's a big one. The foundation footer drains are going to have 12" of stone over it instead of bringing it up to grade. They have no regulations on the thickness walls of the pipe. So, they could put regular corrugated pipe if they want. Throw it in there, put 12" of stone over it & forget about it."

Brett, "These are the standards that are already set. The change would be that we can't apply our own…" Hocevar, "We can't amend it. You're right Mayor." Brett, "It's not that they are proposing this, this is a change that's already gone through & it goes into effect in May 2006." Hocevar, "Right." Brett, "We can not enforce our own Building Code. We have to use the state's…"

Ondrey to Hocevar, "Is there some language that prohibits municipalities from…" Hocevar, "Exactly what I said, it will not be amended. The Residential Building Code for the State of Ohio will not be amended by anyone." Ondrey, "Does it say that every community must adopt the Ohio Residential Building Code?" Hocevar, "If you are a certified Building Department, you have to adopt the Residential Building Code. If you adopt a code in the state of Ohio, it's going to have to be the Residential Building Code. That's the problem."

O'Donnell, "We need to speak to them & tell them how we feel about this. I don't feel we should roll over & say ok." Ondrey, "Any indication the big cities are going to challenge it?" Hocevar, "I think our organization, that I belong to, is going to challenge it as a whole on different items, to prevent it. I think I'm going to set up something, go down to Columbus & appeal it. We'll appeal it for the whole state if we've got enough push behind us to say, this is what we want to do. That's what I'm working on now to try to get enough communities from North East Ohio."

Hocevar, "Next meeting, I think we're going to have something on the agenda for a house at 7639 East Washington St. It's a residential home that's zoned commercial. It's the house just east of the driveway to the armory. That house is in South Russell. They sold that property & they are going to turn it into an office space; changing just the house, not the zoning. The house was a residential use. Now it will go to a commercial use, as an office. It has to come to PC for development approval." Brett, "That's the house that at one time we didn't know that it was in South Russell."

The next meeting is set for Thursday, November 17, 2005 at 7:30 P.M. Ondrey is not available. He will send a substitute.

There was no further business. The meeting adjourned at 8:05 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

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5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022

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

SUMMARY OF THE PLANNING COMMISSION
NOVEMBER 17, 2005
7:30 P.M.

1. ROLL CALL: **Sutliff, Mayor Brett, DiMichele, Tripp**

2. MINUTES: 10-20-05 **amended & approved**

3. AGENDA:

   FORMAL DISCUSSION & DEVELOPMENT REVIEW FOR A HOUSE LOCATED AT 7639 EAST WASHINGTON ST. IT IS A RESIDENTIAL USE, ZONED COMMERCIAL. NOW IT WILL BE CHANGED TO COMMERCIAL USE. DYNAMIC DESIGN & SYSTEMS INC. NOW LOCATED AT 280 PARK PLACE, IS A GRAPHIC DESIGN COMPANY. IT INTENDS TO USE IT AS AN OFFICE. **Brett, "I make a motion approving a developmental approval for this property located at 7639 East Washington Street for Dynamic Design & Systems Inc." DiMichele second. Roll call: all ayes. APPROVED**

   INFORMAL DISCUSSION WITH RESIDENT, PATTI VALENCIC, OF 1567 BELL ROAD. SUBJECT: ZONING **No action**

4. OLD BUSINESS: **Status of gas well at 1572 Bell Rd. No activity yet.**
   -New Ohio Residential Building Code: supposed to go into effect May 2006. Hocevar & group attended a public hearing in Columbus two weeks ago to object to it. Hocevar, "The Building Code is a minimum code." Brett, "The bill has been passed, but that doesn't mean you can't do something about it being repealed." Hocevar, "After May 06, all your residential building permits will have a 1% tax that goes straight to the state of Ohio."
   - Former Milbar property, 530 E. Washington St. No activity. Property owner, Jeff Simler told Hocevar that he is waiting to get a decent tenant to finalize the financing of it.
   -CP & MUS to be delivered by 11-23-05

5. NEW BUSINESS: **NEXT MEETING: 12-15-05, 7:30 P.M.**
   -Review the Comprehensive Plan
   -The Bell Station, 5196 Chillicothe Rd. may present a landscape plan for approval. August 22, 2002 PC granted conditional approval for the occupancy & operation of the station contingent upon five conditions. #4 was, 'They must maintain or replace the existing Cedar trees' & #5 was 'A landscaping plan is to be submitted & approved by

the PC within 120 days.' The ZBA met 10-19-05 & granted conditional approval for the station to expand. One of the five conditions was that the two things that have not been followed when the PC granted conditional approval (8-22-2002) must be met – specifically #4 & #5.

6. ADJOURN: **8:20 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 17, 2005
7:30 p.m.

MEMBERS PRESENT: Chairman Walter Sutliff, Mayor Matt Brett, Janice DiMichele, Ike Tripp

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

ABSENT: Kathleen O'Donnell

GUESTS:
Steven Ciciretto, architect, 270 Park Place, C F, Ohio 44022
Dick Doerr, 15655 Priorway Dr. Novelty, Ohio 44072, owner of Dynamic Design & Systems Inc. 280 Park Place, C F, Ohio
Patti Valencic, 1567 Bell Rd.
Brian Morrison, 20 Woodside

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes from 10-20-05 were amended & approved. Solicitor Flynn swore in those who wished to speak at tonight's meeting.

Formal discussion & development review for a house located at 7639 East Washington Street. It is a residential use, zoned commercial. Now it will be changed to commercial use. Dynamic Design & Systems Inc. now located at 280 Park Place, is a graphic design company. It intends to use it as an office.

Architect Steve Ciciretto explained that Dick Doerr of Dynamic Design has had a graphic design firm at Park Place for 15 years. Ciciretto, "The zoning on the north side at the Park Place campus is B-2. This (7639 E. Washington) is in the B-1. It is my understanding that this is a permitted use in that district. As we look at the site plan, this is a peculiar property. It's dissected by the line with the parking in Bainbridge Township & the rest is in South Russell. No exterior changes to the building itself at this point. We will have to get into some

updating for ADA compliance & electrical for lights & signs. Some structural work because the residential property doesn't meet with today's loads for business codes."

Ciciretto, "The total lot coverage is 1.2 acres. As we convert it, the single biggest factor is that we need additional parking to meet the zoning ordinance. Although I think they can manage to park six or eight cars on that back turn around, it's best if we clean that up. You'll notice that there is expansion of parking in the back. We are at 15% lot coverage with the house & the paved areas on the site at 2,100 square feet for the first floor of this building. It has a basement, a mechanical basement, so we didn't include that. At 300 square feet per car, seven spaces are required."

Ciciretto, "We are under the lot coverage that is permitted in that district. The exterior won't really change except for maintenance. The house has been neglected over the last few years. Dick has started to clean up the vines that have grown over the house. A couple of pine trees in the back will be eliminated that are in the parking area." Doerr, "It's been 14 or 15 months since anyone has lived in the house. The lady is in Hamlet."

Sutliff, "What do you do with property where it's half in one village & half in another village?" Flynn, "Bainbridge would zone their part & South Russell would zone their part." Sutliff, "What happens if they are conflicting? Like Bainbridge's portion is residential & South Russell's is commercial." Flynn, "We hope the communities can work that out." Doerr, "This property also abuts the ball fields." Flynn, "How much of the property is in Bainbridge?" Sutliff, "Looks like about 1/3 of it."

Brett to Ciciretto, "Have you approached Bainbridge yet?" Ciciretto, "No. Since the changes & alterations that we're doing are on the South Russell property, I wasn't sure, until the point came that Dick needed to expand the building, what their input is. We haven't changed the land use. If we were going to build on that property, we would probably have to secure a use variance. It's zoned residential."

Brett to Hocevar, "Could you help clarify what it is that we are reviewing with this application?" Hocevar, "You are reviewing the development review process. The use is a permitted use in that district. The building was a residential dwelling but it is actually a I2-B2 district. You're giving the ok for the applicant to put a business that is permitted in that area. The parking setbacks are what we would require in South Russell for residential area even though it abuts against Bainbridge. You're getting a use here that's one of the most pleasing uses that you could put in that area."

Hocevar, "Mr. Ondrey & I had some conversations on similar issues where an area came up against Bainbridge. He said, 'You try to be good neighbors. If push comes to shove, whatever your use is if you want to make it

happen, make it happen.' You've got a good use here. I don't see why anybody from Bainbridge would object. We are complying with our stricter parking requirements. I don't know what else you can do to make this happen any better." Sutliff, "I agree. I think it's a good plan. It raises some interesting legal questions."

Flynn, "You're expanding this parking. Is the original parking the dotted line?" Ciciretto, "Yes that's the drive & the turn around. That's some green space. The calculations for lot coverage include that new paved area." Brett to Ciciretto, "Could you walk through that?" Ciciretto, "The drive currently comes in just like this & then it goes like this. We would be paving this area to add new parking." Brett, "The existing garage would be?" Ciciretto, "The difficulty with a business use & having a garage is the fire separation issue. We're not anticipating using the garage except for storage; 65 foot storage area. The garage will be converted to storage."

Tripp, "Do they have any asphalt over this lawn?" Ciciretto, "Yes. This is the driveway as it comes in right now. This is all existing pavement up to the dotted line." Tripp, "From the dotted line will be the new. The reality is, the existing driveway was already in Bainbridge." Ciciretto, "That's correct." Tripp, "So, it preexisted. All we're talking about is adding some parking in the dotted area that is within the bounds of South Russell." Doerr, "That's correct." Tripp, "It's not a change in anything that they are going to see in terms of Bainbridge Township: their zoning, their building requirements." Hocevar, "Exactly."

Ciciretto, "We think down the line, it's logical expansion that would come this way. I believe at that time, we would need a variance from Bainbridge Township." Sutliff, "Does this house pay taxes to both South Russell & Bainbridge?" Doerr, "Yes." Brett, "Geauga County had this house in Bainbridge for years. Our building commissioner & street commissioner discovered, by looking at maps, it was in South Russell. We started to recoup those tax dollars."

Brett to Hocevar, "Is the additional parking anything that the PC is reviewing tonight?" Hocevar, "You're looking at parking, the whole concept of changing this from a residential use to a business use. You're looking at the whole concept. Parking is part of any change in a commercial building. Exterior, PC has to give development approval." Brett, "Not because of where the parking is or the coverage, but because it's a change." Hocevar, "That's exactly right."

DiMichele, "When the basement is used just for utilities, does it have to be added to the footprint?" Hocevar, "Normally, yes. In this situation, I've been in that house & they aren't going to use that thing for anything but storage. If they were to, they still have the ability to withdraw that from the square footage." DiMichele, "When we're figuring the square footage, do we use the whole lot or just the side of the lot in South Russell?" Hocevar, "That's a good question. I can't answer that. I would say use the whole lot." Flynn, "I would say, you use the portion in South Russell. I don't think it says it anywhere in the code."

Sutliff, "Even if you took just the South Russell, I haven't done the math, but even if just took the South Russell property, it certainly looks like you are within 35%." Ciciretto, "I didn't do that calculation. I suppose you'd have to include the parking, the paved area & the Bainbridge part."

Morrison to Ciciretto, "You said something about expansion. That's not today." Ciciretto, "Way down the road, it's a possibility. Right now they are doubling the size that they use right now at Park Place." Morrison refers to the garage. Ciciretto, "This currently is the garage."

Sutliff to Foley, "Do you see any challenges with the additional parking? Any concerns?" Foley, "I can't make any judgment on drainage. I would think not, given the use of the adjacent area. My guess is that it would be a benign change." Sutliff, "Do you see having to put a catch basin in & running it out to 422? Or could this be handled on site?" Foley, "My first thought would be on site. But, not knowing the specifics of how it is dealt with now, I don't know."

DiMichele, "How many people will be working there?" Doerr, "We presently have six employees. There could be five on site." DiMichele, "Will there be room for expansion?" Doerr, "Yes." Flynn, "Do you plan on using signs?" Ciciretto, "We do. I believe it would be a ground sign within the guidelines." Flynn, "You haven't submitted those to David." Ciciretto, "No." Doerr, "We have been in business 23 years; fifteen years here. We have maybe one client a week come by the office. We go out to them or it's all done on e-mail. We don't have a lot of traffic in & out either. We would like a sign eventually to identify us."

Ciciretto, "It's not unusual to convert old homes into businesses like the leasing company (521 E. Washington St.) next to the Chagrin Valley Times." (525 E. Washington St.) Brett, "Who owns the property now?" Doerr, "I do as of two weeks ago." Brett, "Based on what's been presented & our discussions earlier this year for businesses that are in the Village, that want to stay in the Village, I'd like to support that. This seems like a good fit for a good property. I would be supportive of it." DiMichele, "I agree."

Brett, "I make a motion approving a developmental approval for this property located at 7639 East Washington Street for Dynamic Design & Systems Inc." DiMichele second.

Discussion: Tripp, "Does the motion have to say they will conform to a specific zoning use, a B-1?" Hocevar, "He's in the least restrictive of any zoning we have in the Village. You can get anything from business to industry in that area. I don't know if you want to do that, if it makes any sense to do that." Flynn, "This isn't about zoning. The zoning is ok. This is about development review. I don't think you necessarily need to include that."

Roll call: all ayes. APPROVED

Informal discussion with resident, Patti Valencic, of 1567 Bell Road.
Subject: Zoning

Patti Valencic, "We had talked about the northeast quadrant & the bowling alley lots. We had the plan from Prestige Homes (PC 4-21-05) that didn't fly. I wonder if there is some legal way that our zoning would permit us to avoid something like that passing in the future. Even if it's five houses on a lopsided street, we'd still have no protection from something like that. I just wonder is that something that could be changed? If zoning could be changed to accommodate something less intrusive than what would have been? I'm suggesting maybe a meandering lane if that lot were to be sold, to be fully developed to the five lots that are allowed on it at the present. Is there any way that zoning could protect us as neighbors from having a street a foot from the length of our property in the future?"

Sutliff, "My comment is I happen to like one of the issues that was brought up in the Comprehensive Plan review where there is flexibility in that northeast quadrant. Apparently, the majority of the residents didn't agree with that & wanted to maintain the zoning as is. I think some creative planning out there on those lots – maybe go with cluster homes instead of the two-acre zoning. That's my personal opinion. Right now, that's zoned two-acre. I personally think we're stuck with it."

Brett, "We thought we'd have the Comprehensive Plan & Master Use Study back from D.B. Hartt. They've run into their own snag. We should have them on November 23rd. Where I believe we landed on that specific topic, we asked for language to be added that might be the middle of the road, that didn't say necessarily that the Village will consider some flexibility, but would consider something in the northeast quadrant. The thought was similar to Mrs. Valencic's comment. In regard to what was presented out there, (by Prestige Homes) as we sit here tonight, a similar plan could be presented. The only difference from what was presented would be what occurred, with what was ultimately the storm drainage or septic issue." Hocevar, "Septic actually." Tripp, "And it was one wetland area from Dr. Eckstein's study."

Brett, "When the Comprehensive Plan does hit the Village, PC does look to approve that. We're formally saying that is what we want to do & put the tactical pieces together to do something about it. What exactly that means, I don't know. We've fished for advice from our solicitor, our zoning inspector our planner on potential things out there. Some of those were presented. Some people liked, some people didn't like. At the end of the day, I'm not sure cluster homes would be an answer out there. I'm not sure that a winding road & having homes off set is doable or if it's the answer. I do think it's an issue that PC needs to address."

Tripp, "Until we get the D.B. Hartt stuff, we can't do justice to your request." Sutliff, "My recollection is that these bowling alley lots, you can't physically put a street up the middle & houses on each side. You physically can't do it. You can't meander a street up there & have houses on each side of the street." Valencic, "Right."

DiMichele, "I am concerned about making general changes on it because right now our zoning protected you & kept it from happening. If we had the looser, more flexible kind of zoning, you might have four or five houses next to you." Valencic, "Right. I'm not asking for more flexibility, looser zoning. I'm asking for tighter zoning because ideally one or two people would buy the lot next to me & put one or two homes on there. It has the capability, right now under zoning, for five homes. What's to keep another builder from coming by & saying I want to keep that road right where Prestige wanted it & spread these houses out a little more? That could still come down the pike. What I'm asking is nobody wanted a lopsided neighborhood when it was discussed. Is there anything we can do with zoning to prevent that? I know there's a precedent for lopsided neighborhoods because I believe that Emerald II has some streets with homes on just one side. I'm wondering is there anything that can be written into zoning that would say a street has to be developed on both sides?"

DiMichele, "Even if we did that now, it wouldn't be retroactive to the people who own that lot now. We can't go & change the zoning on them. Can we?" Hocevar, "I had a conversation with Mr. Ondrey in regard to what you were saying Patti. He said, 'Absolutely not. There's no way you are going to prohibit the developer from coming in & trying to put houses on one side. You own the land. You have the right to develop it.' My first thoughts were, let's change our zoning so we can build on both sides of the street. He said, 'You can't do it. They'd take you to court & you'd loose. It's a no win situation. The best you can do is try to get some flexibility from PC, from the ZBA & let's make this more pleasing to the people who live there. Let's work something out.' Like Ike was saying, the best thing you can do is to have a little bit of flexibility to work with the developer & say we'll give a little here, but we want a little bit more here."

Brett, "Flexibility doesn't mean that it encourages or makes it easier for a development to come in." Hocevar, "I was talking about the opposite. Flexibility is going to be a better thing for the Village." Brett, "What the flexibility would do is give us at least some control to accomplish what you're (Valencic) saying. I agree with your point. As we sit here tonight, if somebody came in with that plan, we don't have anything that we can do. I do agree with you. I don't know exactly what it is. I think it's more difficult than what we wish it was. I don't have the solution right now. I do think the proper process is to take that CP, which is the strategic guiding document, & for the committee to say you approve it or you don't. Then, to take on the tactical & implement the things to accomplish that."

Valencic, "I think you said at one meeting that you don't want to see zoning changed. You want to uphold the zoning as it is now. Speaking for myself & several neighbors, that's what we want. We want to see zoning upheld. Cluster homes, that whole idea just scares me out there. It ruins the whole rural image." Sutliff, "If zoning is upheld, the possibility that the road going down the side of your property exists." Valencic, "Right." Sutliff, "You can't deny the people the use of their property." Valencic, "No. But I think, at some point you have to take into consideration the character of an area & the effect it has on neighbors when a developer puts something unappealing, unattractive on a lot." DiMichele, "That's a matter of definition. Not everybody would think that is unappealing, unattractive." Valencic, "Well a road a foot from your property is unappealing." DiMichele, "Unappealing on your side right. But, on the other side, people wanting to buy that, I don't know if they'd find it unappealing or not." Valencic, "I don't disagree with you at all. I'm just asking is there anything at this point we can do to tighten zoning up a little bit more?" DiMichele, "I go back to, I don't think it would have any effect on the property that's out there."

Tripp, "As David said, he talked to Ondrey about it. If we change the zoning, we're going to loose if they take us to court." Hocevar to Valencic, "You're probably in the most restrictive zoning in the whole Village." Valencic, "That's good. I pray it stays that way & (?) not going to change it." Hocevar, "Not probably, but you are."

Brett, "But if there were a zoning change, than it would effect whatever property we have rezoned." Hocevar, "Yes." Brett, "You do have the ability to do that if that is the choice that you make." Tripp, "Well, we're not going to change it based on what Mr. Ondrey said." Flynn, "You can change your zoning to anything you want. It doesn't necessarily uphold in court. If the property owner challenged it, you are probably going to loose. That was David's opinion & that would be my opinion. You can change it to whatever you want. Will you loose at the end of the day? I believe you would." Brett, "I agree about the specific objective; to try & do something else like a meandering road or something else. Other alternatives, we don't know."

Valencic, "If a property owner came to you next month & said I heard about the possibility of doing flexible zoning & cluster homes. This is my property. Could you rezone it for it? What would your stance be?" Tripp, "The same stance that the person that is standing for Supreme Court justice would say. You need to look at all the evidence before you make a decision. The Comprehensive Plan, that was the second thing. First thing we did, we went through –page by page- of the zoning. You weren't here for that. The CP, that was Phase II."

Brett, "I agree with your comment. It depends on what property it is & what they want to do. If it didn't fit the zoning, they'd go for an appeal. I think you take it on a per case basis. I'm not necessarily in favor of cluster homes. From our residents, they have indicated that there is a demand for additional cluster homes in the Village. If there was a way it could fit somewhere, that could be appealing."

Valencic, "I'm hearing the same demand from people who are looking to downsize & have a cluster home. I'm wondering if a cluster home built in South Russell with current minimum square footage, would meet their demand? Don't we have a minimum square footage for a one-story house?" Hocevar, "Yes." Valencic, "Is that downsizing for elderly people? Is that affordable? I think I'm hearing demand from people who say they want something affordable that's a cluster home. I'm wondering, if there are five units on 20 acres & they're paying taxes on four acres & having a pretty substantial home, is that really going to be affordable? Is that really what people are asking for if they look at it closely? Are there any association or grounds keeping fees? It might be pretty costly. I don't see that as the answer to some of these demands. At least, that's what I heard at that open meeting."

Hocevar, "Patti, I explained to you when you first came into my office. I said, to come into the Village of South Russell & do what they want to do, they have an up hill battle all the way. You've got PC, the Mayor & Council here. If you were in Bainbridge, I'd say maybe you've got some worries. And you may still have some worries. But with the Mayor, PC & Council that we've got in this Village here & the legal counsel we've got, you're very well protected as a citizen of South Russell. I can say that."

Sutliff, "I think I'm right in saying this. If the position is not to change the zoning out there – never change the zoning out there- I think the only type of development that can go in next to your place right now is exactly the development that you just saw a couple of months ago." Valencic, "With fewer homes." Sutliff, "Maybe sewers will come in some day & that septic issue becomes a non issue. Then you get five houses. I know no other way to develop that property other than what was presented three months age. Am I right Ned?" DiMichele, "The only way would be if several people got together & took two or three houses." Valencic, "A common, private drive rather than a dedicated street."

OLD BUSINESS:

Status of gas well on Smith property, 1572 Bell Rd.: Tripp, "Because of the changes in the state of Ohio oil & gas drilling, do we get notification just before they start drilling?" Hocevar, "The changes did not pertain to that. We get notification when an application was applied for. That's the only time we get

notification in the Village." Tripp, "That rig's just going to show up because the ap's been pulled. Right?" Hocevar, "Right. The permits been pulled. I don't know what the hold up is. The landowner does not know either. They just put a stop to it. The driller called me & told me he'd call me a week before he comes on site. The homeowner told me he'd call me when they get notification that the drillers will show up. I haven't heard anything from them. They are wondering as much as we are." Tripp, "The way oil & gas is now, the rig is probably so busy. They'll get to it when they get to it. You'll get a call & we'll know a week out." Hocevar, "They were supposed to start drilling in July."

New Ohio Residential Building Code: Hocevar, "That's still going through. The state of Ohio adopted the Residential Code. It took away our ability to use home rule & amending our building code." Sutliff, "You indicated that you & a group…" Hocevar, "We went down. We went to a Public Hearing down in Columbus. It was two weeks ago tomorrow. Everybody talked against it except the Home Owner's Association. They thanked everybody for passing this regulation. The Building Code is a minimum code & that's just what we got. We took a minimum code & stuck it into the state of Ohio for residential homes." Tripp, "How could this pass without every building inspector & mayor in the state of Ohio knowing about it?" Hocevar, "We knew about it. The Mayor's Municipal League sent a letter. I gave a copy to Council. They sent a letter to Bob Taft (Governor) saying turn it down. It's taking away our ability to home rule. Bob Taft threw it in the garbage & didn't sign it."

Brett, "Being a local Mayor, I'm not sure I'd say all the Mayors plugged into it. They should have. I was surprised this went through. The other surrounding communities in this area, most of them don't know this has gone through, let alone that it was proposed. What I will tell you is that, number one, with our Building Commissioner leading the way, we're trying to figure out what all this means. There is a fair amount to it. It is significant. Number two is how do we put up a fight against it? I'm not interested in just laying down on this. South Russell can't go alone on this one. We've got to organize within the Chagrin Valley Intergovernmental Group or David as a member of a number of Building Inspector's groups. We're also a part of the North East Ohio Mayor's Group & Geauga County & so on & so forth. How do we attack it? I don't know. The bill has been passed, but that doesn't mean you can't do something about it being repealed."

Tripp asked who the state representative is for this area & how did he vote. Flynn, "Matt Dolan." Brett, "It passed before Matt got in." Tripp, It was Grendell." Hocevar, "The reps of Southern Ohio were big supporters of this all the way." Morrison, "It seems like there's a bigger issue here. There are other bills that have gone before the legislature in Columbus that seem to erode home rule. It's not something I agree with. I think it makes South Russell tick & work well, gives us the ability to determine our own destiny."

Hocevar, "Two cities have challenged the home rule issue as far as the Commercial Building Code: Middleburg Heights & Westlake. They went up to the Court of Appeals & they both won. Had they done it individually, it would have cost them a lot of money. They won for their cities. That's it. It's not carte blanche." Brett, "Who does this effect? Only municipalities that have a certified Building Department?" Hocevar, "Right now that's a part of it. The other part is it effects any municipality in the state of Ohio who wants to adopt a residential code." Tripp, "It's not like the federal government. The federal government has passed Clean Air Act. States can pass statutes that as long as the statutes are as strict as the federal statute, it's acceptable. They can make it stronger for OCEA, EPA. That isn't the case here." Hocevar, "That's not the case."

Brett, "Can you plug in the last part that you let Council know Monday night?" Hocevar, "From now on, after May 06', all your residential building permits will have a one percent tax that goes straight to the state of Ohio. Right now, commercial has 3%." Brett, They take over control, but they also get money. Certainly the Mayor & Council feels that we get organized, get our arms around this one & make sure we go after it."

Comprehensive Plan & Master Use Study to be delivered by 11-23-05

NEW BUSINESS: Next meeting: December 15, 2005 at 7:30 P.M. Tripp is not available.

The Bell Station, 5196 Chillicothe Road, may present a landscape plan for PC approval. Hocevar, "The ZBA granted a variance (10-19-05) for an expansion of their building. One of the things they were lacking from day one, the landscape plan had to be approved by the PC. (A condition PC set when it granted conditional approval 8-22-02) The screening that the ZBA required has to be approved also. They're having a tough time with the neighbors. The ZBA requested that they go to a landscape architect & get a drawing that has to be approved by our landscape architect. He's not going to do that readily. A couple of drawings have come in to my office & they weren't pretty. I said get a landscape architect. We're not going to do anything with this. He has a drawing with little circles & says here's a pine tree & here's a pine tree. That's no good."

DiMichele, "Wasn't he turned down once? Is this for the walk-in coolers?" Hocevar, "Yes." DiMichele, "I thought when we originally approved the gas station, they asked about that & we said no they had to stay within the confines of what it was." Hocevar, "Our solicitor recommended, because they changed the dimensions on it, it was to our best interest to let them go before the ZBA." Tomaro, "What she's talking about is August 2002 when PC allowed him (Pascoe) to open. That was one of the conditions. Than they appealed it to the ZBA." Brett to DiMichele, "They did go to ZBA one time (4-7-05) with approximately 600 square foot walk-in coolers. They changed something on it. I wasn't at the second meeting (10-19-05). I was surprised by the outcome."

Flynn, "I was at the meeting. There was no opposition other than to the landscaping. The landscaping had been taken down because of a snowstorm. The board felt it was appropriate to grant their variance, but also get this screening. The screening is very important to the neighbors. There wasn't any opposition other than the neighbors who discussed screening, residential neighbors in the subdivision." (Fox Run)

Tomaro, "Dave Withrow, resident of Fox Run & ZBA member used to sit in on your PC meetings. He remembered if those trees come down, that they had to be replaced. (It was a condition of approval, PC 8-22-02) I gave the ZBA a sheet (PC 8-22-02) & it said you wanted from Mr. Pascoe a landscape design plan within 120 days of the August 2002 date. When the ZBA saw that & he hadn't replaced any trees, they asked if he did the landscape plan. He said no. So, that's why it's coming back to you. He's 31/2 years late."

There was no further business. The meeting adjourned 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

SUMMARY OF THE PLANNING COMMISSION
OCTOBER 20, 2005
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, DiMichele, O'Donnell**

2. MINUTES: PC: 8-18-05 **amended & approved**
PC/COUNCIL: 10-3-05 **approved as presented**

3. AGENDA:

DEVELOPMENT REVIEW FOR A. ALTHANS OF ALTHANS INSURANCE CO. AT 543 EAST WASHINGTON ST. MR. ALTHANS APPEARED BEFORE THE ZBA ON 9-13-05. HE REQUESTED TWO VARAINCES:
1). HE REQUESTED AN 11-FOOT VARIANCE TO ACCOMMODATE FIVE ADDITIONAL PARKING SPACES IN THE FRONT. PROPOSED SIDE SETBACK IS FOUR FEET. REQUIRED SIDE SETBACK IS 15-FEET.
2). HE REQUESTED A VARAINCE FOR AN ADDITIONAL 2.7% FOR LOT COVERAGE. THE PROPOSED LOT COVERAGE IS 73%. THE MAXIMUM PERMITTED IS 35%. CURRENT LOT COVERAGE IS 71%.
MR. ALTHANS WAS GRANTED CONDITIONAL APPROVAL BY THE ZBA. APPROVAL IS CONTINGENT UPON PC DEVELOPMENT REVIEW APPROVAL

Brett, "I make a motion to approve the Althans submittal with a condition. Some screening is to be provided between the Althans property at 543 East Washington Street & Craig Cawrse's property at 547 East Washington Street. The screening is to be approved by the South Russell Building Inspector." DiMichele second. Roll call. All ayes. CONDITIONAL APPROVAL

4. OLD BUSINESS: **Reminder that on 10-3-05, the conclusions were: the PC to undertake the Comprehensive Plan; Master Use Plan to be addressed by the Council. Hopefully, the CP manual will be delivered by the November PC meeting for review**
-Lot split of Smith property at 1572 Bell Road discussed. To date, no drilling has started.
-SR will keep drilling ordinance on the books for now

Brett, "Which way would we rather have water run?" O'Donnell, "Isn't the street the better place?" Brett, "There's a capacity question on the street." Hocevar, "It's tough to get to that street." Sutliff, "I think that storm sewer is overloaded." Hocevar, "Like the Mayor said, they've got a drainage problem anyway." Foley, "I think the impact of these five additional spaces is negligible, meaning you can calculate something. I don't know that you can ever measure…"

Brett to Ondrey, "This went to ZBA for variances. It's come to PC for development review. What direction do we take? What would we consider?" Ondrey, "You have to consider the normal factors for any business development. Is it laid out attractively? What's the impact on the traffic? Is ingress & egress an issue? We're pretty loose on standards for development review. It is a requirement." Althans, "In front of our area luckily, 422 stretches straight each way. So, you have a good view down this way & up this way. It's not as though we're on a curb, which is helpful for traffic pulling out." O'Donnell, "It won't be an impediment." Brett, "If you didn't have these five spots, you're going to still have the same amount of traffic coming in & going out." Althans, "We're not going to have any more people coming in."

Brett to Foley, "Ned, do you see any issues with these five spots?" Foley, "From a traffic standpoint? No. It's not a site distance problem." DiMichele, "It'll just be easier. He's my agent & I know when I have to go there, it's hard to find a place to park."

Brett, "I would be in support of PC moving forward on this. As Mr. Althans indicated, he's been a successful business in the village, which we support. As you may recall, when we worked through the Comprehensive Plan earlier this year, this area is one that we identified as an area that we may consider to try to help businesses, make sure they were successful & stay. I support this."

Brett, "I make a motion to approve the Althans submittal." O'Donnell, That's right on the property next door; some landscaping to provide a little bit of a buffer." Althans, "That was a requirement when Young was the Mayor here. If you take a look, you can't even see those cars down there. We want to keep our place neat. We've done a good job along with other people. I would be more than happy to work with you to get some ideas & we'll put some stuff in there. I can't guarantee that it'll go in right now because we're getting latter on into the year. I'll guarantee you that that'll be taken car of."

Brett, "When would you do this?" Althans, "We've contacted Joe DiSaro whose done some of our other areas & said if we get permission, could you get started? So, he can probably get started on that maybe within a week or two dependent on if it get's really bad. That would be a possibility. If not, it would have to be next spring."

Sutliff, "Matt's made a motion. To Brett, "Do you want to amend your motion?" Brett, "Yes." Sutliff, **"Put a condition on there that some screening is provided & it is to be approved by Dave."** (Hocevar, Building Department) Althans, "I'll be glad to send you a letter to the effect that we agree with that & yes we'll have somebody do that. We've had Wheeler do some of the other stuff for us. I think he's done a good job."

Brett, "I make a motion to approve the Althans submittal with a condition. Some screening is to be provided between the Althans property at 543 East Washington Street & Craig Cawrse's property at 547 East Washington Street. The screening is to be approved by the South Russell Building Inspector.
DiMichele second. 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

SUMMARY OF THE PLANNING COMMISSION
JANUARY 12, 2006
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, Tripp, DiMichele, Dishong**

2. MINUTES: 11-17-2005 **amended & approved**

3. AGENDA:
Ike Tripp was sworn in to serve another term on PC.
Council member, John Dishong, was sworn in as a new member of the PC.

REVIEW & DISCUSS THE COMPREHENSIVE PLAN:
'PROPOSED COMPREHENSIVE PLAN Prepared For The VILLAGE OF SOUTH RUSSELL, OHIO September 23, 2005 (revised November 28, 2005 to reflect the comments of Village Officials on October 3, 2005)'
Changes made to the CP. Refer to Pp. 5 of these minutes.

Tripp, "I'd like to make a motion that the South Russell Village Planning Commission adopt the Village of South Russell's Comprehensive Plan as put forth by D.B. Hartt, revised November 25, 2005 with the typo's & wording that was included in this evening's discussion." Brett second. Roll call. All ayes. CONDITIONAL APPROVAL

Brett, "I move that Planning Commission ask Village Council to review and adopt the Comprehensive Plan as it has been adopted by Planning Commission." Tripp second. Roll call. All ayes. APPROVED

4. OLD BUSINESS:

MR. ALTHANS APPEARED BEFORE THE PC ON 10-20-05. THE MOTION INCLUDED, **"SOME SCREENING IS TO BE PROVIDED BETWEEN THE ALTHANS PROPERTY AT 543 EAST WASHINGTON STREET & CRAIG CAWRSE'S PROPERTY AT 547 EAST WASHINGTON STREET. THE SCREENING IS TO BE**

APPROVED BY THE SR BUILDING INSPECTOR." MR. ALTHANS IS CONFUSED ABOUT THIS. DAVID HOCEVAR WILL PRESENT QUESTIONS/CONCERNS FOR MR. ALTHANS.
PC generally agreed that small shrubs are acceptable. The next-door neighbor, Craig Cawrse, is "a well known expert in landscaping". Hocevar will contact him for his input.

5. NEW BUSINESS: **Next meeting: 2-16-2006 at 7:30 P.M.**
-Status of gas well at 1572 Bell Rd. No activity or news about the Smith family's gas well. A council member wondered if the Village should consider having a gas well. There was an article in the CV Times, 1-12-06, addressing this. The mayor expressed concerns about the aquifer & the water in general.
-New Ohio Residential Building Code: It goes into effect May 2006. Communities have until May 2007 to comply. Hocevar, "The state of Ohio, Department of Commerce, is going to appeal it for the city of Westlake."

6. ADJOURN: **8:15P.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 12, 2006
7:30 p.m.

MEMBERS PRESENT: Chairman Walter Sutliff, Mayor Matt Brett, Janice DiMichele, Ike Tripp, John Dishong

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

GUESTS:
Ann Dunning, 62 Morningside Dr.

Mayor Brett swore in Ike Tripp to serve another term on PC. Brett swore in council member, John Dishong, as a new member of PC.

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes from 11-17-2005 were amended & approved.

Review & discuss the Comprehensive Plan: 'PROPOSED COMPREHENSIVE PLAN PREPARED For The Village Of SOUTH RUSSELL, OHIO September 23, 2005 (Revised November 28, 2005 to reflect the comments of Village Officials on October 3, 2005)'

Brett summarized the process followed to develop the CP. D.B. Hartt was employed to do a Master Use Study & Comprehensive Plan. These were finished & submitted to the Village in September 2005. A series of meetings with the PC & Council & two public sessions were held pertaining to the Comprehensive Plan. The next step is for PC to approve, adopt it.

Ondrey, "We are looking for some sort of formality because the Ohio Revised Code doesn't set out any specific steps you need to take to adopt a Comprehensive Plan. There's just one mention of it. Municipalities aren't even required to have them. Dale (Markowitz) & David & I came to the conclusion, a motion by this board to adopt it as the Village's Comprehensive Plan makes it an official Comprehensive Plan of the Village. I've also recommended that Council subsequently adopt it also. They don't have to. It will still be an official policy of

the Village if you're the only body that acts on it. If you adopt it as a plan, it has weight to it by itself."

Brett, "The first step is for PC to adopt it or not to adopt it. If we adopt it, we could make a decision if we want it to go to Council or not. I'm ok if PC would like to discuss this. It would be my recommendation that we move to adopt this. The Comprehensive Plan is a strategic document. It should be viewed as a guiding document. While it would be an official document of the Village, there's nothing in here that specifically says by doing this, we are changing our zoning for example. It says there are certain areas that we identified that makes sense for the Village to review."

Tripp, "It should also be noted for the record as far as what Mr. Ondrey said earlier in another meeting. It is the purview of the Village PC to adopt the Comprehensive Plan & it's the purview of the Council to deal with the Master Use Plan. There is a distinction." Brett, "You are absolutely right. As the plans were wrapping up, we asked for them to be in two separate documents. Council did adopt the Master Use Study at the end of last year."

Review of the 'PROPOSED COMPREHENSIVE PLAN Prepared For The VILLAGE OF SOUTH RUSSELL, OHIO September 23, 2005 (revised November 28, 2005 to reflect the comments of Village Officials on October 3, 2005)'

Sutliff, Pp. 12. "They or we identified four areas: #1. The northeast corner of the Village. #2. The northeast corner of the intersection up here (Bell & 306). #3. Some sort of community focal point & #4 is the southwest corner in the business district. If we go to Pp. 13 **H. IMPLEMENTATION STRATEGIES,** we start off, to carry out policy G-2, we are going to consider some alternatives in the northeast corner. To carry out policy G-3, we're going to consider some Architectural Design Guidelines. Pp. 14, to carry out policy, G-4, we're going to consider some revisions to our zoning in the business & industrial area. It really doesn't address item #1. That's the northeast end of the Village. It's a little bit contradictory. We want to keep it, preserve the existing zoning I guess. Yet we talk about options that could be considered: to maintain the permitted density in the northeast quadrant of the Village while permitting some sort of flexible arrangement. I personally think that's important. I think we ought to consider some sort of flexibility out there in the northeastern corner rather then saying that zoning is & that's what it's going to remain."

DiMichele, "I don't think we can do that. The message came loud & clear from the public hearings that nobody wanted zoning changed there. So he put it down as an option to be considered, but decided, we aint doing nothing about it." Tripp, "I think that's why he further did not delineate under section H, Pp. 13 an implementation strategy because there really wasn't any. There were a variety of

options that were laid out. That was what seemed to satisfy the members who attended our public hearings."

Sutliff, "As a Comprehensive Plan, we are all in agreement that we will not address the zoning in the northeast quadrant?" Brett, "I don't think that's what it says. It identifies that this is an area that the Village needs to consider. When it got to the implementation, it was not one of the core focal points. Under the premise that the PC adopts this, which I think they will & Council will adopt this, that's when the work will really begin. I think we go through a process of looking at what's identified in here, making a decision of here's what we identified as the implementation. We can take them in any order that we want. I think we have the flexibility to do what we want. We haven't identified an implementation strategy with it."

Dishong, "My recollection of the discussion at Council, there was no clear consensus on that issue of what to do. I think there was consensus that clearly we all want to protect it & do something so we don't end up with a development like we were looking at originally. But, I don't think there's any consensus about what specifically we could do. I think he was trying not to box us in to a limited number of options. I know at Council everybody is very concerned about it. There isn't a clear path yet. I think we're looking at the PC to provide some options & go into further detail with a study of this. It's not an easy issue. It gives us plenty of options without having us committed to any course of action."

Brett to Hocevar & Foley, "Have you had a chance to go through it? Is there anything that does not look accurate? Or is there anything that you disagree with?" Foley, "I don't have any negative comments. It's fine to me." Hocevar, "I went through the book & I think it illustrates what PC & D.B. Hartt wanted to do. It clearly states exactly what we asked him to do."

Hocevar to Ondrey, "If we're looking to change something in the northeast quadrant, does that mean with this CP, are we going to be proactive? Or are we going to wait for someone to come in? And they say OK, we could have the flexibility to do this. Or do we want to jump the gun & go ahead & do something ahead of it?" Ondrey, "I don't see that as a legal issue, but a policy question. You can be as proactive as you want to be. Or you can sit & based upon the language in the plan, decide that you're satisfied with the status quo. It doesn't force us to do anything. It's a question of what priority do you put on it? Do you think it needs to be addressed or not? If we did nothing, given this language of the plan, I don't know that we could get criticized if someone challenged the zoning over there because this plan certainly doesn't say it ought to be changed. It says, at best, there may be other options that you could consider."

Ondrey, "If I had any hesitation, it's the language that they do put in that implementation section (Pp.13, H). I don't know if you're troubled by it. It says (Pp. 13, #1), 'the Village will evaluate' & then in paragraph two it says, 'the Village will consider' creating these design guidelines. On Pp.14, #3 it says, 'the Village will consider modifying'. To me, the use of the word, will, makes it sound like it's an obligation if we adopt this plan; that you are going to do that. If it never happened & you decided not to do that, I'm not sure that there is any remedy that one might have."

Ondrey, "My concern is, let's say somebody, two years from now, is unhappy that there's been no action taken reviewing the corner of Bell for example. They might point to the CP with this language & say, look you haven't even followed your own CP. It says you're going to evaluate & you haven't done it. Maybe we want to consider toning down that phrase, 'will evaluate' to something like 'the Village may evaluate' or the Village 'should consider evaluating'; something that takes it backwards from a mandatory kind of obligation. You may have a host of other issues that become more important to you."

DiMichele, "I think the distinction was because the first item, the north west corner there, that doesn't have a recommendation because we decided we're not actively going to pursue that. We can if we want to, but it's not on our to-do list. The other three were on our to-do list. That's why it says, 'the Village will consider' because we all agreed that those are items that we will look at. It might be two years before we look at them. But, we committed to look at them. The first item we said, no we're not committed to looking at it right now. The existing zoning is what's happening. We can look at it if we want to, but we're not committing to it. I think that's the distinction between one & the other three." Ondrey, "I agree that's the distinction that's been drawn up. What I'm throwing out to you is, do you want that clear a line drawn that you are going to consider these?" DiMichele, "I thought that was the purpose of it all; to give us a to-do list."

Dishong, "I don't disagree with that. But, I think it is good to have more flexibility so that we are not hemmed in. A should or a may might make some sense." Brett, "I agree it's the intention of this board to carry these things out, to evaluate them. If it weren't, I would never have said this is something we should take on as a task. I agree with you (DiMichele). I agree with John (Dishong) & what our solicitor has indicated. We want to not create something that can be used against us. David brings up a good point. If other things come up & we didn't get to these things as we thought we would get to them, I wouldn't want to be in a position where the best intentions that we had, gets used against us."

Dishong, "We did a really good thing here. It's a great document. We don't want it to be used as a club against us. If changing a word here lessens some of that, I think it's worth it. We all understand that we have a to-do list &

we should evaluate these things. If something were to happen & derail us, we don't want it to be used as a club against us."

Brett to Ondrey, "No issue with making a change with verbiage with the plan?" Ondrey, "No." Brett, "We have it electronically so we could make the change."

Changes to the Comprehensive Plan:

Pp. 1, A. PURPOSE, second paragraph: Change the word, Currently to Concurrently.

Pp. 12, G. DEVELOPMET POLICIES, first paragraph: The sentence reads, Because of the residents" expectations. Change the word residents" to residents'. Same paragraph: Change the word Village"s to Village's.

Pp. 13, #3. The first sentence only has the first word in bold: **Consider.** Change the entire sentence to bold. **Consider merits and feasibility of creating... sense of place.**

Pp. 13, #4. The sentence reads, The Village will ***Consider*** several options. Change the word, ***Consider,*** to consider.

Pp. 13, **H. IMPLEMENTATION STRATEGIES**, #1. The sentence reads, To carry out policy G-2, the Village will evaluate. Change the sentence to: the Village may consider...

Pp. 13, **H. IMPLEMENTATION STRATEGIES,** #2. The sentence reads, To carry out Policy G-3, the Village will consider. Change the sentence to: the Village may consider...

Pp. 14 continuation of **H. IMPLEMENTATION STRATEGIES**, #3. The sentence reads, To carry out policy G-4, the Village will consider. Change the sentence to: the Village may consider...

Tripp, "I'd like to make a motion that the South Russell Village Planning Commission adopt the village of South Russell's Comprehensive Plan as put forth by D.B. Hartt, revised November 25,2005 with the typo's & wording that was included in this evening's discussion." Brett, second. Roll call. All ayes. CONDITIONAL APPROVAL

Brett, "I move that Planning Commission ask Village Council to review and adopt the Comprehensive Plan as it has been adopted by Planning Commission." Tripp second. Roll call. All ayes. APPROVED

Brett expressed appreciation to PC for all the work they put into developing the CP.

Ondrey recommends that when voting a rotation method is beneficial. PC agrees. It will be put into effect immediately.

OLD BUSINESS:

MR. ALTHANS APPEARED BEFORE THE PC ON 10-20-05. THE MOTION INCLUDED, **"SOME SCRENING IS TO BE PROVIDED BETWEEN THE ALTHANS PROPERTY AT 543 EAST WASHINGTON STREET & CRAIG CAWRSE'S PROPERTY AT 547 EAST WASHINGTON STREET. THE SCREENING IS TO BE APPROVED BY THE SR BUILDING INSPECTOR."** MR. ALTHANS IS CONFUSED ABOUT THIS. DAVID HOCEVAR WILL PRESENT QUESTIONS/CONCERNS FOR MR. ALTHANS.

Hocevar, "Mr. Althans came before the ZBA (9-13-05) for increased parking. He came before the PC also. One of the items on the list was to put some screening in to screen parking from the house next door. I was down there today looking at it. Mr. Althans wasn't sure what type of screening we wanted. Seeing the board left it up to me to determine, I was a little unclear myself as to what we wanted to put down there. I've got some pictures, taken from the west & east side facing the parking places that's already in. He wasn't clear if you want little shrubs in there. The person who initiated the idea is no longer on PC. The neighbor, Cawrse, doesn't have any objection whatsoever." Sutliff, "To nothing?" Hocevar, "Yes." Sutliff, "It doesn't look bad at all." Hocevar, "No it doesn't look bad & I don't know what kind of screening we're going to put in to help it."

Tripp, "If you put bushes in there, would it be right on the property line?" Hocevar, "It would be right on the property line. Yes it would if you put anything in of any size. If you want to screen a little bit of the bumpers, put some small arborvitaes in there. Althans doesn't have any objections. He just wants to know what to do. Do we waste money for nothing? What are we trying to screen?"

Brett to Ondrey, "Since it was part of the motion, what are our options? Is one of the options to amend the motion?" Ondrey, "I am hesitant to amend a motion for approval that's already done, especially without Mr. Althans here to weigh in on it. I think the easier way might be, David has come to you saying, I would appreciate your guidance. I think if you just give him some direction, you can still fit within the motion as it passed." Ondrey to Hocevar, "You were given the authority."

Tripp, "I would say some low plants. I don't think you need to put in those big Junipers that used to be behind the Bell Station; **some nice bushes like they actually have in front of their parking on the other side." Hocevar, "Two or three foot bushes." Tripp, "You've got a couple bushes on that side. You've got a couple of bushes on this side." Dishong, "I agree so it's got continuity."**

Sutliff, "Will those bushes be on their (Althans) property?" Hocevar, "They are going to be real close, right up against him (Cawrse). Plowing snow might have an effect because if you're taking the snow, it's going into the bushes. That's one of his concerns. Where am I going to take the snow? Are we going to put it in the bushes? And tell me how big you want it? I don't want to make that decision; have somebody go by there & say hey these are little dinky things. I wanted 20' pines."

Brett, "I'm not sure what the intention was from Miss O'Donnell. I don't think big pines would make sense there. **I think smaller shrubs, as it's been described makes a lot of sense**. Use your discretion. Plowing the snow, I would take that into account with it. I would also say, while the neighbor right now, has no objection to it, we need to consider that neighbor may not be there. While you wouldn't screen out all the cars, just have some sort of buffer to break it up does make sense."

Ann Dunning, resident, "Since Mr. Cawrse is such a well known expert in landscaping, couldn't he be considered to make a recommendation? He's the land planner or landscaper everywhere, rather then someone else telling him what to plant." **Sutliff to Hocevar, "Could you do that? Touch base with Craig (Cawrse)?" Hocevar, "I don't have a problem with that. Sure."**

NEW BUSINESS:

The next meting is 2-16-06 at 7:30 P.M.

Status of gas well at 1572 Bell Road: No activity or news on the Smith family's gas well.

Brett explained that a council member thinks the Village should consider the idea of having a gas well drilled. There was an article in the Chagrin Valley Times on 1-12-06 about this subject. Brett, "I think we have to be very careful when we take a position about what a resident can do & we apply that to the Village. I have some real concerns about it. It would be going through our aquifer. They do it all the time." Dishong has been out of town. He said the reporter called him. Dishong, "I had the same concerns. I have a lot of concerns about our water. That's our #1 concern. A number of surrounding communities have done it already." DiMichele, "Orange. Gates Mills has put in like three. Orange has city water. I'm not sure about Gates Mills."

DiMichele, "Potentially, how much revenue is this for the city?" Brett, "I don't know." Dishong, "Kirtland Country Club put in two or three. Each one is in the $30,000-$40,000 a year range. Income plus free gas. There is some financial value. For us, what does that mean?"

Tripp, "We've spent so much time on drilling ordinances & so much time when we were going through the zoning regs. The only reason this is being brought up is because of the people down south who got this law passed. We would not even be discussing this as an idea of having a gas well in South Russell." Dishong, "It's that & the cost going through the roof."

Ohio Residential Building Code: It goes into effect May 06'. Communities have until May 07' to comply. Hocevar will attend a class in about a week. A rep from Columbus will come to Northeast Ohio. Normally attendance at these monthly meetings is 70-80 people. For this meeting, 165 people plan to attend. They are from Building Departments.

Sutliff asked about fighting it. Hocevar, "It's a one on one issue. Westlake challenged it & they are letting them be like that. I understand the state of Ohio is going to appeal it. The Department of Commerce is going to appeal the Court of Appeals decision or the Supreme Court's decision, whoever made the ruling on this. The state of Ohio, Department of Commerce, is going to appeal it for the City of Westlake. The chances, from the attorneys I talked to, said it doesn't look good for them. The state of Ohio wants this to happen."

Tripp, "Can't you just bring a class action suite against it?" Ondrey, "Not class action. Class actions are used when it's impractical to identify each & every member of a class because it's so large. Here, you would sit down & count who is interested. You could have an action where there is multiple plaintiffs."

Brett, "In Geauga County, this topic was not very well known. The people I talked to after the Building Commissioner brought it up, a lot of them hadn't even known about it. There is a Northeast Ohio Mayor's Group. They were actually pretty plugged into it. They fought it hard. They went to Columbus. They were very unsuccessful obviously. How interested are they to resurrect it? I don't know. I think they feel like they got burned & are not interested in going back. We have a Chagrin Valley Intergovernmental group. It's the mayors & trustees from this area. They will be here next Saturday. That's on the agenda."

Hocevar, "A mayor from Ohio was appointed as one of the members of the advisory board. That's Mayor Rothchild of University Heights. She's very organized when it comes to Building Departments & Building Codes. She's a good person to have on our side."

There was no further business. The meeting adjourned at 8:15 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

THE PLANNING COMMISSION
APRIL 20, 2006
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, DiMichele, Dishong**

2. MINUTES: 1-12-06 **approved as presented**

3. AGENDA:

   JIM PASCOE OF THE BELL STATION -5196 CHILLICOTHE ROAD – WILL PRESENT A LANDSCAPE PLAN FOR PC APPROVAL. WHEN DECIDING IF MR. PASCOE WOULD BE ALLOWED TO OPEN A GAS STATION ON 8-22-2002, THE PC DETERMINED THAT A LANDSCAPE PLAN WAS A CONDITION FOR APPROVAL.

   Dishong moved to conditionally approve. The conditions are:
   1). A minimum of 24" dirt mound & it is to be mulched
   2). A minimum of 48" high trees, preferred 72" trees
   3). 45 days to complete project
   4). A minimum of 20 trees
   5). Placement & size of the trees to be approved by the Building Inspector. Location to be consistent with submitted plans as approved by the Building Inspector because there might be some adjustment.
   6). Dead trees to be replaced to a comparable young tree. The trees must be maintained on an ongoing basis.
   DiMichele second. Roll call. All ayes. CONDITIONAL APPROVAL

4. OLD BUSINESS: DiMichele referred to PC minutes from 8-22-02 under Old Business. In 2002, she expressed concern to Foley about water coming from Maple Springs into her woods as a result of the ditch filling project on Bell Rd. The minutes read, "Foley will take care of it." Tonight DiMichele said, "Well we are now into April of 2006. I don't have a woods anymore because the trees have all died. But the water is still coming into my yard. I want to be on record that I'm still waiting for somebody to take care of that water that is still coming into my yard." Brett, "Our engineer did send you a letter about that." DiMichele, "That they are going to survey the property."

   Kensington Green Meadow plan: Hocevar will check to see if they are maintaining what their supposed to.

OLD BUSINESS cont.

Status of gas well at 1572 Bell Rd. Hocevar, "They put the road back into it & that's where they set it." Ondrey drafted an ordinance that will be presented to Council. It is modeled after Gates Mills ordinance which is framed from the standpoint of health & safety.

Milbar property, 530 East Washington St. No activity to date. Bret explained that ZBA is debating about imposing time limits as to when a project must be completed if a variance is granted. The lack of screening (presenting a landscape plan) from the Bell Station & the Milbar property were two examples cited by the ZBA as to the reason to have a time limit.

5. NEW BUSINESS: **NEXT MEETING, MAY 18, 2006 AT 7:30 P.M.**

Comprehensive Plan: Brett, "PC put its stamp of approval on the CP. It has gone to Council. Hopefully, Council will approve it at the next meeting. Then PC will start to do the work that we've identified within the CP."

6. ADJOURN: **8:00P.M.**

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FAX: (440) 338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
APRIL 20, 2006
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Mayor Matt Brett, Janice DiMichele, John Dishong

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

ABSENT: Ike Tripp, PC member, Ned Foley, Engineer

GUESTS:
Howard W. Bates, 14581 Burton Windsor Rd. Burton, Ohio

Chairman Sutliff called the meeting to order at 7:28 P.M. The minutes from 1-12-2006 were approved as presented.

Jim Pascoe of the Bell Station -5196 Chillicothe Road – will present a landscape plan for PC approval. When deciding if Mr. Pascoe would be allowed to open a gas station on 8-22-2002, the PC determined that a landscape plan was a condition for approval.

Howard Bates, partner of James Pascoe, appeared before the PC. Mr. Pascoe was not available.

Hocevar, "When we granted him the conditional use permit in 2002, the PC requested that they submit a landscape plan within 120 days. We informed Jim that he needed a landscape plan & he had to do some landscaping over there & he got himself on the agenda. One of the stipulations from the PC was that they see this plan & approve it."

Sutliff, "Was that the only issue? Or was there another issue also?" Hocevar, "I think that's the only one that's outstanding right now." Sutliff, "I guess there were two things. Number one, the landscape plan & the second condition was they were to maintain or replace the existing trees." Hocevar, "Which are gone. They were damaged by the storm. (April 2005). There are two issues actually." Sutliff, "That's a moot point." DiMichele, "I wouldn't say it's a moot point. They are to maintain or replace. Now that they are gone, they need to be replaced." Sutliff, "Right. That's part of this plan back here."

Sutliff to Hocevar, "Has Ned had a chance to look at this landscape plan?" Hocevar, "He may have looked at it. He didn't give me any comments on it because there is no grading involved. We did not send this out to a landscape architect. It's up to the board what you guys want to do from here: approve it, change it, send it out somewhere."

Sutliff to Bates, "What are the height of these?" Bates, "These are approximately four feet tall. They are new arborvitaes. The ones that fell down a year ago, the Maple Festival snow storm, were 35' to 50'. It would be impossible to replace them with exactly the same thing. We had a couple landscape people come out & they drew this map that you have. They did some photos & super set them on there. This is a 42" to 48", 50" plant, which is ideal for transplanting. They grow kind of rapidly. They are staggered. My understanding is that the people in the back were complaining that they could see the back of the station. There were originally 16 trees there before the storm. This would replace them, not exactly the same place. I think this would give more coverage then what the prior trees did."

Hocevar, "He did get approval from the ZBA (10-19-05) for a variance for an addition on that building. According to Mr. Pascoe, he's taking that back." Bates, "We've decided not to do that." Hocevar, "One of their conditions was that they submit a landscape plan to our landscape architect & have it approved by ZBA. Since he's taken that out, it refers back to you."

Dishong, "Are the trees shown on here, are these the existing?" Bates, "Those are some of the existing ones. There are still a few trees out there. We are going to plant, replace these four or five that were out in that field. We have taken all the brush out & tried grass in there. We put a couple picnic tables out there if people want to have a sandwich. We cleaned that out quite a bit. There was a lot of trash. It was pretty nasty back in there."

Brett to Ondrey, "What is it that we need to consider tonight?" Ondrey, "David (Hocevar) has accurately characterized it. I didn't realize that you are not intending to go forward with the variance request. That takes some of the complications out of the picture because the ZBA was contemplating some input & semi-approval process with the homeowners in the adjacent subdivision. But, if that's out of the picture, then I agree with David. It becomes a question of presenting an acceptable plan to you folks & obviously the condition that has changed, that nobody anticipated, was the natural destruction of those Cedar trees. I think you have to make a decision as to whether or not the replacement ultimately will accomplish the same goal of screening that the Cedar trees would have done."

Ondrey to Bates, "Do you guys have a time table that you are willing to commit to, to get it done?" Bates, "Yes. I would like to do it right away. As it gets farther into spring, it's more difficult to transplant the trees. We have contracted with a nursery in

Lake County. They have these ready to dig & ball & bring to us. One of the things you can see on the picture, we're going to bring soil in, mound those up, make them look a little bit nicer then what the old trees did. It'll all be mulched. It'll look a little nicer then the trees that were stuck in there, the way they used to be. I would think it would take a couple of weeks to get it done. We could get started within a week or 10 days." Ondrey, "So a timetable of 30 days, 45 days would be acceptable." Bates, "Oh yeah." Ondrey to PC, "You might want to consider that." Brett, "I think that makes sense."

Brett, "I think that in light of the objective from our residents in Fox Run, my take is that they want to screen the buildings. So I think putting most of these up close to the building accomplishes that more then having them spread out like the old ones. From that perspective, I like the plan. I'd be a little concerned with these being four feet high. As I look at the map & I look at how they are spread out, when I look at the picture, this looks great. But, these compared to the building would be 48". These look more like six feet to eight feet high." Bates, "I don't know what they did on the computer. We would stagger these so you wouldn't be able to see through them. Hopefully, they would grow & in a short amount of time they'd fill in. We had one drawing at one time. They were staggered out. We didn't have as many trees in there. You definitely would have been able to look through. We can offset these so the gap in the first row would be taken up by the back row of trees. If we have to put a couple more in there – more then the original 16 – to make sure we block that view, we wouldn't have a problem with that."

Brett, "I'm certainly not a landscaper, although I play one at home sometimes. We just went through the process of putting in this exact same scenario. We were going to stagger ours. Part of what we would look to accomplish with the screening is to block the view of some of the homes where my finger would be. That's looking through this angle. That's the same thing that we had at our house. We went with a straight line of them. When you come to putting these in, if we could ask our building inspector to be involved, just to make sure it's as screened as possible either in a straight line or staggered to accomplish that goal of screening." Bates, "We'd be more then happy." Hocevar, "Sure."

Dishong, "We did the same thing. They do grow rapidly. I agree with your point. This accomplishes the goal – which is to provide screening." Sutliff, "I can also vouch. I put these in & they grew like weeds. Three or four years, they'll be up six-eight feet, double in size. And then another ice storm will come."

DiMichele, "Now that behind the building is cleared out & it looks really nice except now it's a clear shot into the parking lot behind the doctor's building. (5192 Chillicothe Rd.) Before that it was blocked. Coming down Bell, you wouldn't be able to see all that. Now you see the playground behind the day care (5188 Chillicothe Rd.) & you see the parking lot behind the doctor's office. That's open. There's a whole change to the way it used to be." Dishong, "It's not these guys issue. But, I agree with you." DiMichele, "It's a shame that can't be done to break that up."

Sutliff, "We're in agreement with two conditions & these are: (A). some sort of time line. I've heard 45 days. (B). the approval placement be coordinated through Dave Hocevar & the Building Department."

Brett, "I might add one or two more. What is shown here is 16. I think Howard you mentioned you'd be willing to put in more. My concern is that even though these things do grow quickly, is that when I look at the plan, not the picture, & I look at that twelve feet as they sit here. You've got 12' between each one. That's a pretty big gap. I would ask instead of 16, a minimum of 20 or 24 would fill in more of this gap. That's a pretty big area. They are not going to get that wide." Bates, "How about if we do this? If we get 16 in there, maybe 20, set them & have Dave come & look. If we need to get a few more, we can do that." Dishong, "I'm fine with that." Brett, "Ok." DiMichele, "This has got to be an expensive project." Bates, "The unfortunate part is that insurance wouldn't cover when the trees got knocked down."

Ondrey, "On the plans, do we want to make sure the mounding is accomplished as part of this thing?" Bates, "Our plan is to put some new dirt in there rather then dig down. Normally, you mound that up & it gives you that nice flow in there." Brett, "What would that be? Two feet?" Bates, "Two to three feet probably." Brett, "Another condition would be a mound of a minimum of 24"." Hocevar, "And you want it mulched." Dishong, "Yes." Bates, "We want to put mulch in there." Hocevar, "And we want to determine minimum size of this. I want to know minimum size of a tree itself; what you guys want for a minimum size of a tree." Sutliff, "48"." Brett, "I just bought six-footers from Petitti's for thirty bucks a shot. When you're talking about 20 of them, it adds up quickly. Even though they grow quickly- because they are going to be spaced out- I would recommend a minimum of a six foot tree. Bates, "Ok."

DiMichele, "Is that going to upset your plan? You said a guy is ready to go out there." Bates, "We talked to one guy who had 48" trees. Can we have some variance there? I mean to find all of them exactly six feet, I don't know how easy that is. Some give & take between 4' & 6'?" Brett, "I would be ok with that."

Hocevar, "If they die a year after he plants them are we going to have any restrictions to replant them?" Ondrey, "I think that's a legitimate requirement. Dead trees have to be replaced to a comparable young tree. If it's eight feet tall when it dies, replacing an eight foot tree is problematic. Putting another 48incher might be quite doable." Tomaro, "48" to 6'." Dishong & DiMichele, "Right." Ondrey, "Yes."

Sutliff identifies the conditions:
"1). A minimum of 24" dirt mound & it is to be mulched
2). A minimum of 48" high trees, preferred 72" trees
3). 45 days to complete project
4). A minimum of 20 trees
5). Placement of the trees to be supervised by Dave Hocevar of the Building Department.
6). Dead trees to be replaced to a comparable young tree." DiMichele, "The trees must be maintained on an ongoing basis."

Ondrey, "In regard to #5, Placement & **size** of the trees to be **approved by the Building Inspector.** That way if we say they are supposed to be a minimum of 48" up to 72" that still leaves a lot of discretion. If we made it subject to David's approval, then he has the ability to say, Howard I need two more trees at this end."

Brett, "Do we need it referenced in the general area as submitted on plans for this meeting?" Sutliff, "Won't these plans be part of the record?" Tomaro, "Do they show the trees with all your conditions? We stamp this plan approved if it's accurate. But, if you've changed it…" Sutliff, "Yes we changed it." Ondrey, "Why don't we say, **location to be consistent with submitted plans as approved by the Building Inspector because there might be some adjustment."** Sutliff, "Ok."

Hocevar, "You look at this picture here, it doesn't look like much. This one looks great. Which one are we going to go by?" Sutliff points to one & shows it to Hocevar. Hocevar, "Ok." Bates, "We can have these guys come out & go straight out." Hocevar, "And we can take a look at it."

Brett, "Do we do that on other landscaping plans that are submitted?" Ondrey, "Insist upon replacement?" Brett, "Indefinitely." Ondrey, "Truthfully no." Hocevar, "I think we always put a time limit. When we did Fox Run & Emerald Lakes, I think it was a three or five year deal they were tied into. That was stuff in our right-of-way, the mounds."

Brett, "When someone puts in a commercial building & they have landscape plans, we do put something in there that if it dies it has to be replaced within a certain time frame. It's not an indefinite." Ondrey, "I think what we typically say is that your approval is conditioned upon a hedge here, trees there. Maybe I'm being overly fussy about putting it as a condition, but we could probably interpret some of these prior approvals as ongoing. It wouldn't hurt to make it clear to everybody right now. What we're really worried about here is continuing screening because of the residential subdivision nearby. The more clear we can make it, the better off everybody is about an ongoing obligation."

Dishong moved to conditionally approve. The conditions are:
1). A minimum of 24" dirt mound & it is to be mulched
2). A minimum of 48" trees, preferred 72"trees
3). 45 days to complete project
4). A minimum of 20 trees
5). Placement & size of the trees to be approved by the Building Inspector. Location to be consistent with submitted plans as approved by the Building Inspector because there might be some adjustment.
6). Dead trees to be replaced to a comparable young tree. The trees must be maintained on an ongoing basis.

DiMichele second. Roll call. All ayes. CONDITIONAL APPROVAL

Note: Submitted plans weren't stamped because those plans differ from what will be planted.

OLD BUSINESS: DiMichele referred to the PC minutes from 8-22-02. Pp.2 of the agenda under OLD BUSINESS DiMichele read, '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 of it.' DiMichele, "Well we are now into April of 2006. I don't have a woods anymore because the trees have all died. But the water is still coming into my yard. I want to be on record that I'm still waiting for somebody to take care of that water that is still coming into my yard. This is 2002 that I'm on record." Brett, "Our engineer did send you a letter about that." DiMichele, "That they are going to survey the property. I thought this was interesting that this came to light. I didn't realize that it had been that long ago that I complained about it."

Kensington Green meadow plan: Sutliff asked if we are geared up for the landscape plan. Hocevar, "I have to check on that. I think they are satisfied. The Village is satisfied. I haven't been back there this week to check to see if they are maintaining what their supposed to. That's a good point, I will."

Status of gas well at 1572 Bell Rd.: Hocevar, "They put the road back into it & that's where they set it. The road is tough so don't drive back there. The stone they've got in there is tough. I haven't had any word when they are going to drill. They drilled one north of here in Russell & made a mess out of the place."

Hocevar, "Our solicitor drafted an ordinance that he's going to present to Council. It's an attempt to tighten; I talked to our fire inspector today. He wants to change it over to me." Ondrey, "That's fine. We modeled it after Gates Mills." Brett, "His concern is that he's not incredibly accessible as a part time fire inspector."

Ondrey, "The logic of it from Gates Mills standpoint was that the difficulty with the new state legislation is that we've been preempted in the field by the state of Ohio. This means we can't pass a typical zoning regulation which we had for oil & gas wells. What Gates Mills tried to do is frame it in the standpoint of health & safety. To help justify that, they made it a fire concern. I think that is the logic why they have their fire chief being the person who is responding to some of the forms that the oil & gas well company has to submit. I don't think it strengthens or weakens or changes the health & safety logic just because you switch it from the fire department to the Building Department. If the logic is solid, it still holds. If you guys want to make a switch…" Hocevar, "I think he changed it like you're saying. The Department of Health & Safety deals, he kept both of our names on there. The paper work: the approvals & stuff that goes of afterwards, he gave it up to me. So, I think we're on the same page." Ondrey, "Ok."

Milbar property, 530 East Washington St. Retail project: Hocevar, "I had a call yesterday & today. A fellow was shooting in the wind about keeping all those buildings like they were; to sell it as some type of industrial complex for office condos or industrial condos. I don't think he approached Milbar on it. This was a passerby with some interest in it." Sutliff, "Has the project that was presented, has it been formally

withdrawn?" Hocevar, "No. They are looking for a big anchor & can't find one from what I hear."

Hocevar, "I don't know if there's a time limit on that or not." Ondrey, "We don't." Brett, "That was an item of debate with the ZBA." Ondrey, "I don't think we ever debated putting in a time frame. We talked about the notion of amending our current zoning regulations to put a time limit. If you're granted a variance, you've got to act on it within X amount of time." Brett, "Which was prompted by the Bell Station & the screening was one item along with the Milbar property. Zoning board was going to draft something & present it to Council – what time frame they thought made sense. For example if someone came & said I'd like a variance for a fence & they don't put it up for five years. Do they still have the right to put it up after five years? Right now we don't have anything that says they couldn't. Once the variance is granted, they could. We'll explore that."

Brett, "The issue with that property where Milbar was, in that particular situation, I don't know if that would get us anywhere. The time frame makes sense. I'm in support of it. In that situation, he wouldn't have moved forward with it anyway. As he formulated his plans, then he'd come back again. It could put us in a situation where it makes it a little bit tougher. I think the objective is, what I want there, I want to see something done there. Right now we have a parcel. A small chunk of it is occupied. We're not getting any revenue." Hocevar, "Anything different from what we approved, he's got to come back to us." Ondrey, "Right."

Sutliff, "Do most communities have time limits?" Ondrey, "I would say it's actually kind of rare."

NEW BUSINESS: Comprehensive Plan update: Brett explained that the PC put its stamp of approval on the CP. Brett, "It has gone to Council. Hopefully, Council will approve it at the next meeting. Then PC will start to do the work that we've identified within the CP." Sutliff wondered if Council made comments about the CP. Brett, "Yes. Remember we have a fundamentally new Council. Four of the six members are new. They are going through the process of getting up to speed. Some were involved with the process. Some weren't. They are asking questions. What is it? Why do we have this? I have not heard anything negative about it. If there would be anything negative, you might hear so at this next Council meeting."

Dishong, "In general, they just want a little more time to (?) for the folks who didn't participate in it." Ondrey, "That would be my take on it too. New Council members got overwhelmed with a whole lot of new information very quickly in the first three or four months. This was just one more additional piece that there was hesitation on it like, what is this about? I haven't heard any substantive objection to it."

The next meeting is May 18, 2006 at 7:30P.M.

There was no further business. The meeting adjourned at 8:00P.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

THE PLANNING COMMISSION
JULY 20, 2006
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, Tripp, DiMichele, Dishong**

2. MINUTES: 4-20-2006 **approved as presented**

3. AGENDA:

   DEVELOPMENT REVIEW, FORMAL DISCUSSION WITH CRAIG CAWRSE, 547 EAST WASHINGTON ST. HE WISHES TO DISCUSS CONSTRUCTING A NEW 6,846 SQUARE FOOT BUILDING WITH PARKING. THE ORIGINAL BUILDING & PARKING IS TO REMAIN.

   Tripp, "I move that the PC approve the plan put forth by Craig Cawrse & Associates for an office building. This motion is contingent upon:
   1). satisfactory approval obtained in writing first of: sewer connection, water connection for the buildings,
   2). that the site plan as presented includes the bio retention basin,
   3). **that the owner be directed satisfactory linkage with the South Russell drainage plan & that he provide support for that plan with in-kind contributions**
   4). additionally, an investigation be undertaken to create some sort of driveway connection between the Althans property (543 E. Washington St.) & the proposed parking lot so there is entrance & egress in two directions for Althans as well as the proposed office building
   5). ZBA approval
   6). the conservation easement being placed on the R-1 in the back of the property

   DiMichele second. Roll call. All ayes. CONDITIONAL APPROVAL

4. OLD BUSINESS: **Council approved the Comprehensive Plan. PC to start to work on reviewing the recommendations made in the CP**
   -Fox Run development: Two complaints to Village about the mounds not being mowed & maintained. Hocevar will send letter telling the HOA it is its responsibility to mow/maintain.
   -Status of Americon: 530 E. Washington St. Brett heard rumors that something else may be coming there.

OLD BUSINESS continued: **status of Kensington Green meadow management plan: They are doing a great job according to Hocevar.**

5. NEW BUSINESS: **NEXT MEETING: 8-17-2006 AT 7:30 P.M. Review the CP & identify areas to start to work on**
   Ike Tripp is not available for the meeting in August.

6. ADJOURN: **8:43P.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 20, 2006 7:30PM

MEMBERS PRESENT: Chairman Walter Sutliff, Mayor Matt Brett, Janice DiMichele, John Dishong, Ike Tripp
OTHER OFFICIALS: David Hocevar, Building Inspector, Jared Flynn, Solicitor, Ned Foley, Engineer
GUESTS: Craig Cawrse & Ann Washington, 547 E. Washington St.

Chairmen Sutliff called the meeting to order at 7:34pm. The minutes from the 4-20-2006 were approved as presented.

DEVELMENT REVIEW, FORMAL DISCUSSION WITH CRAIG CAWRSE, 547 EAST WASHINGTON ST. HE WISHES TO DISCUSS CONSTRUCTING A NEW 6,846 SQUARE FOOT BUILDING WITH PARKING. THE ORIGINAL BUILDING & PARKING IS TO REMAIN.

Mr. Cawrse had aerial views of the property and drainage of the purposed building, parking, and a topography map. Mr. Cawrse explained that his business has been at the current location since 1981. Cawrse, "I'd like to think I'm a good business for South Russell. I'm proposing to build a second office building behind the current building I own."

Cawrse referred to the retention pond that the Cleveland Clinic owns. Cawrse, "There is a main drainage course that flows from the Clinic pond, goes down behind my property, Althans, Burns and then flows behind Forest Lane. The total site is 2½ acres. It's divided by a line that delineates the B-2 district and to the north end is R-2-A. This is just under an acre. This is 1.57. The total is 2.57 acres.

Cawrse points to the existing building and existing parking. Cawrse, "Id like to build a 6,846 square foot building & that includes all the floors. There is a very small basement for HVAC equipment. There's not a whole basement under it. When I was here four years ago, we had a basement. It's not good space to rent out."

Cawrse intends to take over the top half of the new building. A tenant from the existing building will move to the new building. Those two will take 3/4 of the building. There is interest from an adjoining business in the existing building. The business would then expand and stay in South Russell. It would generate more jobs and taxes for South Russell. The adjoining business would like to purchase the existing building.

Cawrse, "The coverage was changed 5 or 6 years ago. You allowed 35% coverage. This plan - the total site in the B-2 area - would be 61.4% coverage, minus the 35% coverage allowed. I would need to request a 26.4% site coverage variance. This is

considerably below what was granted for Americon across the street. (530 East Washington.) They came in with a 71% or 72% coverage. They asked for a 36 or 37% variance".

Cawrse, "I had a meeting with the homeowners from Forest Lane on 5-15-06. I'd like to take this back area that is the residential zone and deed restrict that or put a conservation easement on it. It could never be built on. I'd like to see it not cleared. It would be permanent green space. The residents like that idea, felt it was an important component of getting this plan approved"

Cawrse, "Drainage: Apparently there is flooding going down here (points to an area on the drawings) I want to be sensitive to that. I would propose to work with your Village Engineer and come up with a storm water management area. Right now we schematically showed it on the plan. Our firm does bio-retention and bio-swale. One of the suggestions that came from Rick Smith, an architect, was to make this environmentally friendly. We'd like to do a bio-retention area in here. The bio-swale filters the water and allows some of the water to infiltrate back in. The swale part is in the parking lot area. We'd have a rain garden. We'd catch some of the water, allow it to filtrate, be held temporarily and head back to the bio-swale. It goes, filters out and ultimately makes the storm water manageable. That's an important response to peoples concern. As landscape architects, we do a lot of drainage design. We're on the cutting edge of solution to drainage. We can make this a good example of how storm water can be handled on site."

Cawrse, "The neighbors suggest upgrading site coverage to reduce the impact of paving. I can't do much. They suggested we go to 9 foot wide spaces by 18 foot long and a 22' or 20' aisle. We need a variance. We're looking for ways to reduce coverage on the site. Parking: We've indicated one space per approximately 250 square feet. The code requires one per 300. That is not enough for an office building. I don't know if that requires a variance. We will need a variance for parking. The proposed parking has been pushed closer to Althans, about eight feet off the line. They are required to be 15 feet off the property line."

Cawrse, "Grading: One of the things that they weren't happy with is Althans parking is elevated. There is a fair amount of fill put in there. They said they'd like our lot to fit the grade better, slope down and minimize the fill. The other thing is to save as many of the perimeter trees as we can."

Cawrse referred to an aerial picture and points to his property line. Cawrse, "There is a nice buffer between the exiting pond and property line which gives us a chance to save some vegetation on the east side of the building and also in the back. On the hillside, we would use some native vegetation as well as in the entire landscape plan. Plants utilized would be vibernum, shade bushes, plants that don't need much water. We are not proposing an irrigation system. We would screen the north end of the lot with evergreens."

Lighting: "No post lights. We would have some building lights with cut-offs. We need some security lights when employees come out of the building."

Cawrse, "The recent rains have created a tremendous volume of water that washes off Washington St. and comes across my driveway. There is a low area between Athan's property and my property. That acts almost like a temporary holding pond. There is a basin on the property line. If that basin were mounded around it, it could catch more water. We have the same problem here. There is another basin meant to catch some of this water runoff. They are not very effective. My whole property becomes a wash in the water off the road. It doesn't seem like this basin is catching a lot of water."

Cawrse talked with Ben Hines (C.F. official). They currently have sanitary sewer for this building. Cawrse, "Mr. Hines stated there is no problem adding this additional building. We already have existing water that goes across the front & a line feeding this. So, we would have city water and city sanitary sewer."

The building would be 33 feet tall with cultured stone on it to give it the residential character of the surrounding properties.

Four years ago the ZBA and Mr. Carwse discussed at great length the storm water runoff and the need to possibly increase the size of the storm water basin. Carwse, "I'd be willing to work with the Village to make that happen. It would have to be done carefully because of my commitment to the adjacent residents that I would not take any additional trees down." Cawrse stated that residents from Laurelbrook and Forest Drive have spoken about their concerns relative to the retention pond. Cawrse again stated his willingness to do his part to help solve this issue in a positive way.

The Commission discussed at length the issue of lot coverage. Di Michele noted that the Comprehensive Plan and the Zoning Code are not compatible. Brett stated the lot coverage issue in the Comprehensive Plan is just a recommendation.

Brett asked Flynn and Hocevar for direction on what Planning Commission needs to consider relative to the development review application for this proposed building at 547 East Washington. Flynn, "The issues of lot coverage, side yard setback, and parking would be handled by the Zoning Board of Appeals." Hocevar agreed. Flynn, "The issues that the Planning Commission needs to address would include the overall plan, the water, the sewer, the design of the buildings, and how this would affect the surrounding neighboring properties."

Brett asked Foley and Hocevar to give the Planning Commission further explanation on what the Council is going through regarding this drainage issue. Brett, "There is an issue that has been identified by the folks in Laurelbrook regarding this detention or retention basin." Foley, "What he (Cawrse) is proposing is logical. The issue that was brought forth to Council from the residents of Laurelbrook is one that we don't have total solution to. Part of it is the retention pond. Part of it is what tributaries flow to that area. We need to look at it, not only as part of the development, but also solving the problem. What Mr. Cawrse is proposing is logical, but it might only be solving part of the problem and it may not be necessary at all. There may be a better solution.

Cawrse, "I am hoping to get conditional approval, go to the ZBA and hopefully get approval and then come back to Planning Commission and Mr. Foley to work out the drainage problem on my site. Hopefully by that time, the Council will have taken more of a global approach and see the Village needs some of my site to correct the situation which I would be willing to donate."

Commission and Foley continued to discuss the situation of drainage, retention basins and run off from East Washington between the Althans property and Cawrse's property.

Foley, "When we were out looking at the Althans little addition, it was obvious that the catch basin did not have a lot of benefit." Cawrse, "The catch basin does not catch anything. It needs to be reshaped."

Brett, "There have been two hundred year rains in the last couple of weeks. There have been complaints from Laurebrook residents regarding more water coming through then they expected. They traced it back to the detention/retention basin on the Cleveland Clinic property. The Building Inspector looked at the situation and found that there are issues with the overflow. They have approached the Clinic with this situation. They have been very accommodating with regard to addressing the repair. This is an ongoing discussion."

Brett, "The aerial presented shows what looks like a stream that starts on the Cleveland Clinic's property." Cawrse explained there is a swale that is on the Clinic's property which comes across and onto his property. He is proposing putting in a bio swale which would pick up any water that would come down through his property. Cawrse, "I would work with the Village as far as the exact placement of the bio swale. I am not sure if catching water off site would be better than designing something just for my site. Normally we let water pass thru and don't try to contain it. But if this would be part of the solution, I would be willing to put land into a conservation easement to correct the drainage situation as well as protect the neighboring residents."

Commission discussed parking. Brett, "It appears the edge of the proposed parking lot is higher than Althan's lot. There is about a four foot drop." Cawrse, "I would slope the property which would allow the two lots to be connected. I will be adding approximately 20 more parking spaces. After speaking to Althans, we thought it would be good to have a driveway connection just in case one of the drives was blocked. If there was a need for emergency vehicles, this connection would be important. If the plan is approved, I would show a connection to Althans driveway, which is a couple feet off the property line. It could be made of grass green pavers. It would not look like paving." Planning Commission members agreed. Sutliff asked who would maintain this connection. Cawrse, "The majority of the connection would be on my land, so I would have to maintain it. I would enter into a joint agreement with Althans."

Brett, "One of the only negative aspects of his plan is the concern with the drainage. If the Building Inspector & the Village Engineer could work with Mr. Cawrse on the drainage, make necessary improvements, it would benefit the Village."

Tripp, "The Cleveland Clinic has been approached by our Village Engineer to participate in the cost to develop a comprehensive drainage plan." Tripp asked Cawrse if that was something he would be interested in instead of trying to do everything on his property. "Would you be willing to work with the Village and Clinic?" Cawrse stated he would because he has the expertise on staff. Cawrse, "I would donate my time and it would be an in- kind contribution".

Tripp, "I move that the PC approve the plan put forth by Craig Cawrse & Associates for an office building. This motion is contingent upon:
1) Satisfactory approval obtained in writing of sewer connection and water connection for the buildings
2) That the site plan as presented includes the bio retention basin
3) That the owner be directed satisfactory linkage with the South Russell drainage plan and that he provide support for that plan with in-kind contributions
4) Additionally, an investigation be undertaken to create some sort of driveway connection between the Althans property (543 East Washington St.) and the proposed parking lot so there is entrance and egress in two directions for Althans as well as the proposed office building.
5) ZBA approval
6) The Conservation easement being placed on the R-1 piece in the back of the property."
DiMichele second. Roll call. All ayes. CONDITIONAL APPROVAL

Tripp to Hocevar, "His discussion about those two basins out in front that aren't functioning, I think it's incumbent upon the Village to figure out what's going on there. Culverts are plugged. Things aren't working. We should be looking at that."

Sutliff, "ZBA shouldn't be concerned about drainage." Flynn, "They will because you have parking. You've got lot coverage. That deals with impervious surfaces, which leads to driveway problems which could weigh their decision. It's different, but it's the same. You still have water runoff created from the higher density use."

OLD BUSINESS: Brett reported that Council has approved the Comprehensive Plan. For the next meeting, Brett asked the Planning Commission to review the CP.

Fox Run development: Two complaints to the Village about the mounds that are not being mowed and maintained. Hocevar will send letter telling the HOA. It is their responsibility to mow and maintain.

Status of Americon: 530 E. Washington St. Brett heard rumors that something else may be going in there.

Kensington Green meadow management plan: They are doing a great job.

NEW BUSINESS: Next meeting: 8-17-06, 7:30 P.M. Review Comprehensive Plan & identify areas to work on. Tripp not available

There being no further business, meeting adjourned at 8:43 P.M.

Walter Sutliff, Chairman

Maggie Tomaro

Maggie Tomaro, Secretary

October 3, 2006

To: PC
From: Maggie Tomaro

Greetings!

The next PC meeting is scheduled for Wednesday, October 11, 2006 at 7:30 P.M. There are two items on the agenda:

1). Bill Wendell from the Geauga County Health Department will be a guest. He will address rules/regs. regarding septic systems.

2) Start to review the Comprehensive Plan. Please bring your books.

Dishong is not available for the meeting. Jared Flynn will be at the meeting for David Ondrey. Everyone else is expected. Any questions, please call me at 338-1807. Thanks.

Maggie

11-13-06

To: PC
From: Maggie Tomaro

Greetings!

The next PC meeting is scheduled for Thursday, November 16, 2006 at 7:30 P.M. There are two items on the agenda:

1. Septic systems: PC to discuss/decide what things it wants to impose on installation of septic systems, i.e. (a). a required site plan to be turned in by homeowner to Building Department before the placement of septic system is determined by the installer & County Health District, (b). a letter from the County Health District or installer notifying the Building Department that a septic system is to be installed in South Russell, (c). PC is especially concerned about off-lot systems: mandatory screening to be required? (d). what to do about septic systems being considered accessory structures & requiring residents to seek variance before the ZBA? (e.) etc.

2. Review & discussion of Comprehensive Plan to start on Pp.13, #4 Business District; bring book 'Proposed CP prepared for the Village of SR, Ohio, September 23, 2005; **Revised November 28, 2005 to reflect the comments of Village Officials on October 3, 2005'**

The minutes from 10-11-06 are enclosed. Ike is not available for the meeting. Any questions call me at 338-1807. **Please do not call my house before 9:30A.M & no latter then 6:00P.M. Thanks for your consideration.**

Maggie

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

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

THE PLANNING COMMISSION
OCTOBER 11, 2006
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, Tripp, DiMichele**

2. MINUTES: 7-20-2006 **approved**

3. AGENDA:

   BILL WENDELL FROM THE GEAUGA COUNTY HEALTH DEPARTMENT IS A GUEST. HE WILL ADDRESS RULES/REGULATIONS REGARDING SEPTIC SYSTEMS. **PC to discuss/decide what things it wants to impose on installation of septic systems, i.e. A required site plan to be turned in by homeowner to Building Department before the placement of septic system is determined by the installer & County Health District ,a letter from the County Health District or installer notifying the Building Department that a septic system is to be installed in South Russell. PC is especially concerned about off-lot systems: mandatory screening to be required?**

   ASHLEIGH DEVELOPMENT: RELEASE OF MAINTENANCE BOND TO BRUCE THOMAS, **PC is unanimous: replace the 7 dead/damaged trees, add a one year bond to the new trees, not necessary to plant the 4 trees that would have been in driveways**

   START TO REVIEW THE COMPREHENSIVE PLAN
   Review of CP will start on Pp. 13, #4 Business district

4. OLD BUSINESS:

5. NEW BUSINESS: **Next meeting: Thursday, 11-16-06 at 7:30 P.M. Tripp is not available**

6. ADJOURN: **9:35P.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
OCTOBER 11, 2006
7:30 p.m.

MEMBERS PRESENT: Chairman Walter Sutliff, Mayor Matt Brett, Ike Tripp, Janice DiMichele

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

ABSENT: John Dishong

GUESTS:
Bill Wendell, Geauga County Health District, 470 Center St. Chardon, Oh. 44024; (440) 285-2222
Darrell Johnson, 54 Maple Hill Dr.

Chairman Sutliff called the meeting to order at 7:30p.m. The minutes from7-20-6 were approved as presented.

Bill Wendell from the Geauga County Health District is a guest of the PC. He will discuss rules/regulations regarding septic systems.

Brett provides background: Bill Wendell is here at the Village's request. In the eastern section of the Village, there are still septic systems. An inspection is required by the Geauga County Health District for those homes that will be sold – at the point of sale- that have septic systems. The state issues codes & the County Health Department enforces them. The point of sale inspection is a Geauga County regulation.

Older systems fail. New systems are being installed. The new systems are concrete boxes that sit two feet out of the ground, near the road. It has sand filters. Lake Louise & Maple Hill have some. They aren't attractive. Recently, the Building Commissioner & the solicitor discussed aspects of these. The conclusion from the solicitor is those concrete boxes fit into the criteria of an accessory structure. If a resident needs to have a new septic system, this concrete box will go in & the homeowner needs a variance because accessory structures are prohibited in the front yard.

Recently (9-13-06), ZBA granted a variance for the above ground system in the front yard. A condition was that screening was to be planted around the structure. It's come to PC because the Village is going to be faced with variance requests about septic systems at least once a month. 30-40 of these exist in South Russell now. The proper

way to deal with it is for PC to review it then look for what things we would consider for zoning in regard to septic systems.

The invitation was extended to Mr. Wendell to come & explain the County's regulations.

Bill Wendell makes a presentation & answers questions:

The point of sale mandatory inspection went into effect in the summer of 2001. The Geauga County Health Department calls it "For Sale of Property Inspection". It's supposed to be done before the property transfers. Property can transfer, but arrangements must be made between buyers & sellers to ensure that the inspection is done within a certain period of time. If it does transfer, monies are held in escrow to deal with problems that may come out of the inspection.

Sewage regs: Geauga County has its own set of sewage regulations. These were designed based on state guidelines. The state, up until May 06', did not have a uniform sewage code. The State Health Department wrote a set of regulation that will be uniform state wide. Every county must follow the same code. This goes into effect 1-1-2007. The new rules were approved in May 06'. Three set of changes have come out since May 06. It's frustrating for the County Health Department.

Today there are two types of septic systems: on-lot leeching trench system & off-lot system.

On-lot system: It consists of two 1,000 gallon septic tanks, followed by a series of leeching trenches. They are sized according to the number of bedrooms & the type of soil. The trenches are a series of fingers that run through the yard. They are 18" wide by 18" deep. They are filled with gravel, perforated pipe. The theory is that the effluent passes through the septic tanks into this field & leech or permeates into the ground. It stays in the ground. Hence, the term, on-lot. They like to have as much gravity flow as possible. On occasion, topography may necessitate that it be pumped from the septic tanks up to a more suitable area for the leech field. A sewage effluent pump would be installed. It's on a separate chamber that would feed the leech trenches. Once it gets to the high point of a leech trench, it flows gravity through the series of trenches.

The first tank is the solids tank. We try to get all the solid matter to settle out & be confined to the first tank. The second tank only receives liquid. That is one of the keys with the effective functioning for these systems, to keep any of the solid matter out of the leech field. We only want liquid to be going through the leech field for proper treatment. Once suspended solids or solid matter is in the leech trenches, they tend to plug up. You will get a failure. That's indicated by surfacing of the sewage. You get ponding in the yard. That's considered a failure on that type of system.

Off-lot system: Off-lot refers to the fact that there is an open discharge pipe. After the effluent passes through all the treatment components, it comes out to the surface of the ground. It's still within the confines of the lot it is serving. Eventually, it flows off the lot. It flows the natural course of flow.

The system consists of an aeration tank. Sometimes they have a trash trap prior to the aeration tank, which is just another septic tank to collect solids. So, you just have liquid getting into the aeration chamber. Some aeration tanks have baffled chambers. It's all confined within one tank. The solids are in this chamber. The aeration & further filtration is in the third chamber. It's an aeration unit that pumps air into the sewage, aerates the effluent, creates an aerobic environment for the bacteria to digest the sludge. It passes out of the aerator tank into a pump chamber. It goes into the sand filters. These are sized according to bedrooms.

We use a dual system; two separate tanks filled with sand. We alternate one box one year, the other box the next year. That gives the sand an opportunity to regenerate. They have excellent longevity. Once it passes through the sand, it comes out into a common line. It goes to some type of disinfection. The old form was chlorine tablets, detention tank & dichlorination tablets. We've done away with that. Now we have an ultraviolet light form of disinfection. It's cleaner. Plus we're not keen on homeowner's handling the chlorine tablets. They are caustic & can burn.

It passes through the uv light disinfection, goes into the sample well, like a five gallon bucket. It isolates the sample. It enables us to draw a sample if we need to test the system. It has to meet standards: suspended solid discharge & biochemical oxygen mass. That sits out at the rite-of-way so we can access that without going onto the property. From there, there is an open discharge pipe that goes into the road ditch or some other form of natural flow.

Compare & Contrast on-lot & off-lot:

The on-lot leeching trench system is dependent on top soil, the amount of room you have to install the lined footage of trench & the topography. The average four bedroom home requires 1,200 lineal feet of trench. That's a 100X100 square foot area of yard that is needed. Cost: ballpark, $10,000 - $12,000.

The off-lot system, soil is not an issue because the system is self contained. Topography comes in to play. We like to get gravity whenever possible. There is one required pump to dose the sand filters. These systems use less space. The off-lot system can be configured in a number of ways. It could fit in this room here. Cost: ballpark, $12,000 - $15,000.

The two main differences are space & the type of discharge. One goes to the environment to an open area, (off-lot). The other one stays in the ground, (on-lot).

The Geauga County Health District determines which system is to be used. The procedure: A septic system is needed. The property owner chooses a registered installer. Those names are on the health district's website: geaugacountyhealth.org The homeowner provides a topographic map & soil analysis. The installer will do the initial work. He takes the drawing with the soil map & determines whether the trench on-lot system will fit or if the off-lot system will be used. The installer gives the recommendation to the Geauga County Health District. The Health Department decides if it is acceptable.

The Geauga County Health District monitors the system currently when the property is for sale or the Health Department has received a nuisance complaint like there is black discharge or odors.

Systems are designed with fail safe features. The homeowner knows when things aren't working. When the aerator motor fails, it sets off an alarm in the house. If the pump fails, the liquid levels rise & there is a high water alarm in the house.

On new installation with off-lot systems, there is a two-year service contract that goes with the permit. Every six months for the first two years, the distributor of that system will service it. After two years, it's up to the homeowner. With the new rules, (1-2007) currently that service contract must be continued for the life of the system. The distributor will put salvo tablets, 4 to 6 in a tube. It flows through. They last six months.

The concrete structure is the sand filter. It is open, but a cover is required to be placed over it. Sunlight & air is important to reach it. Wulminized wood is used or chain link fence is set on top of it. It keeps kids from playing in it. Some sand filters have built-in grates. The only noise is when the pump kicks on you hear the water splashing. Two off-lot systems are in Tripp's neighborhood (Champion) & he never hears a thing. Bushes & trees hide them.

Brett, "The homeowner goes to the county. The county grants it. The only way that the Village knows is, we see it. The people on your (Tripp) street landscape around them. They aren't required to do that. Other areas, people haven't landscaped. Maybe the Village should require screening."

Wendell, "The entire apparatus, the dual filter side by side, is roughly 10'X10' & stick out of the ground about 2'-2½' . Basic criteria to install the system, the homeowner has to apply to the Health District for a variance. This is a deviation from the conventional on-lot leeching trench system. First, we rule out that trenches will not work on the property. The soil is unsuitable, not enough space. Any new lot that's been created since 1985, has been created with this in mind. They will be able to fit a primary, conventional leeching trench system & have another area designated for replacement."

Tripp, "From personal experience, the area that was designated was a secondary area. I would have to clear every tree off the back of my lawn, everyone." Sutliff, "In a case like that, would the county grant a variance for an off-lot system?" Wendell, "First we'd look at the soils, make sure that the back in your wooded area is a suitable area & make sure there is enough space. Unfortunately, we don't look at saving the trees as an obstacle in putting in the on-lot leeching trench system."

For Sale of Property Inspection: On-lot system: Homeowner uncovers tank lids. We check the liquid levels, make sure they aren't full. If they have a pump chamber, we look into the pump chamber, test the pump & alarm. We go out to the leech field & check a series of distribution boxes that is associated with each trench. We look at the flow, check for bleed out or ponding of sewage. If everything is dry & flowing properly, the system is functioning properly. If there is a bleed out, a die test is done. If the die surfaces, it is a failure of the leech trenching system. That's the basic inspection for the on-lot systems.

Off-lot systems: There are two types. The older ones consisted of one or two septic tanks & a subsurface or in ground gravel filter bed. Typically, they are 12' wide by 30' long. They are underground, full of gravel & perforated pipe. This is where the filtration takes place. Collector pipe is at the bottom underneath the gravel. That's where it discharges. On both systems, we take an effluent sample.

With the aeration systems, there is more to check: look at the motor pump, the alarms, the sand filters. The new systems with the UV light, we make sure it's operating. Any component shuts down & the sewage doesn't go out, it starts heading back. If there is a power outage, septics have a problem if you have a community water supply. If you do have a private water well, you won't have any water to pump into the system unless you have a generator.

Flynn doesn't know how other Geauga County communities are dealing with the variances & zoning issue related to the off-lot septic systems. Brett, "Most communities in Geauga County are townships. Their zoning probably wouldn't call septic systems accessory structures."

Wendell, "99.9% of the new off-lot systems pass at the time of the For Sale of Property Inspection. The older off-lot systems with a septic tank & gravel filter bed, at least 75% failure." Brett, "The Village has primarily older on-lot systems. The vast majority fail." Wendell, "The on-lot systems; the new, conventional, leeching trench systems that have been put in since 1985, there's 95% passing rate on those. Those are sized according to bedrooms."

Flynn, "The changes that are going in January 1, 2007, will that have any effect over the old off-lot systems?" Wendell, "Yes. These rules are trying to accomplish - number one - to try to eliminate as many of those off-lot systems as possible." Brett, "The way to do that is to make the requirements more stringent."

Brett, "What determines if a person has an off-lot system, if they can or cannot tie into existing common tile? On Maple Hill, the one that went to the ZBA, one of the regulations was that they were not allowed to tie into the common tile that runs up Maple Hill Drive. What that did was force that concrete box to be higher then it could have been." Common tile is storm drain at the street. Bellwood, Maple Hill & Lake Louise have common tile. Wendell, "We do like to have these discharge to the surface if there is an accessible drainage way that will allow free flowing effluent. Many small subdivisions don't have road ditches. We require of the installer before he would tie into something like that is to verify that the line is open. That's the only restriction we have. Elevation is key. A lot hinges on elevation. We like to use gravity whenever possible. These systems do have mechanical parts. If we can limit them, that's better. If we can get gravity, be it a buried tile, a ditch, swale or stream, that's the way we're going to go."

Wendell, "This one on Maple Hill, the sand filters went in deeper then what we originally thought. I was contacted on that by the installer. He was going to set the sand filters on the ground. They would have been 3½' on top of the ground. There was another tile he was able to tie into. It was free flowing. It was deeper so, the sand filters

will sit deeper & still get gravity." Hocevar, "That system is four inches up in the air. They brought it out to the road ditch, their sample well & then went back into the private property to tie into the common drain tile. It's a nice idea. That's a common drain tile. If we can do it on Maple Hill when the systems are being replaced, the tile that's open on that end should be open throughout the whole subdivision. If we can keep these things down & bring them out to the ditch for a sample well, then take them back inside to tie into the common tile, that would be best."

Tripp, "On Champion Lane, there is a concrete curb, storm drains. That is what we know the system is tied into." Hocevar, "A different situation there. You've got two acre lots, a lot of frontage & these are hidden. Maple Hill is different topography."

DiMichele wonders if these devalue the property. "Is it hard for the homeowner to sell the property?" Wendell is not aware of that. Hocevar, "What's happening is the homeowner sell the house. The buyers say we got $10,000 for a new septic system in escrow. It'll be a good deal. We're going to get a new septic out of it. Then they get these things replaced & see these big concrete things. There's no alternative."

Brett refers to Wendell's estimate of $12,000 to $15,000 for the off-lot system. "We've heard higher numbers. New homeowner has $10,000 in escrow to replace the system. Suddenly it's $15,000. There's no extra money to landscape around it. Now there's a higher box & no dressing around it & it's not attractive." Tripp, "Let the buyer beware. At what point, do we get involved with the transaction? Everyone who's putting these systems in knows they are $15,000 - $20,000. If somebody takes $10,000, it's not our purview to say, 'Oh that's not enough'."

Darrell Johnson, 54 Maple Hill Drive, "The system we were just talking about, there seemed to be a scramble of getting all of these systems in right away, by January 1,2007. Like the Mayor mentioned, we are understanding that as of January one, the normal system replacement that would be $10,000-$15,000 could double or triple to $20,000-$30,000 for this new upgraded system. I have a concern & my neighbors have a concern about it. The point of sale inspection now, everyone is scrambling to get in under $15,000. After January one, the prices are going to go up for the system because of the mandated regulations."

Johnson, "The other thing is those places with common tile or ditch line in front of the house, there is talk depending on the land or the topography, the system might be able to be put in the back of the house. We found this out in Bellwood. Some of the systems did go in the back of the house. This is the county sanitary system that required plumbing changes in the houses to now take it out to the back side of the house. If this is the case with the new septic system going into the back of the house that required plumbing changes in the house or an additional pump - which is another feature that could fail - it's another maintenance problem."

Johnson, "Some of the communities, Lake Louise, have petitioned their own communities to look at sanitary sewers. On a street like Maple Hill, if they were to put a sanitary sewer in, it would go up the front of the properties. What happens to the people who spent extra money to put the system in the back, change their plumbing & now

they've got to move it to the front again? One thing people are looking at is the value of the property. On Champion, you have five or six homes with low setting boxes in the yard, not too much of a detriment to the neighborhood. You get into other developments & they are sticking out of the ground three feet. It's a bunker. Do you want to pull up to a street & have bunker after bunker sitting at the road? We're looking to the county. What type of mandates are going to come into place that if you go to the expense of putting in a new system & all of a sudden the development decides to have sanitary sewers & the county approves it? This happened in the Russell section of the Chagrin Heights area, the Birchmont area. Several people put in brand new systems, the new sanitary sewers came through. They were mandated to tie in because it went by the front of their house. They are paying off the $15,000 for the new system & also paying a tie in, a tap in & usage of there system. If we put in a new system are we going to be grandfathered for X amount of time even if a sanitary line comes by?"

Tripp, "Is the off-lot system going to double & triple in cost after January 1, 2007?" Wendell, "As far as cost, I have no idea. The off-lot system that we are speaking of is not going to change in structure. It'll be the same system. We don't control installer fees. They are competitive. They are in the $13,000-$15,000 range."

Wendell, "They are going to offer alternatives to the leech trenching system. Those will increase in price. We don't know the exact cost. They want to try & eliminate the discharging effluent as much as possible. There will always be applications where they will have to go in. If you have a ½ acre lot, there is no way to get a conventional system on that lot. They will be allowed in those instances. Wherever you can get an on-lot system on the property, you're going to have to go with that on-lot system. Currently, it's the leech trenching system."

Wendell, "Another system that's been approved for quite some time is the mound system. It's a sand filter type of system built up above the ground & mounded over with top soil. Those are the most expensive. About five years ago, one was put in & it was about $26,000 for a residential application. That's an on-lot system."

Wendell, "The other type of on-lot system that will be covered under these new rules is the drip system. Expensive figures have been tossed about. The materials for that system right now cost $15,000. If homeowners have suitable soil & enough room to put the drip system in, that is what they are going to have to go with because they don't want the off-lot discharges. The drip system takes up a lot less room then the current leeching trench system. All it is, is a little post, a tube with holes in it. You knife it into the topsoil & create a network of tubing. There's a manifold & a series of diaphragms that time dose this network of tubing. There is a lot of mechanical parts in this system. It's computer controlled."

Sutliff refers to Darrell Johnson's comments. "Is it the county's position if you put in a brand new system & the county brings through sewers, the onsite facility must be abandoned? You must tie in?" Wendell, "Yes. If the sanitary sewer runs in front of your property, you have to tie in. We do have leniency. If we know for sure that sanitary

sewers are going into a certain area within 2 to 3 years, we will work with someone who must replace their old septic system. An aeration tank is permitted to go in. You get sewage treatment because of the aeration action in the tank. These tanks can be popped out of the ground & be resold. It has to be in writing. We don't go by someone saying we're going to look into sewers in this area. That could be 15 years down the road."

DiMichele, "If Darrell has a system that fails after January 1, 2007, you're going to tell him what system he has to put in & the last resort will be the off-lot concrete block sticking up. It may be a $30,000 drip system. He will have no way of knowing until you tell him what system to use." Wendell, "Right. That's true."

Brett, "For this board, we're here to start the process. What we're faced with is we've now heard from our solicitor & building inspector that these concrete boxes are the ones that are an issue. If this board doesn't take any action, once a month we're going to force a resident to go to ZBA. For this group, what things can we do so they don't have to go to the ZBA? If we were to adjust our zoning, what things would we look at? Screening? We don't have control over whether they will have to install on-lot or off-lot systems. If it's going to be an off-lot system that has a concrete bunker, what do we do?" DiMichele, "Can we decide it's not an accessory structure? Can we amend our rules to exclude concrete septic systems?" Sutliff, "If we do that, they can stay as is; an ugly thing out front. Is that what we want?" DiMichele, "Screening sounds nice, but if you've got a flat lot that has no bushes & you put bushes around it, that's going to look worse then having concrete block."

Brett, "We're not going to reach a decision tonight. I would encourage you to go through Lake Louise, Maple Hill Drive & Champion to look at them. When this issue came to ZBA, it was packed. At least ½ of the people were from Maple Hill. They are concerned about the aesthetics of their community. They are concerned about the appearance of it & want some sort of screening if the system is going to be up in the air. ZBA conditionally approved the variance. The condition was that the homeowner had to put screening up to camouflage the concrete boxes."

Flynn to Wendell, "When the new regulations go into place, it's going to be an attempt to eliminate all off-lot systems with the drip & with the mound systems." Wendell, "Right." Flynn, "The county's position is we're going to have mound systems, drip systems before we have these big structures coming up." Wendell, "Right." Flynn, "What do you think the percentage of off-lot systems will we see after January 1, 2007?" Wendell, "I don't know if I can answer that. The criteria that we're going to use for allowing the off-lot systems to go in, is primarily going to be size. Go into your community & see where you have small lots, ½ acre lots & those are the ones that will probably get the off-lot discharging system still."

Sutliff, "Take Maple Hill, come next year what do you picture happening up there?" Wendell, "Those are 1½ acre lots, the drip system, which will be an approved on-lot system. We will try to get the drip systems in wherever the soils will be suitable. It's the Ohio Health Department rules, which were written as a result of House Bill 231

that was passed. House Bill 231 is the law passing it to the State Health Department, saying they have to write the rules. It was based on the Federal EPA 'Clean Water Act'."

Tripp, "That has caused problems for South Russell who used to have a small POTW (Public Waste Water Treatment Facility) near the high tension lines. Mid 70's they had to take it out & install the sewers to draw to the McFarland Creek. South Russell used to have a POTW that took care of housing that were ¾ acre lots. Now we're confronted on the eastern side of the Village where you could have small packaged systems that can be installed. Then you wouldn't have these concrete boxes, which you can plant things around."

Foley, "It's fair to say that no new construction will be granted an off-lot system whether for a subdivision or a lot split. Any new house will require on-lot." Wendell, "Correct." Foley, "The only impact of the new regulations is that existing properties who may not have any other alternatives." Wendell, "Right now the standard leeching trench systems – the gravel 18"X18" trench that goes in – we put that in almost any soil in the county. The majority of the county is clay & we still put these systems in the clay soil. They work well. One of the things that has come out of these new rules is that they are no longer going to permit us to put these systems in some of these clay soils. That's where we go to the mound system or the drip system. Those have the best technology for on-site dissipation."

Sutliff, "Any lot split or new house will not have off-lot systems i.e. Ashleigh." Foley, "Every one of these off-lot discharges, the Village has to monitor as part of Phase II (?). The Village needs to know where they are as part of the Village's responsibility." Brett, "The Village is required by the Ohio EPA to do inspections of outflows. This is where water comes out of these common tiles for example. They are to be inspected in dry weather. If water is flowing, check to determine if it's effluent. If so, the Village reports it to the county. They will inspect."

Brett asks Wendell for advice with regard to what PC should consider in relation to concrete box systems. Wendell, "What we look at is placement of these systems first. Where does the existing line come out of the house? That is the rational place to put the septic tank, the aeration tank. Secondly, we look at the road ditch or road area as the preferred discharge point, the sample well. As far as the placement of the rest of the components, if the homeowner has no problem pumping it to the back & then pumping it back up front, if the installer wants to propose that to us, we would entertain that as a way to install that system. The homeowner can also come to our Board of Health & apply for a variance to discharge the system some place other then a road ditch. The board may or may not approve that discharge point. They may say no, we want it to discharge to the road. Or based on all the facts we see for this lot, yes we will grant you a variance to go to a lower area or a stream in the back. The other criteria is placement of these components."

Brett, "Use the Maple Hill example. The ZBA had drawings from the contractor. The contractor had positioned this thing right next to the property line. It might be

something that ZBA would say, we don't want it next to the property line. It should be 15'-20' away from the property line. It should also be a certain amount of feet away from the road. The Village is in a tough position. We don't know what conditions have to be met in order for a system to actually go in." Tripp, "After January one, they are going to demand on-lot systems. Because of the clay soil, you might still have these concrete box type systems. There are alternatives. There's one that's in Gates Mills called Septic Tank. It does not have the concrete boxes. You see a black manhole. Instead of concrete, it's plastic. There are three of them. That's the system. So there are alternative off-lot systems to the concrete box systems."

Sutliff, "Can the Village control where the sand filter is placed? Or is that your function? If we made a regulation that says the sand filter has to be 15' away from the property line & 25' away from the road, can we mandate that?" Or is that something you control?" Wendell, "We have the jurisdiction as to what type of system goes in & where it goes. That's not to say you don't have any say. If you want to create some other requirements, that's your prerogative. If you require them to landscape in a certain way, that's fine. We need to arrive at a solution when these systems come up so that everyone knows what's going on & nobody's blindsided."

Foley, "We already have a condition. A site plan is required to be submitted to the Village because you are going to effect more then just the septic system. You could have a significant regrading required on that property. You are doing things that impact the site drainage. We don't know these things are going in, so we don't know if it's a problem. It would really be good if there was communication at least between your (Wendell) department & the Village when you get a request to do it. Now we don't find out about it or have any input as it relates to curtain drain locations, how that's discharged. We should have. We focus on that on new plans. So, if you have someone coming in & you're going to force them to tear down all the trees in the backyard & create issues back there, we have to know about it because there is impact there that we'll want to address. Ordinarily, we wouldn't know. If you're just dealing with your on-lot system, you're going to control that terrain in his direction. From our standpoint, it is important because it may affect how the lot drains & how it impacts the neighbor."

Brett, "If the county knew that the Village had a side yard setback, a front yard setback & a landscaping requirement as it pertains to these concrete structures as an accessory, one of the things they can do is factor that in as they approve these kinds of systems. Give the contractor & homeowner the heads up; this is what you've got to do." Wendell, "Bainbridge Township requires if a new off-lot system goes in, that we send them a letter stating that this is the only alternative for septic for this property. We must put this off-lot system in & it's going to discharge to the road ditch. That only applies to brand new off-lots. If it has an existing off-lot system that they already know about & we have to put another off-lot system in, we're not required to notify them by letter. It's only for new ones."

Brett, "What would you consider the older systems on Maple Hill to be? Are those off-lot or on-lot?" Wendell, "At least 50% of the systems in developments such as that are off-lot systems; the old systems. Usually, there's a single 1,000 gallon tank with a gravel filter." Brett, "After the first of the year, is this issue going to go away in regards to these off-lot systems for South Russell Village? If you look at the last 2-3 years, we've ended up with 30 systems. Do you feel that will dramatically drop & go away altogether? Or could it drop a little bit?" Wendell, "I would think there is a possibility that it will decrease. One of the determining factors is lot size. Paw Paw Lake, there are a lot of small lots there like one acre or less. A lot that size about the only thing you're going to fit on there is an off-lot system." Sutliff, "Unless they use the mound system or the drip system." Wendell, "The mound system is a pretty good size." Tripp, "The only way that's going to work is when they do the soil test, the Percolation test. They find the perc rates, they'll do the on-lot. Around here, glacial till, big time clay, they'll probably be off-lot systems."

Brett, "If there is a 50% decrease, you're still dealing with eight of these a year, which means eight residents would have to go to ZBA & apply for a variance. Based on that, I recommend that the PC look at what is currently going on in our communities & consider what things we might do as it pertains to the off-lot systems. We'll pick this up at our next meeting." Wendell, "Landscaping roots shouldn't interfere with the systems. Stay with decorative plants, small shrubbery. The walls of these systems average about three inches thick of concrete."

Sutliff, "If we consider these accessory structures, does it involve a new ordinance?" Flynn, "It would require a legislative amendment, which Council, a resident or PC could initiate. It needs to go to PC for a recommendation & to Council, who votes on it."

Hocevar to Wendell, "Ned Foley had a good point. If you're changing the grade in the Village, we require a site plan that goes to our engineer for verification. What do we have to do to make this happen on your end when they are coming in for these septic permits?" Wendell, "We need to have you notify that this is going to happen." Hocevar, "we sent all the septic installers in Geauga County letters. Like Ned said, if they are going to change the topography & cause some problems down stream, I think we ought to know. We do it for everybody else who does major additions or anything else in the Village." Wendell, "The best way to handle it is to make sure anyone who is going to do any type of work in the Village must come to you." Hocevar, "That is something we would handle on our end with the septic installers in Geauga County."

Hocevar, "The situation on Maple Hill; is there a way we can be more sympathetic? That common tile line you don't know from Adam. The Village knows it. We have to maintain the common tile line. It's not on record as a dedicated common tile line, but we do maintain it. When you're looking at these drawings for Maple Hill & Lake Louise, is there a way we can have some communication? If your department were to say, this thing is running & we work together to drop this thing down like we did on

Maple Hill, where we brought that thing out. It's in the rite-of-way. You guys can inspect the clean out & bring it back in a little bit to drop it in the common tile." Wendell, "Sure. Again, in our procedure for issuing a septic permit, we rely on the installer to provide us with the information. They come to us & say here is what we have found on this property. This is what we'd like to do. We come out, do the inspection & let's see if we can make this work. If not, we start over & do something different. We rely on installers." Hocevar, "The installer was told on that situation (Maple Hill) absolutely not. It's not going into the common tile no matter what. You're telling us it's his responsibility to determine if that common tile line was going to run this water. Or is that something Geauga County said? No it's not going in, regardless. We're getting conflicting ideas. One person says we're not allowed to go in. You're saying, if it's clear & it's ok & we tell you from the Village's standpoint that it's ok, you'll look at it from a different angle." Wendell, "Sure. If we have verification that that will flow & it will be maintained, sure."

Johnson, "In that case, the installer came in with his recommendations from the County. It was highlighted, 'had to go to the ditch area', when the previous 5 homeowners up the street, had already tied into the common tile."

Wendell "You (Brett) asked a question, do you think the installation of these systems is going to dramatically decrease? One of the reasons we've seen a fair number go in this year is that when these new rules passed, there were individuals who went into a state of panic. They passed around information that was not quite correct. People did panic. We've got to do something right now. So, we did see an increase in these types of systems based upon that panic state. It was based on some inaccurate information. Once the rules are in place, I think that's one of the reasons you'll see a decline."

Brett asks Flynn, "What things can PC look at as it pertains to accessory structures? Could we make it so that this type of accessory structure can go in the front yard &does have side yard & front yard setback requirements & screening? Are those things that the board can consider?" Flynn, "I think so. As long as it doesn't contradict other aspects of the code, I don't see why you couldn't say, these specific structures. If it requires a letter similar to Bainbridge, a letter from the Health Department, then you have certain landscaping requirements, you can do it."

Sutliff, "I'm confused. Landscaping, I agree with you. But, as far as the placement of this, I understand that was you (Wendell, the County) who placed it. We couldn't say you must construct this in the rear yard." Brett, "Today with the concrete box being an accessory structure, it has to go in the rear yard forcing everyone putting in a system to have to go to ZBA. Logically, it makes sense to send all of these to ZBA. If this is next door to you, what would you want? Would you care that its right up to the property line & it has no screening? It could be 3½' above the ground."

Tripp, "The placement has to do with topography. I think it's outside the purview of this commission to pass a regulation because the topography of the land may dictate that it has to go five feet from the property line. It has to flow down hill." Hocevar, "The

County already stipulates that you've got to be 10' away from the property line. They do have some leeway where that is going to go in the side yard. Ten foot is just a number drawn on it. The Village's ordinances say 20' away from the property line. I don't know that 10' will make or break a septic system."

Tripp, "There are regs. in place with regard to placement on side yard setbacks." Hocevar, "Yes & not permitted in front yards, which eliminate that side yard setback. We do not allow that structure on the front setback of that property, on any house, so we eliminate that side yard setback because it's not permitted there anyway. We don't have a side yard setback in our zoning for front yard structures. It's null & void."

Sutliff, "I think that screening is something that we ought to consider." Hocevar, "With some work with the County, getting a letter saying a septic system is going in, & it's got to go here. The Village puts some of its ordinances like it has to be screened." DiMichele, "If it has to go in the front yard, ok & it must be screened & the homeowner must submit a site plan for the Engineer to review & approve."

Brett responds to Tripp's comments. "If the County says it has to go exactly in this spot. I agree 100%. We don't ever want to say no you don't. But on Maple Hill, the plan that was submitted, that system could have moved one direction 30'. Most septics are like that. If 10' is in place by the County, & we're good with 10', that's fine."

Flynn, "Maybe it isn't better to draft something. Maybe it's better for the ZBA to do it on a case by case basis. If you see the number decrease over time, it may not be as big of an issue. The Village shouldn't dictate the footprint. But the Village can put some reasonable regulations i.e. screening. We can draft something. (Also add Ned's request for a site plan). Sutliff asks Flynn to draft something for the next meeting. Flynn will look at other communities & see if they've tackled this. That's the first step before Flynn drafts anything. PC agrees.

Tripp, "Members of the PC are advised to drive through the neighborhoods, see these structures, come back next time & we'll talk about it." Brett asks Wendell to forward information with the number of off-lot systems that have been installed in the last four years. Wendell agrees. Johnson asked if the new off-lot systems that are going in are still under the two year mandated pumping regulation. Wendell, "Yes."

Ashleigh development: release of maintenance bond to Bruce Thomas

Foley, "The developer has requested that we proceed with the final inspection so he can make necessary repairs & get his bond released. We did the inspection. They have done some of the physical repairs. The issue before you relates to the rite-of-way & trees. Knight & Stolar has done an inspection of rite-of-way trees as it relates to number one, their condition & number two, conformance with the approved plan. Their report identified four trees that are missing from the rite-of-way & seven that are damaged or dead. The recommendation for the damage & dead trees is to replace them. That's not a significant issue."

Foley, "The issue is the four missing trees. They are missing because that is now the location of a driveway to a house. The question is whether we want to require them to replace a tree because of a driveway. It's not within my purview to say don't reinstall in some adjacent location. Do we want them to replace them in an adjacent area & then conform to the plan in terms of total trees?" Hocevar, "If you put the trees in, you'd loose the symmetry going down the street. They are spaced evenly apart." Foley, "I would mandate that they replace the 7 trees that are dead or damaged." PC agrees. Foley, "The developer will have to bond the 7 new trees. We did the same thing over at Fox Run. When they replaced them, we got an additional year's bond." **PC is unanimous: replace the 7 dead/damaged trees, add a one year bond to the new trees, not necessary to plant the 4 trees that would have been in driveways.**

Start to review the Comprehensive Plan

Brett suggests starting on Pp. 13, H. IMPLEMTATION STRATEGIES, #1. Consider rezoning the east side of Chillicothe Road & the north side of Bell Road.

Sutliff recommends starting on Pp. 13 #4, Business district. Next, Pp. 12 #1, the northeastern corner of the Village & least important is streetscape in the town center Sutliff, "On Pp. 13, #4, the business district, I suggest we look at signage & of particular importance to me is lot coverage. In regards to that I think we ought to look at our parking in these areas. I don't know how realistic our parking regulations are. But interestingly, the more we build, (his company) the more these communities are cutting these parking requirements back & making provisions for land banking. They are actually cutting back on the amount of pavement. A lot of areas are becoming adamant about that. Cleveland Heights is very adamant."

Review of CP will start on Pp. 13, #4 Business District.

The next meeting is scheduled for Thursday, November 16, 2006 at 7:30 P.M. Tripp is not available.

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

THE PLANNING COMMISSION
NOVEMBER 16, 2006
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, DiMichele, Dishong**

2. MINUTES: 10-11-06 **approved as presented**

3. AGENDA:
   1. Septic systems: PC to discuss/decide what things it wants to impose on installation of septic systems, i.e.:
      (a). a required site plan to be turned in by homeowner to Building Department before placement of septic system is determined by the installer & County Health District
      (b). a letter from the County Health District or installer notifying the Building Department that a septic system is to be installed in South Russell
      ©.PC is especially concerned about off-lot systems: mandatory screening around system to be required?
      (d).what to do about septic systems being considered accessory structures & requiring residents to seek a variance from ZBA?
      (e).additional concerns
      Ondrey will prepare a draft for PC to review. His thoughts are to take septic systems out of the definition of structure; make it a separate category. Ondrey, "It won't be a structure, but there would be a process for getting Building Department approval with a set of guidelines. It won't go before the ZBA." Examples of guidelines: homeowner provides a site plan, landscaping/screening, height restriction of system if feasible.
   2. Review & discussion of Comprehensive Plan to start on pp. 13, #4: Improve the business climate for commercially zoned areas along Washington Street **No changes to: lot coverage, signage, parking. Hocevar will informally survey 10 businesses to find out what their needs are; specifically zoning issues.**

4. OLD BUSINESS: **none**

5. NEW BUSINESS:
   Hocevar received a proposal today for a minor subdivision at 1645 Bell Road in the northeastern part of the Village. Desire is to divide one lot into four flag lots. Property owner needs PC development review approval, The Health Department approval. There is a water sensitivity

zone in the rear part of the lot. There would be one common driveway with a 50' easement. Ondrey, "It occurs to me that when you're looking at 15' in width for each strip, is that enough for a driveway?" Ondrey will discuss this with Dale Markowitz.

Hocevar, Would PC allow a Special Olympics clothes bin across the street? PC response: no.

Next meeting: January 18, 2007 at 7:30 P.M.
-will address Comprehensive Plan Pp. 12, #1. Maintain existing zoning in the northeastern corner of the Village

6. ADJOURN: **8:45 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 COMMISSION
NOVEMBER 16, 2006
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Mayor Matt Brett, Janice DiMichele, John Dishong

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

ABSENT: Ike Tripp, Ned Foley, Engineer

GUESTS: none

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes from 10-11-2006 were approved as presented.

Septic systems: PC to discuss/decide what things it wants to impose on installation of septic systems, i.e.:
(a). a required site plan to be turned in by homeowner to Building Department before placement of septic system is determined by the installer & County Health District
(b). a letter from the County Health District or installer notifying the Building Department that a septic system is to be installed in South Russell
(c). PC is especially concerned about off-lot systems: mandatory screening around system to be required?
(d). what to do about septic systems being considered accessory structures & requiring residents to seek a variance from ZBA?
(e). additional concerns

In regard to the newly installed septic system at 56 Maple Hill, Hocevar reported that it was dropped down 4½' to meet the common tile. It is 30' from the road. It stands above grade about four feet. Hocevar, "I think because of the last meeting & talking with the County (Health District), I think we have an agreement going where we are going to drop those down if feasible to get into the common tile. That's Maple Hill. I don't know what they will do with the other streets. If it weren't for the meeting, that thing would have been out of the ground believe me."

Sutliff wonders if the board agrees that landscaping be required around newly installed septic systems. PC agrees. Brett, "I want the issue framed the right way. We concluded that it fits with our accessory structures & that means it has to go to ZBA. It appears that most of these have to go in front yards out by the road. If we can make it so it doesn't have to go before the ZBA every time, but there is a screening element that's plugged into it, I think that's the right solution." PC agrees.

Ondrey, "This is a relatively recent development of tougher regulations. The communities with sophisticated budgets for legal expenses & creating this kind of legislation, they are not facing the issue. Out here, the townships are using the prosecutor's office. They aren't jumping on it." Brett, "When it comes to townships, many of their lots are 5 acres & will accommodate the other styles which don't have to have that concrete box."

Sutliff, "Per this meeting last month (10-11-06), I got the impression come the first of the year, we aren't going to see many more of these. This is going to be an unacceptable solution. They are going to be pushing the mounds, the drip systems." Hocevar, "Not really. That's still a viable system for them to use. If they can't use it, they will go to the other models. I talked to the Health Department. That will never be phased out. They want to use other models. The ones that are coming out to the front will use the boxes. It would be hard to put the mound system in Maple Hill or Silver Springs." A mound system is installed in Russell on Walters Road. It is 100' long X 6' wide. There are none in South Russell.

DiMichele is confused. She thought Mr. Wendell said the goal was to eliminate the off-lot systems. Hocevar explains that small lots will need to use off-lot systems like those on Maple Hill & Silver Springs.

Hocevar, "The County gets a site plan. It's up to the County to get us one so we can review it & we have more control over where it's going to go & what it's going to do. Ned's objective was, get us a site plan & we can tell you what we've got to do with it. The septic installers have to present a site plan to the County. The County could forward it on to us & we give it to Ned." Ondrey, "Or we require the applicant to supply us with a site plan that the County has reviewed." Hocevar agrees.

Ondrey, "My thought is taking those things (septic systems) out of our definition of structure, making a separate category. When there is an application to put a septic system into a required setback, it might go through a different process than what we're forcing them to do now because we defined it as a structure. My thinking, it won't be a structure. But there would be a process for getting Building Department approval with these set of guidelines. It won't go before the ZBA. Guidelines are to be fair & reasonable & not ambiguous." Hocevar, "One of the guidelines would be the site plan." Ondrey, "Yes & the landscaping & some sort of limitation on height. If it's four feet, you can deny it. They have to get down lower if feasible. Calling it a structure is the problem. It sends the homeowner to the ZBA."

Next Meeting: Ondrey will prepare a draft for PC to review: take septic systems out of the definition of structure; make it a separate category. Septic systems won't go before the ZBA. Determine a process for getting Building Department approval with a set of guidelines. Examples of guidelines: homeowner provides a site plan, landscaping/screening, height restriction of system if feasible.

Review & discussion of Comprehensive Plan to start on Pp. 13, #4: Improve the business climate for commercially zoned areas along Washington Street

To consider: lot coverage, signage, parking, survey

Lot coverage: Hocevar, "Going down East Washington Street, you're not going to find a piece of property that's got 35% lot coverage. Of the seven lots I have here, you've got 60%, 90%, 72%, 85%, 98% lot coverage. Current lot coverage, 35% includes pavement & square footage. We had an option to count basements. If you don't want to count the basements, we can throw it out. Usually, it's storage. Hunan is 98%. Park Place, the office condos, is about 90%. If we're thinking of changing the lot coverage on East Washington, it's not going to do a lot of good. They have already exceeded anything they would expect to get. The Americon site (530 East Washington, formerly Milbar) is 72%."

Brett, "The lots over there are so far past 35%. If we were to make a move to exclude the second floor, it wouldn't make a difference. If we moved it up to 60%, they are so far over, that it doesn't seem like we can do anything." **No changes.**

Signage: Brett, "In the CP, we are talking about limiting things. If we relax things & encourage business, that will bring in more dollars. With our signage requirements, that might be an area to help businesses. If we can keep businesses here, that's a big plus."

Hocevar, "The only ones that will be affected are what ever they do at the Milbar (Americon, 530 E. Washington) building, the Gallery (516 E. Washington St.) & the Industrial Parkway. They have no frontage. Other than those, there is minimal signage problems. The majority is temporary signs. Where are they going to put the signs? Since we changed that, they come into our office. They comply. They keep them up for 30 days. It's not a bad deal. To lax signage, maybe we're shooting ourselves in the foot."

Ondrey, "I thought Hart was driving at a desire to make things more uniform in the business district with the architectural guidelines. Gates Mills & Hudson have a uniform look. I thought that was the driving motivation of that particular recommendation. If you want to create a Western Reserve look, there is a way to do it. But, you'd have to implement some guidelines that apply equally to everybody.

That was my interpretation." Hocevar, "But that's up to the ABR too." Ondrey, "What they did in Lakewood about 10 years ago, they said we are going to get a uniform look. You have signs now & have to conform within X amount of years. That's in certain commercial areas. I think you have the authority if you wanted to do it." Hocevar, "We made them comply with the distances, the size, the ground signs. Maybe we should have done it then."

Dishong, "The theme of this was to be more friendly. That will not come across as friendly." Sutliff, "I don't think Hart's focus was to be uniform on Washington Street. It was for up here."

Brett, "The other thought that's been kicked around is sidewalks for that area. There's not that much pedestrian traffic going up & down East Washington." Dishong, "There might be people who live on East Washington who would consider walking up to the Chagrin Tavern (540 E. Washington) if there were sidewalks. With Founder's field there, kids will walk up from school. It creates a more friendly customer friendly zone."

Sutliff asks Hocevar if South Russell signage is restrictive. Hocevar, "It's right where we want to be. Signs go before ABR. We've got that going for us. Most communities have a hodgepodge. Chester's an example. They have no control over the colors, the scheme. We keep it low key like across the street at the shopping center. We told them if you want signage on top, it's all going to look the same & it does. We're right on the money with the signage."

Sutliff, "The flavor of the CP is, what can we do to help those people down there? Is one of those things to allow more signs?" Hocevar, "Wally, if I had complaints, I'd have to say yes. But nobody comes into my office except for temporary signs. Industrial Parkway is our biggest headache. There are a lot of buildings back there, but they are all industrial type small uses. I don't know if they have off street traffic." **No changes.**

Parking: Sutliff, "The other area, but it's pretty much developed, I'm thinking for future development to look at our parking requirements. If we require all this asphalt…" Hocevar, "We can cut down on that. We have 180 square feet. We don't need that. That's 9' X 20'." Sutliff, "Industrial use or restaurant use, two parking spots per table? Industrial is by square footage & restaurants is by seats. I'm thinking, cut back on some of this parking." Hocevar, "The good thing is that it would give us more green space. Are you looking for more green space or more building space?" Sutliff, "More green space & that helps the business owner because he doesn't have to pay to put in so many parking spaces." Brett, "That would be good for the developer. But it may not be good for the business. Almost all the businesses rent over there. Who are we trying to help? The guy who owns the building or the business in the building? Less parking may not help the business." Hocevar, "No complaints about parking." **No changes**

Survey to businesses asking what their needs are: Dishong, "It implies we may take action. We may get some off the wall suggestions." DiMichele to Hocevar, "Can

you informally stop in & ask for input? See if there's a general theme. Test the water." **Hocevar, "I can go down there & talk to 10." Brett, "This would be specific to zoning issues, not infrastructure issues, storm water drainage."**

OLD BUSINESS: none

NEW BUSINESS:

Hocevar received a proposal today for a minor subdivision at 1645 Bell Road, a lot on the northeastern end of the Village. The owner wants to put in four flag lots. It's called a flag lot because it's off the main street. The property is east of Snyder. An engineer called to ask if it is doable. Hocevar told him it's doable if it receives development review approval from the PC & approval from The Health Department. There is a water sensitivity zone in the rear of the lot. 130' is the minimum required frontage in South Russell. There would be one common driveway with a 50' easement.

Ondrey, "Would the PC have the ability to deny this proposal on the basis that each little pole of the flag is so narrow that it couldn't support its own driveway? This plan depends upon a common driveway, deed restrictions. I don't know that you as a PC would be compelled to approve something like that because it seems to me it's not a great plan from the standpoint of layout." Hocevar, "It's been done before here – Champion Lane & Sunridge. This is unique because they are all on one side."

PC members voice disapproval of the plan. Ondrey, "Do we have a justifiable legal basis to deny it? It occurs to me that when you're looking at 15' in width for each strip, is that enough for a driveway?" Hocevar, "It's close." Ondrey will talk it over with Dale Markowitz.

Hocevar asked if PC would allow a Special Olympics clothing bin across the street. PC response: no.

Next meeting: January 18, 2007 at 7:30 P.M. PC will address Comprehensive Plan Pp. 12, #1. Maintain existing zoning in the northeastern corner of the Village

There was no further business. The meeting adjourned at 8:45 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, secretary